Families and the Moral Economy of Incarceration

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I thank the families that participated in this study for sharing their experiences. I thank Michael Bryant, Kathryn Dudley, Ryan Goodman, Eleanor Judah, Dan Kahan, Linda-Anne Rebhun, Harold Scheffler, Charles Sullivan, Pauline Sullivan, Jenifer Wood, Paul Wood, and an anonymous reviewer from Social Thought for their generous help and advice. This research was funded by the National Institute of Justice (Award Number 98-CE-VX-0012), the National Science Foundation (Award Number SBR-9727685), the Wenner-Gren Foundation for Anthropological Research, and the Yale Center for the Study of Race, Inequality, and Politics. This research also could not have been conducted without the cooperation of the District of Columbia, Virginia, and Maryland Departments of Correction, and the various federal agencies working with District inmates.
I. INTRODUCTION: HALF WAY THERE

Londa and her three children live in a small row house that is part of a Section Eight housing project in central Washington, DC. Inside her home, surrounded by the debris of family life — toys, a few empty kid-sized boxes of juice, dishes on the table from a lunch just finished, bottles and baby blankets strewn over the couch — she is apologetic for the mess. “But,” she tells me, “I’ve got three kids, a broken leg, and a husband who’s locked up.” She has been struggling against her husband’s crack addiction and struggling to keep her family together for fifteen years. Gesturing out the window, she says, “I don’t want to end up like everyone else. I guess I’m halfway there. But my kids need a father. I look around here and none of these kids have fathers. It’s a mess what’s happened.”

Londa’s family is one of fifty families that participated in a study of incarceration and family life in the District of Columbia from 1998 to 2001. (The study is reported in Braman, 2002). Over the years that I have known her, Londa has repeatedly questioned her commitment to her husband, Derrick. She sees their current relationship as the culmination of her long struggle with his drug addiction and incarceration, a struggle that has left her feeling utterly drained and Derrick with years ahead of him in prison, both of them unsure of what kind of father he’ll be able to be to his children.

While all families are unique, Londa and Derrick’s story illustrates many of the themes that ran through the accounts of other families in this study, providing a fair account of the broad array of concerns that families of prisoners face. Derrick has been in and out of prison and addiction for over a decade. Like most of the inmates added to our criminal justice system in recent years, Derrick is a nonviolent offender (Mauer, 1999, p. 34). Like most offenders who use drugs, he has neither been sentenced to nor received anything approaching serious treatment. As a result, like most prisoners, he is also a repeat offender (BJS, 2002). Perhaps most significantly, he, like most inmates, is also a father and, like most incarcerated fathers, both lived with his children prior to incarceration and remains in contact with them now (Mumola, 2000).

Derrick and Londa’s story, neither one of flagrant injustice nor triumph against the odds, shows a family facing addiction, the criminal justice system’s response to it, and the mixture of hardship and relief that incarceration brings to many families of drug offenders. Stories like theirs are almost entirely absent from current debates over incarceration rates and accountability. Indeed, the historical lack of the familial and community perspective of those most affected by incarceration can help to explain the
willingness of states to accept mass-incarceration as a default response to social disorder. Once we begin attending to the accounts of people directly affected by criminal sanctions, however, we can begin to understand how our policies have exacerbated the very social problems they were intended to remedy. By holding offenders unaccountable to their families and communities, incarceration — at least as it is currently practiced — frustrates the fundamental norms of reciprocity that form the basis of social order itself.

This article unfolds in four parts. Part I describes the extent of incarceration, its distribution in the District of Columbia, and some of the factor that have contributed to the historically high rates of crime and incarceration there and across the nation. Part II describes the difficulties that Derrick’s family faced during his addiction and repeated incarcerations. Part III describes the material consequences that mass incarceration and lack of drug treatment has brought for families like Derrick’s. Part IV describes how incarceration has altered the moral life of at-risk families, often creating material incentives that run counter to their moral concerns.

II. THE SETTING

Nearly every long-time resident of the District of Columbia can name friends or family members who have been or are presently incarcerated, and many have themselves spent time in jail or prison. Our nation’s capital city, a place of residence and work for many national policy makers who draft the federal criminal codes and sentencing guidelines that directly affect poor urban communities, is also a prime example of the recent dramatic expansion of the criminal justice system nationwide.

The simple effects of these sentencing reforms, the ones we need only numbers to tell us about, begin to indicate the scope of the issue. In the District of Columbia, during the time of this study, about one out of every ten adult black men was in prison, and over half of the black men between the ages of eighteen and thirty-five were under some type of correctional supervision (Lotke, 1997). About seven percent returned from prison over the course of each year, and most returned to the families and neighborhoods they lived in prior to their arrests. If these conditions persist, a substantial majority of the black men in the District and nearly all the men in the poorest neighborhoods can expect to be incarcerated at some time in their lives (Braman, 2002).

These are stunning statistics. Yet, the District is neither unusually harsh in its sentencing practices nor does it have a particularly high incarceration
rate. Compared with other cities, incarceration in Washington is about average. Across the nation, over the last twenty years, arrests, convictions, and sentences have all risen, as tremendous resources have been devoted to expanding criminal codes, imposing longer sentences, hiring new officers and staff, and building new facilities to judge, classify and hold offenders. (Donziger 1995; Miller 1996).

One of the most difficult questions criminologists have had to wrestle with is why the dramatic increase in the prison population has not been accompanied by a dramatic decrease in the crime rate. Despite the fact that our incarceration rate has more than tripled since 1960, the crime index remains at over twice what it was at that time.

Broadening the focus to include the effects of public policy on family life during this same period, however, can help make sense of the statistics. The 1960s, 70s, and 80s saw major federal cutbacks in programs and tax breaks benefiting parents — particularly married parents — with dependent children (Hewlett & West, 1988). And, at the same time, both liberals and conservatives supported the massive physical reordering of American cities and suburbs that shuffled poor families from bad homes to worse in cities like Washington (Gillette, 1988). From redevelopment and highway construction to tax restructuring and housing incentives to the regulation of direct benefits, liberals and conservatives targeted one another, but hit poor families, particularly those in our inner cities.

As public policy exerted a steady corrosive force on family life in poor inner-city communities, crime rates (unsurprisingly) rose, fluctuating at about three to four times the rate measured in 1960.

Figure 1: Crime in the US and Washington, DC FBI (1960-2000)
The response to the historically high crime rate, both in the District and across the nation, has been a consistent increase in the use of incarceration as a sanction. In the District, as in jurisdictions across the nation, the movement towards longer and more rigidly determined sentences was achieved largely through a series of federal programs offering billions of dollars in federal aid during the last two decades:

1984 Comprehensive Crime Act & Sentencing Reform Act
Established mandatory minimum sentences for some federal drug offenders; abolished parole for all federal offenders; and required federal judges to use new sentencing guidelines.

1986 Anti-Drug Abuse Act
Established mandatory minimums for all federal drug offenders and transferred sentencing power from federal judges to prosecutors. Provided $1.7 billion to states for new prison construction.

1988 Omnibus Anti-Drug Abuse Act
Established mandatory minimums of five years for possession of five grams of crack cocaine and twenty years for continuing criminal enterprises, and broadly expanded conspiracy.

1994 Violent Crime Control and Law Enforcement Act (VOI/TIS)
Established twenty sentencing reforms, including mandatory sentencing and lengthened minimum sentences for drug offenses.

1996 Violent Offender Incarceration / Truth in Sentencing Act
Amending the 1994 Violent Crime Act, encouraged States to adopt federal sentencing guidelines with over 9 billion dollars in incentives for adopting new sentencing guidelines.

The District, ahead of many other jurisdictions, began to implement mandatory minimum sentencing in the early 1980s for violent offenders, then drug offenders, and, later, repeat offenders (Kiernan & Kamen, 1982). Most recently, in response to VOI/TIS funding opportunities, the District has also adopted both determinate and “truth in sentencing” measures (Tucker, 2000).

The ineffectiveness of sentencing reform in reducing criminal activity is particularly apparent in neighborhoods like Londa’s. The area where Londa lives was devastated first by the 1968 riots, then by the heroin epidemic in the 1970s, declining public investment during the 1980s, and crack cocaine
during the 1990s (Berry 1997). Despite the efforts of numerous city and neighborhood organizations, the block she lives on is known today, as it has been for years, as a place where crack and heroin can be found on any street corner and at any hour.

During 1998, there were sixty-four arrests for drug possession and distribution within a two block radius of her residence. Over 120 men living within the same two block radius were admitted to the DC Correctional system during that time, about one quarter of them on drug possession or distribution charges. Many others, like Derrick, were incarcerated on other charges related to drug addiction.

Criminologists may debate the influence that the expansion of incarceration has had on crime rates — but, from anthropological perspective at least, the debate seems poorly framed. What is of real concern is not the statistical representation of or relationship between criminality and punishment, but how crime and punishment are related to the nature of everyday social interactions in the families and communities that they most directly affect. To understand that we need more than statistics can provide, for only in the details of real lives can we find how crime and punishment operate and what they mean.
In many ways, Derrick and Londa had a lot going for them. From early on, Derrick made reliable money performing manual labor: laying carpet, working construction — any job that he could get to help them along. Unlike many young men in the neighborhood where he grew up, he knew that he could earn a living if he worked at it, and made it through his teens without any serious trouble. Londa, for her part, was a good student and, after high school, able to get work as a secretary. It wasn’t long before Londa was pregnant. Derrick was twenty-two, and Londa twenty-one.

Around the same time that Londa became pregnant, though, Derrick’s drug use, once limited to the occasional party, became more serious. By the time their daughter was born in 1987, Londa could see changes in Derrick as he started covering for his growing addiction. Anyone who has experienced addiction in the family will know the litany of problems that Londa encountered: mood swings, lying, erratic behavior, late night disappearances, pleading for money, and eventually stealing.

As Londa realized how serious things had become, she tried to hold Derrick accountable as a parent, something she felt that she deserved and their daughter needed: “You get yourself together [and you can see her, but] I don’t think she should get less from you and more from me…. The best you can do is to come over here like that? No. I’m sorry, she deserves more than that.” Shortly after she cut him off from seeing their daughter, Derrick was arrested and sentenced to eighteen months on a possession charge.

Although Derrick did not enter drug treatment while he was incarcerated, he managed to stay off of drugs and felt like he had recovered from his addiction. Londa was surprised to see that Derrick once again seemed like the person she’d fallen in love with: “the old Derrick was back,” and he was insisting that he had reformed his ways, writing long letters of regret, talking about his religious reform in prison, and suggesting that they get married.

Derrick’s family also pleaded with Londa to give Derrick another chance. Concerned about Derrick’s morale, they were worried that his isolation from Londa and his daughter would push him back into his drug use.

I think when I got married I was thinking, too, that I really, really wanted this person that I knew. Not necessarily he had to be the same as that person or act the same way. I didn’t want that person where the demons had taken over. You know? I just wanted my Derrick back.
Many women described the way that their partner’s immediate family would encourage them to remain faithful during incarceration, often emphasizing that this was the time when “they need you most.” Many, including Londa, already felt that way themselves—particularly if they had children or considered themselves a family. As one woman said of her child’s incarcerated father, “We’re family. You don’t . . . you can’t just say ‘bye-bye’. Either you’re family or you’re not and if you are then you do what’s right.”

When Derrick was released, Londa did marry him and Derrick did work hard to provide for his family. Indeed, many family members said that he worked harder after his release than he had prior to his arrest. As his sister Brenda told me:

Derrick is a workaholic when he’s not on drugs. And he told me why he does it: to keep his mind off drugs. He wants to stay busy, because that’s what he needs when he’s first out. And like he told me, he also...he’s scared of society. He says, “It’s scary out here.” because he don’t want to go back to jail.

Unfortunately, Derrick’s recovery lasted a little less than year. Then he was back on drugs and back in jail, a cycle that he would repeat several times. He would attend NA meetings for a while, work hard, pay the bills, and then one day he would run into some “friends” and it was all over — another binge and another set of broken promises. The difficulty faced by Londa was increased as, over the next five years, their daughter was joined by two sons.

Addiction and Incarceration

The offenders in this study, like most of the prisoners added to our prisons over the last twenty years, were incarcerated on drug-related offenses. The families I spoke with described a cycle that drug offenders who don’t receive treatment often repeated. The addicted family member would be incarcerated on some minor charge (usually possession or larceny), given a year or so in prison without drug treatment, and then released on parole. As was the case with Derrick and Londa, the parole board would contact the family to make sure that the offender has a place to live and a supportive environment. Families, knowing full well that their relative received little or no drug treatment, are then in a bind: If the family does not agree to take him in, he will simply spend more time in jail or prison without treatment. If they do agree, they do so knowing that he is likely to relapse and re-offend. Unsurprisingly, most families — urged on by the pleadings of the incarcerated family member, and ever hopeful that they will be able help him
through recovery — agree to have him released to their care. Thus the cycle of good intentions and promises, followed by relapse, deeper addiction, and then reincarceration goes on.

Families in this study describe the cycle as ending in one of two ways. That which they feared most is death, and many drug offenders do die — victims of a drug overdose, an illness secondary to their addiction, or violence. Over the three years of this study, in fact, three of the fifty offenders that participated died drug-related deaths. But a fair number survive, and their cycle of abuse and incarceration ends another way: they commit a more serious offense or wear out the patience of a judge, garnering a lengthy sentence and, if not dying in prison, are released late in life (Robertson, 1997).

While it is too early to say for sure, the latter appears to be what is likely to happen in Derrick’s case. After receiving several sentences for which he served less than two years a piece, Derrick found himself in front of an unsympathetic judge who simply saw no reason why this time would be any different. And so, what might have garnered a suspended sentence or parole for a first-time offense got him eight to twelve years.

There are, of course, far more desirable but also far less common ways of breaking the cycle. A very small proportion of offenders will be sentenced to mandatory drug treatment while incarcerated, followed by mandatory transitional treatment in a halfway house and then mandatory outpatient treatment. As a number of national studies have now demonstrated, this approach is highly effective when the quality of the treatment is high and the duration reasonably long (Gaes, Flanagan, Motiuk & Stewart, 1999; National Center on Addiction and Substance Abuse, 1998). And, despite the widely held belief that treatment must be voluntary to be successful, this same research has demonstrated that mandatory treatment is as successful as voluntary (Travis, 1999).

The issue is not a trivial one. Over forty percent of the District’s offenders test positive for illegal drugs, and over seventy percent report current or recent drug use (Drug Strategies, 1999). While mandatory treatment would thus seem to be an attractive sentencing option for judges and offenders alike, the chances of such a sentence being handed down and treatment being provided are slim. Even those judges who support treatment confront the practical reality that treatment — both in the correctional setting and in the community — is frustratingly scarce. As Faye Taxman, a University of Maryland professor who studies the District observed:

[P]robably half of the sentences for probation have drug treatment required, but probably only ten percent get any type of services, and I use the word “services” lightly. The system has been structured to
provide the minimum. We provide something less than the minimum and say we are providing services. (Slevin, 1998:A01).

Indeed, while it is estimated that 65,000 District residents need drug treatment, well over eighty percent cannot be placed because of lack of treatment facilities (Slevin, 1998).

The lack of available drug treatment also creates unintended incentives for inmates to avoid admitting to a drug problem and submitting to drug treatment as part of their sentencing. Because inmates can wait months — or even years — to gain entry into a drug treatment program that is a requirement of their release, many try to avoid sentencing that includes treatment even if they believe it would help them. They would rather just do “straight time” and be released than sit on a waiting list for a non-existent slot in a drug program (Slevin, 1998). As one inmate told me, “Then, at least, you know. This other way, you maybe get out, you maybe don’t. And then even if you do get out, you have to deal with all the nonsense with your parole officer.” This, of course, increases the likelihood that they will be returned to their family and community without treatment and will relapse into drug use.

A. Small People and Big People

Derrick will likely spend at least another eight years in Maryland and DC facilities, and it could be as much as twenty. While he is not happy to be separated from his family, he acknowledges that there are some benefits to his being incarcerated in Maryland where there are drug treatment and job training programs available. He told me that he saw his “incarceration as taking a burden off of his family, and it is hard not to agree his current incarceration is, on the whole, better for his family than when he was out and using drugs.

But Derrick’s sister Brenda views his predicament with less equanimity than he does, and her lament was one I heard from many family members of drug offenders. The cycle of release, relapse, and reincarceration is one that she thinks could and should have been avoided:

It’s hard when people don’t have the income or know how to find people that you can talk to, to know how to get into them [a drug treatment program], because a lot of people don’t want to listen to smaller people like us. And you just kneel down, and you pray, and you just ask God to lead you in the right way, and just watch over us. Well, it’s hard. And you’re trying to survive for yourself. And my kids, my family take care of my income and everything with my
household, and it’s difficult. Then he has a wife and his kids who are on the other side of town, and they’re suffering, too, you know.

[Wealthy people] got people, big people, helping them, pulling them out of situations. And when people, little people, get like that, that’s a different story. For them, they get thrown away in jail and locked up, while people that’s on in high places, they’ll take them somewhere privately to a program, and then they get clean. Then they’re around positive people and live in positive areas. But they don’t do the same thing for people that’s small people — they just throw them away in jail instead of them trying to say “Well, I can make a deal here. If you spend such and such time in jail, and then you go from jail to a program out somewhere, until you feel like you got it mentally together, until you prove to me that I can trust you to go from step one, to step two, to step three.” You know? That’s what I believe. That’s what I see. I mean, why they don’t see that?

Clearly the efforts of police, judges, correctional officers, wardens, departmental administrators, congressmen, and citizens — all of which have produced our current correctional system — are not conspiracies against poor families and communities. And yet, one can see why, from the perspective of families dealing with the criminal justice system, it seems like the product of a willfully ignorant if not malicious effort rather than a beneficent one.

The complicated truth is that, for many drug offenders, arrest and conviction does offer them a chance at sobriety and a chance to reestablish the family relationships that they damaged while they were free. But, as with all the times that Derrick went through the system, incarceration is a hardship for the family and, without treatment, is often followed by the further hardship of relapse and re-incarceration. As more and more offenders are incarcerated on drug-related charges, and as drug treatment falls ever further behind the need for it, the disparities in the criminal justice system become increasingly bound up with the disparities in drug treatment. In both cases, people get the best their money can buy, and for those without money, for “small people,” that is often nothing at all.

IV. MATERIAL CONSEQUENCES

The cycle of incarceration followed by relapse and re-incarceration can have a devastating effect on families. Perhaps the most obvious effects of current criminal practices are material. Reviewing Londa’s income and
expenses, it becomes clear that her financial problems are directly related to
the loss of Derrick’s income and the additional costs that accompany his
incarceration. She lives on a fixed income of $463 a month from AFDC.
After $100 for rent and another $300 for groceries (which works out to less
than $3 of food per day, per person), there isn’t enough to pay for electricity,
the phone, and transportation. She is far from lazy, but with two children and
one infant, she doesn’t have the resources to care for them herself. “Oh, I
can’t stand to ask anybody to help me with anything. So I really hate asking
my mother now, but I can’t walk, I can’t get around. So it’s just really, really
hard right now.”

Londa’s mother helps care for the children, buys groceries, and even
pays Londa’s rent when things are tight. But her assistance is limited to what
she herself can afford, and that is not much. Already, Londa feels she has
asked for far too much and far too often from her mother. “I know that she
doesn’t have a lot, too, so that’s something I have to think about.” Derrick’s
sisters also try to help when they can, but they have families of their own and
are struggling just to get by. Derrick’s sister, Brenda, describes her surprise at
how “it just all adds up.” “The phone bills — the phone bill is something
else!” One of the more unpleasant surprises to many families is the high cost
of phone calls from prison. Inmates can only call collect, and additional
charges for monitoring and recording by the prison phone company add up
quickly; indeed, many families have their phones disconnected within two
months of an incarceration.

Indeed, the most costly regular expense that families in this study
complained about were phone charges. Most correctional facilities contract
out phone services and actually receive money from the phone company for
doing so. Phone companies thus compete with each other for the service, but
not by providing lower prices: the key criteria that phone companies compete
on is how much revenue the service will return to the Department of
Corrections in each state. Because phone conversations are often time-
limited, many families are required to accept several calls to complete a
single conversation, with connection charges applying to each call. While
there are no data on overall phone costs for DC inmates, the costs are high
locally and nationally. As one news account has noted:

In Florida, where the state prison system collected $13.8 million in
commissions in fiscal 1997-98, a legislative committee found that
big prison systems in 10 other states took in more than $115 million
in the same budget year. New York topped the list with $20.5
million. In Virginia, MCI gave the state $10.4 million, or 39 percent
of the revenue from prison calls. Maryland receives a 20 percent
commission on local calls by inmates, which must be made through
Bell Atlantic, and gets 42 percent of revenue from long-distance calls, all of which are handled by AT&T (Duggan, 2000).

As a result, collect calls from prisons can be as much as twenty times as expensive as standard collect calls.

Rather than risk another disconnect and a subsequent hefty reconnect fee, many families block calls from the prison because they cannot bring themselves to say no to the collect call. Families with loved ones incarcerated out of state have shown me years of phone records that average well over two hundred dollars a month. Many families in this study, including Londa’s, have had their phone or electricity cut off for lack of payment.

After having her phone cut off for high bills the last time Gary was incarcerated, Londa realized she had trouble refusing calls she couldn’t afford and had a “block” placed on her phone preventing collect calls. In an arrangement that is not unusual, Derrick’s sisters now serve as a conduit to his extended family; because no one else will accept the expense of collect calls from prison, they try to patch him through to whomever he needs to talk to using three-way calling. While it further increases the overall price of the call, it is another way for Derrick’s family to spread the cost of his incarceration.

While Londa is fortunate to have family that are willing to help her in Derrick’s absence, her family doesn’t have much to help her with. By spreading the costs of raising Derrick’s children and maintaining ties with him, Londa and Derrick’s families have enabled Londa to keep and care for her children. While this is undoubtedly desirable, the cost has simply been spread to other low income households with few resources, lessening the impact on any one person, but creating a steady drain on the extended family.

Londa, for example, can no longer afford her own car — an issue that became quite serious when her mother’s car broke down and, largely as a result of helping Londa, her mother was unable to afford the repair costs. Derrick’s sister, Brenda, has also struggled with the sacrifices that she makes to keep her brother in touch with his family.

I’m gonna be there regardless of what. And his wife, well she’s she having it rough, her and her kids, because, she don’t have anything, which I don’t have anything either, but a lot of times I [still help out]. My kids don’t like it, because I try to give to [Derrick’s family], because, you know... I...I feel for them and for him in that jail. [And] when school comes it’s like, do my kids, do they get new shoes or does he get to talk to his kids. And, you know, I just think he needs to talk to them.
Families can be tremendous resources, but they are not limitless funds of wealth and generosity. The costs of Derrick’s repeated incarcerations have been dear in both material and emotional terms.

Indeed, despite the emphasis on accountability when policy makers talk about the criminal justice system, Londa’s story shows us how, in an attempt to punish criminality, policy makers have effectively held offenders like Derrick almost entirely not accountable in ways that matter a great deal. His enforced withdrawal from the economic responsibilities of family life has pushed both his and Londa’s extended family more deeply into poverty. Given that they started with little, that loss has been all the more keenly felt.

More subtle than the immediate and direct material effects of incarceration on these families, but perhaps more serious, is the cumulative impact they can have on familial wealth across generations. By depleting the savings of offenders’ families, incarceration inhibits capital accumulation and reduces the ability of parents to pass wealth on to their children and grandchildren through inheritance and gifts. Indeed, incarceration’s draining of the resources of extended family members in this study — particularly the older family members — helps explain why there has been so little capital accumulation and inheritance among inner-city families in general and minority families in particular.

This becomes apparent when we see Derrick’s family struggling to save enough to buy their children school supplies, let alone provide for their inheritance. The disproportionate incarceration of men like Derrick helps to explain why black families are less able to save money and why each successive generation inherits less wealth than their white counterparts. Criminal sanctions — at least in their current form — act like a hidden tax, one that is visited disproportionately on poor and minority families, and while its costs are most directly felt by the adults closest to the incarcerated family member, the full effect is eventually felt by the next generation as well.

Viewed in this light, the racial disparities in arrests, sentencing, and parole described by Donziger (1996), Kennedy (1997), Currie (1998), Cole (2000), Mauer (1999), and Tonry (2001) take on a broader significance. For example, census data show that blacks typically possess only one-third the assets of whites with similar incomes (Lynch, 1998; Blau & Graham, 1990; Oliver & Shapiro, 1995). While this pattern is generally attributed to lower savings and inheritance (Smith, 1995; Avery & Rendall, 1997; Menchik & Jianakoplos, 1997), this explanation begs the question of why savings and
inheritance are lower — something that the concentration of incarceration in minority communities and its effect on capital accumulation help to explain."

Finally, it is worth noting that familial costs can also decrease investments in what is often called “human capital,” (Becker, 1981; England & Folbre, 1997) as moving to a better school district, purchasing an up-to-date computer, and attending college all become less affordable. Educational attainment is one of the best predictors we have for avoiding the criminal justice system; but the benefits of investing in (and the costs of neglecting) human capital extend well beyond crime rates. As the stock of resources that a family possesses diminishes, and as members are prevented from caring for one another, more than money and objects are lost. Indeed, the material losses these families face may, in the end, be the least significant concern.

V. PULLING FAMILIES APART

In addition to material concerns are those respecting the integrity of the family itself, and it is here that incarceration’s impact is perhaps most troubling. The difficulties involved in trying to visit Derrick, the expense of his calls, the wear and tear of untreated addiction are all things that Londa feels are pulling her and Derrick apart. In this way, the enforced imbalance of their relationship is coloring her perception of him and what he is capable of. While she still loves him dearly, Londa feels like fifteen years of struggling to hold her family together has taken its toll on her emotionally: Even though he may get treatment this time around, she is unsure of whether she can hold out hope for another eight years.

If Londa’s patience is wearing thin, that of her own extended family is worn out. In this sense, it is not simply self-reliance that makes Londa reluctant to ask for help from her family: “My mother can’t even hear me talk about him. She’ll be like ‘What? Are you crazy?’” His aunt tells Londa point blank that “He needs to stay where he is.”

* Incarceration, of course, is not alone in contributing to these disparities. Perhaps most obviously, the structure of our current welfare policies discourage capital accumulation by punishing savings with the discontinuation of assistance. This point was made forcefully by Carol Stack (1975) in her still resonant analysis of families living in a Chicago housing project.: “Welfare policy effectively prevents the poor from inheriting even a pitifully small amount of cash, or from acquiring capital investment typical for the middle class, such as home ownership” (p. 127).
She’s just really, really bitter about it. And, I didn’t know this until I spoke with her awhile back. And, I didn’t know she felt like that. But she was really, really headstrong about him. “He needs to stay where he is and he better never come see me again.” It’s hard. Like he tells me a lot, he tries to make amends with people, and, he can’t….. And it’s because, most people don’t understand addicts. They just know that they are addicts and they don’t want to have nothing to do with them.

Londa has largely stopped talking to her extended family about Derrick and tries not to ask for help except from Derrick’s sisters — a point that begins to indicate how the economic impacts of incarceration are often bound up with its effects on family dynamics. For Londa, the material, emotional, and moral concerns are related in ways that she feels are straining her ties with both her own and her husband’s families.

Londa’s concerns also often turn to her three children — Sharon who just turned eleven, Cooper who is two, and DJ who is one. As hard as the cycle of addiction and incarceration has been for Londa, she feels it has been far harder for her daughter, who still has trouble understanding why her father could be loving and responsible one month but manipulative and reckless the next. “Trying to explain to a kid why her father left with her radio and why he’s not allowed in the house at the moment, that’s just not something a kid can really understand.” The fact that Derrick, when sober, was a good father made the times that he wasn’t all the harder. Londa described their relationship as a close one that has slowly deteriorated. But Londa doesn’t think that her daughter ever forgot what it was like when Derrick was sober. “She really misses that, because when she was little they were really, really close.”

In addition to missing her father and coping with her own ambivalence towards him, though, Sharon has also had to manage the information about her father in her encounters with friends and teachers. Londa believes that Derrick’s incarceration has led her daughter, already a quiet girl, to become increasingly private and withdrawn.

It bothers her because, you know, everybody is dealing with their fathers and school and their mothers. They come see them in show and stuff. [...] You could see the hurt. I mean it’s not more or less she’s gonna come out say it. She’s gonna keep everything in ‘til she can decide “Okay, who do I want to talk to?” You know. Other than that, she really is very private. But I could see it. She has girlfriends and stuff, but they don’t know.
He told me that he was sending her a watch or something, and I didn’t tell her. And when it came in the mail, I said “You got a package in the mail.” But I wasn’t really thinking about it. […] She said “Oh it’s from my father.” I said “Um-hmm.” And she opened it up. She said, “Oh look what he got me!” She was really, really happy about it. Then her friends came along and they were saying, “What’s that?” “This is my new watch.” and [her friend] said, “Oh that’s cute. Where’d you get that?” She said, “My father gave it to me.” [Her friend] said, “Your father gave it to you? When?” And she said, “Yeah. What you think, I don’t have no father?” No father. You know?

And then her school work. It showed in her school work. And my daughter is a brain. You know. “A’s” ever since she made kindergarten. She’s never gotten a “C”. Never. Fifth grade everything just went [downhill]. He went to jail and everything just…she just really went down this…And I know that in the fifth grade year and I receive her report card and they said she had to repeat a grade, I cried, I…I hurt. It bothers me now. It still bothers me. You just think, you know, there is nothing that you can do. What can you do?

While Derrick’s sons are still quite young, his incarceration also raises troubling questions about their development. Indeed, one of the best predictors of male involvement in the criminal justice system is, of course, the incarceration of a parent.

Londa looks back on the times that she had nothing and wasn’t sure how she would feed her kids, often sending them to stay with relatives while she went to look for work. She feels like she has been torn between wanting to be a supportive wife and being a good mother to her children, often feeling like she failed at the latter.

I feel like I let my kids down. I feel like I really really let them down. And [this last time] I was out of work. I didn’t have no money. I felt like I was just getting exactly what I deserved and, you know. Even all the good I did, it didn’t outweigh the bad or something. I just felt like I was just getting everything that I was supposed to get. I was bitter. I didn’t want to talk to nobody.

Londa’s experience of depression and isolation was one that many women I spoke with described as they tried to find some way to be a good mother and a good partner without resources adequate to do either.

The last time I interviewed Derrick in person, he knew he was losing Londa. He was struggling to figure out how to cut his time down or be
relocated near DC so that he could avoid losing touch with his family altogether.

My problem now is this. I got to choose between the treatment route, the education route, and the job route. Now on the treatment route, I’ll get nothing [in the way of money]. Doing school, maybe just enough to cover cosmetics, but that’s it. I go the job route, and I can send home some money and, see, that helps out Londa and keeps the family intact. The point is, though, that they ain’t coming to see me here and ain’t taking my calls ‘cause they can’t afford the collect. But if I take the job, I don’t get the drug treatment. So I’m trying to focus on the family, but I’m also kinda trying to get out of here. But it’s also, too, I want to get back with them.

See, now I have two boys. One of them knows me but the other one was born while I was in here, and when I got out I only picked him up one time when he was a baby. And he’s named after me, you know, but he don’t know me, from Adam. His mother may show him some pictures and things and say, “This is your father,” or whatever. Maybe, I don’t know. But I think my oldest son, he do know me a little bit. He’s four years old now, so he may not know me was well, or maybe my face or something, you know, remember it. Well, now since I’m in here, I try to be a father to them, sending them money, you know, to be able to help the mother out. [...] I try to do that, you know. So if I keep up the job, I can send back money, keep Londa a little more happy, keep the kids knowing me. But then I just go in circles. The judge said I have to do the treatment here before I go for parole. [...] I mean, I look at it and it would have been so easy to be a father out there. Maybe not easy, but it’s like it’s impossible here.

These issues weigh heavily on Londa, as she considers how much her commitment to Derrick has cost her. Perhaps the greatest loss that Londa has suffered is not material at all; it is the loss of her faith in the family itself. Looking back on her relationship with Derrick, she describes what many young women in her situation dream of:

I always thought that, “Okay, we want to raise our kids together.” There’s not too many [families], there’s not any that I can think of at this time that’s not a single a parent family. I never wanted that for my kids. I wanted them to have something that I didn’t have. So you try to give them this and you try to give them that. But to me it is more important to have both your parents there. And I’ve always
thought, you know, “Okay, that will happen.” I always thought that would happen.

What is striking in Londa’s and other accounts is the degree to which that dream, against all odds, remains alive — even if only as a dream. While she still holds out some faint hope that Derrick might be released early to a treatment program, she is exhausted from years of trying to work it out with Derrick. After this last incarceration, Londa reluctantly began considering filing for divorce.

I mean, at first when we was dating, I could just walk away. But now, you know, I put a ring on my finger, and I’m married, and so it’s more difficult now because I’m married to him. And I have more kids. I already had one, but I have more kids now. It would be a lot less pressure on me to stay, by me not being married to him.

None of the women and few of the men I met expressed a negative attitude towards marriage; most had marital ambitions but low expectations of achieving them — a finding consistent with a number of previous studies (Tucker, 2000; Manning & Smock, 1995; Brien & Lillard, 1999). While there are many factors involved in the increase of divorce and out-of-wedlock births over the last thirty years, the people I interviewed generally described marriage as not only a desirable goal, but a serious commitment. Indeed, many wives of prisoners like Londa said that they would have left their partners had they not been married to them — a finding in keeping with the only longitudinal statistical study to date of incarceration’s effect on family formation using individual-level data (Western & McLanahan, 2000).

Marital contracts and spousal exchanges are far more than casual agreements between consenting adults, freely entered or abandoned. Establishing and sustaining long-term trusting relationships — relationships where the balance sheets are never fully closed or disclosed — helps people to get through hard times financially and emotionally and gives moral meaning to their lives. But these same relationships can exert a strong normative pull on those who are in them, spreading the harsh realities of addiction and incarceration far beyond criminal offenders.

Men in facilities where there is no employment are essentially dependent on their families to help them, but the bonds of family can only be stretched so far. By making marriage more difficult, incarceration lowers the likelihood that men and women will view marriage as a tenable or even desirable option. This effect is especially strong in pre-marital relationships, even where children are present; but as Londa’s case illustrates, the meaning of marriage can change for those who have taken their vows as well.
The meaning of family to Londa remains powerful; but, given her long struggle with Derrick’s addiction and her desire to achieve the middle class status for herself and her children, that meaning came with a heavy price. Before asking whether, in hindsight, she was wise to bear the costs of that commitment, we might ask what the costs (both public and private) would be were she and others in poor inner-city families to decide that their commitments are too heavy to bear and withdraw their support, concern, and care from one another.

During incarceration, many prisoners and family members alike regularly question the concern that others had for them. By undermining not only the material ability of prisoners to reciprocate, but the sense of caring that inhabits reciprocal relationships, incarceration can increase the perception that individuals really do need to look out for themselves first, that others are inherently selfish, and that all relationships are inherently exploitative. While many wrestled with these perceptions and were able to maintain a trusting and caring relationship, others were not. The broader impact of that diminished trust is difficult to measure, but it may well outweigh all the material costs combined.

CONCLUSION: RETHINKING ACCOUNTABILITY

People like Londa don’t often appear in accounts of the criminal justice system, but they have much to teach us. Their accounts begin to indicate how much many family members are willing to sacrifice in order to adhere to the norms that kinship engenders. It is, in a way, heartening that many family members are willing to bear high costs in order to show their dedication to one another. But families are not limitless trusts of generosity, and if the costs become great enough, the meaning of family itself can change or be lost.

In policy discussions, family and community life in our inner cities are described more often as a contradiction in terms rather than a realistic policy goal. Indeed, many commentators reason that if substantial family and community ties existed in our inner cities, our inner cities wouldn’t have the kind of social problems that are now endemic there (Putnam, 1995; Fukuyama, 1999).

Unfortunately, the pervasive stereotype of an urban “underclass” — one that is uninterested in and unable to forge a coherent family or community life — has had significant practical effects. Policy makers, seeing no families or communities to protect in crime-stricken areas, have come to view residents of minority, urban, and low income neighborhoods as somehow outside of and untouched by the social norms of society at large. The result
has been a set of policies that, out of ignorance, have essentially given up on family and community life in the ghetto, attempting to maintain public order by using punitive sanctions in their stead.

Criminal policies are often justified with assertions of moral accountability. If the law is the embodiment of our collective will and sanctions the enforcement of our collective norms, then it is important to think carefully about how and to whom we are holding offenders accountable. Incarceration, the preferred punishment in American criminal law, does more than punish and deter. As the stories of prisoner’s families make clear, incarceration also transforms the material and moral lives of many of the families it touches, often enforcing a lack of accountability in ways that are both meaningful and destructive. The current practice of mass incarceration thus does far more than inflict an overly harsh punishment. By prohibiting so many from engaging in basic moral behavior, it is cutting away at the basic building blocks of social life itself. As over-incarceration increases the costs of caring relationships the loss becomes a social and a moral one. When individuals are pressed to withdraw their care and concern from one another, the effect is more than the impoverishment of individuals: in time, it is our culture itself that becomes impoverished.

Reference


