

Detaining Democracy? Criminal Justice and American Civic Life

By
VESLA M. WEAVER,
JACOB S. HACKER,
and
CHRISTOPHER WILDEMAN

“We Mail Books to Prison.” So reads the sign adorning the window of a bookshop tucked away in a struggling corner of Trenton, New Jersey. It communicates the obvious—an available service—but also something less innocuous: many of the shop’s customers have loved ones in prison. It communicates something else, too: the effects of prison are not as distant from this troubled neighborhood as the prison itself might be. Following the opposite course of the books, the effects of incarceration feed back into the communities from which prisoners come and to which most of them will return. In a nation where the capacity to punish and surveil has witnessed stunning expansion over the last generation, “We Mail Books to Prison” is a reminder that the state’s role as arbiter and enforcer of criminal law now represents one of the most powerful influences on the social and civic fabric of communities across the nation, affecting everything from the socialization of children to the political participation of residents.

We live in the midst of what may be the most visible and transformative government intervention since the 1960s. The number of prisoners has multiplied fivefold in just 35 years. At

Vesla M. Weaver is an assistant professor of African American studies and political science at Yale University and affiliated with the Institution for Social and Policy Studies. Along with Jennifer Hochschild and Traci Burch, she is the author of Creating a New Racial Order: How Immigration, Multiracialism, Genomics, and the Young Can Remake Race in America (Princeton University Press 2012). She and Amy Lerman are authors of Arresting Citizenship: The Democratic Consequences of American Crime Control (University of Chicago Press 2014).

DOI: 10.1177/0002716213504729

the same time, other types of criminal justice contact—from the use of misdemeanor charges (Natapoff 2012) to stop-and-frisks (to brief detentions based on reasonable suspicion of criminal activity rather than probable cause)—have dramatically increased as well (Fagan et al. 2010). In the words of historian William Novak, “The power of the U.S. government to regulate, study, order, discipline, and punish its citizens . . . has never been greater” (2008, 760).

This power has not been felt equally by all Americans. For most, it is virtually invisible. For men of color—especially those who reside in the poorest neighborhoods—and for the people close to them, it is the most sustained and consequential interaction with government that they experience, and among the most pervasive features of their social lives.

In short, criminal justice has become a key way that citizens and communities interact with their state. And yet we know strikingly little about its political and civic consequences. In this volume, a set of distinguished scholars from many disciplines considers these effects. They do so in a distinctive way. Existing research and commentary on the relationship between punishment and politics focuses mostly on how politics shapes punishment (e.g., Gottschalk 2006; Western 2006, 52–81). By contrast, nearly all the articles in our volume consider the opposite relationship: how punishment shapes politics (e.g., Manza and Uggen 2006; Weaver and Lerman 2010). These articles consider a broad range of political effects, from civic participation to the ways in which the criminal justice system produces significant social consequences that shape political inequality.

In particular, the contributors to this volume ask:

1. What are the consequences of America’s high rate of incarceration and criminal justice contact for citizenship and civic life?
2. What are the implications of the disparate racial impacts of these criminal justice policies for the political inclusion and voice of minorities and the ability of their communities to achieve collective ends?

Jacob S. Hacker is the director of the Institution for Social and Policy Studies and Stanley B. Resor Professor of Political Science at Yale University. An expert on the politics of U.S. health and social policy, he is the author or coauthor of dozens of scholarly articles and five books—including, most recently, Winner-Take-All Politics: How Washington Made the Rich Richer and Turned Its Back on the Middle Class (with Paul Pierson; Simon & Schuster 2010)—as well as several edited volumes, numerous popular publications, and a range of policy briefs on economic and political reform and health and retirement security.

Christopher Wildeman is an associate professor of sociology and a faculty affiliate at the Institution for Social and Policy Studies and the Center for Research on Inequalities and the Life Course at Yale University. He is interested in the prevalence, causes, and consequences of contact with the penal system and the child welfare system for poor families. He received the Ruth Shonle Cavan Young Scholar Award from the American Society of Criminology in 2013.

NOTE: We are especially grateful to all the panelists, commentators, and audience members who participated in the Detaining Democracy conference at the Institution for Social and Policy Studies (ISPS) on November 8–9, 2012, as well as the amazing ISPS staff—especially Pamela Greene—who made the conference possible.

3. Does seeing how these policies shape the life chances of citizens and inequality of society change our view of how the American state operates and governs its citizens?

To ask these questions, we want to emphasize, is not to deny that incarceration and police surveillance have a proper place in democratic societies. Nor is it to downplay the grievous effects that unlawful behavior has on individuals and communities. Indeed, the communities most affected by criminal justice policies, generally, have the highest rates of predatory violence (Peterson and Krivo 2010), and like other characteristics of affected communities, this violence has its own civic (and other) consequences (see Sampson, this volume). Yet this does not imply that we should be unconcerned about the civic consequences of criminal justice contact. Regardless of whether those contacted are those most “deserving” of punishment—a debatable assumption—it is vital to recognize and understand the pervasive civic consequences of these interactions. This is especially the case because the consequences of such contact extend well beyond those directly touched by the hand of the law. These huge spillover effects on families and neighborhoods impinge on the lives of millions of Americans who have no involvement in crime.

Moreover, the assumption that increased criminal justice contact reflects increased criminality is itself questionable. Over the last generation, the number of those affected by criminal justice has seen unprecedented expansion—in years of high and low crime alike. Scholars have generally concluded that rising crime rates provide limited explanation of this trend (Blumstein and Beck 2003). At the level of the individual, criminal behavior and contact are surprisingly weakly associated (Western 2006). Rather, increasing exposure to criminal justice has been driven first and foremost by a series of policy shifts that departed radically from the past, when prison was reserved for serious offenders and sentences longer than five years were rare. States engaged in reforms that defined longer sentences, largely eliminated parole, and imposed mandatory sentences or sentence “enhancements.” Together with investments in criminal justice infrastructure that increased our nation’s ability to arrest, convict, and confine, these reforms had the predictable effect of swelling the custodial population. And changes in policing practices mean that, today, a prominent share of the people who have involuntary contact with criminal justice—indeed, perhaps the majority of the group—have never actually been convicted of a criminal offense in a court of law (Lerman and Weaver, forthcoming).

The articles in this volume examine this broad transformation of the criminal justice system. Breaking with the earlier literature in this area, which has focused mostly (though not exclusively) on prison and jail incarceration, the contributors to this volume portray incarceration as just one manifestation of America’s punitive expansion. At the same time, these articles seek to show that contact with the criminal justice system is not value-neutral. Deliberately or inadvertently, it teaches citizens about their state and how their state sees them. In these senses, the criminal justice system is the primary forum for “civic education”—how one

learns about rights, responsibilities, and expectations as a citizen—for many poor young men.

The final goal of the articles is to examine the consequences of the criminal justice system for civic and political inequality, not just for social and family outcomes. To be sure, these better-studied outcomes have powerful indirect effects on civic and political life, transmitted through neighborhood conditions, family relationships, economic structures, and the like. Nonetheless, as many of the articles in this volume show, we must also look at the direct effects of the system on civic and political life if we are to capture the full consequences of the new carceral state.

In this opening article, we first review prior research, then lay out the major areas of focus of the articles that follow. We conclude by considering the prospects for political mobilization around criminal justice policies, and we suggest new avenues for research.

Inspiration

Since the dawn of democracy, theorists have articulated a concern about the role of punishment in a democratic polity of free citizens. Yet it is mainly against the backdrop of the tremendous expansion in incarceration of the last generation that social scientists, especially sociologists, have extensively studied criminal justice policies. The first wave of this research considered the effects of incarceration on men's labor market chances and attachment (e.g., Pager 2003; Western and Beckett 1999), before shifting to their romantic unions (e.g., Braman 2004; Comfort 2008; Western and Wildeman 2009) and their health (e.g., Massoglia 2008; Patterson 2010; Schnittker and John 2007). In general, these studies found that prior incarceration had deleterious effects on each of these domains with regard to almost every indicator.

Other work went even further to show how incarceration changed society, or at least the view that scholars gleaned of it from mainstream social surveys. Since prisoners are not included in household-based polls, for instance, the high incarceration rates of African American men give a falsely positive image of racial progress at the close of the twentieth century (e.g., Pettit 2012; Western and Beckett 1999). In a different vein, the concentration of imprisonment among the poorest men and their loved ones also has implications for inequality between blacks and whites. While research in this track suggests generally small effects of mass imprisonment on racial inequalities among adult men (e.g., Lopoo and Western 2005; Western 2006; the exception is the large consequences of mass imprisonment for inequality in AIDS [see Johnson and Raphael 2009]), it shows much larger effects on childhood inequality (Wakefield and Wildeman 2013). Since the consequences of mass imprisonment for inequality may be greatest for those connected to inmates, some recent research in this area has tested the effects of imprisonment rates on communities (e.g., Clear 2007), as well as the effects of paternal incarceration on children (e.g., Geller et al. 2012; Wildeman 2009, 2010) and of having a current or former romantic partner incarcerated on

women (e.g., Wildeman, Schnittker, and Turney 2012). Generally, these studies have shown substantial negative effects.

As provocative as these results are, however, they focus almost exclusively on incarceration. Another exciting set of studies considers the effects of other types of criminal justice exposure. While the effects here are more difficult to uncover, scholars have suggested an arrest, felony conviction, civil code violation, or being “wanted” have substantial enduring effects for social and economic isolation (Beckett and Herbert 2009; Goffman 2009; Kirk and Sampson 2013; Pager 2003). For example, Alice Goffman (2009) spent years documenting the lives of young black men living in Philadelphia. For these men, it was threat of punishment, not punishment itself, that fostered strategies of secrecy and evasion; even when not in prisons and jails, the economic and social lives of these young men were profoundly affected by the criminal justice system.

These studies have paved the way for another focus of research that has received less attention: civic life, from voting behavior to political socialization (e.g., Clear 2007; Manza and Uggen 2006; Weaver and Lerman 2010). The articles in this volume extend this critical new line of research, with a focus on four themes: (1) legitimacy, (2) citizenship, (3) socialization, and (4) spillover effects for families and communities.

Legitimacy

Democracy requires that citizens register their preferences and have a “voice in the laws that govern them” (Butler 1995, 713), that officials are responsive and accountable to the interests of citizens, and that citizens are treated with “equal concern and respect.” In particular, a healthy democracy depends on the cooperation of the losers—those who did not win the last democratic fight. If some segment of the citizenry does not feel it can be seen or heard, does not feel treated with dignity, and thus does not view the state as legitimate, the quality of democracy is compromised. Moreover, institutional legitimacy is at the heart of effective state authority. A sense that law is fair and just is a major foundation of law-abiding behavior; without it, people come to avoid state interactions, or worse.

Criminal justice is, therefore, not a passive system that merely enforces laws. It actively shapes the relationship between citizen and state, both instrumentally (by enforcing rules and roles) and expressively (by promulgating narratives about who is law-abiding and who is not). With regard to legitimacy, it is the expressive effects that are paramount. For example, in their contribution to this volume, Hedwig Lee, Lauren Porter, and Megan Comfort reveal the ways that incarceration is a powerfully socializing experience for those who “share” the prison experience with inmates. For those close to prisoners, the lessons learned breed distrust and “alienate them from other socializing institutions.” Young children who witness their parent’s incarceration are taught to see the state as unfair and arbitrary, and are socialized into a “degraded citizenship” where they seem

powerless, with potentially large consequences for their own civic habits as they mature.

People who travel through criminal justice institutions are not only socialized but educated. “Education, unlike socialization, is systematic, sustained, purposeful, and directional,” Benjamin Justice and Tracey Meares explain in their contribution. Justice and Meares contend that the criminal justice system plays an increasingly large role in “providing a formal education in what it means to be a citizen” through two curricula—an overt curriculum and a hidden one. While the overt education portrays criminal justice as egalitarian, democratic, and procedurally fair and just, the hidden curriculum offers an adverse education in “anticitizenry,” communicating to those who experience it that how criminal justice operates is not neutral, fair, or consistent—that is, it is illegitimate. The way criminal justice is supposed to operate—jury by peers, for example—is often not how it operates in practice for those who experience it firsthand, where plea bargains are much more common than jury trials and where peremptory strikes and felon juror exclusion conspire to make juries racially exclusive. As an older black man in New Orleans put it to one of us, “The law of the Constitution say you’re supposed to be judged by your own peers. You’re looking at the jury. There’s no one up there who look like they grew up with me . . . but these people who are going to make a judgment on my life, it doesn’t make sense to me” (Lerman and Weaver, forthcoming).

Importantly, this “educative experience” affects not just people involved with criminal justice but also the broader democratic community. Justice and Meares suggest that this wider group does not see or experience the hidden curriculum and thus maintains a perception of procedural legitimacy. Few of the other articles take up this important argument, virtually ignored in the literature on criminal justice policies. Yet Christopher Muller and Daniel Schrage do find a strong association between a state’s use of incarceration and trust in the institutions of criminal justice across the citizenry as a whole. Though much more research remains to be done, the lessons citizens seem to be learning from criminal justice policies appear to be at odds with their overt purpose of encouraging respect for and compliance with the law.

The subtlety of the hidden curriculum is consistent with another uniting thread of the articles in this first group: invisibility. Criminal justice makes people invisible, not only by diminishing their voice in the political process but also by erasing them from social accounting. As already mentioned, those under correctional supervision do not show up in census counts and often are ignored or undersampled in key social surveys (Pettit 2012). This statistical invisibility has the consequence of obscuring several important aspects of black public opinion (Lerman, Weaver, and Incantalupo, n.d.) as well as communicating that this hidden population is not deserving of recognition in measuring aspects of American life and people. It also means that social surveys dramatically overstate improvements in high school dropout rates among black men, as Stephanie Ewert, Bryan Sykes, and Becky Pettit demonstrate in their article. The implication is stark: If we do not “see” inequality in our statistics or fully register the opinions of blacks and black communities in our surveys or we miss the hidden curriculum these citizens experience, we are at risk not of just missing important social trends but

also fundamental aspects of how our democracy is working—or not—to ensure broad legitimacy and participation.

Citizenship

T. H. Marshall's (1950) conception of citizenship elaborated three tenets—civil, political, and social rights. He argued that the broadening of the state's role in the twentieth century bolstered a conception of citizenship in which basic legal and political rights were conjoined with a community of shared risk and resources, where extreme material disadvantage was mitigated and basic public services were available as a right rather than a privilege. Those most affected by the criminal justice system are, it goes without saying but should be said, among the most disadvantaged segments of our society—the most likely to suffer from mental health disorders, illiteracy, addiction, and homelessness, to name a few of the ills enumerated in the articles here. They are characterized by insecure attachments to work and school; by past experience with foster care and homeless shelters; and often by intimate experience with prisons in childhood, having grown up with a parent or partner behind bars. A shockingly large number end up in prison at very early ages themselves (Lee, Porter, and Comfort, this volume).

Social citizenship is elusive for these Americans for many reasons; yet the evidence suggests that prisons are a major source of cumulative social disadvantage that, in turn, undermines political mobilization and recognition. Criminal justice interventions make people less prepared and capable of being engaged citizens, regardless of their desire to do so, by making them more troubled in a host of social domains: their ability to maintain jobs, housing, and stable families; their access to the social safety net; and their risk of poverty, joblessness, homelessness, and other disadvantages that make civic engagement more difficult. These effects are not contained to individuals directly in contact with criminal justice institutions. Christopher Wildeman explores the (mis)fortunes of children growing up with parents who are inmates, uncovering parallel paths of disadvantage: maternal incarceration increases the risk of foster care placement; paternal incarceration increases the risk of homelessness. These effects are not uniformly experienced, with the damage disproportionately borne by black children, who not only experience higher rates of paternal incarceration but also more negative effects of that incarceration—at least in terms of homelessness. The criminal justice system creates a hereditary group of second-class social citizens.

Criminal justice exposure may also interact with existing disadvantage in ways that undermine the psychological wellsprings of political engagement. Jason Schnittker, in his contribution, finds that confinement is strongly associated with psychological well-being. He argues that regardless of whether mental health disorders are created by prison experiences or come prior to them, the high rate of disorders among inmates matters because they “play an important role in how former inmates respond to other difficulties.” Even if the disorders occur before incarceration, the incarceration experience and its attendant barriers make the disorders more debilitating and amplify the stigma attached to them. Many

researchers in this area have failed to consider how the interaction of a prison record and a mental health disorder makes the prospects of employment, mobility, and civic engagement even more fraught.

Socialization

Recently, a headline captured national attention: black Americans, perennial outsiders of American democracy, were now exercising the right to vote at greater rates than whites (Wheaton 2013). Becky Pettit's research gives reason for pause here, since black participation is almost certainly significantly overestimated by conventional surveys. Consistent with the work on education that she and her colleagues present in this volume (Ewert, Sykes, and Pettit), she finds that only one in five young black men voted in the 2008 election once those under correctional supervision or legally disenfranchised are included in the count (Pettit 2012).

Yet there is a deeper reason for pause. Democratic citizenship is not just about voting. There are myriad ways in which citizens participate in politics, from processes of identity formation to a wide range of forms of collective action. As important as it is to recognize the formal restrictions on participation that criminal justice policies impose, disenfranchisement is only one of many pathways through which these policies affect the engagement of ex-felons—a poorly recognized point that Marc Meredith and Michael Morse rightly emphasize in their contribution.

The key to seeing the socializing effects of criminal justice policies is to look at the types of contact that mainly low-income citizens have with political authority. As pervasive as incarceration is in some communities, it pales in frequency to the regular interactions between disadvantaged citizens, and police and other criminal justice authorities. And while these interactions may be less dramatic or prolonged, they join with incarceration to become a fundamental driver of the attitudes and behaviors that citizens develop in the political world. Prior work by Vesla Weaver and Amy Lerman (2010) and the article by Benjamin Justice and Tracey Meares in this volume argue that interactions with criminal justice authorities provide an education in politics. It shapes individual civic capacities, feelings of political efficacy, and trust in officials; and endows citizens with a hidden curriculum.

It also shapes racial membership, identities, and perceptions. Blacks and Latinos are at far greater risk of experiencing criminal justice interventions; that much is clear. What is usually missed, as Aliya Saperstein, Andrew Penner, and Jessica Kizer show, is that the experience of being arrested, convicted, and incarcerated actually informs people about who is black. Criminal justice contact can "make race" by shaping how people come to be viewed as black, white, Asian, or some other racial or ethnic group. Specifically, if a person has experienced an arrest, conviction, or incarceration, others are more likely to categorize that person as black or Native American and less likely to classify them as Asian.

Experience with the criminal justice system “not only feeds on the racial inequalities of the past, it also actively ‘makes race’ in the present.”

Criminal justice makes race in other ways, too. First, experiencing prison secondhand heightens one’s perception of discrimination (Lee, Porter, and Comfort, this volume). Vicariously or directly experiencing prison made people “see” more bias and discrimination in treatment by courts and the police (Muller and Schrage, this volume). And it affects the broader public’s view of racial inequality (Ewert, Sykes, and Pettit, this volume) and “offers Americans race- and class-based lessons on who is a citizen deserving of fairness and justice and who constitutes a group of dangerous others deserving of severe punishment, monitoring, and virtual branding” (Justice and Meares, this volume).

Spillovers

The final theme of this volume is that the effects of criminal justice on political life are not contained to those stopped, arrested, or incarcerated. These interventions funnel outward, “doing violence” (to use Glenn Loury’s framing from the conference that led to this volume) not just to intended targets but also to their families and communities. Criminal justice, the articles in this section imply, may be altering the civic practices, social ties, and political clout of entire communities. Some communities, it could be said, are paying a political and economic price for incarceration—in less social capital, more marginalization, and fewer buffers against crime.

This is so, in large part, because of how unevenly the experience of incarceration is spread across communities. Some neighborhoods, as Traci Burch shows, have upwards of 8 percent of their residents under supervision (parole or probation), while others are largely unaffected. The neighborhoods that poor minorities call home are the most affected. For example, one study of Chicago revealed that the segregated black neighborhood of West Garfield Park had a rate of incarceration that was forty-two times the rate of the most incarcerated white neighborhood (Sampson and Loeffler 2010).

Concentration matters for several reasons. First, as Burch points out, “having a high concentration of convicted offenders in a neighborhood means having a large number of these individuals who share a problematic relationship with the state in one space.” Moreover, this spatial concentration likely affects community dynamics and the broader distribution of political power. At low levels of incarceration, communities likely get a net benefit—they lose offenders who hurt the community; the community is safer, more trusting, and feels the state is accountable in its basic function of ensuring security. But at high levels, incarceration poses significant damage to communities, affecting not just offenders but also the law-abiding members of those places and, ultimately, the political power of the neighborhood as a whole (e.g., Clear 2007). Offenders serve other roles in the community, so when they depart the civic institutions and social bonds of the entire neighborhood suffer.

Here is where political socialization is likely to bite. For reasons Muller and Schrage show, places where incarceration is ubiquitous are places where people do not believe institutions are legitimate, do not trust them to act on their behalf, and do not believe they must lend them cooperation. In communities with high levels of incarceration, residents may come to see the state as an illegitimate and unwanted presence, not a source of political empowerment or social support.

Finally, and most direct of all, when disempowered citizens are highly concentrated in a few communities, those places seem likely to lose political clout. The articles by Traci Burch and by Hedwig Lee, Lauren Porter, and Megan Comfort test this supposition. They find that incarceration has a chilling effect on the likelihood of engaging in political life—not only among those directly affected but also among the family, friends, and neighbors they leave behind. Lee, Porter, and Comfort's article shows that having kin incarcerated erodes trust in government, heightens perceptions of disrespect, and diminishes voting. Burch's study relies on a neighborhood-level analysis of Charlotte, North Carolina, connecting voting records to criminal records. She finds that residents of the highest supervision communities are roughly half as likely to vote, undertake other forms of participation, and volunteer. By reducing neighborhood engagement in civic and political life, incarceration dampens the political influence of communities writ large.

Criminal justice may also shape how communities relate to local governments. Like incarceration, Lerman and Weaver show that policing is also spatially clustered. Good policing, they note, "can be critical to reducing crime, enabling neighborhoods to construct strong and stable civic organizations." But low-quality policing (by which they mean high use of force and low likelihood of arrest after the stop) does exactly the opposite, deterring local citizen engagement that would otherwise be a valuable resource for resolving community concerns. Based on a study of policing in New York City, they find civic engagement at the community level hinges on the character, not the level, of policing. Thus, residents of highly supervised communities may not just stop voting and volunteering, they may become more reluctant to call on government institutions more broadly. Aggressive stop-and-frisk policing that displays force and does not result in finding wrongdoing can make residents of those places less likely to register problems in their communities—graffiti, potholes, broken streetlights—ironically, the very things that "broken-window" policing seeks to address. Some people are socialized into politics; others are socialized out.

Prospects

Most of the volume considers the consequences of incarceration and surveillance as if these policies are fixed. Yet the politics around crime and incarceration are constantly shifting and, as of this writing, may actually be moving in a less punitive direction, as state budget crises and new mobilization efforts have brought sweeping changes in policy and practice. For three consecutive years,

after 36 years of climbing incarceration rates, the correctional population has declined. Less is known about the use of police stops, but in New York City, largely due to pressure from class action suits, the NYPD cut its rate of stop-question-frisk by 51 percent in the first quarter of 2013 compared to the same period during 2012 (DeStefano 2013).

Not all the changes are local. As Eric Cadora's commentary notes, at the federal level, the Second Chance Act, Fair Sentencing Act, and the Criminal Justice Reinvestment Act—all bills designed to rethink our responses to crime and drugs—have enjoyed broad, bipartisan support. At the state level, reforms have lessened confinement sentences for nonviolent offenders and parole violators, reduced time served requirements, and limited the scope of their mandatory minimums and sentence enhancements. For example, Californians passed Proposition 36, drastically revising the state's three-strikes law by requiring the third strike to be a serious or violent offense. In 2008, Mississippi began granting parole to inmates convicted of nonviolent or first-time offenses after they had served 25 percent of their sentence, down from 85 percent. And some states have also sought to rebuild communities devastated by high incarceration through justice reinvestment—the diversion of corrections and related spending into community-based strategies for increasing public safety (Cadora, this volume).

In the final section of this volume, several authors consider this shifting political landscape. Much of the broader literature on the consequences of the criminal justice system describes increased incarceration as “path dependent,” with past commitments difficult to undo because of vested interests (e.g., from prison providers and workers) and politicians' fear of appearing soft on crime—a classic positive-feedback loop. In a provocative rejoinder, David Dagan and Steve Teles suggest that the political dynamics around incarceration are moving from a situation dominated by positive feedback to one increasingly dominated by negative feedbacks that “opens up the possibility of a cycle of reform.” Perhaps the biggest surprise, however, is who is shaking things up. Reframing the appropriate stance from “tough on crime” to “smart on crime,” a powerful group of conservative entrepreneurs has come to the aid of largely demobilized custodial citizens.

Conservative activists are not, however, custodial citizens, so it is natural to ask whether there is any prospect of mobilization by prisoners and their communities. Most of the analyses in the volume suggest there is not. Yet Michael Leo Owens finds that ex-felons can mount effective political campaigns to contest exclusion when the conditions are ripe. Still, it is worth remembering a key theme of this volume: enfranchisement is only part of the equation, and thus campaigns to expand ex-felon inclusion may not always have large effects absent other social interventions and spurs to political engagement. Marc Meredith and Michael Morse find that turnout of ex-felons did not increase after legislatures in three states (New Mexico, New York, and North Carolina) passed laws notifying ex-felons of their right to vote, while notification in Iowa dramatically increased turnout.

As all the articles remind us, the “pains of imprisonment” linger long after voting rights are restored; people experience homelessness, loss of status, and

impaired mental health, among other social disabilities, as well as crucial civic and political lessons about their own standing and their relationship to the state. Eric Cadora's commentary appreciates this well. While he, like Dagan and Teles, sees the possibilities created by falling crime rates, pressure on state budgets, and the efforts of research and advocacy groups, he quickly cautions that these openings do not by themselves spell the end of the carceral state and its effects. Most important, the political mobilization celebrated by Dagan and Teles and by Owens is fragmented. At the local level, viable political coalitions that could work with state reformers are few and far between; without those key partners, states may reform at the margins but are unlikely to "take on the considerable political risks" required for truly ambitious and wide-ranging reform. In the end, Cardora argues that decarceration alone will not be sufficient to "extract high-incarceration neighborhoods from the shackles of criminal justice governance." For one, reforming statutes does not always neatly affect what happens on the ground; it does not necessarily redirect the incentives of discretionary actors within the criminal justice system who ultimately make crucial judgments about who to stop, arrest, convict, and confine. For another, even reforms that focus on large reductions in incarceration may not disrupt or redistribute the spatial embeddedness of incarceration or address what makes such places criminogenic. If our reforms are not explicitly connected to reinvesting in the community, he concludes, "we will have missed an opportunity that today's emerging openness to reform presents."

Conclusion

In their common themes as well as in their diversity, the articles in this volume carry a single message: incarceration and policing have transformed civic and political life in vital and often previously undocumented ways. To see these effects, however, those interested in criminal justice need to consider the community as well as the individual, the many ways communities and individuals encounter the punitive face of state power, and the consequences both for citizens directly affected and for their kith and kin. The articles in this volume have broadened their gaze to new outcomes and employed novel ways of measuring and testing causal effects. A huge amount of research and theorizing, however, remains to be done. We conclude by focusing on three priorities, though this volume raises many more.

First, even though criminal justice encounters beyond incarceration and felony conviction have become increasingly routine in people's lives, we know far less about how such lower-level encounters shape the ideas that citizens develop and how they move through life and engage their communities. If our society is "governing through crime" (Simon 2007), how does this governance affect the functioning of American democracy? Once we begin to disaggregate, we may see that these encounters have varying effects or matter for different outcomes depending on the type of contact. For example, Goffman (2009) finds that being "wanted" by the state encourages men to avoid public places and institutions; yet

women attached to these men are “empowered” and exert social control over their male partners.

Second, research on how criminal justice affects community political and civic dynamics remains far too limited. With the exception of two articles here, most scholarship has dealt with the individual as the unit of analysis. Yet it is at the community level where we may find the biggest consequences. As Dorothy Roberts (2004) reminds us, the “collateral damage [of mass incarceration] to African American communities cannot be captured by aggregating individual effects” (p. 1281). And as Burch points out in this volume, “what appears to be a small percentage of adults nationally often represents a high percentage of residents in many neighborhoods.” The flow of residents into and out of neighborhoods destabilizes those places and families (Clear 2007). It draws community members into negative social capital and networks (Lerman, forthcoming). It may also weaken the civic infrastructure of communities. Communities lose offenders but also lose internal social resources, trust, and capacities to socialize and monitor youth (e.g., Clear 2007). In fact, some research implies the crime reductions gained by removing offenders are outweighed by the negative effects of incarceration on informal social controls in highly affected neighborhoods (e.g., Lynch and Sabol 2004). Unfortunately, the empirical evidence on these and other community-level effects is still underdeveloped, and future work in this area must draw on long-term qualitative or quantitative research that better captures the effects of changes in criminal justice on communities.

Finally, the organized sources of political support for incarceration remain by far the most under-studied aspect of America’s increasing capacity to police and imprison. This is a notable omission in the vast literature on U.S. public policy. Billions in federal grants have flowed into building state-level criminal justice infrastructures. In ways both big and small, the national government underwrote state changes in criminal codes and increased states’ capacity to arrest, prosecute, and imprison (Weaver 2012). Awash in new resources, criminal justice groups sprung up. Today, policy discussions around criminal justice face a densely populated interest group landscape, and, unsurprisingly, prison closures have been staunchly resisted by prison unions in some states (e.g., Page 2011; Walshe 2012). While we have heard much speculation about the political economy of prisons, serious analysis of it remains in abeyance, making it difficult to ascertain how entrenched the incarceration era is, recent declines in imprisonment notwithstanding.

These are all promising topics of inquiry. Yet methods of inquiry should also be broadened. At least some of the great sway that criminologists (e.g., Hawken and Kleiman 2007) and economists (e.g., Levitt 1996) have held in this policy domain is derived from their claims to greater empirical rigor. Yet this perceived rigor has come at a cost. Fundamentally, the obstacles to causal inference in this area are steep, leaving researchers often caught between addressing trivial questions with strong research designs and tackling bigger questions with less certainty about one’s findings. In recent years, scholars have focused so narrowly on finding exogenous variation from which they can derive strong estimates of causal effects that they have often lost sight of why they were undertaking the search in the first place.

Finding an exogenous shock that affects some (treatment group) and not others (control group) is surely useful. In many cases, however, neither the treatment nor the control group is of intrinsic theoretical interest. For instance, many of the analyses of the effects of incarceration on life-course outcomes use exogenous variation in sentence length to estimate the effects of incarceration (e.g., Kling 2006; Loeffler 2013), often with the control group experiencing lengthy pretrial confinement (e.g., Loeffler 2013). Yet for most working in this area, the treatment-control comparisons that would be most revealing would be incarceration versus no incarceration, conviction versus no conviction, or arrest versus no arrest, rather than long incarceration versus short incarceration.

Given how new this research program is and how rarely the treatment group is ideally matched to underlying theoretical concerns, we propose a middle ground: enhance the quality of existing data, especially as applies to civic and political outcomes, through investment in the longitudinal datasets often used to assess the consequences of criminal justice contact; continue to search for exogenous shocks that provide a theoretically interesting treatment-control comparison but with greater recognition of the trade-offs involved; and pay greater attention to the development of theory and empirics that illuminate the mechanisms behind the findings of these investigations. Another way to enhance our analyses is to move beyond treating incarceration as a uniform treatment, leveraging variation in the character of custodial interactions, not just their incidence. We also affirm the place of ethnographic and historical research alongside quantitative work; some of the strongest work combines multiple methods, using in-depth interviews, for example, to verify as well as probe the causal mechanisms that generate quantitative correlations.

At the same time, our data collection must be geared toward the outcomes that really interest scholars. Much of the research in this area is concerned with the effects of the criminal justice system on inequality—between blacks and whites, wealthy and poor communities, and punitive and lenient states. Yet the data used to test these effects are almost never appropriate for doing so. To be sure, this point is not new to the sociological community (e.g., Western and Muller 2013; Wildeman and Muller 2012), but it is one that research on the civic and political consequences of incarceration must tackle as it develops—and one that will be especially difficult to navigate given the emphasis on considering a broader range of criminal justice contacts, rather than focusing mostly on incarceration. Nonetheless, the potential reward is great: understanding how the last generation's massive shift in American criminal justice has shaped the civic and political outcomes of individuals, families, communities, states, and our nation.

References

- Beckett, Katherine, and Steve Herbert. 2009. *Banished: The new social control in urban America*. New York, NY: Oxford University Press.
- Blumstein, Alfred, and Allen J. Beck. 2003. Population growth in U. S. prisons, 1980–1996. *Crime and Justice* 26:17–61.

- Braman, Donald. 2004. *Doing time on the outside: Incarceration and family life in urban America*. Ann Arbor, MI: University of Michigan Press.
- Butler, Paul. 1995. Racially based jury nullification: Black power in the criminal justice system. *Yale Law Journal* 105 (3): 677–725.
- Clear, Todd. 2007. *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. New York, NY: Oxford University Press.
- Comfort, Megan. 2008. *Doing time together: Love and family in the shadow of the prison*. Chicago, IL: University of Chicago Press.
- DeStefano, Anthony M. 7 May 2013. NYPD use of stop and frisk declines, as does the number of shootings. *Newsday*.
- Fagan, Jeffrey A., Amanda Geller, Garth Davies, and Valerie West. 2010. Street stops and broken windows revisited: The demography and logic of proactive policing in a safe and changing city. In *Race, ethnicity, and policing: New and essential readings*, eds. Stephen K. Rice and Michael D. White, 309–48. New York, NY: New York University Press.
- Geller, Amanda, Carey E. Cooper, Irwin Garfinkel, Ofira Schwartz-Soicher, and Ronald B. Mincy. 2012. Beyond absenteeism: Father incarceration and child development. *Demography* 49:49–76.
- Goffman, Alice. 2009. On the run: Wanted men in a Philadelphia ghetto. *American Sociological Review* 74:339–57.
- Gottschalk, Marie. 2006. *The prison and the gallows: The politics of mass incarceration in America*. New York, NY: Cambridge University Press.
- Hawken, Angela, and Mark Kleiman. 2007. H.O.P.E. for reform. *American Prospect*. Available from prospect.org.
- Johnson, Rucker, and Steven Raphael. 2009. The effects of male incarceration dynamics on acquired immune deficiency syndrome infection rates among African American women and men. *Journal of Law and Economics* 52:251–93.
- Kirk, David S., and Robert J. Sampson. 2013. Juvenile arrest and collateral damage in the transition to adulthood. *Sociology of Education* 86:36–62.
- Kling, Jeffrey R. 2006. Incarceration length, employment, and earnings. *American Economic Review* 96:863–76.
- Lerman, Amy. 2013. *The modern prison paradox: Politics, punishment, and American community*. New York, NY: Cambridge University Press.
- Lerman, Amy, and Vesla Weaver. Forthcoming. *Arresting citizenship: The democratic consequences of American crime control*. Chicago, IL: University of Chicago Press.
- Lerman, Amy, Vesla Weaver, and Matt Incantalupo. n.d. Re-estimating race: How incarceration biases studies of black/white political attitudes and how we should fix it. Unpublished manuscript.
- Levitt, Steven D. 1996. The effect of prison population size on crime rates: Evidence from prison overcrowding litigation. *Quarterly Journal of Economics* 111:319–51.
- Loeffler, Charles E. 2013. Does imprisonment alter the life course? Evidence on crime and employment from a natural experiment. *Criminology* 51:137–66.
- Lopoo, Leonard M., and Bruce Western. 2005. Incarceration and the formation and stability of marital unions. *Journal of Marriage and Family* 67:721–34.
- Lynch, James P., and William J. Sabol. 2004. Assessing the effects of mass incarceration on informal social control in communities. *Criminology and Public Policy* 3:267–94.
- Manza, Jeff, and Christopher Uggen. 2006. *Locked out: Felon disenfranchisement and American democracy*. New York, NY: Oxford University Press.
- Marshall, Thomas Humphrey. 1950. *Citizenship and social class: And other essays*. Cambridge: Cambridge University Press.
- Massoglia, Michael. 2008. Incarceration, health, and racial disparities in health. *Law and Society Review* 42:275–306.
- Natapoff, Alexandra. 2012. Misdemeanors. *Southern California Law Review* 85:1–69.
- Novak, William. 2008. The myth of the “weak” American state. *American Historical Review* 113:752–72.
- Page, Joshua. 2011. *The toughest beat: Politics, punishment, and the prison officers union in California*. New York, NY: Oxford University Press.
- Pager, Devah. 2003. The mark of a criminal record. *American Journal of Sociology* 108:937–75.

- Patterson, Evelyn J. 2010. Incarcerating death: Mortality in U.S. state correctional facilities, 1985–1998. *Demography* 47:587–607.
- Peterson, Ruth D., and Lauren J. Krivo. 2010. *Divergent social worlds: Neighborhood crime and the racial-spatial divide*. New York, NY: Russell Sage Foundation.
- Pettit, Becky. 2012. *Invisible men: Mass incarceration and the myth of black progress*. New York, NY: Russell Sage Foundation.
- Roberts, Dorothy E. 2004. The social and moral cost of mass incarceration in African American communities. *Stanford Law Review* 56:1271–1305.
- Sampson, Robert J., and Charles Loeffler. 2010. Punishment's place: The local concentration of mass incarceration. *Daedalus* 139:20–31.
- Schnittker, Jason, and Andrew John. 2007. Enduring stigma: The long-term effects of incarceration on health. *Journal of Health and Social Behavior* 48:115–30.
- Simon, Jonathan. 2007. *Governing through crime: How the war on crime transformed American Democracy and created a culture of fear*. New York, NY: Oxford University Press.
- Wakefield, Sara, and Christopher Wildeman. 2013. *Children of the prison boom: Mass incarceration and the future of American inequality*. New York: Oxford University Press.
- Walshe, Sadhbh. 19 December 2012. Breaking the hold of corporate welfare on America's incarceration industry. *The Guardian*.
- Weaver, Vesla M. 2012. The significance of policy failures in political development: The law enforcement assistance administration and the growth of the carceral state. In *Living legislation: Durability, change, and the politics of American lawmaking*, eds. Jeffery Jenkins and Eric M. Patashnik, 221–54. Chicago, IL: University of Chicago Press.
- Weaver, Vesla, and Amy Lerman. 2010. Political consequences of the carceral state. *American Political Science Review* 104:817–33.
- Western, Bruce. 2006. *Punishment and inequality in America*. New York, NY: Russell Sage Foundation.
- Western, Bruce, and Katherine Beckett. 1999. How unregulated is the U.S. labor market? The penal system as a labor market institution. *American Journal of Sociology* 104:1030–60.
- Western, Bruce, and Christopher Muller. 2013. Mass incarceration, macrosociology, and the poor. *The ANNALS of the American Academy of Political and Social Science* 647:166–89.
- Western, Bruce, and Christopher Wildeman. 2009. The black family and mass incarceration. *The ANNALS of the American Academy of Political and Social Science* 621:221–42.
- Wheaton, Sarah. 8 May 2013. For first time on record, black voting rate outpaced rate for whites in 2012. *New York Times*.
- Wildeman, Christopher. 2009. Parental imprisonment, the prison boom, and the concentration of childhood disadvantage. *Demography* 46:265–80.
- Wildeman, Christopher. 2010. Paternal incarceration and children's physically aggressive behaviors: Evidence from the Fragile Families and Child Wellbeing Study. *Social Forces* 89:285–309.
- Wildeman, Christopher, and Christopher Muller. 2012. Mass imprisonment and inequality in health and family life. *Annual Review of Law and Social Science* 8:11–30.
- Wildeman, Christopher, Jason Schnittker, and Kristin Turney. 2012. Despair by association? The mental health of mothers with children by recently incarcerated fathers. *American Sociological Review* 77:216–43.