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Interviews, News

Victor L. Shammass on Parole Hearings: PoLAR Author Interview

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State of California [Public domain], via [Wikimedia Commons](#). Pleasant Valley State Prison. NOTE: This prison is not the site of the author's fieldwork.

PoLAR editorial board member **Robin Conley Riner** conducted an interview with **Victor L. Shammass**, whose article “The Perils of Parole Hearings: California Lifers, Performative Disadvantage, and the Ideology of Insight” appears in the May 2019 issue of PoLAR.

I want to thank you for this fascinating and nuanced look into the intricacies of parole board hearings in California. You reveal some critical ironies of the process, one of which is summed up nicely in the abstract: “parole commissioners subject inmates to an individualizing gaze that misrecognizes the socially embedded nature of their performance” (1). You argue further along in the article that “inmates are subjected to a moralizing-individualistic category of perception and action premised on the twin notions of a self-determinate optimization of the self...and an antistructuralist and false autonomization of individuals caught in noxious milieus and captured by deleterious social configurations” (22).

I was struck by the similarity between the parole board’s individualized conceptualization of inmates and definitions of the neoliberal subject, especially given the concomitant erasure of structural and institutional constraints on actors that occurs both in criminal justice and economic contexts. Many have documented the seepage of neoliberal logic into a variety of institutions, including education and health care, and criminologists have theorized crime control as increasingly influenced by neoliberalism (O’Malley 2009). You employ economic categories in your discussion of risk, but you don’t engage with neoliberalism specifically as an explanatory factor in your discussion of the ways in which crime and punishment have been reconceptualized.

I wonder if you agree that the parole boards are indeed conceptualizing inmates as neoliberal subjects. If so, what might that tell us about the evolving nature of criminal punishment in the U.S.? Beyond that, what does it say about neoliberalism itself as the panoptic, infiltrating phenomenon it is often made out to be? If inmates are being understood by institutional decision-makers as neoliberal subjects, this suggests an underlying, incredibly troubling irony. For the neoliberal subject, self-responsibility is primary, which is premised on a purported freedom to choose. In a prison context, of course, the denial of the subject’s freedom is the explicit goal. What are the potential implications, then, of the importation of a neoliberal framework onto institutional policies and decisions regarding inmates? Furthermore, what might be the implication of inmates reconceptualizing themselves as neoliberal subjects? This seems to be

suggested in your documentation of inmates being pushed towards “self-exploration” and a “labor of self-improvement.”

The trouble with applying neoliberalism as a blanket concept in criminal justice studies is that it tends to fail to account for the bewildering array of practices, contradictions, and—lest we forget—institutional dysfunctions and half-hearted policy implementations that bedevil the prison estate, many of which are on clear display in the California prison system. (During one visit to a maximum-security prison in Northern California, a prosecutor from the D.A.’s office and myself—we’d been inside the prison for an entire day of hearings with the parole board—were able to exit the prison through the main gate without even having to sign out or ask the guard for permission to leave, for the simple reason that the guard had, apparently, wandered off duty and left the gate unmanned—hardly the image of the highly securitized bunker one is led to imagine from National Geographic shows like *Lockdown*.) Still, Loïc Wacquant’s (2009) work on the carceral state remains one of the most convincing accounts of how the United States got itself into the situation that is commonly called mass incarceration but might more accurately be described as hyperincarceration: As Wacquant points out, the large-scale imprisonment of millions of individuals is not really a mass phenomenon at all, at least not in the same sense as that of the mass media, say, or mass transit: rather, hyperincarceration works selectively, plucking out individuals selected by class (the working poor, the unemployed), race (black and brown bodies), and spatial belonging (from broken and blighted neighborhoods). As Wacquant writes, we are dealing with a hyperincarceration, not a mass incarceration, precisely because the vigilant eyes of the state are trained on a select group of people who are “over-punished” (recall that the prefix “hyper” stems from the Greek *huper*, which means “over” or “beyond”: To hyperincarcerate is to punish beyond what would be just or reasonable). Were hyperincarceration a truly mass phenomenon, sweeping up, say, white college-educated elites with the same heavy hand and using the same fine-meshed dragnet as it does the black subproletariat, the policies driving prison expansion would likely end, if not tomorrow, then certainly in the foreseeable future. The prison survives in its current form because it remains strangely invisible through its aggressive specificity.

Actually, with the proliferation of various shows about prisons, like Netflix’s *Orange is the New Black*, hyperincarceration itself reveals one of the strange facets of late modernity: its ability to make a phenomenon exceedingly visible, and yet thereby leaving it almost

completely untouched. It is a dark truth about modernity that even that sin which is seen often goes uncorrected. It may have been more true fifteen years ago to say that the prison constitutes a “black box” that presents a “smooth surface to the outside world,” in the words of the anthropologist Lorna Rhodes (2004: 3), a disappearing act, than is the case today: I’m always surprised at Hollywood’s ability to make light of the crisis of prison rape in the United States, turning it into a standard joke in countless films and television shows, even as we know that hundreds of thousands of people have been sexually victimized behind bars. Today’s popular culture has a peculiar fascination with the prison, and as a result we see the prison mounted on display everywhere, with all its myriad pathologies apparent – and yet we seemingly don’t know what to do about it, and so prefer to make light of its horrors instead.

One would think that the prison’s explicit goal, as you say, is the denial of the subject’s freedom, but interestingly, studying parole hearings in many ways suggests precisely the opposite, or at least something slightly more jarring: The prison is no longer content to simply incapacitate individuals. If you behave yourself, which means not getting into fights, not making trouble, that will probably not be enough to get out of prison, at least if you are serving an indeterminate sentence and fighting for your freedom (and thus, potentially, your very life) in front of a parole board. As Foucault (1995) recognized, the prison is increasingly about the long, arduous labor of remolding the soul, “not to punish less, but to punish better” (82). As such, the inmate must show themselves to be an actively compliant subject, constantly willing to participate in yet another workshop, on anger management or drug abuse, say, or show that they have been able to muster one more letter of support, from a chaplain, a “dependable” member of the family, or a potential employer on the outside – in any case, a respected pillar of the community. Some inmates walk into the parole hearings with binders full of letters that they have themselves written to the victims of their crimes, or their families, where they express contrition in page after page of carefully wrought prose; and those inmates who are well-prepared will bring along all manner of diplomas, certificates, letters of recommendation, promises of housing or employment. Why? Because even if an inmate says that they’re sorry for their crime or that they’ve been rehabilitated, it is simply impossible for a parole board to look inside the mind of another individual: All they have to go on are their words and appearance. “Objective” additional evidence, like letters of support, are an attempt to bolster the

inmate's self-account. Of course, this introduces the bugbear of social capital, in Bourdieu's sense of the term: This process rewards those who are well-connected and punishes those who lack access to powerful social networks – and who wouldn't after twenty, thirty years in prison.

One might very well ask: Well, don't we want former convicts to be fully rehabilitated – free from the scourge of drug abuse, or a brash temper, to come out of prison with a high school or college degree? Certainly! But the prison where I did my fieldwork was terribly underfunded – when I tutored lifers in English and Math for a semester via a college volunteer program, we were told that the prison's educational budget had recently been slashed in half. California prisons have, at least for the past several decades, been so severely overcrowded, with such a breakdown in basic standards and order, that there is little way to survive without aligning oneself, at least tentatively, with one or another gang, which the parole boards never look favorably upon. The problem with the onerous demands placed on inmates by the parole board is the gross disconnect between, on the hand, the burdensome demands placed on them and, on the other hand, the lack of opportunities available to inmates to meaningfully improve themselves inside the prison, living as they often do in an extremely dangerous environment (prisons in northern California have been routinely shut down because of outbreaks of Legionnaire's disease in recent years, for instance), and that the lucky few who are granted parole are being let out into a minimally functional post-release environment, patched together by tenuous volunteer programs. If the state wants actively compliant, rehabilitated subjects, it should be willing to put up the funds needed to pay for such things as educational programs in prison and high-quality public housing upon release. But the dogmas of neoliberalism block this type of meaningful policy reform. In addition, as Wacquant has persuasively argued, the very scope of the penal state in the United States—2.2 million individuals at any given time in 2016—makes meaningful rehabilitation so expensive, because there are so many people to be rehabilitated, that it is easier to implement a policy that some have derisively, but not unfairly, labeled “lock-‘em-up-and-throw-away-the-key.” The surrealism of the parole board lies in its demand that even those who have passed through this lifeless, life-crushing system are nevertheless expected to demonstrate all the ways in which they have lifted themselves up by their own bootstraps. It's strangely quixotic, Orwellian, and

Kafkaesque, to put it in literary terms, which means naively idealistic, pervasively surveillant, and bureaucratically dysfunctional.

The concept of neoliberalism is fine for getting the conversation started about how and why the carceral state arose and, to some degree, how it continues to operate. But we really need to dig into the meaty details of the system and see what's going on inside if we are to understand its manifold contradictions and dysfunctions, and that means pushing beyond the boundary markers laid down by a concept like neoliberalism.

I was fascinated by your concept of “insight” as a signature of parole board decision-making and would like to ask you to elaborate on it a little bit more. Specifically, you talk about insight having a “fundamentally individualizing thrust that allows parole power to focus the operations of multiple external agents and agencies...on a single individual while simultaneously construing the inmate’s performance as a work of an atomistic, isolated agent” (28). To what extent do you understand insight as a state-managed “technology of the self” (Foucault 1988), i.e., a way in which the “subject [is] compelled to decipher himself in regard to what was forbidden” (17)? How do you understand insight as affecting the subjective experiences of inmates? I’m especially intrigued by the idea that the parole board may have better “insight” into the inmates’ motives and actions than the inmates themselves, given the board members’ access to criminal records. In Foucault’s treatise on the self, he cites knowledge of the self as fundamental to modern morality (22). This ability for parole boards to have more knowledge of the inmates’ experiences than they themselves do thus serves as a powerful form of state control. What are the implications of constructing inmates as unknowable selves (at least to them), both for the inmates and for the foundation of our criminal justice system?

In the specific context of this study—parole hearings for indeterminately sentenced lifers in California—the concept of insight is above all an important concept to the parole board itself. It is the commissioners of the California Board of Parole Hearings that insist upon the importance of “gaining insight,” not we critical anthropologists, sociologists, and criminologists. If a parole board finds that an inmate demonstrates a “lack of insight” into the nature of their crime or their life prior to incarceration, they can routinely be denied

parole, with little other recourse other than to wait for another three, five, seven, ten or fifteen years for another attempt at convincing the commissioners that they've become "prosocial," all depending on how long the parole commissioners feel that the inmate must take to work on their own insight. As the formidable California defense attorney and Obama Foundation fellow Keith Wattley (2013) has shown, "insight" is an existentially important concept for inmates: Whether one has or does not have insight can spell the difference between freedom or captivity – even life or death. But this only leads to an infinite regress: How can I prove what is inside my mind? I can speak in a certain way, mobilize certain evidence, but I can never finally convince you in any objectively meaningful way that I truly know myself. One of the lessons of psychoanalysis, as Slavoj Žižek (2016) points out, is that we rarely if ever know ourselves (207).

The reason why "insight" has now become so crucially important to the lifer parole hearing process in California—whether these indeterminately sentenced lifers will be able to talk their way out of prison, so to speak—has a long and tangled legal history, emerging out of an alliance between punitive California state governors, risk-averse parole board commissioners, and state-appointed psychologists, who seem only too willing to serve as the handmaids of penal power by legitimizing the correctional status quo with their "expert assessments," which are often highly moralizing diatribes that erase all structural issues, such as whether the prison as an institution is even minimally able to offer a meaningful path to rehabilitation. Perhaps this is the right place to say a few words about the problematic aspects of the idea of "rehabilitation." First, for many inmates it is a question not so much of rehabilitation as habilitation, plain and simple, as their early life-chances were so depressed, growing up in dilapidated neighborhoods and with families residing at the very bottom of the economic order, that they were left with few plausible chances at gaining the sorts of skills needed to survive in a cut-throat market society. Second, and perhaps more importantly, we always need to be very careful when using the word "rehabilitation" and constantly ask ourselves whose rehabilitation we are dealing with. In other words, which abilities are the pro-rehabilitationists tacitly setting up as the invisible standard for a successful turnaround of one's life? Some of the rehabilitative-behavioral standards may be innocent enough, like abstaining from hard drugs that can only cause grief, or not falling into a murderous rage at the slightest provocation, but it should be increasingly clear that survival in a capitalist economy is only loosely connected with one's

“abilities,” which are rarely innate and typically massaged into a final shape by a vast complex of power relations. Instead, making it in the world today correlates rather strongly with wealth, income, power. A prison system that talks only about behavioral rehabilitation and not at all about structural rehabilitation, that is, fixing a broken low-wage economy, or ramping up spending on public infrastructure, healthcare, housing, and sufficiently generous social security, skews too hard toward the individualizing, anti-structural vision of the world, which is, incidentally, the favored worldview of the neoliberal class.

So instead of asking whether an inmate truly has or does not have insight, the properly critical-anthropological question seems, in the spirit of Foucault (but without making a travesty of Foucault), to be: Why is the idea of self-knowledge so important to the administrators of the prison system? Part of the answer is that they, like the rest of us, bear the imprimatur of the Age of Enlightenment, with its *sapere aude*, its valorization of daring to know ourselves. Penal administrators expect those who have deviated from societal norms to be able to show that they understand where they went wrong and what steps they have taken to address their misbehavior. But if we accept that this is all there is to the social problem of crime-and-punishment, we are probably letting society off the hook much too easily. What if the problem is not solely, or even centrally, that criminal offenders are somehow behaviorally broken, if I can permit myself to use a slightly odious cybernetic phrase, but that the economy, state, and broader society has failed millions of individuals living in poor, blighted neighborhoods? What if the problem is that we are now seeing the tail-end of a state and economy that were configured in such a way as to never give most of the people in prison today a chance in the first place? Neoliberalism, insofar as it means the retrenchment of the welfare state and the normalization of the Reaganite-Thatcherite ideal of *Homo homini lupus* (“Man is a wolf to man”), provided the material foundation for much of the carceral edifice that states are now desperately trying to tear down, or at least hack away at: It turns out that jailing the poor, huddled masses, the wretched refuse, is extremely costly in purely fiscal terms – and most neoliberals don’t like bloated correctional budgets.

The fact that these questions have to be asked with renewed urgency today only goes to show how far the common sense of postwar social-democratic “penal welfarism,” as David Garland terms it, has fallen by the wayside. We should avoid all sorts of Golden Age-isms — the postwar years were racist, misogynistic, homophobic, and anti-labor in all sorts of

ways—but clearly the pre-hyperincarceration years of 1945 to circa 1975 saw an upsurge in progressive thinking about the importance of asking what society—meaning the state—can do to help prisoners, rather than the post-Reaganite question of what prisoners can to prove themselves worthy of a moderately benevolent state.

The prison system teaches us one very fundamental political-philosophical lesson. If a social problem attains a sufficiently grandiose scale, the individualizing, moralizing, behavioral questions simply break down and become meaningless, even absurd: When the state is confronted, say, with hundreds of thousands of opioid addicts, it is not sufficient, or even particularly adroit, to ask what these individuals can do to better themselves, or blame them for failing to attend their 12-step meetings...Rather, the question must be where the state, market, and wider culture went wrong in getting us to this point and what policies can be implemented to redress these, for lack of a better term, macroscopic ills. Perhaps one of the lessons of microlevel ethnography is that it is not enough to remain caught up in microlevel interactions: We must scale the mountain—to the apex that is the state, that “realization of God on earth, the State,” as Bourdieu (2000) puts it—and reach higher vistas or outlooks (245). Only from this higher, privileged vantagepoint can we make sense of the terrain below. We cannot remain caught up inside the minds of mere individuals. Unfortunately, the concept of insight does just that, blackmailing us into accepting the psychologization of problems that are ineluctably social in nature.

Anthropologists have made unique contributions to criminal justice scholarship through our reliance on ethnography. I’m thinking, for instance, of Lorna Rhodes’ work on supermax prisons, which provides a deep, first-hand account of methods of punishment and treatment in the U.S. prison system. She reflects in a 1986 paper on her role as an ethnographer in institutional settings, unpacking the problematic relationship between anthropologist and institution. She ultimately settles on the term “institutional analyst” to best describe her position as an insider/outsider within the institution, which relies on an analogy between institution and patient in a psychiatric clinic. She states, for instance, that “like the analyst in relation to the patient, the anthropologist in an institution tends to focus on its inner dynamics; its relationship to society cannot be ignored, but the issues in this relationship tend to be seen through the ‘patient’s’ eyes” (Rhodes 1986:212).

How do you envision your relationship both to the inmates and parole board members who served as participants in your study and to the prison system as an institution? How has this relationship colored the lens through which you view the institutional and social limitations shaping the actions of inmates, parole board members, and the prison system as a whole? You provide a fruitful critique of theoretical perspectives on penalty and rehabilitation in the article. How do you think your specific critical perspective was enabled by your use of the ethnographic method?

A lot of ethnographic fieldwork in institutional settings could profitably be helped along by following that nugget of spiritual physics that is the Golden Rule: “Do to others what you want them to do to you,” as Matthew has it. Being courteous and taking an interest in other people’s lives are good basic principles to hew close to when entering the field. I think too much is made of such things in ethnographic textbooks: Be a good person, or try to be. This is easier said than done, of course, but at least it places us firmly in the realm of the practical virtues, not theoretical ethics or, heavens forbid, “methodology.”

There are additional specific challenges in conducting fieldwork within any prison system – perhaps less so in, say, Scandinavia, where I have also conducted research on prisons and where I find fewer obvious and overt injustices staring me in the face, though perhaps this will seem a terribly parochial and European perspective. In California, I once witnessed a parole commissioner evict a black female defense attorney from the parole hearing room over what seemed to be an entirely legitimate concern on her part about the well-being and fair treatment of her client: I will happily admit that I was fuming at what appeared to be an aggressive exercise of power that had everything to do with race, gender, and the ideology of “law and order,” and very little to do with procedural rules. I was probably less than courteous toward the commissioners upon leaving the hearing room for the day. But, as so often happens in the field, when a door is closed, a window opens: This episode turned into an opportunity to commiserate with the defense attorney, who returned the next day and for several other hearings later on over the course of my fieldwork: It was in fact one of the most memorable connections I was able to develop in this at times fraught, hostile, vengeful environment. We do ourselves a disservice as ethnographers if we leave our emotions, and even our political allegiances, such as they are, behind at the door, or prison gate, in this case: I certainly wouldn’t know how to begin to do so. While I agree with the

importance of working as an “institutional analyst,” it runs the risk of sounding too clinical as a description of what actually goes on in the field. Institutional analysis sounds like a desk job at an intelligence agency, but anthropology is a far messier business.

It is always shocking to hear so-called experts on the prison system expound at great lengths on prison conditions, carceral reform, and so on – only to discover that they have rarely if ever set foot inside a prison. After one parole hearing I attended, I recall accompanying a prosecutor on a prison tour, including a walk along Death Row where, incidentally, we were asked to put on bullet-proof vests because the officer said the condemned men sometimes would blow sharpened plastic darts through the air-holes in their plexiglass cages. (I assume, however regrettable, that this was true and not merely apocryphal scaremongering: In the dank, fetid, medieval conditions of that dark chamber I learned to recognize corporeally that perennial sociological truth that brutal conditions only brutalize humans.) Well, this prosecutor—who freely admitted that they had participated in numerous parole hearings and recommended a denial of parole to dozens of men with all that this implied in prolonged prison terms—had never actually seen the prison from the inside. How is it possible that an experienced prosecuting attorney has never seen first-hand the very conditions under which prisoners are kept? As in war, the generals never see the insides of the trenches.

Another time, attending a workshop of progressive prison reformers, a professor from a prestigious California university went on at some length about the causal factors affecting an inmate’s chance of success in a parole hearing – before admitted that they had only ever read the transcripts and never sat in on one of the hearings. This sin of omission might not seem so grave were it not for the fact that the transcripts are highly imperfect renditions of what actually goes on in a parole hearing: If not, what would be the point of studying them ethnographically? I could just kick back with a stack of transcripts and start “coding” my materials in Nvivo...One of the claims that I would like to develop in future work has to do with the role of the prisoner’s body: whether they are muscular, swaggering, covered in tattoos – or meek, humble, slim, and bespectacled. The crucial issue of habitus, physical demeanor, and outward appearance, and how these are “read” by the parole board, in the manner of a heuristic device, as an index of “risk” and future likely recidivism, is simply erased from the transcript, which of course only contains linguistic utterances spoken during the course of the parole hearing – and not even all of those: On occasion, behind-

the-scenes negotiations take place between the commissioners, defense attorney, and prosecutor, off-the-record, with all digital recorders switched off. Not to mention when the court reporters garble the tapes, which also happens on occasion. So how could one possibly know what constitutes the “causal factors” of parole outcomes without observing them first-hand? Like a professor of law writing a textbook on trial law after binge-watching courtroom dramas...

A concrete policy recommendation: If you are in any way in a position of power to decide the future of the prison system, make sure you actually visit a prison at some point – preferably several, and for extended periods of time. Immersion is not the same as inoculation, of course: I am certain that there are plenty of tough-on-crime, law-and-order types who have paced the corridors of penal power for decades, only to deepen their faith in the redemptive power of the prison cell. But witnessing these institutions up-close probably does, on average, tend to weaken one’s belief in the curative powers of imprisonment.

As a linguistic anthropologist, I appreciate your attention to language as a central site of the negotiation of power in parole proceedings. You argue that inmates’ success in parole board hearings is mediated by their ability to speak persuasively about their progress and experiences. Those who lack such symbolic capital often fall along particular racial and socioeconomic planes. Linguistic anthropologists studying educational settings have consistently gone head-to-head with educational policy makers who see differences in communicative competence (e.g., between Standard English and the student’s home language variety) in terms of a lack of student ability or a deficiency in the language input they’re receiving at home. The anthropologists argue that educators are devaluing the social contexts that give rise to the students’ linguistic repertoires and are thus misunderstanding the mismatch in communicative competence that often leads to low student success in school. The onus for success, they argue, should not be placed on the individual student to “compensate” for their “lack” of linguistic ability, but should instead be on the educator to learn about, value, and incorporate students’ own unique linguistic resources in the classroom.

These efforts parallel your overall point discussed above that the parole system understands inmates as agentic individuals in control of their carceral futures, which elides the structural constraints that in fact impact the results of their parole hearings. How might these discussions about student success illuminate what is going on in the criminal justice system? Based on your experience, do you see any practical solutions to the problem of communicative competence and lack of social capital for many inmates facing the parole board?

Once you make the attainment of freedom—receiving a grant of parole, in this case—contingent upon linguistic success, you’ve struck a bargain with the devil. Language is a funny thing: Even in the best of times it tends to escape us. As the novelist Anthony Burgess (1987) writes of language in his memoirs, “Mastery never comes, and one serves a lifelong apprenticeship” (6). And that’s coming from an acclaimed writer of twenty-something novels! How, then, can we expect individuals who have spent decades living in an extremely capricious, ontologically insecure environment, often with little educational ballast to begin with, and scarce opportunities for self-improvement while caught behind bars, to perform as the star of their own linguistic show for three to five hours, pitted against a crack team of highly experienced, verbally astute prosecutors and parole commissioners – and often with unenthusiastic and underpaid state-appointed defense attorneys by their side? Things remain dicey as long as inmates and commissioners remain trapped in a language game of the state’s making.

So what’s the solution? Many European jurisdictions release inmates with “good behavior” as a matter of course after two-thirds’ completion of their sentence. The parole hearing as an institutional morality play more or less disappears. But what if a prison is so violent and overcrowded that “good behavior” remains out of the question? Even people of good will can be lured into the prison gangs, into subterfuges and conspiracies, fights and thefts, while locked up for decades at a time in the hothouse that is the “neoliberal prison.”

As such, parole reform necessarily forces us to think about prison reform: repairing antiquated prison buildings, improving sanitary conditions, reducing overcrowding, single-celling inmates instead of housing in triple bunks or dorms, building better libraries, organizing literacy classes and fully-funded college-degree programs, raising prison job wages, more nutritious and varied food, hiring more teachers, psychiatrists, doctors, and

nurses. The prison has a lot of functions, one of which is incapacitation, that is, to extirpate the inmate's capacity for further criminal acts. But prisons in general do not perform even this minimal function particularly well. Prisons are hotbeds of crime. If the standards by which inmates are being judged for their release are overwhelmingly linguistic, then we should at least make sure that they are equipped with all means necessary to win the game established by the state, even if the odds are stacked against them thanks to broader social forces.

Of course, this might just lead to a kind of educational arms race, with parole commissioners expecting ever more "self-improvement work" from inmates, and I saw some signs of that in the field: The last guy participated in five self-help programs, so why were you only in three? That kind of thing. None of this really makes any sense until we begin to realize that long-term prisoners have suffered a kind of civic death: they are *personae non grata*, *homines sacer*, or any number of other Roman categories signaling their ejection from the body politic. As such, the parole commissioners expect the impossible, the miraculous: a resurrection event, enacted by the right combination of words. It probably goes without saying that this is very difficult.

There is one additional reform that might go some way toward improving inmates' chances of "presenting well" before the board, as the phrase goes in the parole business. Their state-appointed defense attorneys should be afforded far more preparation time. (Higher pay would also attract legal talent.) At present, most defense attorneys sit down with their inmate clients for an hour or two before the day of the hearing. Remember that a parole hearing is a bit like a courtroom trial, only with the defendant already having been found guilty, and now they must prove their innocence – or rather, their redemption, their "healing journey," to speak in New Age terms. This is a topsy-turvy, Alice-in-Wonderland world. How can inmates, who have lived in a hyper-dangerous world of survival be expected to "present well" after only having seen their legal counsel for an hour or two at most? A fortunate few inmates who possess the financial means or family connections are free to hire a private attorney: It would be worthwhile studying whether parole is granted more freely to those with private representation versus those stuck with a public defender – my sense is that things look very different with a motivated, highly-paid attorney by your side. Most of the state-appointed defense attorneys I met with were decent, hard-working people, but they were groaning under the burden of unmanageable caseloads, paltry

remuneration, long working hours, and the tiresome business of having to drive up and down the state from one remote prison to another to perform unenviable labor. Get the attorneys right, and inmates' legal rights will be cared for more conscientiously. A legal aid clinic like UnCommon Law, which provides free counsel to lifers and does extensive preparation prior to appearing before the parole board, has secured the release of 215 clients to date, and their grant rate is likely far higher than that of the state-appointed attorneys.

But the most important reform of all is, to put it in slightly romantic terms, to build a better world. Until a high-functioning welfare state is built, with low unemployment, minimal social inequality, and comprehensive social protections, prison reformers will constantly find themselves waging an uphill battle. Get the world right – and the prison will wither away.



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