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## New Perspectives on Prisons and Imprisonment

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NEW PERSPECTIVES ON PRISONS AND IMPRISONMENT. By *James B. Jacobs*. Ithaca: Cornell University Press 1983. Pp. 241. Cloth, \$29.50; paper, \$10.95.

Despite the hopes of reformers who would see it wither away, the maximum security prison as an institution is certainly not on the wane. On the contrary, American society seems increasingly to rely upon it. Waves of legislation establishing mandatory sentences and abolishing early release for "good behavior" have washed over most of the nation. Although no inmate in this country has yet experienced the same trauma as the Soviet citizen Anna Akhmatova, who

waited outside a Leningrad prison for seventeen months,<sup>1</sup> stories of prison overcrowding emergencies abound in the American press.<sup>2</sup>

This, then, is a propitious time for the investigation and reflection offered in a collection of essays and empirical studies on prisons by Professor James B. Jacobs of the Cornell Law School. In trying to "describe and explain contemporary American prisons" (p. 9), Professor Jacobs, a lawyer who holds a doctorate in sociology, mixes the methodology, argumentation, and idiom of both fields in a combination that is often apt.<sup>3</sup>

Perhaps Professor Jacobs' most original and perceptive work in this volume is his description and analysis of the seemingly esoteric world of the prison guard, a subject which in one form or another appears in four of the book's ten chapters. The prison guard, to the extent his existence has been noted at all in academic literature, has been universally reviled as a rural, uneducated, unskilled person, brutal and bent on frustrating the rehabilitative objectives of the penitentiary as defined by Congress, courts, and commentators.<sup>4</sup>

While Professor Jacobs confirms that the majority of prison guards are rural, uneducated white males from economically depressed areas (p. 209), his depiction of their world is perhaps the most sophisticated and sympathetic yet written. These essays portray prison guards whose views as a class comprise a surprisingly liberal sociopolitical position (p. 134), and yet who are unarmed and vastly outnumbered by their charges (p. 135) — prisoners over whom it is increasingly difficult to maintain control (p. 57).

The past few years have seen heightened public awareness and increased judicial intervention into the day-to-day operations of prisons, as well as the prisoners' importation of "gang" affiliations cultivated on the outside. As a result, prisoners have become politicized into militant, unruly, cohesive groups whose real power to define the tenor of prison life lags only slightly behind prisoners' rising expectations and frustration. Meanwhile, prison guards stand ill-equipped to meet this newest challenge of control. The public seems to foist upon front-line prison staff the poorly defined and

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1. A. AKHMATOVA, *REQUIEM* 23 (D.M. Thomas ed. 1976).

2. See, e.g., *500 Michigan Inmates to Be Released Under Law*, N.Y. Times, Aug. 17, 1982, at A18, col. 4 (early release under emergency overcrowding declaration, the third such order in two years).

3. In commenting upon Prof. Jacobs' earlier work, *STATEVILLE: THE PRISON IN MASS SOCIETY* (1977), one reviewer praised him for "refreshingly eschew[ing] both disciplines' stultifying jargon." Silver, Book Review, 102 LIBR. J. 941, 942 (1977).

4. See, e.g., McCleery "Communications Patterns as Bases of Systems of Authority and Power," in R. CLOWARD, *et al.*, *Theoretical Studies in Social Organization of the Prison* 46, 69 (1960); Schwartz, *Prisoner's Rights: Some Hopes and Realities*, in *A PROGRAM OF PRISON REFORM: THE FINAL REPORT, ANNUAL CHIEF JUSTICE EARL WARREN CONFERENCE ON ADVOCACY IN THE UNITED STATES* 50 (1972).

often irreconcilable tasks of treatment and discipline, leaving guards confused and bitter (p. 140).

In a world where management is not a means, but an end in itself (p. 135), guards feel they have lost their ability and even their mandate to manage. In prison, where "authority is the coin of the realm" (p. 148), guards feel that their authority has been undermined.<sup>5</sup> Collective bargaining and strikes by prison guards have proved to be inappropriate means for addressing or even identifying these problems (pp. 156-59). Professor Jacobs suggests that only by professionalizing and educating the guard force can guards come to understand that their loss of authority is part of a "wholesale redefinition of the status of marginal groups in American society" (p. 158).

Another major area of concern for Professor Jacobs is the importance of race relations in the prison subculture. Although Jacobs may overstate his case when he asserts that "most sociologists who have studied prisons have ignored race relations entirely" (p. 61),<sup>6</sup> his contention that "race is the most important determinant of an individual's prison experience" is nonetheless overwhelmingly confirmed by his personal and professional experience in talking with inmates (p. 71). Jacobs chronicles in detail, for example, how the Black Muslim solidaristic concept of "group time" came to replace the more traditional prison ethic of "doing your own time" (pp. 62, 66, 76). To the extent that white prisoners have adhered to the older ethic, they have been mercilessly exploited by those prisoners who can rely upon the group to protect them.<sup>7</sup> Where white prisoners have sought the relative security afforded by a group identity, that identity has often taken the form of the most strident white racism — usually neo-Nazi "brotherhoods" (p. 69).

To this point, Professor Jacobs paints a frightening and compelling portrait of the tragic state of race relations in the prison. Jacobs' observations are rendered particularly poignant for what they seem to reveal about society's failure to eradicate racial hatred. With so many people spending more time in maximum security institutions,

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5. 87.5% of 165 white prison guards surveyed by Professor Jacobs agreed with the statement, "The courts have given inmates so many rights that it is practically impossible to maintain satisfactory discipline." The corresponding figure for black prison guards was 66.2% of a 66 person sample. P. 166.

6. Professor Jacobs himself cites numerous studies that have dealt in one form or another with the race issue, including, among others, T. DAVIDSON, *CHICANO PRISONERS: THE KEY TO SAN QUENTIN* (1974); INSIDE: PRISON AMERICAN STYLE (R. Minton ed. 1971); Irwin, *The Changing Social Structure of the Men's Prison*, in CORRECTIONS AND PUNISHMENT 21 (D. Greenberg ed. 1977); Rundle, *The Roots of Violence at Soledad*, in THE POLITICS OF PUNISHMENT: A CRITICAL ANALYSIS OF PRISONS IN AMERICA 163 (Wright ed. 1973).

7. For example, Professor Jacobs notes that at the Rhode Island Adult Correctional Institution, where blacks constituted only 25% of the prisoner population, 75% of the homosexual rapes involved black aggressors and white victims. There were no cases of white aggressors and black victims. P. 72 (citing L. CARROLL, HACKS, BLACKS, AND CONS: RACE RELATIONS IN A MAXIMUM SECURITY PRISON 182 (1974)).

one can only be fearful as to how such large groups of bitter racists will affect and shape the society to which they will inevitably return.

The ensuing discussion is perhaps the greatest disappointment of this book. While one naturally cannot expect the author to "solve" a problem of this magnitude, what follows Jacobs' perceptive observations is a chapter entitled, "The Limits of Racial Integration," which is nothing short of a brief for prisoners' "freedom" to elect to be segregated. At best, this is a defense of the *status quo* — prisoners today are segregated, as a matter of official (if quietly stated) policy in most states. But even though prisons exhibit a history of *de jure* segregation, Professor Jacobs argues that there should be no "duty to desegregate." The school analogy is inapposite, according to Jacobs, because "[p]rison is an institution whose very purpose is the imposition of burden and stigma" (p. 86). Therefore, he argues, today's racially-conscious administrative practices cannot be understood in the same way — that is, as insulting to blacks — that school segregation has been.

Professor Jacobs' argument here proceeds from the assertion that "[t]he goal of rehabilitation has not been realized" (p. 86). Apart from the fact that it is not the role of a court to say that the declared goals of a legislative policy have not been realized and need no longer be pursued, this assertion hardly provides a sound basis for new directions in prison policy. As the school desegregation cases have made abundantly clear, "free choice" in an area such as this is completely illusory as a means of accomplishing meaningful change. Yet Jacobs' own depiction of the present reality cries out for change.

One wonders, then, why Professor Jacobs would not at the very least require a closer "fit" between security concerns and administrative policy. A classification of "black" and "white," so long as it is not a subterfuge for discrimination, appears to suit him.<sup>8</sup> Possible neutral classifications, such as racist agitator/racist follower, are not sufficiently explored.<sup>9</sup> At least Professor Jacobs does not advocate similar standards for justifying administrative policies in his chapter on the proper role of female prison guards in men's prisons (pp. 178-201).

Space does not permit full discussion of the myriad subjects addressed in Professor Jacobs' wide-ranging volume. Some other topics that are of special interest include: an inspirationally optimistic study of the unique interdependence between a rural town in an economically depressed area of Illinois and the prison located there (pp. 99-106); a detailed empirical study probing the attitudes of prison guards toward inmates and toward their own work (pp. 160-77), evaluating whether the newer minority guards show a more sympa-

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8. See p. 91.

9. See pp. 91, 94.

thetic orientation (Jacobs concludes that they do not);<sup>10</sup> and an analysis of the news that Americans receive about prisons via television and the print media (pp. 106-15). The book concludes with a highly exploratory essay about the feasibility of a national program of youth service in corrections, patterned after VISTA and the Peace Corps (pp. 202-12). This latter piece may be troublesome to those who take issue with Professor Jacobs' apparent need to condemn the all-volunteer force as it exists in the military (pp. 203-04).

Although not all of the "perspectives" offered in this collection deserve to be called "new" (nine of the twelve pieces have been published previously over the past six years), by publishing them together Professor Jacobs seeks to foster "a continual and intense examination of society's institutions of punishment for what they reveal about the structure and culture of the larger society" (p. 12). He hopes that "by constantly pointing out how closely we are all tied to our institutions of criminal justice, we may make it just that much more unlikely for an eruption of inhumanity to occur" (p. 12). In pursuing this laudable goal, Professor Jacobs attempts the quest undertaken by Shakespeare's Richard II:

I have been studying how I may compare  
This prison where I live unto the world;  
And for because the world is populous,  
And here is not a creature but myself,  
I cannot do it; yet I'll hammer it out.<sup>11</sup>

What Professor Jacobs has succeeded in "hammering out" is a warning that the cauldron of inhumanity is bubbling in our prisons.

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10. See p. 176. Professor Jacobs' conclusion in this connection is particularly discouraging in light of Professor Francis Allen's observation that pessimism about the likely success of rehabilitation of prisoners is related to "a widespread perception of the American crime problem as one principally of race." Thus,

[i]t is hardly coincidental that the decline in public support for the rehabilitative ideal accompanies rising percentages of noncaucasian inmates in the prisons. Optimism about the possibilities of reform flourishes when strong bonds of identity are perceived between the reformers and those to be reformed. Conversely, confidence in rehabilitative effort dwindles when a sense of difference and social distance separates the promoters from the subjects of reform.

F. ALLEN, *THE DECLINE OF THE REHABILITATIVE IDEAL* 30-31 (1981) (footnotes omitted).

11. W. SHAKESPEARE, *THE TRADEGY OF KING RICHARD II*, act V, scene v, 11. 1-5.