

PRISON HIGHER EDUCATION AND SOCIAL TRANSFORMATION

JODY LEWEN*

SOCIAL INEQUALITY AND THE U.S. PRISON SYSTEM

I had the pleasure of delivering the keynote address at the 2013 National Conference on Higher Education in Prison at Saint Louis University.¹ What follows is an abridged account of this presentation which focused on the power of prison higher education to bring about an end to this society's grossly excessive reliance on incarceration. What I discuss specifically here is the capacity of prison higher education not only to transform the lives of those who are personally involved with it, but ultimately, to undermine the social and ideological underpinnings of the very practice of incarceration.

To start out, here is a brief background. The College Program at San Quentin State Prison was started in 1996.² I first became involved with the Program as a volunteer instructor in 1999 while still a graduate student in the Rhetoric Department at the University of California, Berkeley. A year after I began teaching at San Quentin, the then-volunteer coordinator of the program—a teacher for the prison's daytime Education Department—left for another job, and I took over direction of the Program.

Shortly before the founding of the College Program at San Quentin, the Violent Crime Control and Law Enforcement Act of 1994, also known as the Omnibus Crime Bill, had eliminated Pell Grants for people in prison in the United States.³ This Act wiped out most prison higher education programs across the country.⁴ As a direct result, the program at San Quentin, which was still in the planning stages at the time the bill was passed, was started with no funding, an all-volunteer faculty, textbooks donated by publishers, and supplies scrounged together by the participants.

* Jody Lewen, PhD, is the Executive Director of the Prison University Project and the extension site director of Patten University at San Quentin.

1. *Prison Program: Schedule*, ST. LOUIS UNIV., <http://www.slu.edu/prison-program/2013-conference/schedule> (last visited May 22, 2014).

2. *About Us*, PRISON UNIV. PROJECT, <http://www.prisonuniversityproject.org/about-us> (last visited May 22, 2014).

3. *Id.*

4. *Id.*

The Prison University Project was founded formally as a non-profit organization in 2003.⁵ Its mission is to support the College Program at San Quentin, to create a replicable model for prison higher education programs, and to generate public awareness and dialogue about criminal justice and higher education issues in California and across the United States.

Today the program has ten paid staff people, but the entire faculty is still all volunteer. About 150 instructors, co-instructors, tutors, and guest lecturers participate each semester. Most are graduate students and faculty from the University of California at Berkeley, San Francisco State University, Stanford University, the University of San Francisco, and other local institutions.

We offer approximately twenty classes each semester in the humanities, social sciences, math and science, leading to an Associate of Arts degree in liberal arts.⁶ We also offer a rigorous college preparatory program in math and English.⁷ The sole requirement for admission is that students hold either a high school diploma or a GED. We charge no fees or tuition, and we lend students their textbooks and give them the necessary school supplies. At present, over 330 students are enrolled in the program;⁸ over 400 are currently on a waitlist.⁹ We also get approximately one letter per week from a prospective student incarcerated somewhere in California requesting assistance in getting transferred to San Quentin in order to participate in the program. Ours is currently the sole on-site, degree-granting college program in California's entire state prison system.¹⁰

What I present throughout this paper is a "theory of change" that is based upon my experiences doing this work over the last thirteen years. In my mind, the ultimate goal of the work of prison higher education is building a more just society; the intermediate goal is overcoming the harm that is perpetuated by our prison system. In other words, for me, tackling the prison system is part of a larger strategy for tackling social inequality.

THE CRISIS OF INCARCERATION

One of the most stunning paradoxes of modern American society is the extent to which our prison system constitutes a massive moral crisis, and yet to most people, it does not appear as a crisis at all. The reasons for this situation

5. *Id.*

6. *Academics*, PRISON UNIV. PROJECT, <http://www.prisonuniversityproject.org/academics> (last visited May 22, 2014).

7. *Id.*

8. *Id.*

9. *See Prison University Gives Inmates Hope*, VOICES OF AM. (Mar. 6, 2011), <http://www.voanews.com/content/prison-university-gives-inmates-hope-117519304/163512.html>.

10. *Prison University Project*, STANFORD SOC. PSYCHOLOGICAL ANSWERS TO REAL-WORLD QUESTIONS (October 1, 2013), <http://sparq.stanford.edu/news/prison-university-program>.

are almost entirely ideological, and they have everything to do with the diverse beliefs that each of us holds about who is in prison, what leads to incarceration, what the purpose of incarceration is, and what the results of incarceration are.

The majority of Americans believe, in some combination: that people end up in prison because they are bad and have done bad things; that prisons “teach people a lesson”; that prisons prevent crime; that prisons are good for public safety; and that people in prison deserve to suffer.¹¹ One could devote a lifetime to unpacking the ideological components of each of these points—but I want to flag three issues in particular, as they form the framework for this essay: the concept of “Bad People,” the idea that one “ends up in prison” simply as a result of one’s actions, and the notion that there are human beings who “deserve to suffer.” I hypothesize that these ways of thinking form the bedrock of the crisis of incarceration in this country because they are what enable us to rationalize and dismiss the suffering that takes place within the system.

The crisis itself exists at an institutional, social, and political level. First, prisons are themselves sites of enormous physical and psychological suffering that most directly impact millions of incarcerated people, their families and communities, as well as those who work inside.¹² Second, these sites of suffering are not just essentially ignored by the state but actively produced by state policy and practice. Third, subjecting human beings to these conditions constitutes the state’s primary response to some of the most pressing social problems facing our society, including poverty, mental illness, addiction, and our failing public school systems. Fourth, those people most drastically impacted by incarceration come from the very communities that have historically been most heavily impacted by marginalization and oppression.¹³

As bleak as this landscape may sound, I see an intervention strategy within it—and I actually think it is a strategy that we are already pursuing with meaningful results. I argue that we can and will undermine this entire landscape of public policy, which is both brutal and counterproductive, by challenging the culturally dominant belief systems that allow incarceration to appear morally legitimate, productive, and rational. This is precisely the work that I believe that we as a professional community of prison higher education administrators, educators, and students are uniquely positioned to carry out.

To explain this point further, I want to talk a bit about the specific cultural conditions that prevent incarceration from appearing to the public as irrational,

11. See Norval Morris, *Street-Level Purposes of Punishment*, 140 PROC. AM. PHIL. SOC’Y 197, 199 (1996).

12. See SpearIt, *Manufacturing Social Violence: The Prison Paradox & Future Escapes*, 11 BERKELEY J. AFR.-AM. L. & POL’Y 84, 91 (2009).

13. See Christopher Wildeman & Bruce Western, *Incarceration in Fragile Families*, FUTURE CHILD., Fall 2010, at 157, 160–61.

counterproductive, and even sadistic. This is no small feat in an ideological sense, if you think about it, since if you simply look directly at the U.S. prison system, its psychological and physical brutality is overwhelming.

THE “BAD PEOPLE” RATIONALE

We hear this all the time: “Some people are just bad” or “The fact is that there are just bad people in the world.” Americans are constantly being fed stories, from the news media and producers of television and film, about “Bad People” as an explanation for behaviors that might disturb or frighten them. These narrative depictions are almost always offered in the place of real social, political, psychological, or historical analysis.¹⁴ I argue that the analyses that the “Bad People” arguments supplant are generally ones that would most profoundly challenge our national self-image as compassionate, just, and democratic. In other words, in an analytic sense, the notion of “Bad People” almost always has a diversionary function. Thus, the meth addict who breaks into houses to support his habit, the psychotic young man who shoots people at his school, or the sex worker on a street corner are all represented as morally flawed and dangerous individuals in need of containment and punishment. This notion—that the individuals in question are simply evil people who do harm for its own sake—is what serves to justify, and sometimes even glorify, the violence with which they are treated. If the victim is a villain, then the perpetrator of that violence is a hero, and the violence itself is a force for good.

Many Americans believe that anyone who is in prison is, by definition, a “Bad Person.” “Convicts,” “Criminals,” “Bad People”—they’re all basically the same thing. If you end up in prison it is because of the evil things you do, or the bad, selfish choices that you make. In the ideological context of the prison, and our collective imagination of the prison, destructive behavior is simply an expression of evil character.

It is striking how not-curious a lot of people seem to be about the origins of destructive behavior. I think the larger problem here is that within the dominant political culture of the United States, it is actually a taboo to raise such questions. It is considered “making excuses”—something that expresses a kind of empathetic contamination, identification, or suspicious affinity for the “Bad Person.” These attitudes produce real social pressure not to express a deeper interest in, much less compassion for, people who are labeled as “Bad.”

Yet, at the same time that we fear “Bad People,” we also have an intense cultural appetite for them. They are a main staple of popular culture, and they’re also a critical resource—actually a kind of commodity. The evening

14. See Saby Ghoshray, *America the Prison Nation: Melding Humanistic Jurisprudence with a Value-Centric Incarceration Model*, 34 *NEW ENG. J. ON CRIM. & CIV. CONFINEMENT* 313, 314–17 (2008).

news on any television station in the United States leads with stories of violence; the vast majority of mainstream television shows focus specifically on crime. We also live in a political culture in which politicians routinely craft entire careers by casting themselves as protectors, warriors, and avengers against “Bad People.” There are no saviors without villains, and most politicians want to be perceived as saviors. What I am arguing here is that “Bad People” are an idea—a culturally manufactured concept with a very complex psychological, political, and economic value.

THE “DESERVE TO SUFFER” RATIONALE

In the collective cultural imagination of the American public, one of the most critically important aspects of this concept of “Bad People” is that they are *supposed* to suffer. This is not only because evil is understood to “earn” suffering, but also because suffering is widely understood to be the one thing that can neutralize evil (aside from death). Punishment confronts the perpetrator violently and startles him into submission and regret. In this sense punishment is understood as a socially purifying force; the literal hurtfulness of punishment is an intensely emotional and almost superstitious ritual strategy through which we assert a sense of order and control. Indeed, for many Americans; justice *is* when bad people suffer. Evil without suffering is a kind of unanswered call, unfinished business, or a kind of theft, as in: “He got away with it.”

In this sense, the suffering of prison has a kind of transcendent communal logic to it: “You do the crime you do the time,” both implies that the prison is somehow a natural phenomenon and places responsibility for the total experience of incarceration on those who are incarcerated. People in prison have “put themselves there,” and they are thus the ones responsible for anything that may happen to them. As a result, to the extent that we may know that “bad things” are happening to people in prison, our moral anxiety about their suffering is largely neutralized by the idea that they are getting what they deserve and that their suffering will do us all good. As a consequence of this entire quasi-moral framework, we do not imagine the harms that are suffered by people in prison in the same way that we would if that harm were inflicted on anyone else.

Yet another factor compounds this situation even further—and that is, that to most Americans, people in prison are more of an abstraction than they are fully human. Part of what is so deadly, in both an ethical and a literal sense, about stereotypes is that they do not just misinform; they also render their subjects less than fully human. “Bad People” or “Criminals” are more like a subspecies of monsters or cartoons than they are actual people. They are utterly dehumanized in the popular imagination. Their differentness is so intense it is almost as if they inhabited not just another space, but another dimension of reality. This is one reason it is so easy for people to make jokes about the

horrors of prison—for example, prison rape. Of course the physical remoteness of prisons also perpetuates this radical abstraction. Holding people in bunker-like settings, sealed off from the rest of the community, means that the kind of direct contact that might counter rumor, myth, or fantasy will remain nearly impossible.

THE “ONE JUST ENDS UP IN PRISON” RATIONALE

For a combination of reasons, the public is also terribly uninformed in a basic factual sense about the prison system. Few middle class Americans know much of anything about who’s in prison, what they’re there for, or about for how long. They know little about how the system functions—or does not function, either in theory or in practice—or about the long-term consequences of our criminal justice system for individuals, families, communities, or even for the democracy as a whole. They know nothing about people receiving life sentences for a death that occurs during the commission of a felony, whether or not that death was intended, or even caused by the defendant (felony murder rule), or for transporting drugs (knowingly or unknowingly); or that judges in some cases have no choice but to give people lengthy prison sentences, even when they consider doing so to be unjust (mandatory minimums).

One obvious problem is that our society is divided up into largely class- and race-based silos, and the mainstream media rarely pays sustained attention to anything that primarily impacts poor people unless it poses a direct or indirect threat to others—mostly middle class white Americans. Unlike other well-publicized disasters, the crisis in the U.S. prison system is not constantly being broadcast in a never-ending loop on primetime television. If you know no one who is incarcerated, and do not live within certain communities, it is possible to live in the United States and never be confronted in any kind of sustained way not just with the horrors of the system, but even some of the most basic facts. All of these factors—the lack of information, the ideological justification, and the dehumanization of people in prison combine to suppress empathy, encourage denial, and enable our collective failure to intervene.

A RATIONALE FOR HIGHER EDUCATION IN PRISON

What does this all have to do with prison higher education? How might our teeny little low-budget, often embattled, always-swimming-against-the-tide-while-managing-disasters programs make a dent in this overwhelmingly bleak landscape? First, I would note that critical parts of the situation I have just laid out are rooted in the social, cultural, educational, and economic disempowerment of those people who are most heavily impacted by incarceration.

People who are incarcerated and their family members do not typically produce the evening news. Their screenplays are not ordinarily produced in

Hollywood, and their books are rarely published. They seldom teach classes at colleges or universities, write textbooks, or publish in scholarly journals. Instead, they are not simply absent from most of the key cultural institutions through which knowledge is produced and disseminated, but they are systematically distorted and vilified by them. In addition, statistically speaking, most incarcerated people are also typically ill-equipped to engage with those institutions even when the opportunity might arise. They may not speak or write in a style that is recognized or valued by others; and even if they do, as prisoners, their lack of social status undermines the power and credibility of their voices in the public sphere.

Prison higher education programs pose a direct challenge to each of these conditions. Students at San Quentin regularly communicate with members of the media, either through direct visits to the prison or through correspondence, and express their knowledge, opinions, and perspectives; they publish their work in academic journals, magazines, and anthologies.¹⁵ After release they regularly speak at public events and present on panels and in college classrooms. Students are empowered to do all of this work through a combination of the content of their courses; the skills they acquire through the completion of their coursework; the network they develop through contact with instructors, tutors, and university and community members; and the social confidence they develop interacting with teachers and peers in a college classroom.

Being incarcerated presents a whole range of complex obstacles to projecting one's voice into the outside world, but nevertheless, this issue matters. Education that enables people in prison to develop strong written and oral communication skills empowers them to represent themselves in the public sphere in a way that makes it possible for others actually to hear them. Being able to find the words to say what you want to say, in a way that others of vastly different class or cultural backgrounds will understand, is a vital part of the advocacy and social transformation that will be critical to our undoing of the landscape I have just described.

I always find it interesting that the college program at San Quentin does not just help people develop such skills, but it actually attracts journalists in particular into the prison, which then makes it a thousand times more likely that a given incarcerated student might have the opportunity to interact with one of them face to face, and thereby educate them. And, in fact, because

15. See, e.g., Bobby Dean Evans, Jr., *My Story: A Public Educational Experience*, in *DISRUPTING THE SCHOOL-TO-PRISON PIPELINE* 144 (Sofia Bahena et al. eds., 2012); *OTHER: AN ASIAN AND PACIFIC ISLANDER PRISONER ANTHOLOGY* (Eddy Zheng ed., 2007); *PRISON UNIV. PROJECT, IS IT SAFE?: ESSAYS BY STUDENTS IN THE SAN QUENTIN COLLEGE PROGRAM* (Jennifer Scaife ed., 2008); *PRISON UNIV. PROJECT, OPENLINE 2010* (2010), available at <http://www.prisonuniversityproject.org/publications> (annual journal of student writing).

there's a prison newspaper that is written and produced by prisoners (many of whom are students in the college program), and because we also occasionally run journalism classes within the college program, people inside actually have the opportunity not only to shape, but to produce news.¹⁶

These same communication skills will be needed by anyone currently or formerly incarcerated who might publish any other kind of written work, whether an op-ed piece, a book, an essay, or a journal article—and, for that matter, by anyone who might want to offer advice to policy makers, lead a non-profit organization, or found a business. The further along the track of education one progresses, the more one's capacity to make oneself heard in the public sphere evolves. Higher education does not just mean greater communication skills; it also means understanding the complex cultural and political institutions through which power in this society is organized.

The acquisition of academic degrees also means the building of more and more complex social and professional networks, and of progressively more social status, and social capital. It is often not just what we say or even how we say it; depending on the context, our degrees, our institutional affiliations, and our personal relationships all play a role in the value that is assigned to the ideas that we express. In addition, imagine more and more currently and formerly incarcerated people joining the ranks of colleges and universities across the country, both as students and, eventually, as faculty.¹⁷

The potential we are talking about here is not just in the benefits that their professional or economic accomplishments will have for them and their families. Instead, imagine what the impact will be on those institutions of the increased presence of voices that have until now been largely absent from the academy. For example, imagine the results of the increased demand for related types of teaching and research, or of the increased exposure of academics and other professionals across the disciplines to critical content on issues related to incarceration. Even before any of this goes to scale (as it will, over time), prison higher education programs are already influencing colleges and universities across the country through the experiences that their students and faculty are having while working inside of the prisons and jails where those

16. Arnulfo T. Garcia, *Recapping Years of Accomplishments*, SAN QUENTIN NEWS, Dec. 2013, at 8.

17. See, e.g., *Prisoner Reentry Institute*, JOHN JAY COLL. OF CRIM. JUST., <http://johnjayresearch.org/pri/> (last visited May 22, 2014); ASSOCIATED STUDENTS INC., S.F. STATE UNIV., PROJECT REBOUND: A PROGRAM FOR PEOPLE IN AND FROM THE CRIMINAL JUSTICE SYSTEM, available at http://asi.sfsu.edu/asi_files/project_rebound/Brochure%20Word.pdf (last visited May 22, 2014); *College Initiative*, CITY UNIV. OF NEW YORK, <https://www.cuny.edu/academics/programs/notable/cope/support-services/partnerships/college-initiative.html> (last visited May 22, 2014).

programs are located.¹⁸ These programs all serve as educational systems for their own faculty, who then also serve almost like “carriers” of their increased knowledge, experience, and concern. They bring all of this to the classrooms they teach in on their home campuses, to the formulation of their own research questions, to their academic discussions with colleagues, and to social conversations with friends and family members.

EDUCATION AS SOCIAL EMPOWERMENT

One of the first layers of ignorance to fall as a result of such direct exposure between insiders and outsiders are the various stereotypes that even the most enlightened and progressive middle class people generally hold about people in prison. It isn't just misinformation in a factual sense that falls away; seeing someone's face and body language, hearing their voice, getting to know their mind, learning their story—all of this radically alters the consciousness of the outsiders by turning the people inside into actual living, breathing human beings. And it is not just that they become “real people”; they become people with whom we have real personal relationships and connections.

Great educational experiences also create a mutual sense of connection, respect, affection, and gratitude—and this in turn produces a sense of personal responsibility and accountability to the other. All of this poses a direct threat to the dehumanization of people in prison. It is inevitable that teachers who have these sorts of experiences in any educational setting will talk about them; they are bound to share with their peers, their families, and their colleagues not only the joys and challenges of teaching inside, but also the much larger political questions and concerns that these experiences all raise.

It is almost impossible to spend time in a prison as a teacher and not eventually become informed about the lives of one's students, both before and after they were incarcerated. It is also nearly impossible not to learn something about prison conditions, and the criminal justice system as a whole. When an otherwise educated middle class person who has never been in a prison, and maybe never even known anyone who has gone to prison, even just meets someone for the first time inside, that person's life is never quite the same, and neither are the lives of their friends and family members. Each human encounter changes everyone. It chips away at the dehumanizing layers, it educates and empowers, and it forges alliances. All of this is already moving us steadily towards a world in which people get the care that they need, and in which all of us can finally thrive.

18. Richard Tewksbury, *On The Margins of Two Professions: Job Satisfaction and Stress Among Post-Secondary Correctional Educators*, 18 AM. J. CRIM. JUST. 61, 65, 73 (1993).

