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Mass Incarceration: An Annotated Bibliography

Nicole P. Dyszlewski, Lucinda Harrison-Cox, and Raquel Ortiz*

INTRODUCTION

The term “mass incarceration” has been used to describe America’s contemporary hyper-incarceration or over-incarceration phenomenon. Those readers who were fortunate enough to attend the 2015 Roger Williams University School of Law Symposium, Sounding the Alarm on Mass Incarceration: Moving Beyond the Problem and Toward Solutions, had the opportunity to hear a variety of speakers discuss the breadth and depth of this phenomenon. In concert with the symposium speakers, this annotated bibliography reflects a multi-dimensional and interdisciplinary approach to the topic.

PURPOSE

This annotated bibliography aims to be a symposium supplement, a research assistant, and a referral source. These books have been selected to facilitate further study by symposium attendees and the larger legal community. The chosen books have been annotated to assist future researchers, be they lawyers, policy analysts, law librarians, public officials, law students, criminologists, casual readers, undergraduate professors or activists, by briefly summarizing and critiquing the books while placing them within the context of one another. At the same time,

* The authors would like to thank Thelma Dzialo for her tireless efforts obtaining many of these books through interlibrary loan.

this bibliography attempts to provide a framework to assist those who hope to find a text on a particular aspect, in a particular discipline, or at a particular conceptual level, in a large criminal justice body of scholarship at the nexus of several very large social justice issues.

PROCESS

Given the size of the undertaking, the authors made informed content choices at the start of the process that have precluded many resources which may be relevant to the study of mass incarceration, generally. This bibliography includes only monographs. While some of the chosen resources are edited compilations or have been released as parts of a larger textbook series, none of the resources are periodicals, journal articles, interviews, websites, etc. In addition, this bibliography only includes books published after the year 2000. This time period was chosen represents the period of time from the creation of the phrase mass incarceration to the submission for publication of this annotated bibliography.¹

The books included in this resource are not the only books that explore mass incarceration. Given the time span between the symposium and the publishing of this issue, the resources of the library, the availability of the materials—many of which were requested and borrowed from libraries beyond the Roger Williams University campus—and the whims of the authors, these books are a large segment, but not all, of the books about mass incarceration published from 2001 through 2015. In this respect, this bibliography is not truly exhaustive nor truly selective, but rather represents a hybridized approach.

Nor are the books included strictly about mass incarceration. They have been selected because they provide light and shade to the study of the topic and complement each other. The authors have adopted an “Alexanderian” definition of mass incarceration that “refers not only to the criminal justice system but also to the larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison.”² The included books

1. BECKY PETTIT, *INVISIBLE MEN: MASS INCARCERATION AND THE MYTH OF BLACK PROGRESS* 11 (2012).

2. MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN*

were identified by subject and keyword searching in Online Computer Library Center's (OCLC) WorldCat,³ by targeted internet searches, by searching on Amazon.com, by reading the bibliographies and citation materials in each of the books themselves, by reviewing other available bibliographies on the topic, and by shelf reading in the Roger Williams University library system.

Because lines must be drawn to complete a project on a deadline, books largely about related but distinctly different incarceration topics have not been included in this bibliography.⁴ Books about incarceration on a global scale, books about the struggles of individual prisoners, and books about political prisoners have not been included in this bibliography. Books focused exclusively on the death penalty have not been included. Books primarily about post-9/11 national security issues and imprisonment have not been included. Books largely about abolition or decarceration have not been included. Finally, unsuccessful attempts were made to locate and include books that deny mass incarceration as a phenomenon but none were found and thus none were included.

STRUCTURE

The bibliography is structured topically and presents books under the subheading that seems most appropriate to the authors. This is not to say the chosen categories are definitive. The books included may sometimes overlap categories. Judgment has been exercised and efforts made to present a text under the topic which it appears to *best* fit. The process is essentially subjective but any mistakes have been honestly made after reading the work in its entirety. The categories in which the books have been arranged were decided organically and are by no means absolute.

The categories that have been used as organizing principles to

THE AGE OF COLORBLINDNESS 13 (rev. ed. 2012).

3. ONLINE COMPUTER LIBRARY CENTER, www.worldcat.org.

4. Exceptions to these general rules of exclusion have been made where frequent citations to an otherwise excluded book appear to require their consideration and inclusion. For example, Angela Davis' *Are Prisons Obsolete?* could have been excluded as being primarily about prison abolition but frequent citations to the author and the title have required inclusion in this bibliography.

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present the texts are: the mass incarceration canon, causes of mass incarceration, inside prisons, activism, direct and collateral consequences of mass incarceration, solution-focused texts, and unique works.

THE MASS INCARCERATION CANON

The books under this heading are significant, well-regarded, and/or fundamentally important to the study of mass incarceration.

Abramsky, Sasha. *American Furies: Crime, Punishment, and Vengeance in the Age of Mass Imprisonment*. Boston: Beacon Press, 2007.

This book distinguishes itself from other books in this bibliography by its tone. Abramsky's book is a loud, passionate, thrashing account of the state of the criminal justice system and the social costs of mass incarceration. The reader is left feeling that the author is genuinely angry and exasperated by the violence and injustice he sees in contemporary incarceration practices. This is one of three books by Abramsky on or related to incarceration. The other two books, *Conned: How Millions Went to Prison, Lost the Vote, And Helped Send George W. Bush to the White House* and *Hard Time Blues: How Politics Built a Prison Nation*, are also worthy of consideration to one studying the mass incarceration phenomenon. Of note to readers of the *Roger Williams University Law Review* is Abramsky's quote on sentencing law changes by Roger Williams University School of Law Adjunct Professor David Zlotnick.⁵

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. rev. ed. New York: The New Press, 2012.

According to Cornel West's foreword, this book "is the secular bible for a new social movement in early twenty-first-century

5. SASHA ABRAMSKY, *AMERICAN FURIES: CRIME, PUNISHMENT, AND VENGEANCE IN THE AGE OF MASS IMPRISONMENT* 54 (2007).

America.”⁶ With that foreword and all of the surrounding acclaim that this book has received, it is somewhat surprising that Alexander’s book is able to live up to the hype as well as it does. While it can fairly be stated that this book is about mass incarceration, it is more accurate to say that this book is about racial justice and civil rights. Alexander uses mass incarceration to discuss American society’s pervasive racial inequality. She plainly states, “I use the term *racial caste* in this book the way it is used in common parlance to denote a stigmatized racial group locked into an inferior position by law and custom. Jim Crow and slavery were caste systems. So is our current system of mass incarceration.”⁷ The main contention of this book is that while the criminal justice system purports to be colorblind it is not. Instead, it works similarly to the way the Jim Crow laws did, to systematically subordinate a class of Americans based on race. This book is easy to read and easy to understand, a stylistic choice that has made it both the subject of widespread popularity and academic criticism. This is one of the rare titles about mass incarceration that can work well as a classroom text and as a book club selection.

Clear, Todd R. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. New York: Oxford University Press, 2007.

As stated by the book’s author, the tone of this book is directly related to its two, sometimes incompatible aims, to inform and to persuade. Clear aims “to inform the reader of the consequences of high levels [of] incarceration that are concentrated in poor locations”⁸ through a reasoned review of research while also employing strong images and language with the hope of persuading the reader to a call to action. Employing both the theoretical (i.e., Chapter 4) and the empirical (i.e., Chapter 5), the author paints a clear and convincing picture that mass incarceration is not just a solution to a criminal justice problem,

6. ALEXANDER, *supra* note 2, at ix.

7. *Id.* at 12 (emphasis in original).

8. TODD R. CLEAR, *IMPRISONING COMMUNITIES: HOW MASS INCARCERATION MAKES DISADVANTAGED NEIGHBORHOODS WORSE* xv (2007).

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but is a sociological problem itself. Clear concludes the text by presenting popularly offered strategies he does not think could significantly reduce incarceration rates' impact as well as presenting community justice initiatives he thinks could. Mass incarceration scholars may also be interested in Clear's 2014 book with Natasha Frost, *The Punishment Imperative: The Rise and Failure of Mass Incarceration in America*. New York: New York University Press, 2014.

Davis, Angela Y. *Are Prisons Obsolete?* New York: Seven Stories Press, 2003.

If the prison abolition movement had a bible or sacred text, it would be this book. Davis' passion for the topic of prison abolition drips off of the page onto the reader. While the chapters are fiercely argued and frequently quotable, the work reads more like a manifesto than a non-partisan academic treatise. Davis' ideas are thought-provoking, especially with regard to gender. Davis asserts, "[f]orward-looking research and organizing strategies should recognize that the deeply gendered character of punishment both reflects and further entrenches the gendered structure of the larger society."⁹ Chapter 4 of this book then proceeds to try to convince the reader of the importance of recognizing this gendered character with examples from history, from criminology, from human rights reports, from female prisoner's writings, and the author's own experiences. What Davis lacks in impartiality, she makes up with fervor for the topic. This work is essential to a mass incarceration reading list for anyone who is looking for an infusion of motivation to become an activist or information about incarceration alternatives.

Garland, David, ed. *Mass Imprisonment: Social Causes and Consequences*. London: SAGE Publications, 2001.

According to the Washington Post's Nia Malika-Henderson, among progressive mass incarceration activists, Bill Clinton is "sort of the father of mass incarceration."¹⁰ Among mass

9. ANGELA Y. DAVIS, ARE PRISONS OBSOLETE? 61 (2003).

10. CNN, *Baltimore's impact on the presidential race*, YOUTUBE (May 3,

incarceration scholars, David Garland is the father of mass incarceration. According to Becky Pettit, “[s]ociologist David Garland (2001) has coined the term ‘mass incarceration’ to characterize the uniquely modern social phenomenon of extraordinarily high incarceration rates.”¹¹ This collection of papers, edited by David Garland, was first presented at a conference and later published in a special issue of *Punishment & Society: The International Journal of Penology*.¹² The authors in this collection are some of the heavyweights in the field of the causes and consequences of mass incarceration. Not only does the collection contain individual papers of merit, but it also contains papers that are commentaries on the ideas presented within the context of each other. For example, Chapter 1 is by Marc Mauer, Chapter 2 is by Jonathan Simon, and Chapter 3, which is a commentary about the foregoing chapters, is by Thomas Mathiesen. This book is a must-read for all students, scholars, politicians, activists, and public policy makers.

Garland, David. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press, 2001.

This book is a social analysis or social accounting that contrasts contemporary (post-1970) with historical criminal justice practices and policies in the United States and Great Britain. The author analyzes and argues that contemporary crime control arrangements (i.e., government policy on crime, criminological thought, and popular conventional wisdom) in both nations have been shaped and drastically changed by social, economic, and cultural forces. This text explores “how a new crime control culture has emerged that embodies a reworked conception of penal-welfarism, a new criminology of control, and an economic style of decision-making.”¹³ Garland’s text is sometimes

2015) <https://www.youtube.com/watch?v=vsBTfvKA8zA&feature=youtu.be> (panel discussion on CNN’s inside politics) (transcript reprinted in 2015 WLNR 12906669).

11. Pettit, *supra* note 1, at 11.

12. 3 PUNISHMENT AND SOCIETY (Jan. 2001), <http://pun.sagepub.com/content/3/1.toc>.

13. DAVID GARLAND, *THE CULTURE OF CONTROL: CRIME AND SOCIAL ORDER*

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accessible and sometimes esoteric. One of the most useful contributions of this book to a wider mass incarceration discussion is how it plainly sets forth the so-called crime complex of late modernity that the author describes as a contemporary cluster of cultural attitudes, beliefs, and assumptions about the criminal justice state.¹⁴ Garland's crime complex provides a useful framework for further discussion, analysis, and debate.

Jones, Sabrina, and Marc Mauer. *Race to Incarcerate: A Graphic Retelling*. New York: The New Press, 2013.

This graphic novelization of the popular text was released in 2013 and includes the black and white illustrations of Sabrina Jones. While the foreword of the book by Michelle Alexander advocates sharing this book with young people and there are many young people for whom the book might be an appropriate resource, it does contain illustrated depictions of drug use, the death penalty, and domestic violence that may not be appropriate for all young people. The text and illustrations work well together to make plain the enormity of mass incarceration. At times, the choice of content is jarring and unexpected. For example, the case of Kemba Smith¹⁵ was particularly difficult to read as it starkly depicts domestic violence, giving birth in prison, and murder in black and white drawings. This edition of the text does not contain the same levels of detail, data, or depth as the previous two editions. It does, however, allow for new and different audiences to engage with the text as it is presented in a totally new format. One can see this format being a particularly useful tool when advocating to those for whom a traditional scholarly work may be unpleasant, inaccessible, or otherwise unappealing.

Mauer, Marc. *Race to Incarcerate*. rev. ed. New York: The New Press, 2006.

This is the quintessential introduction to the topic of mass incarceration written by the current Executive Director of The

IN CONTEMPORARY SOCIETY xi (2001).

14. *Id.* at 163.

15. SABRINA JONES & MARC MAUER, *RACE TO INCARCERATE: A GRAPHIC RETELLING* 48 (2013).

Sentencing Project. The first edition of this seminal text came out in 1999, followed by this revised and updated edition in 2006, and followed again by a so-called “graphic retelling” in 2013. Mauer’s work contains a particularly good discussion of history, specifically the political history of American punishment policies in chapters 3 and 4. The text also contains an easy to understand explanation of the relationship between the criminal justice system and crime control. The book goes beyond a discussion of mass incarceration and race, to discussions of mass incarceration and class and mass incarceration and media coverage. The strength of this work is that it presents a prodigious amount of statistics and research in a very readable format. While it is clear that the author has a definitive point of view of the issues, the overall tone of the narrative is measured.

Parenti, Christian. *Lockdown America: Police and Prisons in the Age of Crisis*. London: Verso, 2000.

Although technically the first hardcover edition of this book was released in 1999, which is before the purview of this bibliography, Parenti’s insightful work was too important to exclude. This book is structured in three major sections: the political and social history of American mass incarceration; selective forms of policing; and life inside American prisons. While the topic of Parenti’s work is sometimes frightening and often political, the style of his writing is always lively and sometimes darkly humorous. This book could be a reader’s first or only foray into the topic of mass incarceration and she would leave feeling both well-educated and deeply troubled about the phenomenon. Parenti’s text provides insights into the political history and machinations of the prison industrial complex that have remained fresh over time. A new edition of this book was released in 2008.

Russell-Brown, Katheryn. *The Color of Crime*. 2nd ed. New York: New York University Press, 2009.

Professor Russell-Brown discusses a variety of topics at the intersection of race and crime including race in the media, the history of racial bias in the U.S. criminal justice system, the O.J.

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Simpson trial, and racial hoaxes. This second edition, published on the tenth anniversary of the first, contains updated and rewritten chapters as well as two new chapters. The author's tone throughout the text makes this book particularly usable in the classroom. It is obvious to the reader that the author is a professor as she is seamlessly able to present a sweeping amount of information and create relevant discussion topics for readers while maintaining lively prose and drawing on examples from popular culture. Of use to students, professors, and scholars is Russell-Brown's list of items she would include on a race and crime social literacy test, which includes case names, concepts, terms, and people.¹⁶ Also of interest is Appendix B's alphabetical listing of racial hoaxes from 1987–2006.¹⁷ Both of the aforementioned sections of the book are unique in this bibliography.

Wacquant, Loic. *Prisons of Poverty*. exp. ed. Minneapolis: University of Minnesota Press, 2009.

University of California, Berkeley sociology professor Loic Wacquant has become one of the most notable and often quoted scholars in and about mass incarceration. *Prisons of Poverty* was first published in 1999 in French (entitled *Les Prisons de la misère*) and originally intended for academics and activists.¹⁸ It was released in an English expanded version in 2009. The central focus of this text is that America developed a “new punitive common sense” that criminalizes poverty and has spread to Europe and beyond.¹⁹ Wacquant's *Prisons of Poverty* led him to further study of these issues in *Punishing the Poor: The Neoliberal Government of Social Insecurity*,²⁰ which he describes in the afterword of *Prisons of Poverty* as “amending and elaborating the rudimentary model of the nexus of neoliberalism and punitive penalty sketched in *Prisons of Poverty*.”²¹

16. KATHERYN RUSSELL-BROWN, *THE COLOR OF CRIME* 154–57 (2nd ed. 2008).

17. *Id.* at 163–85.

18. LOIC WACQUANT, *PRISONS OF POVERTY* 5 (exp. ed. 2009).

19. *Id.* at 1.

20. LOIC WACQUANT, *PUNISHING THE POOR: THE NEOLIBERAL GOVERNMENT OF SOCIAL INSECURITY* (eng. lang. ed. 2009).

21. WACQUANT, *supra* note 18, at 175.

CAUSES OF MASS INCARCERATION

The books under this heading primarily discuss what caused or led up to the contemporary mass incarceration phenomenon.

Drucker, Ernest M. *A Plague of Prisons: The Epidemiology of Mass Incarceration in America*. New York: The New Press, 2011.

The title of this book is somewhat misleading as it suggests the book focuses on healthcare or public health within the context of mass incarceration. Instead, the author, a New York clinical psychologist with experience as a director of a large drug treatment program, employs the concepts and tools of epidemiology to explore mass incarceration in America. This approach is both unique and lively. The first half of the book is devoted to introducing the tools and concepts of epidemiology by examining two notable public health epidemics familiar to most readers. The second half of the book then explores the concept of mass incarceration as an epidemic. The author presents an interesting and successful concept and this book is notable on that account. However, the substance of Drucker's arguments do not add much to the larger body of mass incarceration literature and appear to overemphasize the role of drug laws, drug policies, and drug enforcement strategies. Also, this book focuses on mass incarceration in New York state rather than nationally or regionally.²²

Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press, 2007.

Ruth Wilson Gilmore, Director of the Center for Place, Culture, and Politics, Professor of Earth and Environmental Sciences at the Graduate Center, CUNY , and co-founder of

22. For a much longer discussion about some of the places this book arguably falls short, see John F. Pfaff, *Waylaid by a Metaphor: A Deeply Problematic Account of Prison Growth (A Review of Ernest Drucker, A Plague of Prisons)*, 111 Mich. L. Rev. 1087 (2013).

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several social justice organizations,²³ describes this book's beginnings as two modest research projects from the early 1990s which grew into a "decade's lifework."²⁴ *Golden Gulag*, as described in the book's introduction, is "about the phenomenal growth of California's state prison system since 1982 and grassroots opposition to the expanding use of prisons as catchall solutions to social problems."²⁵ While that description of the book is indeed truthful, it belies the detailed economic analyses and sophisticated arguments by the author within the text that the California prison boom developed from relative surpluses of finance capital, land, workers, and state capacity. This book is not, and does not present itself to be, a dispassionate account of California's increase in incarceration. Rather, the author is both a scholar and an activist and this is made clear in the introduction and throughout the book by its ardent tone. This work stands out for its concentration on the political, economic, and social history of California in the twentieth century and the development of the theory that this history caused California's prison boom. In addition, this work is notable for its chapter focusing on one group of California community activists: Mothers Reclaiming Our Children (Mothers ROC). The author is currently at work on the second edition of this text.²⁶

Gottschalk, Marie. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. New York: Cambridge University Press, 2006.

Gottschalk's work presents a significant departure from conventional wisdom about the historical and political context of the current mass incarceration phenomenon. As the introduction makes plain, "[a] central contention of this book, instead, is that contemporary penal policy actually has deep historical and institutional roots that predate the 1960s."²⁷ This monograph

23. *People*, CUNY, <http://pcp.gc.cuny.edu/people/> (last visited Feb. 19, 2016).

24. RUTH WILSON GILMORE, *GOLDEN GULAG: PRISONS, SURPLUS, CRISIS, AND OPPOSITION IN GLOBALIZING CALIFORNIA* 27 (2007).

25. *Id.* at 5.

26. *People*, *supra* note 23.

27. MARIE GOTTSCHALK, *THE PRISON AND THE GALLOWES: THE POLITICS OF MASS INCARCERATION IN AMERICA* 4 (2006).

proceeds to prove that contention by critiquing conventional wisdom; using historical evidence to show that the political infrastructure of mass incarceration was built before the 1960s; and analyzing the relationships between and among powerful, conservative law-and-order politics and the social movements and political interest groups of the victims' rights movement, the anti-violence against women movements, prison activism, and the anti-death penalty movements. In addition to presenting a fairly innovative take on the historical roots of the modern American phenomenon of mass incarceration, this book presents comparative research that contrasts some of the features of the American social movements discussed with the experiences of diverse European nations.²⁸ The book concludes by extrapolating from the author's extensive research to present the author's vision of penal reform. Although this concluding chapter presents suggested reforms for a variety of stakeholders and even has a subsection titled "Reform, the Legal Profession, and the Judiciary,"²⁹ it provides no specific guidance for non-judicial members of the profession. Recently, Gottschalk published another book relevant to the study of mass incarceration, *Caught: The Prison State and the Lockdown of American Politics*.³⁰

Hallett, Michael A. *Private Prisons in America: A Critical Race Perspective*. Urbana: University of Illinois Press, 2006.

This book, theoretically based in critical criminology, critical legal studies, and critical race theory, discusses the history of for-profit incarceration in America, from the convict leasing system to the private prisons of today, within the context of race. The text uses the Thirteenth Amendment to the U.S. Constitution as a springboard for its analysis stating:

As best illustrated by the Thirteenth Amendment itself, for-profit prisons operate based on an understanding of prisoners as *private commodities*—an understanding that

28. *E.g., id.* at 192–94 (discussing Scandinavia and prison activism).

29. *Id.* at 252–53.

30. MARIE GOTTSCHALK, *CAUGHT: THE PRISON STATE AND THE LOCKDOWN OF AMERICAN POLITICS* (2015).

is unalterably tied in the United States to the tradition of indenture and slavery . . . The racial characteristics of modern private prisons, therefore, should not and cannot be ignored for what they still represent: a racialized for-profit imprisonment practice, still disproportionately utilizing young black men for its coercive system of economic production.³¹

The author, a professor and self-described activist first associated with the Tennessee State Employees' Association and later as a consultant to activist groups fighting private prisons,³² dedicates a chapter to exploring the racial dynamics of contemporary private prisons from the perspective of social-disorganization theory and another chapter to the faith-based corrections movement. This work concludes with six broad policy recommendations related to private prisons, race, and criminal justice.

Hallinan, Joseph T. *Going up the River: Travels in a Prison Nation*. New York: Random House, 2001.

Going up the River, published in 2001, remains a fresh but critical look at mass incarceration in America at the turn of the century. Joseph T. Hallinan, a Pulitzer Prize-winning journalist, presents an eminently readable introductory account of the punishment-focused culture of the American prison and the sometimes harsh realities of the late 20th century prison boom. After spending four years "traveling from prison to prison the way some might travel Civil War battlefields, ticking off the famous sites,"³³ the author uses real world examples and interviews with prison staff, inmates, and the families of inmates to paint realistic portraits of the people that mass incarceration policies have affected and continue to affect. The book recounts some of the historical movements and changes in penology, popular culture, and politics that have shaped current incarceration practices, design, and theory without losing the main focus of the book,

31. MICHAEL A. HALLETT, PRIVATE PRISONS IN AMERICA: A CRITICAL RACE PERSPECTIVE 156 (2006).

32. *Id.* at xiii.

33. JOSEPH T. HALLINAN, GOING UP THE RIVER: TRAVELS IN A PRISON NATION xii (2001).

which is the people and places impacted by mass incarceration. While the author has not presented a work completely free of bias, the author has included perspectives and interviews from a variety of sources that lend credibility and balance to the work. This book is written for a general audience and the chapters are largely able to stand alone as insights into different prisons, aspects of prison life, and parts of the corrections economy. At times, the text veers off into depictions of vividly portrayed horrific violence, but it tempers that violence with interesting and seemingly well-researched factoids about prisons to lighten the mood. Overall, the author provides one of the most subtle and readable resources on mass incarceration to date.

Harcourt, Bernard E. *The Illusion of Free Markets: Punishment and the Myth of Natural Order.* Cambridge, MA: Harvard University Press, 2011.

Like Gottschalk's *The Prison and the Gallows: The Politics of Mass Incarceration in America*,³⁴ Harcourt takes the long view of the antecedents of the current American mass incarceration crisis. Unlike Gottschalk's work, however, the focus of *The Illusion of Free Markets: Punishment and the Myth of Natural Order* is almost entirely focused on the history and development of the concepts of natural order and the free market, specifically as they pertain to neoliberal penalty. In the introduction, Harcourt describes this book as a companion piece to some of the more traditional mass incarceration tomes and describes his contribution to this genre by stating:

I seek not to displace these accounts, but to enrich them by tracing the genealogy of a form of rationality that has helped Americans paper over the cognitive dissonance of living in a society that is marked by fear of big government and skepticism of government efficiency, a resounding embrace of free-market ideals, and paradoxically, the largest government-run prison bureaucracy on the world—in raw numbers or per

34. See *infra* Causes of Mass Incarceration.

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capita.³⁵

Harcourt's work is rich and detailed, at times excessively so, and represents a unique contribution to this body of literature. This book is not recommended for a general audience but would be of particular interest to legal scholars and political scientists, specifically ones who write/study/teach within the law and economics movement.

Justice Policy Institute. *Incarceration Generation*. Washington, DC. Justice Policy Institute, 2013.

While we were not able to find and obtain a print copy of this book described on the Justice Policy Institute website as a coffee-table book of essays³⁶ through interlibrary loan, we were able to access an e-book version on the Prison Legal News website.³⁷ Graphically, the book stands out among the other mass incarceration-related books as it is bold and well-designed. One advantage of this book is that many of the contributing authors are standouts in their respective fields. Another advantage is that it provides a wide scope of coverage including chapters on many of the sub-topics in and related to mass incarceration such as policing, re-entry, pretrial detention, victim rights, drug policy and institutionalized racism. The disadvantage of this work is that each of the chapters are written for a lay audience and lack the depth of some of the more rigorously academic alternative texts. As such, this book is more suitable for an introductory or lay audience than a more scholarly one.

Logan, James Samuel. *Good Punishment? Christian Moral Practice and U.S. Imprisonment*. Grand Rapids, MI: William B. Eerdmans Publishing, 2008.

35. BERNARD E. HARCOURT, *THE ILLUSION OF FREE MARKETS: PUNISHMENT AND THE MYTH OF NATURAL ORDER* 43 (2011).

36. JUSTICE POLICY INSTITUTE, *JPI Publishes Incarceration Generation Book; Booksignings Scheduled Across the Country*, <http://www.justicepolicy.org/news/6239> (last visited Jan. 15, 2016).

37. JUSTICE POLICY INSTITUTE, *INCARCERATION GENERATION* (2013) (ebook), <https://www.prisonlegalnews.org/news/publications/jpi-incarceration-generation-2013/>.

While the loudest voices in the mass incarceration movement might belong to legal scholars, prison activists, and criminology experts, another voice in the chorus belongs to religious leaders and scholars. This book contains three chapters that describe the mass incarceration phenomenon using sociology, law, criminal justice, and historical sources. In the concluding chapters, the author introduces the ethics of punishment through the writings of Stanley Hauerwas, a Christian theologian. He critically assesses those ethics and further discusses mass incarceration within the framework of so-called “ontological intimacy.”³⁸ The first three chapters of this book contain a fairly straightforward account of mass incarceration, perhaps one that would be particularly accessible to religious scholars, religious leaders, or those looking to engage in moral or religious discussion. The concluding chapters contain very complex arguments based in Christian theology that are best directed at those with a high level of familiarity with such a topic, and particularly those with intimate knowledge of the scholarly work of Stanley Hauerwas.

Murakawa, Naomi. *The First Civil Right: How Liberals Built Prison America.* New York: Oxford University Press, 2014.

This book is part of the Oxford University Press series Studies in Postwar American Political Development.³⁹ Focused on the political developments, specifically those on the left, which the author asserts laid the groundwork for the mass incarceration phenomenon in the United States, this book’s central thesis runs against the grain of many of the other texts in this bibliography. Murakawa concludes, “[I]n the end, the Big House may serve racial conservatism, but it was built on the rock of racial liberalism.”⁴⁰ One criticism of this text is that the author exclusively focuses on federal law/politics while much of the mass incarceration problem, currently and historically, resides at the state level. That criticism aside, this book, while at times densely

38. JAMES SAMUEL LOGAN, GOOD PUNISHMENT? CHRISTIAN MORAL PRACTICE AND U.S. IMPRISONMENT 203 (2008).

39. NAOMI MURAKAWA, THE FIRST CIVIL RIGHT: HOW LIBERALS BUILT PRISON AMERICA ii (2014).

40. *Id.* at 151.

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academic, is a showpiece of federal legal/political science research. Of use to future researchers and scholars are the book's appendices that contain tables of several related federal legislative topics including a table of major federal crime legislation from 1790-2010.⁴¹

Milovanovic, Dragan, and Kathryn K. Russell, eds. *Petit Apartheid in the U.S. Criminal Justice System*. Durham, NC: Carolina Academic Press, 2001.

In the 1990 text "Racism, Empiricism and Criminal Justice," Daniel E. Georges-Abeyie introduced the concept of petit apartheid in criminal justice, which refers to informal norms by which cultural bias permeates the criminal justice system. *Petit Apartheid in the U.S. Criminal Justice System* is a scholarly discussion of those micro-level forms of racism. Each of the essays in this volume illuminates different aspects of petit apartheid. One of the most notable chapters for attorneys and law students is "Racial Derogation in Prosecutors' Closing Arguments" by Sheri Lynn Johnson,⁴² an updated excerpt from a law review article,⁴³ which calls for a provision to forbid the use of racial imagery by prosecutors to be incorporated into the rules of professional ethics for attorneys and for the further consideration of so-called racial shield laws. As a whole, this book and selections from it are well-suited for classroom use at the undergraduate and graduate levels, especially on the topics of inequality, racial profiling, and criminology.

Perkinson, Robert. *Texas Tough: The Rise of America's Prison Empire*. New York: Picador, 2010.

This book seeks to understand the mass incarceration phenomenon by concentrating on the history of imprisonment in America generally by specifically focusing on the history of

41. *Id.* at 157–63.

42. Sheri Lynn Johnson, *Racial Derogation in Prosecutors' Closing Arguments*, in *PETIT APARTHEID IN THE U.S. CRIMINAL JUSTICE SYSTEM* 79 (Dragan Milovanovic & Kathryn K. Russell eds., 2001).

43. Sheri Lynn Johnson, *Racial Imagery in Criminal Cases*, 67 *TULANE L. REV.* 1739 (1993).

imprisonment in Texas.⁴⁴ Texas is emblematic of the mass incarceration phenomenon because it is home to the largest prison system and where, according to the author, punishment is viewed as particularly harsh.⁴⁵ The book limits its historical inquiry from what it describes as the “age of slavery” to the current “age of [mass] incarceration.”⁴⁶ The book has several fundamental premises. The first is that “unequal societies produce inequitable justice.”⁴⁷ Another is that the history of imprisonment in America is more South-focused than has traditionally been recognized in the past. Yet another theme is that the penitentiary has been a resounding failure in that it has never fulfilled its fundamental rehabilitative promise and mission. This book is exceedingly well researched and succeeds at illuminating for the reader the cyclical nature of carceral institutions and reforms.

Puryear, Eugene. *Shackled and Chained: Mass Incarceration in Capitalist America*. San Francisco: PSL Publications, 2013.

Given the overt politicism⁴⁸ of the author, the title, the publisher, and the perspective of this book, one may be quick to write it off as not being a serious contribution to a mass incarceration education. However, this book is informative and thoughtful despite its clear revolutionary conclusion that the mass incarceration problem can only be solved through a broad social transformation and that “[s]uffice it to say that the capitalist class is unwilling and unable to carry out such transformations. To achieve this sort of government requires a different social

44. ROBERT PERKINSON, TEXAS TOUGH: THE RISE OF AMERICA’S PRISON EMPIRE 4 (2010).

45. *Id.*

46. *Id.* at 5.

47. *Id.* at 12.

48. Mr. Puryear ran for an open seat on the District of Columbia Council as the “endorsed nominee of the D.C. Statehood Green Party.” D.C. FOR THE PEOPLE! EUGENE PURYEAR FOR D.C. COUNCIL AT-LARGE, <http://www.eugene-puryear.com> (last visited Jan. 15, 2016). He has been involved in the anti-war movement and “has served as a key organizer around police brutality, prisoners’ rights and abuses in the U.S. criminal ‘justice’ system. . . . He is a socialist and serves on the editorial board of Liberation newspaper.” *Id.*

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structure, and therefore a revolution.”⁴⁹ If the reader engages with the text in spite of, or perhaps because of, the partisan nature of the conclusion, the book provides interesting tidbits and insight into a variety of topics such as prison nutrition,⁵⁰ the black liberation movement,⁵¹ Marxist theory of crime,⁵² and recent right-wing crime policy proposals.⁵³ The book concludes with appendices about political prisoners in America. Overall, Puryear’s work is surprisingly well-researched and thoughtful.

Raphael, Steven, and Michael A. Stoll. *Why Are so Many Americans in Prison?* New York: Russell Sage Foundation, 2013.

Many, if not all, of the books in this bibliography try discussing why so many Americans are in prison. This book attempts to answer that question using empirical evidence. Using a decade’s worth of research, the authors of this text use empirical research to test various theories and popular beliefs put forward by academics, policymakers, government officials, crime analysts, and the media about the cause or causes of mass incarceration. The authors best summarize their findings in the first paragraph of Chapter 5 by stating:

Chapters 1 through 4 were devoted to explaining the increase in the nation’s incarceration rate since the mid-1970s. The empirical decomposition and review of policy history yield a clear answer to the question posed in the title of this book. Namely, policy choices that have expanded the range of offenses to which incarceration is applied and the severity of prison sentences handed down explain nearly all, if not all, of the increase in incarceration.⁵⁴

Not only does this book examine the causes of mass

49. EUGENE PURYEAR, *SHACKLED AND CHAINED: MASS INCARCERATION IN CAPITALIST AMERICA* 128 (2013).

50. *Id.* at 19.

51. *Id.* at 52.

52. *Id.* at 109.

53. *Id.* at 122.

54. STEVEN RAPHAEL & MICHAEL A. STOLL, *WHY ARE SO MANY AMERICANS IN PRISON?* 121 (2013) (footnote omitted).

incarceration in America, but also it includes a closing chapter discussing possible effective policy shifts to crime control alternatives. This book contributes a well-crafted chapter on the relationship between the historical deinstitutionalization of those with mental illness and the growth of the incarcerated population to any discussion on possible causes of mass incarceration.

Selman, Donna, and Paul Leighton. *Punishment for Sale: Private Prisons, Big Business, and the Incarceration Binge*. Lanham, MD: Rowman & Littlefield Publishers, 2010.

Part I of this book discusses the origins of prison privatization in America, including specific information on the formation of Corrections Corporation of America (CCA) within the 1980s political culture, described by the authors as “an antigovernment ideology that led to a large-scale outsourcing and privatization of government services.”⁵⁵ Part II contains information on private prisons as businesses, using CCA as an example, by reviewing and dissecting data contained in SEC filings and government contract documents. Not only do the authors detail their findings within the data, but the authors also discuss the difficulties they encountered in obtaining this public information.⁵⁶ While this book reads mostly as a criticism of the private prison industry, it uses the biographical information and statements of members of the industry itself contained in publically available information and industry documents to make its case.⁵⁷ Also, the appendix to the book contains useful information on how to easily access SEC filing information for research purposes. Even though the book was published in 2010 and there have doubtlessly been several updates to the SEC website, the instructions contained in the appendix will allow a reader to access the information with only limited modification.

55. DONNA SELMAN & PAUL LEIGHTON, PUNISHMENT FOR SALE: PRIVATE PRISONS, BIG BUSINESS, AND THE INCARCERATION BINGE 46 (2010).

56. *Id.* at 112–13.

57. A companion website to this book, which appears to be updated by the author, is available at <http://paulsjusticepage.com/crimepays.htm>.

INSIDE PRISONS

The books under this heading are primarily discussions of prisons as institutions or life inside prisons from the perspective of current or former prisoners, community members in municipalities where prisons are located, and correctional officers.

Conover, Ted. *Newjack: Guarding Sing Sing*. New York: Random House New York, 2000.

A finalist for the 2001 Pulitzer Prize in the general non-fiction category, this book tells the story of journalist Ted Conover's year "undercover" working as a corrections officer at Sing Sing Correctional Facility. According to the author, Conover had attempted to learn about and report on the New York correctional system and its corrections officer training academy prior to this "undercover" assignment but was denied access and felt, "the only way into the Academy was to enter as a recruit, like anyone else."⁵⁸ This engrossing story gives the reader insight into corrections from the point of view of a new correctional officer, albeit one who is trying to report a story and not trying to truly embark upon a corrections career. The book both poses and attempts to answer the question, "[w]hat did it do to a man when his work consisted of breaking the spirit of other men?"⁵⁹ Of note, the paperback version contains an afterword with material not included in the hardcover version that discusses the post-publication fallout and reactions by some of the other correctional officers with whom the author worked.

Fleury-Steiner, Benjamin, and Jamie Longazel. *The Pains of Mass Imprisonment*. New York: Routledge, 2014.

This book is part of the Framing 21st Century Social Issues Series published by Routledge. It is a basic undergraduate text that uses the inventory of pains of imprisonment from Gresham Sykes's 1958 prison ethnography *The Society of Captives: A Study of a Maximum Security Prison* as its framework. The authors see this book as an opportunity to "revisit Sykes's classic work in light

58. TED CONOVER, *NEWJACK: GUARDING SING SING* 22 (2000).

59. *Id.* at 135.

of profound changes that the prison has undergone since he was writing in 1954.”⁶⁰ They approach the task through the lens of the conflict perspective and present chapters based around their own updated inventory of the pains of mass imprisonment, which include containment, exploitation, coercion, isolation, and brutality. The material in each chapter is presented alongside fact-based scenarios of prisoners experiencing the chapter-specific pain. Those scenarios are derived from reports and legal briefs from a variety of prisoner rights and legal aid organizations. This text is easy to read and understand. The use of examples from actual legal documents furthers the arguments in the text and helps to make the theoretical more relatable. In addition, the citations to the legal documents on which the vignettes are based provide an opportunity for students to engage with the source material and practice their research skills. The discussion questions at the end of each chapter provide starting points for student participation. While this slim volume is an introductory look at mass incarceration, it provides an accessible vehicle to encourage further conversation on a topic that for some may be difficult to discuss.

Herivel, Tara, and Paul Wright, eds. *Prison Nation: The Warehousing of America's Poor*. New York: Routledge, 2003.

While several of the essays in this work were written before 2000, the collection was not published until 2003, which is why it was included in this collection. *Prison Nation* was co-edited by a prison rights activist lawyer and an incarcerated prison rights activist, both with ties to the newspaper *Prison Legal News*. The essays in this collection are organized thematically with mini-collections of essays on seven major topics. Overall, the essays range in quality and style with some being more academic with many footnotes, some being more journalistic with less formality, and some being more literary. The works in this volume were authored by writers reflecting a variety of backgrounds including journalists, lawyers, law professors, and activists. Some of the

60. BENJAMIN FLEURY-STEINER & JAMIE LONGAZEL, THE PAINS OF MASS IMPRISONMENT 1 (2014).

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authors were incarcerated or are currently incarcerated. This collection provides short topical essays that would be ideal for inclusion on an undergraduate or graduate syllabus to further discussions on poverty, criminal justice, sociology, race, criminal law, human rights, violence, and politics. This collection is notable for its inclusion of an essay on white collar crimes, which is largely absent beyond a passing mention from other works in this bibliography. Also of note is that this book is the second in a series of books about mass incarceration and it follows 1998's *The Celling of America: An Inside Look at the U.S. Prison Industry*.⁶¹

Herivel, Tara, and Paul Wright, eds. *Prison Profiteers: Who Makes Money from Mass Incarceration*. New York: The New Press, 2007.

This book is the third in a series about mass incarceration. It follows 1998's *The Celling of America: An Inside Look at the U.S. Prison Industry*⁶² and 2003's *Prison Nation: The Warehousing of America's Poor*.⁶³ Written in a journalistic expose-style, the book's short chapters attempt to answer the question posed in the title. Each chapter discusses a different aspect of prison profiteering such as privatized youth facilities, riot academies, faith-based programming, for-profit transportation companies, and the prison telephone industry. This book comprehensively explores the network of entities that profit from mass incarceration. When these entities are presented together, such as in this compilation, the reader is left feeling shocked by the scope of that network. This book is written in a clear, accessible style and is appropriate for a wide-range of audiences including undergraduates and policymakers. One of the most outstanding chapters in this book is co-editor Paul Wright's "The Cultural Commodification of Prisons."⁶⁴

61. (Daniel Burton-Rose & Paul Wright eds., 1998).

62. *Id.*

63. PRISON PROFITEERS: WHO MAKES MONEY FROM MASS INCARCERATION 285 (Tara Herivel & Paul Wright eds., 2007).

64. Paul Wright, *The Cultural Commodification of Prisons*, in PRISON PROFITEERS: WHO MAKES MONEY FROM MASS INCARCERATION, *supra* note 63, at 98.

James, Andrea C. *Upper Bunkies Unite: And Other Thoughts on the Politics of Mass Incarceration.* Boston: Goode Book Press, 2013.

Full-length books, specifically those about the plight of a particular prisoner, have generally been excluded from this annotated bibliography. However, this book was included because of the background of the author/former prisoner. Author Andrea C. James is a graduate of Northeastern School of Law and also served a twenty-four month sentence for wire fraud in a federal women's prison in Danbury, Connecticut.⁶⁵ This book is the author's reflections on mass incarceration and the criminal justice system as filtered through her lens as a law school graduate and a convicted felon. This book, which appears to be self-published, undermines its own credibility, as it is rife with spelling and grammatical errors.⁶⁶ If one is able to put that aside, which is admittedly difficult to do, the book contains wisdom and passion. One outstanding chapter is about incarcerated persons voter disenfranchisement and specifically the history of the issue in Massachusetts in the 1990s.⁶⁷ The author brings the chapter to life by mentioning the coincidence that she served in the same federal prison at the same time as former Massachusetts Senator Dianne Wilkerson who voted against felony disenfranchisement in Massachusetts and quoted the former Senator as saying, ". . . the Constitution creates inalienable rights for citizens and it should not be used to narrow fundamental rights."⁶⁸

James, Joy, ed. *Warfare in the American Homeland: Policing and Prison in a Penal Democracy.* Durham, NC: Duke University Press, 2007.

Only a handful of the chapters in this work were new in 2007

65. ANDREA C. JAMES, UPPER BUNKIES UNITE: AND OTHER THOUGHTS ON THE POLITICS OF MASS INCARCERATION 19 (2013); *see also* Jean Troustine, *It's Not OITNB, But 'Upper Bunkies Unite' Goes Inside the Same Prison*, BOSTON MAGAZINE (Sep. 10, 2013, 10:14 AM), <http://www.bostonmagazine.com/arts-entertainment/blog/2013/09/10/oitnb-upper-bunkies-unite-goes-inside-prison/>.

66. One flagrant example is the misspelling of Justice John Paul Stevens' last name more than once. JAMES, *supra* note 65, at 119.

67. *Id.* at 105.

68. *Id.* at 106.

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when it was first published. Instead, this work is an anthology of cultural criticism that draws on written pieces from penology luminaries and activists from yesterday and today. Joy James, the editor, describes the diverse collection by stating that it “examines the sensibilities and the structures that enable a police and penal democracy to thrive.”⁶⁹ Among the works included in this publication are an English translation of a pamphlet co-written by Michel Foucault on the death of George Jackson, an interview with one-time Black Panther leader Dhoruba Bin Wahad, and selected excerpts from the writings of George Jackson. While some of the selections are densely written and can be hard to understand, some of the pieces, like the writings of Plowshares activist nun Carol Gilbert in Chapter 12, are simple but poignant contributions to a mass incarceration education.

Kerman, Piper. *Orange Is the New Black: My Year in a Woman’s Prison.* New York: Spiegel & Grau, 2010.

Despite the fact that prisoner memoirs have been specifically excluded from this bibliography, this book is included on this list solely for its ubiquity. This memoir has become wildly popular and this book has been successful at bringing attention to mass incarceration as a social justice issue. However popular it may be, this book is light on mass incarceration content compared to many of the other texts in this bibliography. While this book does share limited insight into a federal women’s prison, the heart-breaking consequences of the so-called War on Drugs, and some absurd-seeming correctional policies, the text contributes little aside from an easy read for a book group and a springboard for the Netflix series it spawned.

McShane, Marilyn D. *Prisons in America.* New York: LFB Scholarly Publishing LLC, 2008.

McShane’s introductory corrections textbook is a welcome addition to a study of mass incarceration. This text is basic, easy to understand, and relatable. Because not every person reading

69. WARFARE IN THE AMERICAN HOMELAND: POLICING AND PRISON IN A PENAL DEMOCRACY xiv (Joy James, ed. 2007).

about, discussing, debating, or affected by mass incarceration has an advanced degree in law or criminal justice, this book is a way to help a student or an eager layperson become more engaged and informed about corrections. Not only are the chapters clearly organized and well-focused, they each include conclusory material such as case citations, online exercises, discussion prompts, book recommendations, and movie recommendations, to encourage further study and conversation. McShane's text manages to be true to the subject matter and sufficiently accessible for all audiences.

Williams, Eric J. *The Big House in a Small Town: Prisons, Communities, and Economics in Rural America*. Santa Barbara, CA: Praeger, 2011.

This is a study of two small rural communities (one in Colorado and one in Texas) that successfully lobbied to have prisons (one has federal prisons and the other state) sited in their municipalities. According to the author, this book is a legal ethnography that tries to discover what effect these newly located prisons have had on the local government, as well as whether or not the prisons have lived up to their promises in the eyes of the communities. The author uses qualitative methods of interview data and immersive participant observation by living in each of the two towns for a period of time to try and ascertain the changes that have happened in each of the towns since the prisons opened "from the ground up."⁷⁰ The author tries to set this study apart from similar studies by claiming that "none look at what has happened from the standpoint of the local prisons"⁷¹ and also stating that "this study can be distinguished from other legal ethnographies in its broadening of the classic understanding of the law to include criminal justice institutions."⁷² One of the major themes to emerge from this work is the differences in the relationships between the federal prison and surrounding community and the state prison and surrounding community.

70. ERIC J. WILLIAMS, *THE BIG HOUSE IN A SMALL TOWN PRISONS, COMMUNITIES, AND ECONOMICS IN RURAL AMERICA* 7 (2011).

71. *Id.* at 8 (footnote omitted).

72. *Id.* at 27.

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Finally, Williams does a masterful job of convincing readers of why a work such as this is integral to a mass incarceration conversation by stating that “this study is about the local tapestry of a prison town, an issue that has growing national implications given our ever-expanding prison population.”⁷³

ACTIVISM

The books under this heading are written by activists or about activism, specifically activism in relation to the mass incarceration phenomenon.

Berger, Dan. *Struggle Within: Prisons, Political Prisoners, and Mass Movements in the United States.* Oakland, CA: PM Press, 2014.

If one reads the back cover blurbs and/or foreword to this book, one might get the impression that it is about mass incarceration and political prisoners. However, moving beyond the supporting material to the text itself, one discovers it mainly recounts the history of political prisoners in America from the late 1900s to the present. While it comprehensively catalogues these prisoners and their political movements, this book does not significantly discuss mass incarceration in depth.

CR10 Publications Collective, ed. *Abolition Now! Ten Years of Strategy and Struggle Against the Prison Industrial Complex.* Oakland, CA: AK Press, 2008.

The grassroots prison abolition organization Critical Resistance was formed in 1997 and held its first conference in Berkeley, California, in 1998. This book is a part of CR10, which is a conference, organizing project, and celebration encompassing a look back and look forward at Critical Resistance and the prison industrial complex abolition movement. *Abolition Now!* was published around the 10th anniversary of the organization’s first conference and is structured in three thematic sections: dismantle; change; and build. This book includes interviews, poems, and essays. Of particular note is RaeDeen Keahiolalo-Karasuda’s

73. *Id.* at 9.

“Carceral Landscape in Hawai-i: The Politics of Empire, the Commodification of Bodies, and a Way Home.”⁷⁴

Hartnett, Stephen J., ed. *Challenging the Prison-industrial Complex: Activism, Arts, and Educational Alternatives*. Urbana: University of Illinois Press, 2011.

This book is bifurcated into essays that condemn or criticize mass incarceration and the prison industrial complex and essays that celebrate arts and educational programming within or without the walls of the same prison industrial complex. The essays in the former half of the book each contemplate one aspect of what the editor of this work, Stephen John Hartnett, calls America’s punishing democracy.⁷⁵ While the first half of the book is by no means a comprehensive look at mass incarceration, it does provide comprehensive essays on particular aspects of the phenomenon.⁷⁶ One of the most compelling essays is about an early 1980’s example of police brutality by the Chicago Police Department that the essay’s author, Julilly Kohler-Hausmann, uses as a case study for examining patterns of societal police brutality in the so-called “urban jungle.”⁷⁷ The latter half of this collection of essays describes and celebrates efforts by activists, artists, writers, and organizers to bring arts and education to the incarcerated and “chronicles the practical lessons learned from using the arts and education, both in prisons and the public, as tools of self-empowerment, community building, and social

74. RaeDeen Keahiolalo-Karasuda, *Carceral Landscape in Hawai-i: The Politics of Empire, the Commodification of Bodies, and a Way Home*, in ABOLITION NOW! TEN YEARS OF STRATEGY AND STRUGGLE AGAINST THE PRISON INDUSTRIAL COMPLEX 121 (CR10 Publications Collective, ed. 2008).

75. CHALLENGING THE PRISON-INDUSTRIAL COMPLEX ACTIVISM, ARTS, AND EDUCATIONAL ALTERNATIVES 6 (Stephen J. Hartnett, ed. 2011).

76. See, e.g., Travis L. Dixon, *Teaching You to Love Fear: Television News and Racial Stereotypes in a Punishing Democracy*, in CHALLENGING THE PRISON-INDUSTRIAL COMPLEX: ACTIVISM, ARTS, AND EDUCATIONAL ALTERNATIVES, *supra* note 75, at 106 (discussing racial stereotypes in television news).

77. See Julilly Kohler-Hausmann, *Militarizing the Police: Officer Jon Burge, Torture, and War in the “Urban Jungle”*, in CHALLENGING THE PRISON-INDUSTRIAL COMPLEX ACTIVISM, ARTS, AND EDUCATIONAL ALTERNATIVES, *supra* note 75, at 43.

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change.”⁷⁸ The editor has also included poems and artwork by inmate artists working with the creative arts programs discussed in the latter essays.

DIRECT AND COLLATERAL CONSEQUENCES OF MASS INCARCERATION

The books under this heading are primarily focused on the consequences suffered by the incarcerated, the formerly incarcerated, the family of the incarcerated, the community of the incarcerated, and American democracy, generally.

Ahrens, Lois, ed. *The Real Cost of Prisons Comix*. Oakland, CA: PM Press, 2008.

The Real Cost of Prisons Project was started in 2000 by Lois Ahrens.⁷⁹ This comic anthology is just one part of the project that is focused on mass incarceration. Ahrens’ preface states, “My idea was to make comic books combining drawings and plain language to explain complex ideas and concepts. I wanted them to incorporate statistics, new research and footnotes but not scare off readers who were not used to reading academic articles and books.”⁸⁰ In addition to the preface by Ahrens, this work contains an introductory essay by Craig Gilmore and Ruth Wilson Gilmore, a series of three comics that focus on three different aspects of mass incarceration, and comments from readers, activists, teachers, advocates, and organizers on ways in which they have used the series in their work. The comics illuminate aspects of the mass incarceration phenomenon (prison towns, the war on drugs, and collateral consequences of imprisonment on women and children) and they do so through the use of text, statistics, real world examples, infographics, true personal stories, fictionalized accounts of personal stories, and illustrations. The three comics can be read as a series or as individual works. In some instances, one or multi-page selections from the comics can be read as standalone self-contained infographics to support advocacy.

78. *Id.* at 7.

79. See Lois Ahrens, *The Real Cost of Prisons Project*, <http://www.realcostofprisons.org/background.html>.

80. THE REAL COST OF PRISONS COMIX 9 (Lois Ahrens ed. 2008).

Bushway, Shawn, Michael A. Stoll, and David F. Weiman, eds. *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America*. New York: Russell Sage Foundation, 2007.

Solely focused on the intersection of the labor market and incarceration, this book contributes a collection of studies using a variety of data sources and empirical methodologies. These studies focused on ex-prisoners in the labor market provide a nexus to the subgenre of writings about the collateral consequences of mass incarceration. Of note is the book's Part II, "The Demand Side of the Labor Market," which contains studies about employers and their attitudes.⁸¹ According to the author of the book's final chapter, Bruce Western:

The papers in this volume . . . suggest that prison and jail inmates face three significant obstacles to finding work after release from prison. First, prison and jail inmates have poor work histories and few job skills. . . . Second, the economic situation of prisoners is precarious immediately after release from prison. . . . Third, the contexts to which prisoners return are unfavorable for finding work.⁸²

While other books about collateral consequences and mass incarceration may present similar conclusions, this volume includes the studies upon which those conclusions are based. This book may not be a good fit for an introduction to the topic of mass incarceration, as it is limited in scope to the labor market and criminal justice. However, it would provide an excellent resource for professors, sociologists, activists, and those seeking to influence criminal justice policies.

81. Of particular interest to law librarians would be Chapter 6, which "attempt[s] to shed light on the nature of information provided by private record companies." Shawn Bushway et al., *Private Providers of Criminal History Records: Do You Get What You Pay For?*, in *BARRIERS TO REENTRY? THE LABOR MARKET FOR RELEASED PRISONERS IN POST-INDUSTRIAL AMERICA* 175 (Shawn Bushway et al. eds., 2007).

82. Bruce Western, *The Penal System and the Labor Market*, in *BARRIERS TO REENTRY? THE LABOR MARKET FOR RELEASED PRISONERS IN POST-INDUSTRIAL AMERICA*, *supra* note 81, at 346–47.

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Chesney-Lind, Meda, and Marc Mauer, eds. *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: The New Press, 2002.

This collection of essays, which examines the consequences of mass incarceration, is both a good introduction and a comprehensive look at the topic. While several of the books on collateral consequences delve into one or another of the effects of mass incarceration, this book includes a panoply of essays that serve to introduce the reader to many collateral consequences. The effect is that this work contains readable essays that discuss some of the more obvious and some of the less obvious collateral consequences. There is a particular focus on the effects of mass incarceration on women, probably due to the fact that one of the co-editors of the book is a shining light in the field of women and criminology. Some of the essays in this collection discuss the collateral consequences of incarceration on the offender, but much of the book is dedicated to examining the collateral consequences on society as a whole. Included are essays on the impacts of mass incarceration on voting rights, rural areas with or considering newly constructed prisons, media coverage, U.S. immigration policy, women, families, children, low-income communities, and health. Many of the essays are overtly political like “Children, Cops and Citizenship: Why Conservatives Should Oppose Racial Profiling” and others end with blatant calls for change or reform.

Hull, Elizabeth. *The Disenfranchisement of Ex-Felons*. Philadelphia, PA: Temple University Press, 2006.

In her book, Hull dissects and analyses the penological, political, historical, and philosophical aspects regarding the voting disenfranchisement of felons, while imprisoned, and ex-felons, post-release. Hull also delves into the consequences of the statutory scheme that suppress ex-felons’ voting rights. One example of the complexity of the issue, made nearly dizzying by the web of state laws that apply to felons and ex-felons, is Hull’s Chapter 4 example of former congressman James Traficante, Jr. The author discusses how Traficante’s ability to seek office, state and/or federal, after conviction is or could be hampered in

different jurisdictions.⁸³ Using case studies from different states, the author describes felon disenfranchisement reform efforts in detail, which may be of interest to activists, elected officials, lobbyists, and public policy analysts. The book's text makes it clear that the author is against ex-felon disenfranchisement. For example, in Chapter 12 she states, "How unfair . . . to deny voting rights to people who have completed their prison terms and the conditions of their probation."⁸⁴ While Hull clearly delineates her position on the topic, she writes in a cool, more academic tone than other authors in this collection who are as passionate.

Manza, Jeff, and Christopher Uggen. *Locked Out: Felon Disenfranchisement and American Democracy*. New York: Oxford University Press, 2006.

The book examines issues about or related to felon voting and felon voting rights in the United States. In addition to using already existing data and literature, the authors generated original qualitative and quantitative data to explore the state of felon voting and the impacts that the current felon voting regimes have on democracy. Through the use of data and by tracing the historical foundations of felony disenfranchisement, the authors have created a comprehensive work that asks and answers many important questions. Most interesting is the qualitative data from Chapter 6, where the authors analyze the results of 33 semi-structured interviews they conducted with Minnesota prisoners, parolees, and probationers about losing the right to vote. The chapter concludes by stating:

Though political participation likely plays a small role relative to pressing work and family needs, the right to vote remains the most powerful symbol of stake-holding in our democracy. To the extent that felons begin to vote and participate as citizens in their communities, there is some evidence that they will bring their behavior into line with the expectations of the citizen role, avoiding further contact with the criminal justice system.⁸⁵

83. ELIZABETH HULL, *THE DISENFRANCHISEMENT OF EX-FELONS* 30 (2006).

84. *Id.* at 145.

85. JEFF MANZA & CHRISTOPHER UGGEN, *LOCKED OUT: FELON*

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Also of interest is Chapter 7's calculations of the number of voters who would have participated in voting in the 2000 or 2004 elections, but not for their felon voting disenfranchised status.⁸⁶

Pattillo, Mary E., Bruce Western, and David F. Weiman, eds. *Imprisoning America: The Social Effects of Mass Incarceration*. New York: Russell Sage Foundation, 2004.

According to the book's introduction, "[t]he unifying goal of this volume is to move beyond thinking of incarceration as merely punishment and to place it instead within a larger system of social stratification and institutional relations."⁸⁷ The social effects of mass incarceration that this book's chapters discuss are divided by the editors into two discrete parts, families and communities, while the work as a whole is empirically-based, interdisciplinary, and multi-method. Chapters include studies on the effects of incarceration on spousal-partner bonds, parent-child bonds, social cohesion, and the labor market. Of particular note is Chapter 7 "Lost Voices: The Civic and Political Views of Disenfranchised Felons" by Christopher Uggen and Jeff Manza, which discusses not just the disenfranchisement of felon voters but the substance of the political views of those disenfranchised voters via a mixed-method design study that includes convicted felons in Minnesota.⁸⁸ Finally, the conclusion of this volume is a chapter that introduces the reader to the reentry perspective, a framework with which to view the mass incarceration phenomenon and social policy creation that recognizes the realities of the return and reintegration of prisoners to families, social networks, society, the job market, and the community.

DISENFRANCHISEMENT AND AMERICAN DEMOCRACY 163 (2006).

86. *Id.* at 180.

87. IMPRISONING AMERICA: THE SOCIAL EFFECTS OF MASS INCARCERATION 11 (Mary E. Patillo, et al. eds. 2004).

88. Christopher Uggen and Jeff Manza, *Lost Voices: The Civic and Political Views of Disfranchised Felons*, in IMPRISONING AMERICA: THE SOCIAL EFFECTS OF MASS INCARCERATION, *supra* note 87, at 165.

Raphael, Steven, and Michael A. Stoll, eds. *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom*. New York: Russell Sage Foundation, 2009.

This book not only attempts to answer the very question it poses in its title, but also explores whether the benefits of crime reduction of incarceration outweigh the costs, social and economic, of increasing incarceration. The book seeks to explore social and economic costs that have received less attention in the past but are still considered important on the issue. One notable chapter investigates whether incarceration in different types of prisons can have criminogenic consequences, while another notable chapter investigates state budgets, particularly how rising incarceration costs affect the amount of money spent on other state activities. Each of the chapters are authored by different researchers and different research methods are used throughout the volume. Some chapters feature new empirical studies while others are summaries of existing literature. The text concludes with a chapter that seeks to address whether, given the costs and benefits, the United States is at a socially optimal level of incarceration. This text is most useful for social scientists and public policy analysts.

Richie, Beth E. *Arrested Justice: Black Women, Violence, and America's Prison Nation*. New York: New York University Press, 2012.

Using the current realities of mass incarceration as a context for this book and not as the focus of this book, Richie's text is centered around a contradiction she has witnessed. According to Richie, some women are safer because of the successes of the anti-violence movement and America's increased penalty while, "[a]t the same time, there is growing concern about women with less power who are in as much danger as ever, precisely because of the ideological and strategic direction the anti-violence movement has taken during the buildup of America's prison nation."⁸⁹ Richie uses real world examples as case studies to illustrate how the

89. BETH RICHIE, ARRESTED JUSTICE BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION 4 (2012).

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current mass incarceration phenomenon complicates the violence that Black women experience. The book concludes with laying out specific recommendations that comprise Richie's Black feminist theoretical approach to changing the status quo. Richie excels by balancing the abstract content with real world stories to provide a powerful end result most useful to critical race theory scholars, students, and activists.

Travis, Jeremy, and Michelle Waul, eds. *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities*. Washington, DC: Urban Institute Press, 2003.

Featuring expanded versions of papers presented at a January 2002 Urban Institute conference funded by the U.S. Department of Health and Human Services, this book is divided into three parts. Part One contains papers about the impact of incarceration and reentry on individual prisoners. Part Two contains papers about the impact of incarceration and reentry on children and families. Part Three contains papers about the impact of incarceration and reentry on communities. While this work is not strictly about mass incarceration, it does extensively discuss the impacts of the phenomenon on individuals, families, children, and communities. While the perspectives, tones, backgrounds, and scopes of topic vary widely from chapter to chapter, each paper concludes with some call for a policy, program, procedure, or political change. This book stands out for its content on the impacts of children with an incarcerated parent.

Wakefield, Sara, and Christopher James Wildeman. *Children of the Prison Boom: Mass Incarceration and the Future of American Inequality*. New York: Oxford University Press, 2014.

While it is clear that incarceration has consequences on the incarcerated, it is likewise clear that it has an impact on the children of the incarcerated, even beyond their childhood into their adolescence and adulthood, according to the authors of this book. This book specifically examines how the mass incarceration phenomenon explains racial gaps in child well-being. Study of

this issue has become increasingly relevant at a time where the risk of paternal imprisonment is twenty-five percent for African-American children in the United States.⁹⁰ This book uses quantitative and qualitative data and represents “the first systematic analyses of the relationship between parental incarceration and social inequality, now and in the future.”⁹¹ The summary materials at the conclusion of each chapter are accessible to all interested in this topic, however, the full text is best suited for social scientists, public policy analysts, and/or those who are comfortable with datasets and research methods. It should be noted that this book concentrates almost exclusively on paternal incarceration.

SOLUTION-FOCUSED

The books under this heading are primarily solution-focused in their approach to the topic of mass incarceration.

Berman, Greg, and Aubrey Fox. *Trial & Error in Criminal Justice Reform: Learning from Failure*. Washington, DC: Urban Institute Press, 2010.

In contrast to more typical public policy books that discuss evidence-based successes and best practices, this book is focused on failed criminal justice programs, described by the authors as “promising failures,”⁹² and the lessons that can be learned from them. Drawing on three years of research into failed criminal justice programs in America, the reforms highlighted by the authors in this text were all well-meaning programs which, for reasons other than errors of incompetence, corruption, and societal failure, failed to achieve their stated goals. While this book is useful to those strictly interested in criminal justice programming, it is also useful to public policy scholars, generally, as a study on reform, failure, and problem-solving.⁹³ *Trial and*

90. SARA WAKEFIELD & CHRISTOPHER JAMES WILDEMAN, CHILDREN OF THE PRISON BOOM: MASS INCARCERATION AND THE FUTURE OF AMERICAN INEQUALITY 2 (2014).

91. *Id.* at 11.

92. GREG BERMAN & AUBREY FOX, TRIAL & ERROR IN CRIMINAL JUSTICE REFORM: LEARNING FROM FAILURE 115 (2010).

93. Chapter 1’s case study about the St. Louis Consent to Search

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Error in Criminal Justice Reform is a tribute to those who have tried and missed the mark but have succeeded in ways different from or beyond their stated goals, even if that success lies in the pages of this book that inform others on how to succeed themselves or at least fail gracefully. The tone of this book is more hopeful than many in this collection and while the examples used by the authors in the text are focused on criminal justice, generally, and not mass incarceration, specifically, it does present a cautious optimism about what lies ahead.⁹⁴

Butler, Paul. *Let's Get Free: A Hip-hop Theory of Justice*. New York: The New Press, 2009

Paul Butler is a former federal prosecutor, or as he describes it, “a recovering prosecutor.”⁹⁵ He is an expert at making powerful arguments and convincing others. In this book, Butler uses this expertise on readers. Opening with the story of his own arrest on bogus charges, continuing with discussions of mass incarceration, the war on drugs, jury nullification, government informants, criminal justice technologies, and hip-hop, and closing with seven interventions that can be employed to make America a more just and free place, the author at the very least, convinces readers to think more deeply about mass incarceration and its component parts. Using examples from popular culture, hip-hop, and his own life, the author reaches beyond academics and activists to engage with all types of readers, especially lawyers and law students. The author makes his points easily understood with examples from popular culture⁹⁶ and by cogently presenting the information in numbered lists or discrete subsections. This book presents more than just the problem of mass incarceration. The author states he is “still a prosecutor at heart. I believe that

program can be read or taught as a standalone discussion on the four types of failure. *See id.* at 11.

94. Also of note is the inclusion of a quote by symposium speaker Teny Gross. *See id.* at 55; *see also* Teny Gross, *Politics, Petty Feuds, and Street Violence*, BOSTON GLOBE (Feb. 12, 2006), http://www.boston.com/news/globe/editorial_opinion/oped/articles/2006/02/12/politics_petty_feuds_and_street_violence/.

95. PAUL BUTLER, *LET'S GET FREE: A HIP-HOP THEORY OF JUSTICE* 18 (2009).

96. *See, e.g., id.* at 79 (discussing snitches).

when people hurt others there should be consequences. My quarrel with American criminal justice is simply that we are going about it the wrong way – punishing too many people for too many things. Science can help us get it right.”⁹⁷ This book presents information about possible solutions⁹⁸ and does so with a sense of hopefulness, creativity and aplomb.

Innes, Chris. *Healing Corrections the Future of Imprisonment*. Boston: Northeastern University Press, 2015.

Written for corrections professionals and criminal justice decision makers, this book is not a call to fundamentally change, or heal, the criminal justice system. It is a roadmap for a change in the organizational culture of a correctional organization such as a prison. The author, Chris Innes, is a corrections researcher with a twenty-nine year federal government career in various criminal justice bureaus and institutes, and proposes physicist philosopher David Bohm’s theory of Dialogue as a model for healing and transformation of a correctional organization’s culture. The author discusses the data and results from the National Institute of Corrections’ (NIC) Prison Culture Project at length to introduce the reader to some of what is known about the organizational culture of a correctional institution and then proceeds to advocate for the use of the Bohm Dialogue method of changing an organizational culture. To help the reader fully understand what Bohm Dialogue is and how it might work in a correctional context, the author presents an extended case study of the Virginia Healing Environment Initiative where Dialogue was implemented in a correctional system based on the NIC Norval Morris Project model.⁹⁹ Although the focus of this book is on the correctional workforce, including management, the author asserts that the transformations sought would impact the inmate population by creating a fundamental wholeness and coherence in the correctional organization.

97. *Id.* at 145.

98. *See, e.g., id.* (discussing electronic monitoring, brain scans, and gene therapy).

99. CHRIS INNES, HEALING CORRECTIONS AND THE FUTURE OF IMPRISONMENT 167–77 (2015).

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Jacobson, Michael. *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration.* New York: New York University Press, 2005.

Written by Michael Jacobson, a former New York City Deputy Budget Director and a former Commissioner of the New York City Departments of Correction and Probation, the purpose of this book is to “make a substantive and political case that policy makers can begin to reverse 30 years of prison growth in a way that protects public safety while ameliorating pressing problems of health care, education, and deteriorating state budgets.”¹⁰⁰ By using statistics and case studies from across the nation, this book is unique in that it discusses mass imprisonment within the context of legislative, political and budgetary realities. The author attempts to provide support to politicians, policy makers, and legislators who are exploring or seeking to make changes to the criminal justice system while fighting against the possible public perception of being soft on crime. *Downsizing Prisons* shines most brightly in its chapter dedicated to highlighting potential changes to the probation and parole systems in the states.¹⁰¹

Malta Justice Initiative, and Brian E. Moran. *The Justice Imperative: How Hyper-incarceration Has Hijacked the American Dream: A Collaborative Examination of Connecticut’s Criminal Justice and Corrections System.* New York: Significance Press, 2014.

The Justice Imperative, a collaborative effort between the Malta Justice Initiative of Connecticut, correctional industry professionals in Connecticut, a Connecticut attorney (acting as lead writer), a research assistant, and law students from Quinnipiac University Law School, reads more as a report or a lobbying tool than an academic work on mass incarceration. While this work is focused exclusively on mass incarceration in Connecticut, it draws on examples and best practices from other

100. MICHAEL JACOBSON, *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration* 9 (2005).

101. *See id.* at 131.

states. Within the context of this collection, this book appears amateurish as it lacks pleasing typography and rigorous citation to source material. The book's most important contribution is the list of thirty specific recommendations for reform, which are based on the authors' review of best practices from other states.¹⁰² While this book may be of most use to those in Connecticut, it could also be of use to those lobbying in other states or trying to create or reform policy. This book could also be an interesting complement in an educational setting to the chapter of *Trial & Error in Criminal Justice Reform: Learning from Failure* that discusses Connecticut.¹⁰³

Simon, Jonathan. *Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America.* New York: The New Press, 2014.

Jonathan Simon's latest book is most notable for its approach. According to the introduction, "[t]his book attempts to use the California court decisions leading up to and including *Brown v. Plata* to show the way toward a legal dismantling of mass incarceration."¹⁰⁴ Beginning with a historical discussion of California penal public policies and continuing with examinations of several California cases about adequate health care in prisons, the practice of housing prisoners in supermax, and the overcrowded conditions in prisons, the book culminates in a discussion of the Supreme Court's opinion in *Brown v. Plata* and the effects of that opinion.¹⁰⁵ The known and envisaged practical, academic, and legal effects of the decision are presented by the author, with special consideration given to dignity as a constitutional value. For readers looking to explore books beyond those in this bibliography it should be stated that Simon's 2007 book *Governing Through Crime: How the War on Crime*

102. MALTA JUSTICE INITIATIVE & BRIAN E. MORAN, THE JUSTICE IMPERATIVE: HOW HYPER-INCARCERATION HAS HIJACKED THE AMERICAN DREAM: A COLLABORATIVE EXAMINATION OF CONNECTICUT'S CRIMINAL JUSTICE AND CORRECTIONS SYSTEM 113 (2014).

103. BERMAN & FOX, *supra* note 92, at 79.

104. JONATHAN SIMON, MASS INCARCERATION ON TRIAL: A REMARKABLE COURT DECISION AND THE FUTURE OF PRISONS IN AMERICA 3 (2014).

105. *Brown v. Plata*, 563 U.S. 493 (2011).

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Transformed American Democracy and Created a Culture of Fear is also relevant to mass incarceration studies.¹⁰⁶

UNIQUE

While these books defy neat categorization, they are each related to the topic of mass incarceration and worthy of consideration for further study.

Adelsberg, Geoffrey, Lisa Guenther, and Scott Zeman, eds. *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*. New York: Fordham University Press, 2015.

This 2015 work is an interdisciplinary hodge podge of essays from imprisoned and non-incarcerated authors with a variety of academic backgrounds (including philosophy, disability studies, political theory, and psychology) and perspectives (including phenomenology, critical theory, and feminism). While much of the text is only tangentially related to mass incarceration, as it is focused on the death penalty and solitary confinement, one of the most interesting chapters related to mass incarceration is Brady Heiner's "Excavating the Sedimentations of Slavery: The Unfinished Project of American Abolition,"¹⁰⁷ which reflects upon the origin of his California State University desk from production in California's Prison Industry Authority. The author's desk becomes the chapter's entry into discussions of the history of carceral manufacturing, the semiotic transfer of "slave" to "criminal," and the 13th Amendment to the US Constitution. Another essay of note is Adrian Switzer's "The Violence of the Supermax: Toward a Phenomenological Aesthetics of Prison Space."¹⁰⁸

106. JONATHAN SIMON, *GOVERNING THROUGH CRIME: HOW THE WAR ON CRIME TRANSFORMED AMERICAN DEMOCRACY AND CREATED A CULTURE OF FEAR* (2007).

107. Brady Heiner, *Excavating the Sedimentations of Slavery: The Unfinished Project of American Abolition*, in *DEATH AND OTHER PENALTIES: PHILOSOPHY IN A TIME OF MASS INCARCERATION* 13 (Geoffrey Adelsberget et al. eds., 2015).

108. Adrian Switzer, *The Violence of the Supermax: Toward a Phenomenological Aesthetics of Prison Space*, in *DEATH AND OTHER PENALTIES: PHILOSOPHY IN A TIME OF MASS INCARCERATION*, *supra* note 107, at 230.

Husak, Douglas N. *Overcriminalization: The Limits of the Criminal Law*. New York: Oxford University Press, 2008.

Similar to Davis' *Are Prisons Obsolete?*,¹⁰⁹ this slim volume packs a punch. It is markedly different in tone than Davis' work, but both are extraordinary contributions to a comprehensive mass incarceration education. While Davis is aggressively and fiery passionate, Husak exhibits a more controlled and collected passion. Husak is not dispassionate in his argumentation; rather he represents a more academic passion while Davis' fire seems to be lit from within by an activist spirit. According to Husak, "a theory of criminalization is needed to provide a principled basis to reverse the tendency for more and more criminal law to produce more and more punishment"¹¹⁰ and this tome provides the details of Husak's theory as well as his reasons why his theory is superior to other theories.¹¹¹ Well-researched and well argued, this book is more appropriate for scholars or philosophers of punishment, criminal law, and constitutional law, than the casual mass incarceration reader.

Kinsella, Bridget. *Visiting Life: Women Doing Time on the Outside*. New York: Harmony Books, 2007.

This book may seem an unusual choice for a mass incarceration bibliography as it is not academic in nature. Part of this book is a memoir about a divorced female publishing professional who becomes romantically entangled with a man who was convicted of murder and is incarcerated at Pelican Bay State Prison. The other part of this book is a social history of other women who are similarly situated that the author meets during her visits to the prison. What makes this book of interest to those reading about mass incarceration is that it uses the author to effectively show the reach of the effects of mass incarceration. The author portrays herself as someone unlikely to be visiting a man in prison for personal reasons, and even someone like her among

109. DAVIS, *supra* note 9.

110. DOUGLAS N. HUSAK, *OVERCRIMINALIZATION: THE LIMITS OF THE CRIMINAL LAW* 120 (2008).

111. *See id.* at 178.

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us who we might not expect those effects to reach at all is directly affected. In addition, this book confronts or at least forces the reader to confront their own stereotypes about who is in prison or visits prisoners. The author herself remarks “Cheerleader, Yearbook editor. The dutiful youngest daughter of five in a loving Irish-Italian working-class family putting herself through school. Girls like me don’t grow up to visit convicted murderers in maximum-security prisons.”¹¹² While this book is not a foundational text in the mass incarceration canon, it can provide an easily readable introductory education to at least one aspect of the collateral consequences of mass incarceration. It might be appropriate as a supplemental reading for an undergraduate criminal justice class or a reading group/book club selection on the topic of social justice.

Laura, Crystal T. *Being Bad: My Baby Brother and the School-to-Prison Pipeline*. New York: Teachers College Press, 2014.

Written by an assistant professor at Chicago State University who describes herself as a teacher activist, this book uses the narrative style of a personal essay. The author uses her brother and his involvement with the educational and criminal justice systems as an example of and as a springboard for further discussion of the school-to-prison pipeline. The book contains a foreword by William Ayers and is part of the Teachers College Press’ The Teaching for Social Justice Series. This book is primarily about the educational system as seen through the lens of one African-American woman with a brother who is currently involved with the criminal justice system and her assessment as an educator herself that “for certain youth, there is a clear pathway to jails and prisons, and it is connected to the social and academic institutions they navigate daily.”¹¹³ This book is easy to read and introduces a variety of social issues beyond the relationship between schools and prisons, most notably issues of race and racism. However, the book suffers from inconsistency as

112. BRIDGET KINSELLA, *VISITING LIFE: WOMEN DOING TIME ON THE OUTSIDE 2* (2007).

113. CRYSTAL T. LAURA, *BEING BAD: MY BABY BROTHER AND THE SCHOOL-TO-PRISON PIPELINE* xiii (2014).

it seems to switch very quickly from memoir-style writing to dissertation-style exposition to activist-style sermon without fully committing to any approach.

Loury, Glenn C. *Race, Incarceration, and American Values*. Cambridge, MA: MIT Press, 2008.

Part of a series of books called Boston Review Books published by the MIT Press, this very short book contains interrelated essays based on the 2007 Tanner Lectures on Human Values at Stanford University. The title essay is written by Brown economics professor Glen Loury with subsequent responsive essays by three other academicians. Also of interest to mass incarceration scholars is a 2009 issue of The Cato Institute's *Cato Unbound* that features a lead essay by Glen Loury, which is also an excerpt from this title.¹¹⁴

Marable, Manning, Ian Steinberg, and Keesha Middlemass, eds. *Racializing Justice, Disenfranchising Lives: The Racism, Criminal Justice, and Law Reader*. New York: Palgrave Macmillan, 2007.

This book is not the only text on racism, criminal justice, and law that could have been included in this bibliography. However, this book stands out among its peers for having been co-edited by Manning Marable and for including a wide variety of essays that may appeal to readers and scholars with different backgrounds. Many of the chapters in this volume were also published in some form in Columbia University's *Souls: A Critical Journal of Black Politics, Culture and Society*. Of particular interest to law students, law professors, and legal scholars is Chapter 12, Arica L. Coleman's essay entitled "'Tell the Court I Love My [Indian] Wife': Interrogating Race and Self-Identity in *Loving v. Virginia*" by Arica L. Coleman.¹¹⁵ Of particular interest to pop culture fans is

114. See Glen Loury, *A Nation of Jailers*, CATO UNBOUND (March 11, 2009), <http://www.cato-unbound.org/2009/03/11/glenn-loury/nation-jailers>.

115. Arica L. Coleman, "Tell the Court I Love My [Indian] Wife: Interrogating Race and Self-Identity: Interrogating Race and Self-Identity in *Loving v. Virginia*", in RACIALIZING JUSTICE, DISENFRANCHISING LIVES: THE RACISM, CRIMINAL JUSTICE, AND LAW READER 159 (Manning Marable et al.

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Chapter 19, entitled “Manipulator Under Manipulation Shhh: MuMs,” by Geoff K. Ward, which is an interview with the actor who played the character Arnold “Poet” Jackson on the HBO series *Oz*.¹¹⁶

Pettit, Becky. *Invisible Men: Mass Incarceration and the Myth of Black Progress.* New York: Russell Sage Foundation, 2012.

This book is almost solely focused on a discussion of the categorical exclusion of inmates and former inmates from “the data collection efforts that frame American social policy and social science research.”¹¹⁷ While this book is not the most comprehensive work on mass incarceration, it does contribute to the literature by providing an easy to read and insightful look into how historical and existing data collection efforts that inform research, policy, and discussion help create what the author terms an invisibility of American inmates. This invisibility, the author argues, “creates an illusion of black progress and obscures the continuation of racial equality well into the twenty-first century.”¹¹⁸ This book would be most useful to policymakers and social science researchers. A notable contribution to the discussion of mass incarceration can be found in Chapter 2.¹¹⁹

Stanley, Eric A., and Nat Smith, eds. *Captive Genders: Trans Embodiment and the Prison Industrial Complex.* Oakland, CA: AK Press, 2011.

This text is remarkable for being the first collection about the intersection between mass incarceration and trans/gender non-conforming people.¹²⁰ It is also remarkable for the variety of

eds., 2007).

116. Geoff K. Ward, *manipulator under Manipulation shhh: muMs*, in *RACIALIZING JUSTICE, DISENFRANCHISING LIVES: THE RACISM, CRIMINAL JUSTICE, AND LAW READER*, *supra* note 115, at 281.

117. PETTIT, *supra* note 1, at ix.

118. *Id.* at 33.

119. *See id.* at 20 (discussing the relationship between government data collection and grants-in-aid).

120. *See* CAPTIVE GENDERS: TRANS EMBODIMENT AND THE PRISON INDUSTRIAL COMPLEX, *About*, <http://captivegenders.net/about/> (last visited Jan. 15, 2016).

authors to which it gives a voice. Written by current prisoners, former prisoners, activists, and academics, the chapters in this work are very different but coalesce around the idea that we as readers and as a society must pay attention to the ways the prison industrial complex produces heteronormativity and produces harm to transgender or gender-non-conforming people. The book's opening chapters highlight historical episodes of activism and oppression. With chapters about the everyday lives of trans/gender-non-conforming people within and without the cellblocks during the time of mass incarceration, the book concludes with chapters about anti-incarceration grass roots organizing. Beyond the articles that comprise the main text, this work also contains supplemental tools and resources for educational and/or activist use. This book is useful as an educational tool for those with all levels of familiarity and interest in transgender or gender-non-conforming studies.

Stevenson, Bryan. *Just Mercy: A Story of Justice and Redemption*. New York: Spiegel & Grau, 2014.

It is fair to say that this book is more appropriate for a bibliography about the death penalty in America than one about mass incarceration in America, but as the author, Bryan Stevenson, was the keynote speaker of the symposium for which this *Law Review* issue is dedicated, it clearly belongs in this bibliography. Unlike many of the books on this topic in which the articles or essays stand alone and are written by different authors but compiled and sewn together by editors and/or a central theme, this highly acclaimed book was written solely by Bryan Stevenson and can be read start to finish as a complete work.¹²¹ As such, it tells the story of the author's work at Alabama's Equal Justice Initiative (EJI) and the narrative thread follows the case of a death row inmate, Walter McMillian, who is successfully represented by Stevenson and other EJI personnel. Between chapters that follow the story of Stevenson's work on the

121. It was named one of the Best Books of the Year by The New York Times, Esquire, and Time Magazine; moreover, the Washington Post called it "work of style, substance, and clarity." See "*Just Mercy*" Named Among the Year's Best Books, EQUAL JUSTICE INSTITUTE (Dec. 24, 2014), <http://www.eji.org/node/1014>.

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McMillian case, the book discusses other inmates who have been represented by the EJI and/or Stevenson whose cases serve as parables about unfairness and injustice in the criminal justice system. Taken altogether these stories are as much about mass incarceration as they are about racism, the death penalty, poverty, legal aid, and injustice. As a keynote speaker, Stevenson was compelling. As an author, his message is just as compelling. Although this book is best consumed as a whole, there are chapters that are more or less freestanding and could be extracted for advocacy or educational uses.

Useem, Bert, and Anne Morrison Piehl. *Prison State: The Challenge of Mass Incarceration*. New York: Cambridge University Press, 2008.

Useem and Piehl's book could be fairly assessed as being about the causes of or about the effects of mass incarceration. While it discusses both of those topics, this text most stands out for being a counterbalance to many of the other works listed in this bibliography. This text devotes chapters to evidence-based analysis of the causes and effects of mass incarceration while also undertaking analysis of the purported causes and effects of the phenomenon put forth by other mass incarceration scholars. Of note is Useem and Piehl's critical discussion on Loic Wacquant's approach.¹²² Also of interest is the use of the Rhode Island Adult Correctional Institutions as a brief case study.¹²³

CONCLUSION

The authors created this work as a research aid and symposium supplement for readers, scholars, activists, prisoners, and policymakers. Care has been taken to include a variety of books by different authors with a variety of perspectives. Mass incarceration as a social justice issue continues to grow in popularity. It is our hope for the future that this bibliography transitions from a resource about a current social ill to a resource about a historical American problem.

122. BERT USEEM & ANNE MORRISON PIEHL, *PRISON STATE: THE CHALLENGE OF MASS INCARCERATION* 41–45 (2008).

123. *Id.* at 86–87.