

## Supermax Swindle: On the contradictions of the meta-prison\*

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*Having doubled its confined population in twenty years despite flattening crime rates and having recently regained its title as the leading incarcerator in Western Europe, Britain is struggling to figure out where to warehouse the 85,000 bodies it holds under penal restraints. How to replace aging, decrepit, and overcrowded facilities and build new ones while limiting correctional outlays? How to manage the “worst of the worst” inmates in austere conditions and yet continue to invoke the empty promise of “rehabilitation”? How to sell endless carceral expansion as a social good to the citizenry despite its glaring failure to cure the malady of street crime? The building of “titan prisons” patterned after the large-scale custodial establishments common in the United States has been proffered as the miraculous elucidation of these dilemmas. Fittingly, the Ministry of Justice recently announced that Britain’s first “super-prison” would be built - at the cost of £250m - on the site of an abandoned Firestone factory on Wrexham Industrial Estate: as industrial employment vanishes, penal contraptions mushroom to enforce the new economic regime of casual jobs and restricted social rights for the unskilled fractions of the postindustrial working class as well as to boost the evaporating legitimacy of political elites (Wacquant, 2014a).*

*To assess the potential impact of this new item in the “transatlantic trade” in penal policy, it is instructive to reflect on the roots, rationale, and spread of the “Supermax” in the United States. It reveals that, far from resolving the contradictions of hyperincarceration, the “prison within the prison system” has only displaced and exacerbated them. One can predict a similar fate for Britain’s lurch toward titanic incarceration.*

It is often forgotten that, during the 1960s and into the mid-1970s, the United States was a global leader in progressive penalty, much as it had been about a century earlier when Gustave de Beaumont and Alexis de Tocqueville crossed the Atlantic to learn about American innovations in humane punishment for the benefit of European rulers.<sup>1</sup> Through practical experience and in-depth policy analysis, federal authorities had arrived at the view that the prison is an institution that feeds, rather than fights, crime; that the building of custodial facilities should be stopped and juvenile confinement phased out; and that only a vastly enlarged effort at rehabilitating inmates, whose constitutional rights were just beginning to be recognized and enforced by the courts, would improve the output of criminal justice. Local authorities were experimenting in correctional reform on multiple fronts, from jail processing to community mental health to prisoner unionization, with the aim of limiting the scope and injurious effects of captivity. The inmate count was going down slowly but steadily; decarceration was on the agenda; and mainstream penologists, historical analysts, and radical critics were nearly unanimous in holding that the penitentiary had entered into irremediable if not terminal decline. With some 380,000 behind bars circa 1973, the United States seemed poised to hoist the banner of liberty aloft again and to lead other nations onto the path to “a world without prisons” (Dodge, 1979; Irwin, 1980; Zimring and Hawkins, 1991).

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<sup>1</sup> Tocqueville’s celebrated account of *Democracy in America* originated in a year-long mission across the republic, carried out with Gustave de Beaumont on behalf of the French government, to inquire about carceral practices in the United States. It led to the publication of the landmark study, *On the Penitentiary System in the United States and its Application in France* (1833; trans. Carbondale, Southern Illinois University Press, 1979, Introduction by Thornsten Sellin).

Then came the *triple backlash* to the socioracial turmoil of the 1960s and the stagflation of the 1970s that turned penal trends around on a dime and sent the country into a carceral frenzy on a scale, span and duration unknown in human history. The first was a racial reaction against the advances of the civil rights movement and to the partial closing of the social gap between blacks and whites; the second a class reaction against the broad gains of labour at the bloom of the Fordist-Keynesian regime; and the third a political reaction against a welfare state perceived to cosset and coddle undeserving categories, *primus inter pares* the welfare recipients and street criminals newly “painted black” in the wake of the ghetto riots of 1964-1968 (Wacquant, 2009; 2014b). These three strands coincided and converged into a sweeping reengineering of the state and propelled the deployment of a disciplinary poverty policy mating restrictive “workfare” and expansive “prisonfare” that has turned the United States into the undisputed world champion in incarceration, with 2.4 million behind bars (representing fully one-quarter of the planet’s population under lock) and nearly 8 million under justice supervision, even as criminal victimization first stagnated and then receded during that same period. The United States also became a major exporter of punitive penal categories, discourses, and policies: with the help of a transnational network of pro-market think tanks, it spread its aggressive gospel of “zero tolerance” policing, judicial blackmail through plea bargaining, the routine incarceration of low-level drug offenders, mandatory minimum sentences for recidivists, and boot camps for juveniles around the world as part of a neoliberal policy package, fueling a global firestorm in law and order (Jones and Newburn, 2006; Seri, 2012; Wacquant, 2009).

One of the most startling products of this unforeseen surge and unprecedented expansion of the penal state has been the invention of yet another American “peculiar institution”: the so-called super-maximum security facility, aka, the *supermax prison*. It arose from within the entrails of the correctional administration, in the early 1980s, just as carceral hyperinflation was accelerating, ostensibly in a technical effort to seclude the “worst of the worst inmates”, those deemed too disruptive or dangerous to mix with the general population or even to be handled by conventional high-security wards (Shalev, 2009). As a flood of convicts seemingly impervious to penal discipline and splintered by gang-fueled racial violence met a new generation of prison wardens committed to neutralization as the primary, if not the sole, mission of their overcrowded establishments, this “no-nonsense” contraption officially designed to tame recalcitrant and predatory prisoners through intensified isolation solidified. Bureaucratic mimetism, lavish federal funding, and the wish to signal penal severity to lawbreakers, politicians and the media then fostered its proliferation across the nation. By the year 2000, as the United States passed the red mark of two million inmates, such facilities were present in three dozen states and held 2% of the country’s prisoners, amounting to some 25,000 convicts - twice the *entire* carceral population of the Scandinavian countries. Despite their dubious constitutionality and apparent violation of the International Covenant on Civil and Political Rights (of which the US is a signatory country), extreme physical austerity, constant social sequestration, the extinction of programming, and enduring sensory deprivation became the normal parameters of long-term detention for these inmates.

In sum, instead of rehabilitating convicts, the United States *rehabilitated the prison* and turned it into a device for the punitive containment of marginality and the reassertion of state sovereignty on the outside. Then it fashioned a new *neutralizing “prison within the prison”* to discharge the same function inside the bloated penal system, granting the supermax a pivotal place in the panoply of “unthinkable punishment policies” (Tonry, 1999) that have propelled the drive to hyper-incarceration in the age of revanchism. Just as the penitentiary is massively overused as a *vacuum cleaner for the social detritus* of a society ravaged by economic deregulation, welfare retrenchment, and ethnoracial anxiety, supermax facilities are grotesquely overused inside to subdue and store *the refuse and the refuseniks of carceral rule*. The supermax prison thus stands as the hyperbolic product and iconic

expression of the ravenous remaking of the American penal state,<sup>1</sup> for which incapacitation has supplanted rehabilitation and the invisibilizing of problem categories become a prime technique of government. So much to say that its study has much to contribute to our understanding of the internal and external politics of punishment in contemporary society.

The boundaries of the “supermax” are woolly, its genealogy disputed, and its demography imprecise in the very country where it was invented (see Naday *et al.*, 2008). This is for a simple reason: it is an *administrative notion*, designed by and for correctional professionals, that has been smuggled into the social science of the prison without sufficient scrutiny. And, as Robert Merton (1987) reminds us, before we rush to explain any social phenomenon, we must imperatively take pains to establish it and specify its defining properties. So what, then, constitutes a “supermax” facility: is it the physical layout, the regimen to which inmates are subjected, the types of convicts simultaneously brought together and apart in it, the reasons behind their segregation or the effects that this type of confinement has on them, or some combination of these? More precisely, does it take a dedicated establishment and a distinctive design permitting direct and permanent close supervision? How many daily hours of solitude and how little human contact must inmates endure for the facility which holds them to qualify? What about the frequency of lockdowns and the routine use of leg restraints and waist chains, are they defining or derivative features, essential or accidental? These questions apply *ad libitum* to every characteristic used to depict this or that presumed instance of a “supermax” or deviation from it. Let me essay the following specification: “supermax” designates a species of *meta-prison*, a prison for the prison, a facility dedicated in all or most of its aspects (architecture, technology, activities, schedules and social relations, etc.) to *redoubling* the treatment that the penitentiary inflicts on those most recalcitrant to it, and therefore geared to dissolving - or, rather, “disappearing” - the gaps, failings, and contradictions of that treatment. In the current era, the meta-prison transposes the philosophies of neutralization and retribution from the outside to the inside of the carceral institution,<sup>2</sup> applying them, as it were to the “meta-criminals” who repeatedly violate the laws of the administration of penal sanction. It is the materialization of *reflexive punitive penalty*, that is, punishment turned back onto itself and not just redoubled but squared. Rather than “a routine and cynical perversion of penological principles,” as argued by Roy King (1999: 182), the neutralizing prison-inside-the-prison is a straightforward extension of current punishment policy to the carceral institution itself that brings the simmering “crisis of penal modernism” to a boil by simultaneously singling out and entombing those inmates who embody it (Garland, 1995).

This analytic specification allows us to displace the United States from its purported Archimedean position, which stems from historical usurpation and not analytic necessity. It enables us to distinguish and explore two dimensions along which countries may vary and journey: the degree to which they differentiate and autonomize the meta-prison within the penal apparatus it serves and the extent to which this meta-prison prioritizes the practical imperative of safety and security as the foundation of carceral order over and against other possible penal purposes (deterrence, neutralization, retribution, rehabilitation). This conceptualization also suggests that we can fruitfully employ the supermax and germane contraptions as a magnifying glass for comparative justice inquiry, insofar as it acts as *practical revelator* of the characteristic traits, structural evolution, and enduring contradictions of a given national carceral system.

There is urgent need for further international research into the social determinants of regimes of criminal confinement so as to connect the phenomenology of imprisonment as everyday lived reality at ground level and the revamping of punishment as a core state activity at the macro-institutional level.

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<sup>1</sup> More so than the death penalty, whose return after the mid-1970s is a legal accident overdetermined by the deep class bias of criminal justice and which plays a decorative (and distractive) role in the overall economy of punishment in America (*pace* David Garland, 2010).

<sup>2</sup> The philosophy of neutralization and its aporias are dissected by Zimring and Hawkins, (1995). Their central arguments can be extended and adapted to fit the meta-prison.

For this we need precise empirical descriptions and analytic dissections of (i) the ordinary routines and practical workings of procedures inside custodial facilities of the kind offered, for France by Anne-Marie Marchetti (2001) in *Perpétuités* and for England by Ben Crewe (2009) in *The Prisoner Society*; (ii) the inner architecture and administrative functioning of criminal justice, and of the battles roiling the carceral sector within it, as supplied in the case of California by Joshua Page (2010) in *The Toughest Beat*; and (iii) the shifting position of criminal justice inside the structure of the local and national state, including how incarceration has become the ground, stake and product of struggles waged across the fields of government, politics, and the media, as sketched by Lisa Miller (2008) in *The Perils of Federalism* and Vanessa Barker (2009) in *The Politics of Imprisonment*. Pierre Bourdieu's (1994) notion of "bureaucratic field" as the set of agencies that successfully monopolizes the definition and distribution of public goods, among them the "negative" government benefit of punishment, supplies a powerful tool for seamlessly integrating these analytic levels. By tying the fleshly experience of hyperconfinement in a supermax-style prison to the broader revamping of the state in the neoliberal era (Wacquant, 2010), it can help us discover under what conditions the theatre of sovereignty can come to take the perplexing form of a solitary soul in a twelve-by-seven-foot box of barren concrete.

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