Pains of Imprisonment

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In a now-classic ethnographic study of New Jersey State Prison, Gresham M. Sykes (1958/2007) argued that five fundamental deprivations characterized daily prison life, known collectively as the "pains of imprisonment." These were the loss of liberty, desirable goods and services, heterosexual relationships, autonomy, and security. According to Sykes, the sum total of these deprivations explained why inmates found prison life undesirable. Their long-term effects could be to produce hardened criminal offenders. Under the so-called deprivation model, material and symbolic frustrations arising out of the prison environment could have criminogenic effects by compelling inmates to form an oppositional prison culture.

Prisons are a relatively recent innovation in human history, as Foucault (1977/1995) observed, supplanting the previously prevalent forms of punishment that were chiefly aimed at inflicting physical harm or death, or excluding convicts from society through transportation and banishment. With the rise of modern societies, Foucault argued, punishing the soul (that is, the mental life of convicts) took the place of punishing the body. A gradual civilizing process (Elias 1939/2000) has caused a precipitous decline in violence of all kinds, including the delegitimization of violent confrontations in daily life and the decline in casualties linked with warfare. Civilization, in Elias's sense, played a key causal role in the rise of the penitentiary in place of the gallows or the guillotine.

Indeed, the rise of humanitarian ideals and the decline of public willingness to engage in "spectacles of suffering," to borrow a phrase from Spierenburg's (1984) work on the role of public executions and corporal punishment as morality plays, may have helped shape foundational documents like the US Constitution and the UN Universal Declaration of Human Rights. The Eighth Amendment of the US Constitution prohibits "cruel and unusual punishments." The Universal Declaration of Human Rights bans "torture" and "cruel, inhuman or degrading treatment or punishment." These documents reveal a growing awareness of the importance of limiting the corporal pains of punishment in the post-Enlightenment era.

But while most modern states have traded in the branding iron for the jail cell, Sykes's conceptual quintet reminds social observers that although prison sentences may seem less immediately jarring or obviously pain-inducing than executions or torture, they do, in their way, nevertheless impose suffering. Contrary to the deterrence hypothesis, which claims that longer or harsher terms of imprisonment reduce crime by increasing the costs of offending, inmates may in fact react to prison pains by closing ranks against correctional officers and, more broadly, the social order as such, forming an inmate culture that could result in an elevated commitment to crime. Greater pains of imprisonment could therefore yield greater levels of recidivism.

Sykes was certainly not the first observer of prison life to note that correctional institutions were capable of imposing – indeed, in some cases, were intended to impose – extensive social and material pains on their dwellers. In a journalistic account of mid-nineteenth-century American life, the English novelist Charles Dickens (1842/1883: 678–679) argued that the Eastern Penitentiary of Pennsylvania imposed "rigid, strict, and hopeless solitary confinement" with effects that were "cruel and wrong." Dickens observed how social isolation and material deprivation combined to produce anguish and despondency among inmates; the typical inmate is "a man buried alive; to be dug out in the slow round of years … dead to everything but torturing anxieties and horrible despair." Similarly, Henry Mayhew (1862), an English journalist and social critic, pointed out the costs associated with solitary confinement in an early tome on London prisons. Mayhew (1862: 127) believed that having one's life "hemmed in by four white walls" resulted in "intense misery," since inmates

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were deprived of the powers of autonomous decision-making and subjected to intense isolation. While very different from the mutilation and decapitation imposed by early European penal systems, these institutions showed that the practice of spatial confinement over extended periods of time resulted in its own set of frustrations and deprivations.

Crucially, no objective standard exists by which one can define what constitutes cruel, unusual, or inhumane punishment. Instead, societies have continuously redefined the legitimacy of differing forms of punishment, typically through conflicts in legislatures, courtrooms, and the media. Lacking consensus on the appropriate scale, scope, and mode of punishment, a broad array of penal measures and concomitant pains have historically been in evidence. While most advanced, industrialized societies have abandoned capital punishment, the death penalty remains a legal sentence in a majority of US states. While the Nordic countries have aggressively expanded the use of minimum security prisons – institutions with few restrictions on inmates' ability to move around freely – the United States has unfurled super-maximum security prisons with very significant limitations placed on personal movement and near-total solitary confinement. While countries like Brazil, Norway, Portugal, and Spain have shied away from life imprisonment, the United States and large parts of Europe maintain life imprisonment sentences. And the scale of incarceration is widely divergent in various regions of the world, from around 700 inmates per 100,000 persons in the United States to around 60 inmates per 100,000 persons in Sweden and Finland in 2012. Clearly then, and against the false universalization of the United Nations Declaration on Human Rights, conceptions of inhumaneness are contingent and highly variable.

All the same, Sykes believed it was possible to surmise some general pains that the prison experience itself would generate. Below, Sykes's five fundamental pains of imprisonment are discussed in more detail.

The Deprivation of Liberty

The fundamental premise of prisons is to remove or restrict liberty. Sykes noted that inmates at New Jersey State Prison were first restricted to the limited confines of the prison area itself. Within the walls of the prison, inmates were further subject to a wide variety of control measures like cells, checkpoints, passes, and military-style formations in moving from one part of the prison to another. By incapacitating offenders, society is protected from potential acts of harm. Secondary effects of the loss of liberty include the dissolution of bonds to family and friends due to restrictions or difficulties associated with receiving visitors, sending and receiving mail, or placing telephone calls. To take one example, modern-day prisons typically curtail the ability to place or receive telephone calls using a range of methods. Prisons may limit the availability of telephones to certain hours of the day, monitor calls, play pre-recorded messages preceding calls to notify persons that the call originated from a prison, restrict total telephone time per week, and sell phone credits at elevated or exorbitant rates. The details of such regimes vary widely, but most correctional facilities attempt to place significant limits on the means of communication by inmates. By weakening inmates' social bonds, prisons may increase the likelihood that inmates will reoffend upon release.

The Deprivation of Goods and Services

Two factors determine whether a deprivation of goods and services can be said to exist: first, the standard of living enjoyed by inmates prior to incarceration; second, the extent of penal austerity, that is, the policy of maintaining bare-bones correctional facilities with only the most adequate level of comforts provided, currently in fashion in the regime to which they have been sentenced. Inmates who have previously been poor, homeless, and suffered from substance use may experience the availability of shelter, clothing, a regular diet, and health care as a boon. For instance, inmates in prisons in Norway, who are paid a daily wage to participate in schooling or work programs, may not experience the deprivation of goods and services as severely as inmates in austerity-stricken prison systems in continental Europe. In the United States, inmates are, in theory at least, offered free public health care.

Nevertheless, Sykes noted that most inmates will experience some material scarcity through

lack of tobacco, alcohol, varied foods, individual clothing, furniture, and privacy. Arguably, Sykes contended, Western societies have elevated material possessions to such a degree of importance that we come to define ourselves on the basis of the things we consume and own, and so to be stripped of the ability to purchase, hold, or enjoy a multitude of consumer goods is simultaneously to suffer a deep-seated loss.

Penal austerity can be justified in four ways. First, fiscal resources are scarce and the state may lack the monetary means to provide goods and services above and beyond the barest minimum. Second, the symbolic taint of inmates that results from violation of norms and laws may make them unworthy recipients of state care in the eyes of the polity. Third, the ideology of individual responsibility signifies that it is not the duty of the residual, laissez-faire state to care for the citizenry, or at least that this duty is limited to only a select few areas of life, but rather that this burden should be shouldered by individuals, families, or charitable organizations. Fourth, rational choice theory contends that crime is the outcome of a deliberate weighing of costs and benefits associated with offending behavior. In George Bernard Shaw's memorable phrase, "If the prison does not underbid the slum in human misery, the slum will empty and the prison will fill." Harsher punishment increases the costs of committing crime, the theory contends, and therefore penal austerity is necessary because it reduces crime. Harsh punishment has a general deterrence effect if it frightens off the population from committing crime, and has a specific deterrence effect if it prevents offenders from committing fresh crimes after release.

However, the empirical claims of the deterrence theory of crime control have been cast in doubt. Strain theory maintains that exposure to strain, or environmental stressors, will tend to produce crime. Such environmental strains are not necessarily limited to the outside world, but can be found inside prisons too. A corollary of strain theory, then, is that elevated pains of imprisonment are likely to produce more crime. Empirical work suggests that exposure to certain forms of prison strains, like a threatening prison environment and adverse relations to other inmates and correctional officers, is likely to have criminogenic effects and does not have a specific deterrence effect (Listwan et al. 2013). A natural experiment in Italy found that shorter prison sentences reduce recidivism (Drago et al. 2009), implying that a reduced exposure to prison environments can be beneficial for crime rates and that prisons lack a strong deterrence component. A study that randomly assigned inmates to correctional facilities with different security levels in California proposed that higher security (and therefore more pain-inducing) facilities increased post-release recidivism (Gaes and Camp 2009). Such findings submit that correctional facilities should be designed to reduce the pains of imprisonment in order to minimize future reoffending behavior. The jury may still be out on the strain–crime or the stressor–recidivism link, but there is certainly a growing body of evidence that raises skepticism about the rational choice theory of the deterrence effects of longer or harsher punishment.

The Deprivation of Heterosexual Relationships

Sykes believed that the loss of heterosexual relations was a profound loss for inmates. In more modern terms, one might recast this deprivation as the absence of voluntary sexual relations, heterosexual or otherwise. Sykes's notion that "latent homosexual tendencies" were created by a lack of heterosexual relations, and his description of male-on-male sexual assault as an outlet of homosexuality may strike modern readers as antiquated. Nevertheless, his sensitivity to the notion that involuntary celibacy could create emotional, psychological, and physical problems in the inmate population was prescient. He believed an involuntary loss of sexual relations produced tension, anxiety, and a worsened self-image for inmates.

Prison administrators have to a varying degree recognized the potential value of providing legitimate outlets for sexual energy. Conjugal visiting rights vary widely between prison systems. Notably, the US Federal Bureau of Prisons prohibits conjugal visits, but US state prison systems wield broad discretionary powers to form state-wide regulations; for instance, the California Department of Corrections has permitted same-sex conjugal visits in addition to

heterosexual conjugal visits since 2007. The United Kingdom prohibits conjugal visits, but home leave is available under highly selective conditions. Denmark, Norway, and Sweden offer relatively liberal conjugal visiting programs.

The Deprivation of Autonomy

Prisoners may lose the ability to make even the most basic decisions about their daily life, such as when and what food to eat, when and how bodily functions should be taken care of, and when and how to move within the restricted confines of the prison. Sykes believed the loss of autonomy was harmful because it reduced inmates to a child-like state through a series of public humiliations and forced acts of deference.

Recent research has emphasized how providing inmates with more autonomy can be viewed as a deprivation in its own right. In an ethnographic study of an English medium security prison, Crewe (2011) argues that "pains of self-government" arise as the uniformed staff takes a more hands-off approach to running the prison. As inmates are given a broader range of potential actions and power to make decisions, they are also held responsible for failures to live up to the standards of rehabilitation interventions like deeply intrusive cognitive behavioral programs. Similarly, using ethnographic methods to study an "open," minimum security prison on an island in Norway, Shammas (2014) notes the "pains of freedom" that arise as inmates are allowed to move about freely in the prison, almost entirely unsupervised and without restriction. In fact, inmates in this Norwegian prison are permitted to migrate with some degree of fluency between the prison and the outside world, thereby causing confusion about what norms to obey when inside the prison and creating unpleasant sensations of boundlessness and yearning for ever-greater freedoms. Such findings may be seen to counter Sykes's notion of incomplete autonomy as a deprivation, because in the Norwegian prison, greater autonomy is itself a source of deprivation and frustration. But the findings of Crewe and Shammas could also be taken as fresh appraisals of the tension generated by balancing between coercion and individual responsibility.

The Deprivation of Security

Prisons can be violent, unsafe places that serve as hotbeds of crime. Prison rape is an extensive problem in the United States, where a significant proportion of inmates have been subjected to sexual victimization. Substance use and dependence are both prevalent in prisoner populations, and substance use may contribute to prison insecurity by reducing self-control, increasing violence, and generating illicit economic transactions.

Explanations of prison insecurity vary. Research on prisons has been characterized by a competition between the deprivation, importation and, more recently, administrative control models of inmate behavior. Under the deprivation model, expounded by Sykes (1958/2007) and others, inmate behavior is viewed as a direct response to a series of perceived deficiencies and stressors in the prison environment. Inmates will act violently, misbehave, or express subjective dissatisfaction in negatively charged environments. For instance, crowding may breed discontent and violence. Under the importation model, inmate behavior is viewed as the outcome of pre-imprisonment socialization. Inmates bring with them preexisting cultural patterns into the penitentiary. On this view, disorder or unruliness is the product of pre-prison dispositions. More recently, the administrative control model contends that the way a correctional facility is managed and operated has extensive effects on how inmates act. Recent work suggests that work programs, for instance, could significantly lower inmate-on-staff violence (Huebner 2003).

Future Research

The pains of imprisonment extend beyond the immediate offender. A new avenue of research examines the secondary, society-wide ramifications of imprisonment in an era of penal expansionism. Comfort (2007) has shown how female partners of male offenders are drawn into the prison by proxy, arguing that these significant others, though legally innocent, are turned into "quasi-inmates" as they visit and communicate with incarcerated partners. Scholars of neighborhood effects have emphasized how poor and distressed neighborhoods are further

disadvantaged by the fact that a substantial proportion of the adult population remains behind bars, thereby disrupting social networks, making children more likely to commit crime, and cycling large numbers of ex-cons into the community. Future research is expected to further assess the pains of imprisonment in the seemingly ever-growing long shadow of the prison.

SEE ALSO: Overcrowding in Prisons; Recidivism; Security Levels; Solitary Confinement; Sykes, Gresham

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