

A SOCIOCOGNITIVE APPROACH TO STUDYING THE EFFECTS OF INCARCERATION

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Incarceration has pervasive negative effects on life outcomes, including employment, but explanations for these effects (apart from those based on selection) tend to be divided between those that focus on the lingering pains of imprisonment and those that focus on discrimination. In this Article, we attempt to provide a bridge between these two foci by situating both within a larger sociocognitive context. This involves reviewing the contemporary literature on prisonization with an eye toward identifying corollaries in the social-psychological literature. It also involves situating research on the “mark” of a criminal record within the larger social-psychological literature on stigma. Recasting the incarceration literature using sociocognitive terms and concepts sheds some additional light. In particular, some of the self-defeating behavior of former inmates, including disengagement, can be seen as reflecting the psychological dilemmas former inmates face after release. Furthermore, a sociocognitive perspective sheds light on some of the unique features of incarceration stigma. Although coping with stigma is difficult for all stigmatized persons, the situation of former inmates may be especially difficult given a confluence of factors, including some atypical features of incarceration stigma, institutional pressures that amplify that stigma, and the lingering psychological pains of imprisonment, which mitigate effective coping.

Introduction	350
I. General Themes of a Sociocognitive Approach	353
A. Stage 1: Prisonization and the Long-Term Effects of Incarceration.....	355
1. Self-Regulation	355
2. Self-Definition	357
3. Affiliation-Related Behaviors	359
B. Stage 2: Stigma and Discrimination	359
C. Stage 3: Dilemmas in Coping with the Stigma of Incarceration.....	364
II. Disengagement as Social Endgame	369
III. Social-Psychological Research on Incarceration: Promise and Prospects.....	372

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Conclusion.....	374
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INTRODUCTION

Research on the negative effects of incarceration has grown rapidly in recent years. Among other topics, research has explored the effects of incarceration on employment and wages,¹ marital stability,² social networks,³ and health,⁴ and almost without exception, this research has demonstrated powerful negative consequences.⁵ Those with a history of incarceration are less likely to be hired, have slower wage growth, have more unstable relationships, and have higher rates of illness.⁶ In some respects these findings are not surprising, but empirically they are a revelation. Prior to this research, the negative consequences of incarceration were neglected, overlooked, or attributed merely to risk selection into prison, even as a large body of research addressed the power of prison culture over inmates.⁷

1. Bruce Western, *The Impact of Incarceration on Wage Mobility and Inequality*, 67 AM. SOC. REV. 526 (2002); Bruce Western, Jeffrey R. Kling & David F. Weiman, *The Labor Market Consequences of Incarceration*, 47 CRIME & DELINQ. 410 (2001).

2. BRUCE WESTERN & LEONARD LOPOO, *Incarceration, Marriage, and Family Life*, in PUNISHMENT AND INEQUALITY IN AMERICA 131, 131–33 (2006); Kathryn Edin, *Few Good Men: Why Poor Mothers Don't Marry or Remarry*, AM. PROSPECT, Jan. 3, 2000, at 26, 26–31.

3. Dina R. Rose & Todd R. Clear, *Incarceration, Reentry, and Social Capital: Social Networks in the Balance*, in PRISONERS ONCE REMOVED: THE IMPACT OF INCARCERATION AND REENTRY ON CHILDREN, FAMILIES, AND COMMUNITIES 313, 313–15 (Jeremey Travis & Michelle Waul eds., 2003) [hereinafter PRISONERS ONCE REMOVED]; John Hagan & Ronit Dinovitzer, *Collateral Consequences of Imprisonment for Children, Communities, and Prisoners*, CRIME & JUST.: REV. RES., 1999, at 121, 131–37.

4. Michael Massoglia, *Incarceration as Exposure: The Prison, Infectious Disease, and Other Stress-Related Illnesses*, 49 J. HEALTH & SOC. BEHAV. 56, 56–59 (2008); Jason Schnittker & Andrea John, *Enduring Stigma: The Long-Term Effects of Incarceration on Health*, 48 J. HEALTH & SOC. BEHAV. 115, 124–28 (2007).

5. A parallel body of research has been concerned with the effects of incarceration on crime control, which might be characterized as “positive” effects, but we limit our discussion to research concerned with other life outcomes.

6. Sara Wakefield & Christopher Uggen, *Incarceration and Stratification*, 36 ANN. REV. SOC. 387, 394–97 (2010).

7. JACK HENRY ABBOTT, *IN THE BELLY OF THE BEAST: LETTERS FROM PRISON* 18–19 (1981); ELDRIDGE CLEAVER, *SOUL ON ICE* 21–22 (1991); DONALD CLEMMER, *THE PRISON COMMUNITY* 315–20 (1940); IOAN DAVIES, *WRITERS IN PRISON* 11–12 (1990); PETE EARLEY, *THE HOT HOUSE: LIFE INSIDE LEAVENWORTH PRISON* 89 (1992); DAVID GARLAND, *THE CULTURE OF CONTROL: CRIME AND SOCIAL ORDER IN CONTEMPORARY SOCIETY* 5–6 (2001); ERVING GOFFMAN, *STIGMA: NOTES ON THE MANAGEMENT OF*

Yet research documenting the effects of incarceration has grown much faster than theoretical frameworks for understanding how it exerts its influence. In general, the literature has oscillated between explanations that emphasize the personal characteristics of former inmates⁸ and explanations that emphasize the behavior of others directed toward former inmates.⁹ Regarding the former, a long-standing literature focuses on poor self-control, which is thought to be related both to criminal offending and poor labor market prospects.¹⁰ The literature on prisonization is similar insofar as it casts the reentry difficulties of former inmates partly in light of the lingering pains of imprisonment.¹¹ More recent work has shifted the debate away from the personal characteristics of prisoners toward the situation they find themselves in during reentry. In this vein, one line of research focuses on discrimination stemming from the “mark” of a criminal record,¹² which moves the focus to stigma and the social meaning of a criminal history.¹³

Perhaps missing from the literature is a bridge between these foci. Research on the pains of imprisonment, for instance, tends to stop at the point of release, even if it speculates that most of the adjustments associated with prisonization undermine reentry.¹⁴ Research on stigma, meanwhile, tends to neglect the prison experience, settling instead on understanding discrimination and the significance of a criminal record to employers.¹⁵ Yet a full explanation of the negative effects of incarceration should draw linkages between these assorted experiences, considering the joint influence of the pains of imprisonment and stigma. It is important to understand, for example, how prisonization does or does not allow former inmates to cope with the stigma of incarceration. Similarly, it is important to understand what inmates believe about themselves as much as what others believe about them because the

SPOILED IDENTITY 143–44 (1963); GRESHAM M. SYKES, *THE SOCIETY OF CAPTIVES: A STUDY OF MAXIMUM SECURITY PRISON* 66–67 (1958); Stanton Wheeler, *Socialization in Correctional Communities*, 26 *AM. SOC. REV.* 697, 697–99 (1961).

8. See, e.g., MICHAEL R. GOTTFREDSON & TRAVIS HIRSCHI, *A GENERAL THEORY OF CRIME* 85–120 (1990).

9. See, e.g., Devah Pager, *The Mark of a Criminal Record*, 108 *AM. J. SOC.* 937 (2003).

10. GOTTFREDSON & HIRSCHI, *supra* note 8, at 85.

11. Craig Haney, *The Psychological Impact of Incarceration: Implications for Postprison Adjustment*, in *PRISONERS ONCE REMOVED*, *supra* note 3, at 33, 33–66.

12. E.g., Pager, *supra* note 9, at 937–38, 942.

13. *Id.* at 939–42.

14. See Haney, *supra* note 11, at 54–56.

15. See, e.g., Devah Pager et al., *Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records*, 623 *ANNALS AM. ACAD. POL. & SOC. SCI.* 195 (2009); see also Christy A. Visser et al., *Employment After Prison: A Longitudinal Study of Former Prisoners*, 28 *JUST. Q.* 698 (2011).

stigma of incarceration likely affects the behavior of former inmates even before others have an opportunity to discriminate.

One way to think about this bridge is to think about psychological processes and, in so doing, to situate the literature on the effects of incarceration within a larger social-psychological literature on stigma. A similar strategy has been adopted by research on the experiences of former psychiatric patients, allowing for a more nuanced appreciation of labeling effects.¹⁶ Empirical criminology could benefit from the same. In what follows, we provide a framework for thinking about the psychological effects of incarceration and their behavioral consequences. We engage in four tasks: first, we update the prisonization literature in light of some recent investigations, focusing on those aspects of prisonization that are most relevant to reentry; second, we anchor the prisonization literature using more general social-psychological concepts, recasting a few concepts in terms perhaps more familiar to social psychologists; third, we outline the cognitive dimensions of incarceration stigma, thereby situating the incarceration literature within the much larger literature on stigma and stereotypes; and fourth, we outline what occurs at the intersection of prisonization and stigma, focusing on how former inmates manage the predicaments of stigma. We end by illustrating how at least some counterproductive behaviors described in the literature can be framed in terms of the psychological dilemmas former inmates face—that is, in terms of the person and the situation—rather than as reflections of their personal character alone. Relative to other stigmatized groups, former inmates may have an even more difficult time coping with stigma, owing to the unique nature of incarceration stigma, institutional supports for that stigma, and how stigma interacts with prisonization.

Although the mechanisms and processes we discuss are quite general, we focus our discussion on two things: reestablishing social relationships and finding stable employment. Some elements of our review are speculative, but the social-psychological literature we discuss is empirical. To be sure, this literature often focuses on other topics, but this focus does not limit the literature's relevance. If one believes incarceration is at all stigmatizing, it is possible to learn from studies that have looked at the effects of stigma among others, including, for example, former psychiatric patients. We are aware of the long history of efforts to cast the problems of reentry in terms of psychological pathology, and we are not positing that psychological influences explain entirely why former inmates struggle with reintegration. Our hope is that by drawing on a more contemporary and sophisticated literature we are

16. See Bruce G. Link et al., *A Modified Labeling Theory Approach to Mental Disorders: An Empirical Assessment*, 54 AM. SOC. REV. 400 (1989).

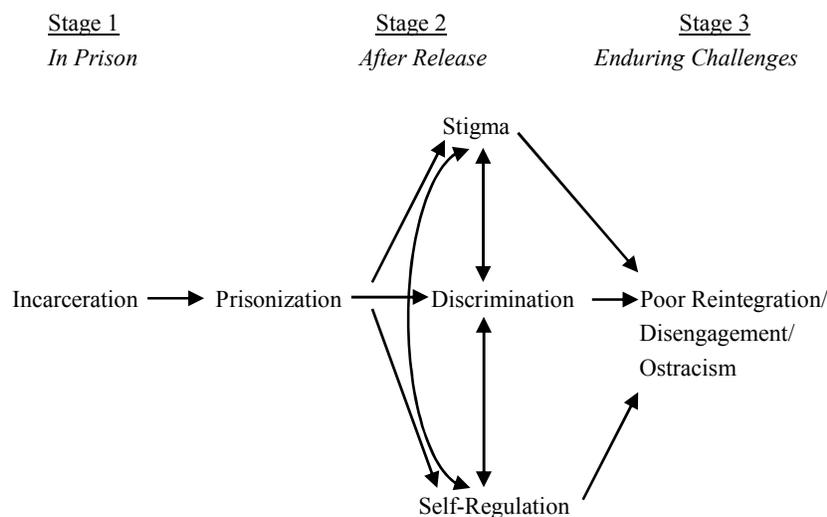
able to depict the dilemmas of former inmates in a more dynamic and complex light, one that is fundamentally attuned to person-environment interactions rather than one influence or the other. Among other things, our framework will hopefully allow researchers to understand the sort of self-defeating behaviors that are regularly described in the ethnographic literature regarding reentry but not adequately conceptualized.¹⁷ Another benefit is to cast these experiences as ordinary responses to extraordinary experiences.

I. GENERAL THEMES OF A SOCIOCOGNITIVE APPROACH

Figure 1 illustrates the themes that will guide the remainder of our Article. This Figure is organized as a series of stages, meant to illustrate the process of reentry but not to exhaust all possibilities. Stage 1 highlights prisonization, which is the most immediate psychological consequence of incarceration and the concept with the longest pedigree within penology. Stage 2 describes some mechanisms that link incarceration to reentry-related outcomes, focusing on stigma and self-regulation. Stage 3 represents success or failure in reintegration, to which we add the concept of disengagement. This Figure is meant as a heuristic device, and, although arrayed discretely and sequentially, our focus is on drawing connections between the stages rather than cataloging all the potentially relevant parts. In the context of Stages 2 and 3, for example, we will discuss strategies former inmates use to cope with the stigma of their status.

17. See, e.g., DONALD BRAMAN, *DOING TIME ON THE OUTSIDE: INCARCERATION AND FAMILY LIFE IN URBAN AMERICA* (2004); ANNE NURSE, *FATHERHOOD ARRESTED: PARENTING FROM WITHIN THE JUVENILE JUSTICE SYSTEM* 72–95 (2002).

FIGURE 1. CONCEPTUAL MODEL-LINKING STAGES
BETWEEN INCARCERATION AND REINTEGRATION



Our approach resembles other efforts concerned with illustrating the effects of total institutions, including psychiatric hospitals. In particular, our approach is similar to the *modified labeling theory* in that we are concerned not only with the responses of others to a stigmatized group, but also with how stigmatized individuals themselves respond in ways that can lead to negative consequences, irrespective of actual discrimination.¹⁸ In order to understand the consequences of a psychiatric label, for example, the modified labeling theory focuses on how individuals cope with the stigma of mental illness.¹⁹ In this regard, the modified labeling theory builds on Thomas Scheff's original labeling theory but argues that conformity to the negative expectations of others is not the only way to understand the effects of a label.²⁰ Former psychiatric patients are also vulnerable because of how they respond to the *expectation* of rejection. Some responses, such as withdrawal, are themselves risk factors for new psychiatric disorders.²¹ Adopting a similar strategy, we argue that stigma among former inmates has adverse consequences because it leads former inmates to behave in ways that are

18. See, e.g., Link et al., *supra* note 16, at 402–03.

19. See, e.g., Bruce G. Link et al., *Stigma as a Barrier to Recovery: The Consequences of Stigma for the Self-Esteem of People with Mental Illnesses*, 52 PSYCHIATRIC SERVICES 1621, 1621–22 (2001).

20. Cf. THOMAS J. SCHEFF, BEING MENTALLY ILL: A SOCIOLOGICAL THEORY 25–28 (1966).

21. Link et al., *supra* note 19, at 1621–22.

counterproductive to reintegration. Like the modified labeling theory, we also focus on the content and organization of stereotypes, as they serve as the “active ingredients” that lend incarceration stigma its unique power. Understanding the consequences of incarceration begins, however, with understanding the pains of imprisonment.

A. Stage 1: Prisonization and the Long-Term Effects of Incarceration

Research on inmates tends to focus on the many pains of imprisonment, and the list of pains continues to grow with new studies.²² Yet in its original formulation, the concept of prisonization was meant to explain a paradox: although prisons are stressful and dangerous places,²³ most inmates do not appear to suffer from a psychiatric disorder, and social order is largely maintained.²⁴ Prisonization, then, refers to the strategies inmates use to cope with their surroundings.²⁵ Yet, as scholars also readily acknowledge, there are negative consequences to prisonization, which are subtle and difficult to assess using conventional indicators of mental health.²⁶ The consequences of imprisonment for self-regulation, self-definition, and affiliation-related behaviors are particularly relevant for reentry and set the stage for our later discussion of how prisonization intersects with stigma.

1. SELF-REGULATION

Self-regulation refers to the psychological mechanisms whereby individuals exert control over their behavior, cognition, and emotion.²⁷ Prisonization impairs self-regulation by diminishing the perceived

22. Ben Crewe, *Depth, Weight, Tightness: Revisiting the Pains of Imprisonment*, 13 PUNISHMENT & SOC'Y 509 (2011).

23. LORNA A. RHODES, TOTAL CONFINEMENT: MADNESS AND REASON IN THE MAXIMUM SECURITY PRISON 13–14 (2004); SYKES, *supra* note 7, at 77–78; Kenneth Adams, *Adjusting to Prison Life*, 16 CRIME & JUST.: REV. RES. 1992, at 275, 282–84; *see also* SILJA J.A. TALVI, WOMEN BEHIND BARS: THE CRISIS OF WOMEN IN THE U.S. PRISON SYSTEM 58 (2007); Wheeler, *supra* note 7, at 710–11.

24. *See* James Bonta & Paul Gendreau, *Reexamining the Cruel and Unusual Punishment of Prison Life*, 14 L. & HUM. BEHAV. 347 (1990); *see also* Frank J. Porporino, *Difference in Response to Long-Term Imprisonment: Implications for the Management of Long-Term Offenders*, 70 PRISON J. 35, 35–36 (1990).

25. CLEMMER, *supra* note 7, at 299–303; STANLEY COHEN & LAURIE TAYLOR, PSYCHOLOGICAL SURVIVAL: THE EXPERIENCE OF LONG-TERM IMPRISONMENT 55–56, 106–07, 131–34 (1972); *see also* SYKES, *supra* note 7, at 131–34; Bonta & Gendreau, *supra* note 24, at 355, 359.

26. Haney, *supra* note 11, at 38.

27. Tom Pyszczynski et al., *Experimental Existential Psychology: Coping with the Facts of Life*, in 1 HANDBOOK OF SOCIAL PSYCHOLOGY 724, 744 (Susan T. Fiske et al. eds., 5th ed. 2010).

benefits of otherwise productive behaviors (although in the prison literature the concept is occasionally referred to as *self-governing*).²⁸ This occurs in response to the structure of prison life. Given the challenges of “doing time,” many inmates cope by minimizing their expectations for the future and focusing only on short-term goals.²⁹ This focus is appropriate when there is little to be gained by looking ahead. It is also appropriate when inmates are held responsible for good conduct but given little to do or accomplish.³⁰ Yet this focus leaves inmates ill prepared for release, when initiative, persistence, and a long-term outlook are essential.³¹ Similarly, diminished expectations might be fitting in an environment that affords few opportunities, but it is damaging when optimism can be used to motivate goal-oriented behavior.³² In an extensive study of prisonization, Edward Zamble and Frank Porporino report that the most common coping strategy among inmates is a reactive approach to events, wherein inmates respond to problems as they arrive rather than proactively organize their behavior to avoid them.³³ Extending this idea further, Craig Haney argues that the prison environment renders some inmates so dependent on external rewards that they lose the capacity for autonomous self-control.³⁴ If anything, the implications of incarceration for self-regulation have grown stronger with the rise of indeterminate sentencing, which makes planning for the future even more difficult and elevates the consequences of strict adherence to institutional rules.³⁵

28. See, e.g., Crewe, *supra* note 22, at 518–19.

29. See R. Sapsford, *Life-Sentence Prisoners: Psychological Changes During Sentence*, 18 BRIT. J. CRIMINOLOGY 128, 139–42 (1978).

30. See Crewe, *supra* note 22, at 519.

31. See, e.g., LYNNE GOODSTEIN, INMATE ADJUSTMENT TO PRISON AND POST-RELEASE OUTCOME 174–75 (1977); HAROLD F. UEHLING, CORRECTION OF A CORRECTIONAL PSYCHOLOGIST IN TREATMENT OF THE CRIMINAL OFFENDER 114–16 (1973).

32. See, e.g., ERIC GROMMON ET AL., MICH. JUSTICE STATISTICS CTR., UNDERSTANDING THE CHALLENGES FACING OFFENDERS UPON THEIR RETURN TO THE COMMUNITY 32–37 (2012), available at http://cj.msu.edu/assets/MI-SAC_Reports_Reentry-Interview-Tech-Report_final.pdf.

33. EDWARD ZAMBLE & FRANK J. PORPRINO, COPING, BEHAVIOR, AND ADAPTION IN PRISON INMATES 57–58, 93 (1988).

34. Haney, *supra* note 11, at 40.

35. Crewe, *supra* note 22, at 513–14.

2. SELF-DEFINITION

Inmates also lose the capacity for self-definition.³⁶ Beyond the usual loss of social roles associated with incapacitation, prisons increasingly foster the loss of identity through routine practices of surveillance. Indeed, one of the most important trends in prison administration is toward an increasing use of actuarial methods of risk assessment, which use generalized information about an entire population to assess the risk of particular individuals.³⁷ Techniques of this sort include the use of psychiatric taxonomies, supplemented by assessments unique to penal settings.³⁸ In an especially nuanced investigation of the role of psychiatric nosology in prisons, Lorna A. Rhodes discusses how labeling affects interactions between inmates and prison officials.³⁹ In particular, she focuses on the label “psychopath.”⁴⁰ The label is applied to potentially threatening inmates and is interpreted to mean the inmate has little control over his dangerous impulses.⁴¹ At first glance, the use of a label of this sort would seem to be little more than a superficial matter of categorizing individuals who are, in many cases, demonstrably dangerous. Yet the label is consequential from a social-psychological perspective and emblematic of incarceration’s deeper effects. Using the concept of “looping,” first developed by Erving Goffman,⁴² Rhodes documents the ways in which the label redoubles back to inmates, shaping how their behavior is interpreted and, in turn, how they behave.⁴³ When an inmate is labeled a psychopath, his behavior is interpreted as symptomatic of his disorder, rather than an ordinary response to his environment. This attribution, in turn, validates the initial label and attribution, reinforcing a dispositional view of behavior and leaving the inmate incapable of altering his institutional identity in a meaningful way. Indeed, the very means by which a person might ordinarily counter

36. See generally ERVING GOFFMAN, *On the Characteristics of Total Institutions*, in ASYLUMS: ESSAYS ON THE SOCIAL SITUATION OF MENTAL PATIENTS AND OTHER INMATES 1, 12–74 (1961).

37. DEAN J. CHAMPION, CORRECTIONS IN THE UNITED STATES: A CONTEMPORARY PERSPECTIVE 206 (3d ed. 2001).

38. See, e.g., Katja Franko Aas, *From Narrative to Database: Technological Change and Penal Culture*, 6 PUNISHMENT & SOC’Y 379 (2004).

39. Lorna A. Rhodes, *Taxonomic Anxieties: Axis I and Axis II in Prison*, 14 MED. ANTHROPOLOGY Q. 346 (2000) [hereinafter Rhodes, *Taxonomic Anxieties*]; see also Lorna A. Rhodes, *Psychopathy and the Face of Control in Supermax*, 3 ETHNOGRAPHY 442 (2002) [hereinafter Rhodes, *Psychopathy*].

40. Rhodes, *Psychopathy*, *supra* note 39, at 443; Rhodes, *Taxonomic Anxieties*, *supra* note 36, at 361.

41. *Id.* at 447.

42. GOFFMAN, *supra* note 36, at 35–37.

43. Rhodes, *Psychopathy*, *supra* note 39, at 447–54.

a negative claim on their reputation—for example, by redefining their actions through a more contextual narrative or by closely following the institution's rules in order to burnish a “straight” reputation—are viewed by prison officials as disingenuous and, thus, yet another symptom of psychopathology.⁴⁴ Given this looping effect, it is difficult for prisoners to develop any sort of meaningful relationship with those making diagnostic assessments.⁴⁵ Although many inmates report that assessments feel dehumanizing and static,⁴⁶ many also come to regard the label as one of the most relevant descriptors of their self-concept, thereby assuming the standpoint of prison administrators.⁴⁷

Although labeling provides a particularly severe example of a diminished capacity for self-definition, it reflects an orientation toward inmates that is culturally pervasive. Some of the conditions that reduce the capacity for self-definition in prison are not confined to the prison itself and, therefore, are relevant for understanding reentry. In prison settings, guards and other criminal justice officials are encouraged to see inmate behavior as the product of malign intent and volition: that inmates choose their crime, choose whether to rehabilitate or not, and, if given the opportunity, might choose to rebel against prison authority.⁴⁸ Yet a similar emphasis is apparent in public opinion as well. For example, there is growing public hostility toward criminals and broad support for tough-on-crime initiatives, stemming from an emphasis on personal responsibility in criminal offending.⁴⁹ Here, too, the perceived relevance of choice is not merely a superficial matter of attribution: it reinforces a dispositional view of crime and behavior and sets the standard by which former inmates will be judged. If this view is even partially internalized by inmates, it will increase the likelihood that the situational adjustments of prison life become enduring features of identity, persisting even after release.⁵⁰

44. Rhodes, *Psychopathy*, *supra* note 39, at 449–51; *see also* Lorna A. Rhodes, *Supermax as a Technology of Punishment*, 74 SOC. RES. 547, 555, 559 (2007); Rhodes, *Taxonomic Anxieties*, *supra* note 39, at 360–65.

45. Crewe, *supra* note 22, at 517.

46. Gill Attrill & Glenda Liell, *Offenders' Views on Risk Assessment*, in WHO TO RELEASE? PAROLE, FAIRNESS, AND CRIMINAL JUSTICE 191, 198–99 (Nicola Padfield ed., 2007).

47. Crewe, *supra* note 22, at 515.

48. For a wide-ranging discussion of the fundamental attribution error in criminal justice settings, *see* CRAIG HANEY, REFORMING PUNISHMENT: PSYCHOLOGICAL LIMITS TO THE PAINS OF IMPRISONMENT 91–124 (2006).

49. *See* Francis T. Cullen et al., *Public Opinion About Punishment and Corrections*, in 27 CRIME AND JUSTICE: A REVIEW OF RESEARCH 1 (Michael Tonry ed., 2000).

50. HANEY, *supra* note 48, at 329.

3. AFFILIATION-RELATED BEHAVIORS

Prisonization also transforms affiliation-related behaviors. In prison literature, it is common to emphasize the mutual suspicion between inmates and prison officials, but the suspicion of inmates is even deeper.⁵¹ Prisonization affects social relationships in at least two ways. First, many inmates adopt a “prison mask,” involving the suppression of outward signs of weakness or emotional vulnerability in favor of a stoic and impassive demeanor.⁵² Although this mask prevents predation, it also subverts the ordinary signs of affiliation, allowing suspicion to flourish between inmates and others.⁵³ Second, many inmates attempt to “stand fast” in their encounters with others, maintaining the appearance of being principled, infallible, and omniscient.⁵⁴ This, too, may be functional in a prison context, where flexibility is viewed with suspicion and fear is essential to maintaining order, but it further isolates inmates by undermining ordinary sociability.

These effects of prisonization are, of course, problematic for reintegration. A short-term perspective, for example, undermines the development of long-term goals, while broad suspicion undermines the cultivation of social resources. Yet these effects are even more problematic when considered in tandem with the demands of reintegration, the stigma of incarceration, and the likelihood of discrimination. Although stigmatized groups actively cope with their predicament, the situation of former inmates presents a unique set of challenges.

B. Stage 2: Stigma and Discrimination

Perhaps the most persistent challenge is how to deal with the stigma of incarceration itself. For our purposes, stigma is defined as a mark that sets an individual apart from others, links that individual to a variety of negative characteristics, and leads to discrimination and devaluation.⁵⁵ Although stigma is a common theme in the incarceration literature, its

51. See Ben Crewe, *Soft Power in Prison: Implications for Staff-Prisoner Relationships, Liberty and Legitimacy*, 8 EUR. J. CRIMINOLOGY 455 (2011) (discussing the relationship between prison guards and prisoners and prison guards' use of soft powers).

52. Haney, *supra* note 11, at 42; see also HANS TOCH & KENNETH ADAMS, *ACTING OUT: MALADAPTIVE BEHAVIOR IN CONFINEMENT* (2002); Richard McCorkle, *Personal Precautions to Violence in Prison*, 19 CRIM. JUST. & BEHAV. 160 (1992).

53. Haney, *supra* note 11, at 42.

54. TOCH & ADAMS, *supra* note 52, at 131.

55. Goffman, *supra* note 7, at 3; see also Bruce G. Link & Jo C. Phelanm, *Conceptualizing Stigma*, 27 ANN. REV. SOC. 363 (2001).

social-psychological foundations are often underappreciated, and, as a result, its full implications are occasionally overlooked. In particular, the concept is used almost entirely in reference to its relationship with discrimination,⁵⁶ but discrimination is not the only mechanism whereby stigma exerts its influence. More generally, there are distinctions between models concerned with prejudice and models concerned with stigma, meaning one should not be equated with the other.⁵⁷ Stigma models, for instance, place more emphasis on the *targets* of prejudice and, therefore, are more concerned with self-stereotypes, self-categorizations, and social identities among the stigmatized.⁵⁸ Discrimination models, by contrast, are concerned with the *perpetrators* of prejudice and, therefore, place more emphasis on the motivations, beliefs, and perceptions of those who discriminate.⁵⁹ Stigma models also consider the cognitive organization of stereotypes, relating one belief to another, rather than focus primarily on the content of specific stereotypes, thereby relating certain negative beliefs to discriminatory behavior.⁶⁰ Appreciating these distinctions helps to illuminate some of the unique aspects of incarceration. Once we know the cognitive dimensions of incarceration stigma and how that stigma is supported by institutional factors, we are in a better position to understand the phenomenological and psychological experiences of former inmates.

At a cognitive level, the stigma of incarceration is powerful because of its content, coherence, and durability.⁶¹ Unlike many other forms of stigma, the stigma of incarceration entails both beliefs about the attributes of individuals (e.g., “former inmates are dangerous”) and a dispositional explanation for those attributes (e.g., “former inmates are predatory”). Furthermore, the “mark” of incarceration carries multidimensional meanings, not merely an association with some specific aspects of criminal justice. In particular, a criminal record entails both an established history (e.g., a criminal conviction) and an expectation of the future (e.g., the belief that former inmates are prone to recidivism), meaning verity and belief are closely aligned, perhaps more so than for other sources of stigma. For example, people may hold the belief that black men are prone to criminality, but, of course, the fact is that not all black men are criminals. Stereotypes of this sort, therefore,

56. See *supra* note 15 and accompanying text.

57. For a detailed discussion of these distinctions, see Jo C. Phelan et al., *Stigma and Prejudice: One Animal or Two?*, 67 SOC. SCI. & MED. 358 (2008).

58. *Id.* at 364.

59. *Id.* at 360.

60. See *id.*

61. For a review of stereotyping, see Susan T. Fiske, *Stereotyping, Prejudice, and Discrimination*, in 2 THE HANDBOOK OF SOCIAL PSYCHOLOGY 357–411 (D. T. Gilbert et al. eds., 4th ed. 1998).

invite falsification and can be unlearned. In the case of incarceration, however, separating a mark from its meaning is not as easy. Except for those who were held in jail briefly without charge, a prison record means the individual was, in fact, convicted of a crime.

Furthermore, the stereotypes surrounding incarceration are sufficiently complex to make the mark salient across a variety of situations. One of the most powerful stereotypes regarding incarceration is that former inmates are a threat.⁶² This stereotype is shared with some other groups. For example, the lingering intolerance of those with psychiatric disorders rests, in large part, on the belief that they are dangerous.⁶³ Yet inmates are met with suspicion that stretches beyond a fear of violence, and, indeed, there are few situations that will allow them to be entirely free from the clutches of stigma. Former inmates are viewed as unreliable, cold, and manipulative, all of which cast suspicion on even nonviolent offenders and demonstrably reformed parolees.⁶⁴ Furthermore, these stereotypes are more uniformly negative and, therefore, are unlikely to be allayed by the sort of positive stereotypes that can convey value among otherwise devalued groups (e.g., “women are nurturing”). For this reason, it is difficult for many persons to see former inmates as anything other than poor partners, parents, employees, and neighbors.

As powerful and consistent as the content of incarceration stigma is, other cognitive dimensions of incarceration stigma further increase its salience. Relative to other kinds of stigma, the stigma of incarceration may be more durable insofar as it provides information that is valuable even when it is inaccurate. In a discussion of the evolutionary origins of stigma, Robert Kurzban and Mark Leary argue that stigma persists because it solves several long-standing problems associated with sociality.⁶⁵ In particular, stigma facilitates cooperation with in-groups, the exploitation of out-groups, the avoidance of suspicious exchange partners, and the segregation of those thought to carry communicable disease.⁶⁶ To a remarkable degree, the stereotypes surrounding former inmates tap into all of these dimensions, meaning that counterstereotypic information pertaining to one dimension (e.g., “this inmate is trustworthy”) is unlikely to allay fears pertaining to another (e.g., “all inmates are exposed to infectious disease while in prison”). To be sure,

62. See Cullen et al., *supra* note 49, at 35, 59.

63. Bruce G. Link et al., *Public Conceptions of Mental Illness: Labels, Causes, Dangerousness, and Social Distance*, 89 AM. J. PUB. HEALTH 1328, 1328 (1999).

64. See Kenneth B. Melvin et al., *A Scale to Measure Attitudes Toward Prisoners*, 12 CRIM. JUST. & BEHAV. 241 (1985).

65. Robert Kurzban & Mark R. Leary, *Evolutionary Origins of Stigmatization: The Functions of Social Exclusion*, 127 PSYCHOLOGICAL BULLETIN 187, 189 (2001).

66. *Id.*

incarceration is not visible in the same way as other stigmatized statuses, and inmates can and do attempt to conceal their status to avoid being stereotyped. Yet precisely because of the breadth of the stereotypes surrounding incarceration, attempts at concealment could serve to reinforce the very stereotypes that inmates are trying to avoid (e.g., “former inmates are dishonest and will lie, especially about their criminal records”).

In addition, there is perhaps more social consensus regarding the accuracy of the stereotypes about inmates than the stereotypes about other social groups.⁶⁷ Individuals may be aware of racial/ethnic or gender stereotypes, for example, but do not accept these stereotypes as true, either about others or themselves. Because of the openly contested nature of some stereotypes, it is possible for individuals to update their impressions in light of counterstereotypic information, as when a woman is promoted to a leadership position and positively evaluated for her effectiveness.⁶⁸ Along similar lines, some organizations actively combat stereotypes regarding certain disempowered groups (e.g., the National Alliance for the Mentally Ill), making stereotypes an active point of contestation rather than a passively accepted reality.⁶⁹ By the same token, individuals may be aware of stereotypes but resist their application.⁷⁰ The stereotypes surrounding incarceration, by contrast, may be so widely held as to be interpreted as fact, or the perceived costs of tolerance may be seen as too high relative to the risks. In a competitive labor market, for example, very few employers are willing to hire former inmates. Furthermore, few organizations work to dispel the stigma surrounding incarceration, even if there are some organizations that aim to ease the difficulties of reintegration.⁷¹ Indeed, the criminal justice system itself reinforces the apparent veracity of certain stereotypes. Having served time in prison does, after all, reveal that an individual has been found guilty of a crime by a credible institution and has been punished

67. See S. Alexander Haslam et al., *Social Identity Salience and the Emergence of Stereotype Consensus*, 25 PERSONALITY & SOC. PSYCHOL. BULL. 809 (1999) (regarding social distance and stereotype consensus).

68. See Patricia G. Devine, *Stereotypes and Prejudice: Their Automatic and Controlled Components*, 56 J. PERSONALITY & SOC. PSYCHOL. 5 (1989).

69. Amy C. Watson & Patrick W. Corrigan, *Challenging Public Stigma: A Targeted Approach*, in ON THE STIGMA OF MENTAL ILLNESS: PRACTICAL STRATEGIES FOR RESEARCH AND SOCIAL CHANGE 281, 288 (Patrick W. Corrigan ed., 2005); Beate Schulze, *Stigma and Mental Health Professionals: A Review of the Evidence on an Intricate Relationship*, 19 INT'L REV. PSYCHIATRY 137, 137–38 (2007).

70. See Charles Stangor, *Content and Application Inaccuracy in Social Stereotyping*, in STEREOTYPE ACCURACY: TOWARD APPRECIATING GROUP DIFFERENCES 275, 286 (Yueh-Ting Lee et al. eds., 1995).

71. Christy A. Visher, *Returning Home: Emerging Findings and Policy Lessons About Prisoner Reentry*, 20 FED. SENT'G REP. 93, 94 (2007).

according to an acceptable standard. In addition, this information is usually public knowledge, leading to little uncertainty regarding whether someone falls into the category of former inmate. Similarly, being on probation does, in fact, increase the real consequences of mere suspicion. Under the parole system, technical violations are often treated in the same fashion as new violations of criminal law—such violations are interpreted as exposing ongoing misconduct, if not direct offending.⁷² In these ways, there is more institutional support for the stigma surrounding incarceration than there is for other stigmatizing characteristics.

Other cognitive features of incarceration stigma are unusually potent as well. In general, out-groups are viewed as more homogenous than in-groups.⁷³ Of course, former inmates are part of an out-group, but certain structural characteristics enhance their perceived homogeneity even further. Because former inmates are a relatively small group, the average person is much less likely to know a former inmate than, for example, a racial/ethnic minority. Furthermore, the average person is much more likely to see racial/ethnic minorities in positions of power than to see former inmates in the same. In many states, for example, a felony conviction bars an individual from holding public office.⁷⁴ Even when former inmates are able to attain influential positions, the social identity of “former inmate” is much less likely to be used with pride than the social identity of other stigmatized groups. Even more problematic, one-on-one interactions with former inmates are unlikely to change negative stereotypes by transforming a categorical assessment (e.g., “he’s a felon”) to a more individuated characterization (e.g., “he’s a felon, but I know him well and he’s changed”).⁷⁵ If, for instance, potential employers are unlikely to interview former inmates and, when they do, their interaction is characterized by mutual suspicion, they may be more inclined to assume all former inmates are untrustworthy than provide a select few former inmates with opportunities to demonstrate their trustworthiness. In these ways, the information available to the public regarding former inmates is more negative, uncontested, and durable, and, therefore, more difficult to mitigate, either through the

72. See JEREMY TRAVIS & SARAH LAWRENCE, *BEYOND THE PRISON GATES: THE STATE OF PAROLE IN AMERICA* 21 (2002).

73. See Fiske, *supra* note 61, at 367–68.

74. Darren Wheelock, *Collateral Consequences and Racial Inequality Felon Status Restrictions as a System of Disadvantages*, 21 J. CONTEMP. CRIM. JUST. 82, 83 (2005).

75. Fiona Kate Barlow et al., *The Contact Caveat: Negative Contact Predicts Increased Prejudice More Than Positive Contact Predicts Reduced Prejudice*, 38 PERSONALITY & SOC. PSYCHOL. BULL. 1629, 1640 (2012); see also Stephanie A. Goodwin et al., *Situational Power and Interpersonal Dominance Facilitate Bias and Inequity*, 54 J. SOC. ISSUES 677 (1998).

actions of former inmates, the actions of others, or changes in the environment.

C. Stage 3: Dilemmas in Coping with the Stigma of Incarceration

Given the social and cognitive power of incarceration, how do former inmates negotiate their situation? Although the topic of coping with stigma has a robust literature of its own,⁷⁶ the situation of former inmates is noteworthy in at least three respects: (i) former inmates experience stigma that entails actual experiences with rejection, as well as the anticipation of rejection; (ii) former inmates are required to reenter society and, in so doing, actively manage their stigma; and (iii) former inmates face considerable uncertainty regarding whether their stigmatized status is known, meaning they must decide from situation to situation whether or not to make their status public.⁷⁷ Although many former inmates cope well with these dilemmas and find steady work and strong relationships, the strategies employed by even the most well-adjusted can lead to behaviors that appear irrational with respect to traditional areas of attainment. Furthermore, the cognitive dimensions of stigma conspire with prisonization to accentuate the psychological dilemmas former inmates face.

A common strategy for coping with stigma is to conceal it or to avoid those who are aware of one's status. Concealment can be an effective strategy in the short term, but it is rarely effective in the long run, and even the most cautious former offender will have a difficult time hiding his status for long. At the same time, no environment is completely free of negative stereotypes regarding incarceration, even if some communities are more tolerant than others. Research has demonstrated that reemployment is more likely among former inmates who are able to secure help from others, including from family members.⁷⁸ Yet the segregation of former inmates into a relatively small number of communities means that the social networks of former inmates are likely to be comprised both of supportive kin and much less supportive neighbors. This situation heightens the ambiguity surrounding

76. JENNIFER CROCKER, BRENDA MAJOR & CLAUDE STEELE, *Social Stigma*, in THE HANDBOOK OF SOCIAL PSYCHOLOGY 521–23 (D. T. Gilbert, S. T. Fiske & G. Lindzey eds., 1998).

77. For similar dilemmas among former psychiatric patients, see Link & Phelan, *supra* note 55.

78. JEREMY TRAVIS, *Reentry and Reintegration: New Perspectives on the Challenges of Mass Incarceration*, in IMPRISONING AMERICA: THE SOCIAL EFFECTS OF MASS INCARCERATION 247, 259 (Mary Pattillo et al. eds., 2004) [hereinafter IMPRISONING AMERICA]; Christy A. Visher & Jeremy Travis, *Transitions from Prison to Community: Understanding Individual Pathways*, 29 ANN. REV. SOC. 89, 95 (2003).

their status. Returning inmates often attempt to conceal their prison record from others, and their efforts are frequently aided by family members.⁷⁹ This “culture of silence” may temporarily shield an inmate from suspicion, but it becomes counterproductive over time as former inmates become even more conscious of their stigma and chronically assess who is or is not likely to know about their history, something that would not be a problem in a neighborhood consisting entirely of strangers.⁸⁰ Moreover, attempts at concealment can reinforce negative stereotypes regarding the trustworthiness of former inmates and make families appear complicit when their history is finally revealed. In neighborhoods with a large number of former inmates, the status of former inmates is often common knowledge.⁸¹ Reflecting the paradox of concealment, research has shown that communities with a large number of former inmates are, if anything, even more intolerant of criminality. In an ethnography of low-income Philadelphia communities, for example, Elijah Anderson⁸² documents the ways in which residents attempt to differentiate “street” from “decent” residents, as well as the ways residents of one type attempt to disassociate from residents of the other, slowly dissolving the ties that ordinarily bind neighbors.⁸³

The dilemmas of coping are even deeper once outside the confines of close social networks. Indeed, coping with the stigma of incarceration may necessitate making one’s status known to the public and accepting popular negative stereotypes as true. Once again it is important to understand the stigma of incarceration in light of the requirements of reintegration. Former inmates are forced to confront stigma in ways that are not as apparent in other stigmatized groups. A basic premise of symbolic interactionism is that well-functioning social interactions require participants to share the same reality, meaning that each individual must recognize the concerns, motivations, and identities of the other.⁸⁴ To insure reciprocal understanding, inmates could choose to interact only with those they know well or with those whom they share a similar social situation, namely other former inmates. This strategy is common among other stigmatized groups, as when, for instance,

79. BRAMAN, *supra* note 17, at 11.

80. Cf. Bruce G. Link et al., *The Effectiveness of Stigma Coping Orientations: Can Negative Consequences of Mental Illness Labeling Be Avoided?*, 32 J. HEALTH & SOC. BEHAV. 302, 316 (1991).

81. See BRAMAN, *supra* note 17, at 3.

82. ELIJAH ANDERSON, *CODE OF THE STREET: DECENCY, VIOLENCE, AND THE MORAL LIFE OF THE INNER CITY* (1999).

83. Philippe Combessie, *Marking the Carceral Boundary: Penal Stigma in the Long Shadow of the Prison*, 3 ETHNOGRAPHY 535, 551–52 (2002).

84. See SHELDON STRYKER, *SYMBOLIC INTERACTIONISM: A SOCIAL STRUCTURAL VERSION 2* (1980).

members of racial/ethnic minorities sit near each other in a classroom or when stigmatized groups compare their outcomes only with others like themselves.⁸⁵ Strategic social interactions and comparisons of this sort are generally effective for maintaining self-esteem.⁸⁶ For former inmates, however, these strategies are unavailable, problematic, or ineffective.

Reintegration often necessitates that former inmates interact with those most likely to stigmatize them. Parole, for example, requires former inmates to adopt conventional social roles and responsibilities (e.g., find a job). Yet those in a position to provide such opportunities are often those most likely to harbor negative stereotypes and to use them in their decision making. Employers in low-wage markets, for example, may have especially strong beliefs about former inmates.⁸⁷ Of course, former inmates need not accept these stereotypes as true, but the circumstances surrounding their encounters increase the likelihood that they will. Social-psychological research finds that accepting another's conception of the self is more likely under two conditions: when the motivation to establish a relationship is high or when a stereotype is relevant to the relationship.⁸⁸ Both of these conditions apply to former inmates. Virtually all their relationships are likely to be consequential, especially with respect to finding a job, and given the multidimensionality of the stereotypes surrounding incarceration, almost none of their encounters is likely to be entirely free of stereotyping. In these ways, former inmates may have to accept their devalued status in order to cultivate resources. Some features of American culture exacerbate this dilemma. In the current public opinion climate, for example, admitting guilt is one of the few things interpreted as a credible sign of accepting responsibility, meaning, in other words, that former inmates must internalize guilt in order to maintain some degree of social acceptance.

Another strategy for managing stigma is through targeted social comparisons.⁸⁹ In general, downward comparisons (e.g., "at least I'm not doing as poorly as he is") tend to improve self-esteem more than upward

85. See EDWARD E. JONES ET AL., *SOCIAL STIGMA: THE PSYCHOLOGY OF MARKED RELATIONSHIPS* 136 (1984).

86. Thomas Ashby Wills, *Downward Comparison Principles in Social Psychology*, 90 *PSYCHOL. BULL.* 245, 264 (1981).

87. Cf. Harry J. Holzer et al., *Perceived Criminality, Criminal Background Checks, and the Racial Hiring Practices of Employers*, 49 *J.L. & ECON.* 451, 453 (2006).

88. Stacey Sinclair & Jeff Huntsinger, *The Interpersonal Basis of Self-Stereotyping*, in *STIGMA AND GROUP INEQUALITY: SOCIAL PSYCHOLOGICAL PERSPECTIVES* 235, 253 (Shana Levin & Colette van Laar eds., 2006).

89. JONES ET AL., *supra* note 85, at 141.

comparisons (e.g., “I’m not doing nearly as well as he is”),⁹⁰ but even upward comparisons can be beneficial if they provide inspiration (e.g., “I’m not as successful as he is, but think I could be if I work hard”).⁹¹ Among former inmates, however, the consequences of social comparison are more uniformly negative. Upward comparisons tend to be inspiring only insofar as they meet two criteria: the attribute in the comparison is believed to be attainable and the subject of the comparison is seen as exemplary of the category to which the person belongs.⁹² Former inmates are disadvantaged in both respects: they report less perceived control over their lives than do others and the most successful former inmates are seen as atypical.⁹³ Upward comparisons, then, are unlikely to be inspiring because they are seen as exceptional (e.g., “he’s successful, but he found a job only because of his father”). Complicating social comparison further is the overwhelming significance of the “former inmate” social identity. Given the power of this identity, the positive aspects of a self-concept (e.g., “I’m good at my job”) are less likely to be anchored to personal identity than the negative aspects of a social identity (e.g., “I’m good at my job, but former inmates like me often lose their jobs”).⁹⁴

Although not a core feature of the social-psychological literature on stigma, the legal environment is relevant for understanding the situation of former inmates. Over time many of the rights of former inmates have eroded. A growing number of states, for example, restrict the right of felons to vote, to enter certain professions, to serve on juries, mandate criminal registration, limit their rights as parents, and make felony conviction grounds for legal divorce.⁹⁵ All these things affect the life chances of former inmates, but they also affect the psychological consequences of incarceration, especially with respect to how former inmates make attributions. In general, attributing negative life outcomes to injustice rather than personal failing is protective of self-esteem and

90. Stan Morse & Kenneth Gergen, *Social Comparison, Self-Consistency, and the Concept of Self*, 16 J. PERSONALITY & SOC. PSYCHOL. 148, 154 (1970).

91. Rebecca L. Collins, *For Better or Worse: The Impact of Upward Social Comparison on Self-Evaluations*, 119 PSYCHOL. BULL. 51, 66 (1996).

92. *See id.* at 53.

93. Haney, *supra* note 11, at 40, 45.

94. Marilynn B. Brewer & Joseph G. Weber, *Self-Evaluation Effects of Interpersonal Versus Intergroup Social Comparison*, 66 J. PERSONALITY & SOC. PSYCHOL. 268 (1994).

95. Jeremy Travis, *Invisible Punishment: An Instrument of Social Exclusion, in INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 1, 4 (Mark Mauer & Meda Chesney-Lind eds., 2003); Kathleen M. Olivares et al., *The Collateral Consequences of a Felony Conviction: A National Study of State Legal Codes 10 Years Later*, 60 FED. PROBATION 10 (1996).

motivation.⁹⁶ In such cases, the cause of failure is shifted from internal causes (e.g., “me”) to external ones (e.g., “them”). For former inmates, however, the costs of emphasizing injustice are likely to far exceed the benefits, even in cases where attributing the outcome to discrimination or a miscarriage of justice is accurate. In this regard, the literature on other stigmatized groups whose behavior is also thought to reflect “choice,” including those who are obese, is informative.⁹⁷ In particular, those who frequently blame negative outcomes on discrimination tend to be shunned by others, especially if their claims of discrimination are less convincing than other potential explanations.⁹⁸ Given current public opinion regarding crime, justice, and criminals, former inmates are unlikely to find a sympathetic audience for their claims of unfair treatment. Even former inmates privately believing they were not hired because of discrimination are likely to be discouraging. Individuals are motivated to believe that life is fair and just⁹⁹ and, for this reason, members of stigmatized groups often fail to see themselves as victims of prejudice.¹⁰⁰ Overweight people, for example, are more likely to attribute rejection to their weight rather than weight-related prejudice because they share with those who stigmatize them the belief that weight is controllable.¹⁰¹ By the same token, inmates may be unwilling to attribute failure to discrimination because they believe, as do others, that their situation is a reflection of poor choices and the operation of a just system. Indeed, former inmates have been, in effect, taught to believe so, much like overweight persons are encouraged to see their situation as a reflection of poor diet.

The legal environment matters in other ways as well. Although discrimination undermines attainment, the psychological effects of discrimination are strongest when the individual plainly recognizes the

96. Brenda Major et al., *Antecedents and Consequences of Attributions to Discrimination: Theoretical and Empirical Advances*, in 34 *ADVANCES IN EXPERIMENTAL SOCIAL PSYCHOLOGY* 251 (James M. Olson & Mark P. Zanna eds., 2010); Jennifer Crocker & Brenda Major, *Social Stigma and Self-Esteem: The Self-Protective Properties of Stigma*, 96 *PSYCHOL. REV.* 608, 612 (1989).

97. Jennifer Crocker et al., *The Stigma of Overweight: Affective Consequences of Attributional Ambiguity*, 64 *J. PERSONALITY & SOC. PSYCHOL.* 60, 66 (1993).

98. Cheryl R. Kaiser & Carol T. Miller, *Stop Complaining! The Social Costs of Making Attributions to Discrimination*, 27 *PERSONALITY & SOC. PSYCHOL. BULLETIN* 254–263 (2001).

99. *THE PSYCHOLOGY OF LEGITIMACY: EMERGING PERSPECTIVES ON IDEOLOGY, JUSTICE, AND INTERGROUP RELATIONS* 14 (John T. Jost & Brenda Major eds., 2001); Major et al., *supra* note 96, at 281.

100. Faye Crosby, *The Denial of Personal Discrimination*, 27 *AM. BEHAV. SCIENTIST* 371 (1984).

101. CROCKER, MAJOR & STEELE, *supra* note 97, at 66.

influence of discrimination.¹⁰² Discrimination is often ambiguous, however, as perpetrators have reasons to conceal the true nature of their decisions and are shielded from legal action when their activities are opaque. Discrimination against former inmates, however, is often quite clear, as perpetrators have few social or legal incentives to hide their prejudice. In many labor markets, for instance, job applicants are asked up-front about any criminal conviction, and even when inmates are not asked directly, other aspects of the process make the relevance of incarceration plain, as when the application form includes a check-box for any criminal conviction.¹⁰³

In these ways, the social, psychological, and legal environment conspire in ways that make reentry difficult. There are no easy resolutions to the dilemmas that result. Former inmates are encouraged to maintain a conventional lifestyle, even as they are branded deviants; they are required to take responsibility for their actions, but face legally sanctioned discrimination as a result; and they need strong social ties to secure resources, even as their capacity to find such ties is diminished. In this light, there are no completely satisfying strategies for maintaining motivation, for combating stigma, or for rehabilitating a tarnished reputation. Some strategies that are available to other groups are unavailable to former inmates, and some strategies that are usually effective for other groups are counterproductive for former inmates. For this reason, disengagement from the full range of conventional social roles becomes more likely, but here, too, it is important to appreciate disengagement in a social-psychological framework, as it is not merely a matter of being dispositionally discouraged, unmotivated, or unskilled.

II. DISENGAGEMENT AS SOCIAL ENDGAME

Psychologists define disengagement as the decoupling of self-esteem from performance within a particular domain.¹⁰⁴ When an individual is disengaged, neither success nor failure is seen as diagnostic of the self. Although disengagement can be a healthy short-term response to a specific performance-related threat (e.g., “I didn’t need an A on that exam because I don’t care about that class”), disengagement can become a chronic and encompassing strategy when individuals are regularly presented with obstacles to attainment and have few alternatives for

102. Ronald C. Kessler, Kristin D. Mickelson, and David R. Williams, *The Prevalence, Distribution, and Mental Health Correlates of Perceived Discrimination in the United States*, 40 J. HEALTH & SOC. BEHAVIOR. 208–30 (1999).

103. Harry J. Holzer et al., *Will Employers Hire Former Offenders? Employer Preferences, Background Checks, and Their Determinants*, in IMPRISONING AMERICA, *supra* note 78, at 236.

104. CROCKER ET AL., *supra* note 76, at 529.

maintaining self-respect (leading to what psychologists call disidentification, a more chronic form of disengagement).¹⁰⁵ As research on the consequences of incarceration makes clear, former inmates encounter many obstacles to social and economic reintegration. Furthermore, these obstacles apply to domains in which individuals ordinarily invest a good deal of their identity, including work, family, and community.¹⁰⁶ The psychological challenge of reentry, therefore, is daunting. Disengagement among former inmates is not merely a matter of preserving self-esteem in the face of isolated threats to a single feature of identity but, instead, implicates core activities related to adult responsibility, civic engagement, and moral self-worth. The concept of disengagement, therefore, aligns well with the “social death” described in the punishment literature¹⁰⁷ or the “self-mortification” described by Goffman.¹⁰⁸ The concept also provides some additional insight, stemming from its long empirical pedigree.

In outlining the process leading to disengagement, Crocker and Major describe a transitive sequence wherein discrimination leads to devaluation, which leads to decreased motivation and effort, which leads to worse performance and, in turn, even more devaluation.¹⁰⁹ At least initially, the cycle reflects specific threats (e.g., not being hired for a job), but the cycle can expand and accelerate if a number of contingencies are met. These contingencies are more common among former inmates. For example, disengagement is more likely in situations where poor performance is linked to enduring characteristics (e.g., “you’re a poor employee because you’re a criminal”) than in situations in which poor performance can be linked to the situation (e.g., “you’re doing a poor job because of stress”).¹¹⁰ Furthermore, disengagement in a particular role (e.g., “I don’t care about this job”) can lead to more enduring changes in identity (e.g., “I’m not smart enough for jobs like this”) when individuals are regularly tested in a role-salient domain or when they are not given opportunities to develop in other potential areas of achievement.¹¹¹ Female math majors, for example, are at greater risk of disengagement than female students taking a single math class

105. Rudolf H. Moos & Charles J. Holahan, *Adaptive Tasks and Methods of Coping with Illness and Disability*, in *COPING WITH CHRONIC ILLNESS AND DISABILITY* 107 (2007).

106. See *supra* notes 1–6 and accompanying text.

107. Loic Wacquant, *From Slavery to Mass Incarceration: Rethinking the ‘Race Question’ in the US*, 13 *NEW LEFT REV.* 41, 57–58 (2002).

108. GOFFMAN, *supra* note 36, at 46.

109. CROCKER, MAJOR & STEELE, *supra* note 76, at 529.

110. See Steven J. Spencer et al., *Stereotype Threat and Women’s Math Performance*, 35 *J. EXPERIMENTAL SOC. PSYCHOL.* 4, 4–28 (1999).

111. *Id.* at 6.

because they face chronic tests of their stereotype-related ability.¹¹² A similar situation is common among former inmates. Former inmates, especially under parole, are subject to routine surveillance regarding their work and family and, therefore, are at risk of confirming stereotypes in the eyes of individuals with real authority over their lives. Furthermore, the stereotypes surrounding incarceration cut across roles, meaning stereotype-relevant assessment is chronic, increasing the likelihood that disengagement in a specific area, perhaps occasioned by a single event, will spill over to disengagement in another. To be sure, some former inmates may not perform well even under the best circumstances, but by creating a structure wherein former inmates are stripped of many opportunities, the social environment makes disengagement more likely.

Chronic rejection has a number of behavioral consequences that further stymie former inmates. In general, those who are rejected distance themselves from those related to that rejection, especially if they believe there is little to be gained from further affiliation.¹¹³ This too is not necessarily unhealthy. In some cases, social withdrawal can lead to more investment in other relationships.¹¹⁴ For former inmates, however, any instance of social withdrawal is more consequential and the opportunity for other relationships is diminished. Furthermore, former inmates are less able to avoid those who might reject them.¹¹⁵ Because of this, it is unlikely that rejection by one employer, for example, can be overcome with acceptance by another, leading to a sense of wholesale ostracism rather than isolated refusals.¹¹⁶

Chronic rejection has other behavioral consequences that are also potentially uniquely damaging for former inmates. In particular, chronic rejection lowers the perceived costs of aggressive behavior. This occurs because there are fewer relationships to be damaged by inappropriate behavior.¹¹⁷ Complicating matters even further, research shows that

112. *See id.* at 6–7.

113. Geraldine Downey et al., *Rejection Sensitivity and the Defensive Motivational System: Insights from the Startle Response to Rejection Cues*, 15 *PSYCHOL. SCI.* 668, 668 (2004); Kipling D. Williams, *Ostracism*, 58 *ANN. REV. PSYCHOL.* 425, 442–43 (2007).

114. *See, e.g.*, DAN BLOOM, *EMPLOYMENT-FOCUSED PROGRAMS FOR EX-PRISONERS: WHAT HAVE WE LEARNED, WHAT ARE WE LEARNING, AND WHERE SHOULD WE GO FROM HERE?* 3 (2006), available at http://www.mdrc.org/sites/default/files/full_87.pdf (“Legitimate employment may reduce the economic incentive to commit crimes, and also may connect ex-prisoners to more positive social networks and daily routines.”).

115. *See* BRAMAN, *supra* note 17, at 154.

116. *See* Williams, *supra* note 113, at 442–43 (on the threats of ostracism).

117. *See* Mark R. Leary et al., *Interpersonal Rejection as a Determinant of Anger and Aggression*, 10 *PERSONALITY & SOC. PSYCHOL. REV.* 111, 127 (2006); Wayne

anticipating rejection reduces forethought, making some stigmatized individuals less able to delay gratification and plan effectively.¹¹⁸ In these ways, some especially prominent stereotypes about former inmates—that they are aggressive and have poor motivation—may be self-sustaining by virtue of the specific dilemmas former inmates face. A similar phenomenon has been found with respect to African Americans and academic achievement, wherein discrimination slowly decreases motivation, making racial differences in achievement erroneously appear to reflect a lack of ability rather than, in the first instance, blocked opportunities.¹¹⁹

III. SOCIAL-PSYCHOLOGICAL RESEARCH ON INCARCERATION: PROMISE AND PROSPECTS

While considerable progress has been made in understanding the consequences of incarceration, the challenge for social scientists is to move beyond documenting the effects of incarceration to understanding its mechanisms. To this end, a sociocognitive framework provides a number of benefits. For one, it provides a way of understanding a variety of outcomes using a common conceptual rubric. It also focuses attention as much on the “top” (e.g., those who discriminate) as the “bottom” (e.g., those who are discriminated against), thereby distributing the focus across numerous social actors. Furthermore, it alerts social scientists to the psychological dilemmas of former inmates, shedding additional light on certain behaviors that appear regularly in the literature on their struggles. For example, a common complaint among employers is that former inmates are unreliable.¹²⁰ A sociocognitive framework suggests this unreliability may reflect a cycle of disengagement, reinforced by the environment, rather than an enduring feature of character, reinforced by poor judgment. From the standpoint of conventional social roles and adult responsibility, these behaviors might appear dysfunctional and counterproductive, but they are perhaps understandable from the

A. Warburton et al., *When Ostracism Leads to Aggression: The Moderating Effects of Control Deprivation*, 42 J. EXPERIMENTAL SOC. PSYCHOL. 213, 213, 215 (2006).

118. See Roy F. Baumeister et al., *Effects of Social Exclusion on Cognitive Processes: Anticipated Aloneness Reduces Intelligent Thought*, 83 J. PERSONALITY & SOC. PSYCHOL. 817, 825 (2002); Jean M. Twenge et al., *Social Exclusion and the Deconstructed State: Time Perception, Meaninglessness, Lethargy, Lack of Emotion, and Self-Awareness*, 85 J. PERSONALITY & SOC. PSYCHOL. 409, 421 (2003).

119. Claude M. Steele, *Race and the Schooling of Black Americans*, ATLANTIC MONTHLY, Apr. 1992, at 68, 68, 72–73.

120. See Devah Pager et al., *Discrimination in a Low-Wage Labor Market: A Field Experiment*, 74 AM. SOC. REV. 777, 777, 780 (2009).

standpoint of coping with the psychological impact of prisonization and stigma.

Given the fine-grained dynamics we have outlined here, there is a legitimate question about how feasibly they can be applied to an empirical research agenda. After all, one of the main scholarly obstacles in the incarceration literature has simply been finding any data on former inmates, let alone the perfect data. Many of the data sets used by researchers (e.g., the National Longitudinal Survey of Youth) were not designed for studying incarceration and especially not for studying the sort of dynamic sociocognitive processes outlined here. Although there are clearly data-related barriers to addressing some of these issues, there are good examples of ingenuity from other areas of research. These examples suggest a strong agenda can be built from some relatively simple and piecemeal investigations. Modified labeling theory, for example, has been tested by examining the stigma of mental illness in a detailed fashion, as well as some of the coping processes employed by former psychiatric patients.¹²¹ Through this piece-by-piece approach, investigators have been able to slowly build a bigger picture.¹²² Taking their cue from these studies, those interested in incarceration could begin by exploring how former inmates experience stigma, for which there are established measures,¹²³ as well as further exploring the stereotypes surrounding former inmates. Similarly, although our framework emphasizes a dynamic process, addressing these dynamics does not require panels of data that are more closely spaced than is typical for longitudinal data collection. The relationship between prisonization and long-term outcomes, for example, could be explored using only two waves of data.¹²⁴

A sociocognitive framework is not, in fact, an unusual departure for the incarceration literature. Many of the themes discussed here are already evident in the literature, albeit not always expressed in social-psychological terms. For example, virtually every study on incarceration mentions the stigma of incarceration, at least when making claims about discrimination.¹²⁵ Adopting a sociocognitive approach simply means carrying the stigma concept to its full conclusion. Furthermore, there are many touchstones between literatures. Qualitative

121. See *supra* notes 18–20 and accompanying text.

122. For an integrated empirical approach, see Link et al., *supra* note 16, at 401–02.

123. See Elizabeth C. Pinel, *Stigma Consciousness: The Psychological Legacy of Social Stereotypes*, 76 J. PERSONALITY & SOC. PSYCHOL. 114, 114–28 (1999).

124. See, e.g., Daryl R. Van Tongeren & Kelli J. Klebe, *Reconceptualizing Prison Adjustment: A Multidimensional Approach Exploring Female Offenders' Adjustment to Prison Life*, 90 PRISON J. 48, 48–68 (2010).

125. See, e.g., Pager, *supra* note 9, at 941.

research on incarceration, in particular, has documented the struggles of former inmates with respect to their tainted status,¹²⁶ which dovetails nicely with research on other stigmatized groups.

CONCLUSION

We believe a focus on sociocognitive mechanisms is promising from a number of standpoints. By highlighting person-environment interactions and specifying relevant psychological and social influences, it encourages a balanced perspective on the role of structure and agency in the lives of former inmates, a more expansive discussion of the institutions involved in the creation of inequality, and a richer exchange between areas of research. Although research on the negative consequences of incarceration has attracted a good deal of attention, understanding the mechanisms behind these consequences is the next step. The ultimate value of a sociocognitive approach may be in putting more theoretical resources to bear on a critically important topic.

126. BRAMAN, *supra* note 17, at 4–5; NURSE, *supra* note 17, at 72; SYKES, *supra* note 7, at xiii.