Violence is quickly becoming one of the defining issues of criminal justice reform in the United States. As researchers and policymakers are rapidly realizing, simply shifting people convicted of non-violent crimes out of the prison system will hardly cause a dent in the world’s largest prison population per capita.

There has arguably never been a more important time to contend with the pernicious relationship between state violence and individual violence, and Bruce Western’s book, *Homeward: Life in the Year After Prison*, is an empirical meditation on this issue.

The book is the product of Western’s journey away from quantitative data analysis about the relationship between punishment and social inequality, and towards an in-depth engagement with the people within the large data sets he once used.

These are people who were thrown out by a prison state that arguably reproduces social inequality. In the book, Western demonstrates his compassion for, and struggles with, what he terms the ‘human frailty’ of his participants.

Notions of ‘human frailty’ are not new to discourses on crime and punishment. As Martha Nussbaum reveals in her work on equity and mercy, the Roman Stoic philosopher Seneca wrote about the idea that ‘circumstances … and not innate propensities are at the origins of vice’ (1993: 100). Through this recognition, Seneca argued that it was important to ‘cultivate humanity’ (his words) (1993: 102) in punishment, recognizing that a merciful judge will appreciate the obstacles that a person faces ‘that are characteristic of human life in a world of scarcity and accident’ (1993: 103).

Philosophers of punishment have since debated the necessity of engaging in a compassionate response to human frailty in systems of punishment.

The power of the pardon has a lengthy global history, and policymakers have long grappled with the function of rehabilitation—and its limits—in a punitive context. The longstanding debates about ‘therapeutic jurisprudence’ have in part centred around questions about whether the state has actually the power to resolve social problems that exist outside of the crime and offense.
Prison abolitionist organizations such as Critical Resistance have for many years argued that prisons and policing should not be used to solve political, social and economic problems. In a 1976 decision, the United States Supreme Court in *Woodson v. North Carolina* recognized that the ‘diverse frailties of humankind’ should be considered by judges when they evaluate the moral culpability of a person facing the death penalty.

Bruce Western and his research team make an important empirical contribution to these debates about the ‘human frailty’ of those who are punished by engaging in an in-depth qualitative research study about the lives of 122 men and women released from Massachusetts prisons.

Western has already deepened our understandings about the links between poverty and punishment; he and his colleague Becky Pettit have argued that social and economic disadvantage ‘crystallize’ in American prisons because the ‘social and economic penalties that flow from incarceration are accrued by those who already have the weakest economic opportunities’ (Western and Pettit, 2010: 8).

To analyse the lives of people coming out of prison, Western brought a committed empiricist’s rigor to the design of the study. This rigor is detailed in the second chapter of the book, rather than the customary appendix, an important choice on the part of the author.

It reveals the extraordinary retention rate for participants in the study (91% after 12 months), as well as the researchers’ careful attention to the well-being of the participants and the rhythms of their lives after incarceration (walking through their life histories with them; meeting them almost immediately after they were released; identifying multiple points of connection with them through family and friends; and providing incentives for participation).
The collection and analysis of the data involves Western’s commitment to what he terms a ‘humanizing social analysis’ (p 25), drawing from individual biographies, recognizing social context and appreciating the racialized social history of Boston in shaping social trajectories and realities.

In a recent talk about the book, Western pointed out that the choice of Massachusetts as the research site was ‘as good as it can get’ for the lives of individuals coming out of prison in the United States, in that they had access to MassHealth, the state’s unique universal health care system, and that they were not barred from receiving food stamps and other government benefits as a result of their convictions, as they might be in other states.

Western tells the stories of individuals who are living in deep poverty and who are contending with debilitating stress and anxiety, chronic pain, drug addiction, housing and employment instability, dislocation from their children and a long history of exposure to, and involvement in, violence.

Western rightfully recognizes that liberal social analyses of punishment often minimize the role of violence in the lives of people who are swept up in the criminal justice system, both as victims and as perpetrators. He suggests that the individual acts of violence that participants engage in often emanate out of violent pasts (exposure to violence, abuse and trauma in early childhood), but also violent institutions.

He also nods to the work on structural violence by Phillippe Bourgois and others, although this part of the analysis could have been more fully developed, particularly because his research on harmful social structures and institutions is so powerful. *Homeward* clearly grows out of a larger project by the author aimed at pushing the discipline of sociology to more fully account for the ways that social disadvantages like poverty and violence can be ‘highly correlated and mutually determining’ (Desmond and Western, 2018: 309), but not necessarily in causal or easily measurable terms.

The analysis offered by Western challenges the reader to recognize the strengths in the participants, but also the ways that those strengths are undermined by toxic social structures. For example, Black participants were more likely to have family networks who supported them upon release, providing housing and financial support, than the white participants. Yet, this support was not sufficient enough to protect the Black participants from the somewhat more powerful social processes of employment discrimination and racialized social control.

The book is at its best when Western is able to connect the data to his astute understandings of social institutions and embedded social inequalities and racisms. For example, he
demonstrates that although the median annual income of the participants was at about half of the federal poverty line for individuals living alone, Black and Latino respondents earned on average $5,000 less per year than their white counterparts (p 98). Western carefully documents the ways that the ‘racial and social structure’ of occupations unevenly distributes access to employment, with white participants more likely to have the networks and opportunities for employment (e.g. through union membership), even while coping with drug addiction, and Black participants more likely to face discrimination among employers quite probably related to their race and their criminal history.

Another striking finding by Western and his team was that some of the people most likely to return to prison were those who were on probation and parole; it was not that these individuals were necessarily committing more crimes, but they were embedded in an ‘environment of surveillance [which] is primed for the possibility of violation’ (p 130) and their social networks and contexts led them to be more likely to be viewed as suspicious.

The challenging parts of Western’s analysis for me came in his discussion of ‘human frailty’, which is identified as mental illness, drug addiction and physical disability. Western says that for the white participants, these markers of human frailty were more relevant in their incarceration—he notes that the white participants were more likely to suffer from mental illness and drug addiction, and that their incarceration was connected to the ‘deficits of support for the health problems of mental illness and drug addiction’ (p 169). He argues that the incarceration of Black and Latino/a participants was more tied to the ‘deficits of opportunity rooted in segregation, neighbourhood unemployment, and poverty’ (p 169).

Yet the naming of mental illness and pain, and even ‘trauma’, is arguably a socially structured project. Important new work on the sociology of medicine and health has taught us that designations of ‘illness’, and arguably even addiction, are not value-neutral, and the institutions of medicine and well-being have long played a role in embedding ideas of race as ‘natural’ or fixed and provided certain groups of people with access to being designated as ‘mad’ or ‘bad’ (often in racialized, classed and gendered ways).

Institutions of treatment and help have also historically been deeply racialized, and the recent moral panic about heroin addiction among white Americans may obscure the negative social realities that Black and Latino/a heroin users have long faced. It may also be possible that these processes also shape individual social realities and narratives; is chronic ‘pain’, e.g., more often experienced by the white participants because they have access to the language of pain rooted in their bodies in ways that the Black participants do not?
Western’s project is ultimately a critical one, particularly in an era of big data, and one where, he correctly notes, reform projects all too easily focus on the low hanging fruit, or what Marie Gottschalk terms the non-nons-nons—those non-violent, non-serious, non-sexual offenders, even though people charged with violent crimes make up more than half of the American prison state.

As a practicing sentencing mitigation specialist, I was compelled by Western’s endorsement of ‘social adversity mitigation’ (p 180), but I had hoped for a stronger statement about the role that mercy can play in the justice system, for it is not clear whether mitigation alone can fundamentally transform the prison state.

If, as Western correctly argues, we must take violence seriously, is he advocating that we do this via the prison state or the social state? At the end, he seems to nod to a fundamental transformation of both, yet I would have liked to have seen the author advance a sociologically informed model of justice and mercy that reflected his powerful findings.

I ask these questions because the book is not simply an empirical contribution to the debates about the effects of incarceration, it also has what Western has termed elsewhere as a normative/prescriptive agenda (Desmond and Western, 2018: 312).

Western and others have just launched a new initiative, the Square One project, funded by the influential MacArthur Foundation. I was optimistic to see that the advisors on his Square One initiative represent scholars in a wide range of disciplines whose work addresses the key social institutions shaping the lives of participants in Homeward, from those like Patrick Sharkey, who have done important work on the role that social institutions play in shaping criminalization, to Matthew Desmond, who has done work on housing instability and poverty.

It will be interesting to see whether the participants also begin to contend with the important new work being done in relation to the ethics of punishment, work that attends to the ‘practical ethics’ and moral justification of punishment in an era of mass criminalization and imprisonment (Jacobs and Jackson, 2016).

It is a project that is long overdue.

References

