PURPOSE OF RESEARCH

How do advocates for genuine justice and liberation put forth a compelling case about what incarceration does especially to people of color? How do we establish a popular agenda for dismantling the carceral state and the barriers erected to bar those with records from prosperity?

To answer these and related questions, **Center for Community Change** partnered with ASO Communications. The language recommendations that follow emerge from analysis of over 1000 data points from current language. The data included consist of (1) advocacy (2) media coverage (3) opposition and prison industry (4) popular culture and (5) 50 one-on-one interviews with advocates.

Beyond views of incarceration, we explored beliefs and assumptions about barriers to employment post release.

METHODOLOGY

Using a variety of techniques from *cognitive linguistics*, a field dedicated to how people process information and communicate, we set forth to examine how people reason, formulate judgements and come to conclusions about environmental concerns.

Principally, these conclusions emerge from *metaphor analysis*. This involves cataloging the commonplace non-literal phrases in all speech. Noting patterns in these expressions reveals how people automatically and unconsciously make sense of complexity. Each metaphor brings with it *entailments*, or a set of notions it highlights as "true"

about a concept. Priming people with varying metaphors has been shown to alter not just how they speak but the ways they decide, unconsciously, what "ought" to be done about a given topic. We judge a metaphor's efficacy on how well it advances and amplifies what advocates wish the public got about an issue.

For example, researchers at Stanford showed that groups primed with a metaphor of CRIME AS DISEASE (*plaguing* our communities, *spreading* around) more often came up with preventative solutions for crime such as after school programs and preschool for all. Conversely, subjects exposed to the metaphor of CRIME AS OPPONENT (*fight* crime, *beat back* homicide) generally thought harsher punishments were the answer. If you're working for prevention, it's clear you should liken crime to DISEASE and avoid OPPONENT evocations. A 3-strikes advocate would want to do the opposite.

You know wording matters: the very label for the people you address — prisoners, criminals, formerly incarcerated — is up for debate. Individual words, especially labels for people, matter immensely as researchers on voting behavior discovered.

In another study, investigators asked respondents whether they'd *vote* in an upcoming election and others whether they'd *be a voter*.

The difference is stunning. Where just over half of those asked about voting intended to do so, 87.5% of those asked about being a voter desired to get to the polls. Post-election, voting records

showed 96% of those surveyed about being a voter actually pulled the lever.

A simple word difference, from "will you vote" to "will you be a voter" is also a conceptual shift from action to identity, from what you do to who you are. The words we use shape what's true for our audiences. This is as true in ideas about handling crime as it is for voting behavior. If theory holds, it should prove effective to unpack and then alter perceptions of criminal justice broadly, including barriers to employment.

WHAT THIS WORK **ISN'T**

Applying the findings of this method of analysis to assess and, hopefully, shape advocacy discourse can ensure you're saying what you actually think. It helps you say today what you'll still believe and mean tomorrow.

However, this assumes a focus on the long-term: an attempt to shape how the public understands and comes to judgements about environmental justice over time. This is not traditional political research designed to win the next election.

As such the analysis and recommendations here may challenge conventional wisdom about what the public is ready to hear. The premise here is to find the range of ways people *can*, if supported by our messaging, come to support environmental efforts -- in other words where they are capable of going and how to lead them there.

Finally, as with all such approaches, things like messenger, timing, context and repetition matter immensely.

profiling the problem

Carefully select your frame

In describing a complex problem and creating empathy for a deliberately maligned population, you're trying on various argument frames - some of which may harm you in the long-run.

1. Focusing solely or even principally on economic benefits makes "saving money" the highest good. This lays ground for push to privatize prison as cost saving measure. It also undermines push for greater outlay of money for people's well being.

No: "reduce costs"   Yes: improve health/wellbeing/lives
No: "taxpayers foot the bill"   Yes: citizens bear the moral burden
No: "good for the economy"   Yes: good for the nation

2. Prominent use of the water metaphor hides the real people making decisions to create, grow and sustain prison. Further, it reduces currently and formerly incarcerated to drops of liquid.

No: "school to prison pipeline"   Yes: cradle to prison gauntlet
No: "prisons overflowing"   Yes: we cram more people in

3. The revolving door analogy for recidivism fails to convey it's the system, not the individual, at fault. People enter and exit revolving doors without any problem — they're designed for this. Further, common expressions (e.g. "she went to prison") imply a person acted of his or her own volition.

No: "prison is like a revolving door"
Yes: prison as quicksand, maze, labyrinth, vacuum, bottomless pit
No: "end up back in prison" "go back to prison"
Yes: "sent back to prison" "forced back to prison"

What is incarceration?

Descriptions of prison focus in on the physical — cage, bars, cell. This paints privation but fails to show we're talking about <u>people</u> with rights and relationships.

- Profile humanity as well as how harms extend beyond person inside.

No: "putting behind bars" "incarcerating"
Yes: separating people from family

- Induce emotion

No: "juvenile detention"
Yes: children's prison

- Don't imply time is rightly owed.

No: "served my/his/her time"
Yes: completed a sentence

- Don't put prison outside community.

No: back to community
Yes: back to family, emerge from enforced separation

BARRIERS TO EMPLOYMENT

1. Insist that people's rights are <u>inherent</u> and not granted externally.

No: lose license, lose voting rights   Yes: have license taken, have voting rights denied

2. Your barrier metaphor works powerfully. However, it's confusing to mix inability to access jobs with claim there aren't jobs to access. Leave open possibility to argue for <u>more</u> jobs — not just ending discrimination to existing ones.

No: "find a job" "finding employment"   Yes: land/secure/obtain/get hired at rare job
No: "dismantle barriers to employment"   Yes: dismantle first/a barrier to **a** job

profiling the people

Avoid passive constructions

Reliance on passive constructions weakens point that choices people in power make create and sustain our carceral state. This diminishes potency of our proposed solutions.

1. Signal that people created current conditions and could alter them; things don't just come to be.

No: "prison system is growing"
Yes: leaders/officials decide to separate more people from their families

No: "public dollars go toward incarceration"
Yes: we choose to spend money on prison; we choose not to fund health, education and welfare

No: "prison expansion" "prison reduction"
Yes: our choice to put more people in prison

2. Always return to <u>people</u> as the heart of the issue

No: "mass incarceration"

Yes: targeting and controlling people

No: "prison-industrial complex"

Yes: destroying people for profit, sequestering people for profit

No: "prison populations" "correctional populations"

Yes: people we elect to imprison, people we separate from their families

Naming your constituencies

You tend to call people "prisoners" or "formerly incarcerated." While efficacy of these labels is an empirical question, they profile the negative situation and distance from audiences who have not experienced prison.

• Emphasize humanity, not just fact of prison
No: "prisoner"
Yes: person we imprisoned

• Highlight strength and resilience, not merely time served
Less often: formerly incarcerated
More often: prison survivor, person/mother/father/cook/artist/etc. who completed a sentence.

• Use singular plus the indefinite article — e.g. *a mother, an African American man* — helps mitigate noxious stereotyping. Making people focus in on one example enhances empathy and interest.

HOW TO HANDLE "NAMING NAMES"

At times, of course, it's hard to pinpoint who is behind some nefarious deed. There are ways you can *convey* a problem is person made and therefore not unavoidable, without necessarily spelling out who did what to whom. And, with government, take caution before pointing the finger too directly.

✦ Words like "manufacture" "create" "place" and "bring", as in "law enforcement places more people of color behind bars", tell audiences bad things didn't come from nowhere.

✦ Be especially careful about characterizing government writ large as the source of the problem. Judicial, police, prosecutorial and correctional complicity is all bad government — and it must be stopped. However, because we often need people to see government as the solution, it's problematic to fan the very present anti-government sentiment in our society. Emphasize *lost opportunities, erroneous beliefs, discredited approaches*, rather than blanket condemnations. Another approach is to name particular politicians.

Liberating Language: Discourse on Incarceration and Barriers to Employment
Anat Shenker-Osorio

Introduction

We all want to believe ourselves creatures of reason, swayed chiefly by the facts before us. But much of the mechanism used to process information, the means by which we formulate judgments, lies beyond our conscious awareness and thus outside our deliberate control. We know only what we *think* that we think; experimental evidence shows that a turn of phrase, ordering of an argument, particular messenger shifts what we deem "true" and desire as social policy.[1]

Looking at the linguistic mechanics of discourse on incarceration and what people face upon release, it's common to see ideas implied directly at odds with communication objectives. Take, for illustration, the reliance on overwhelming statistics, especially to signal racial differences that likely serve only to reconfirm racist prejudices about inherent criminality.

How should advocates put forth arguments? How do we push an agenda to put an end to the damaging surveilling and detention of Americans, especially in communities of color ? How do we shed light on an industry that steals time and resources from the people longest denied opportunities and choices?

To answer, we must first consider how we currently speak about INCARCERATION, CRIME, BARRIERS TO EMPLOYMENT and related issues.[2] Findings here are from over 1,000 data points – or unique constructions attesting to underlying reasoning. The data here include language from (1) CCC and allies (2) sympathetic conservative sources (3) opponents to criminal justice reform (4) mainstream and social media (5) academia (6) popular culture including scripted and reality television, documentary and other film.[3] Finally, oral data from 50 one-on-one interviews with criminal justice reform advocates play a key role in this analysis. Previous research in social psychology also inform findings.

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[1] The most comprehensive, among many sources, on this is Daniel Kahneman, *Thinking Fast and Slow*, (New York: Farrar, Straus and Giroux, 2011)

[2] Throughout, small caps are used to designate a concept as opposed to standard usage of a word.

[3] The messaging issues highlighted are common to dozens of sources, or come from my interviews; I have purposefully left off citations as I do not wish to impugn any particular organization and desire to maintain anonymity of interviewees.

Methodology

Using a variety of techniques from *cognitive linguistics*, a field dedicated to how people process information and communicate, I've examined how people reason and come to conclusions about social issues.

Principally, these conclusions emerge from *metaphor analysis*. This involves cataloging common non-literal phrases in discourse. Noting patterns in these expressions reveals how people unconsciously make sense of complexity. Each metaphor brings with it *entailments*, or a set of notions it highlights as "true" about a concept.[4] Priming people with varying metaphors has been shown to alter the ways they decide, unconsciously, what "ought" to be done about a given topic. We judge a metaphor's efficacy on how well it advances and amplifies what advocates wish the public got about an issue.

For example, researchers at Stanford University showed that individuals primed with a metaphor of crime as disease (*plaguing* our communities, *spreading* around) came up with preventative solutions for crime such as after school programs and preschool. Conversely, subjects exposed to crime as opponent (*fight* crime, *beat back* homicide) thought harsher punishments were the answer.[5] These results suggest it best for us to liken crime to a disease and avoid opponent evocations. A 3-strikes advocate would want to do the opposite.

Even single words can make a detectable difference in audience responses. In another study, investigators asked participants whether they'd *vote* in an upcoming election and others whether they'd *be a voter*.

Where just over half of those asked about voting intended to do so, 87.5% of those asked about being a voter desired to get to the polls. Voting records showed 96% of those surveyed about being a voter actually pulled the lever.[6]

A simple word difference, from "will you vote" to "will you be a voter" is also a conceptual shift from action to identity, from *what you do* to *who you are*. The words we use shape what's true for our audiences.

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[4] George Lakoff and Mark Johnson, *Metaphors We Live By*, 2nd ed. (Chicago: University of Chicago Press, 2003).

[5] Paul Thibodeau and Lera Boroditsky, "Metaphors We Think With: The Role of Metaphor in Reasoning", *PloS One*, February 23, 2011.

[6] Christopher Bryan, Greg Walton, Todd Rodgers and Carol Dweck, "Motivating Voter Turnout by Invoking the Self," *Proceeding in the National Academy of Sciences*, June 22, 2011.

Core Conceptual Challenges

Before we turn to language on INCARCERATION, we'll briefly examine core conceptual challenges at play. These are common to communication about social issues:

The abstraction problem
The human brain is wired to latch onto the tangible and shy away from the abstract. It's hard to see, smell, hear and thus have a visceral reaction to "prison industrial complex." Systems are not visible and stand as insufficient rebuttal to arguments about what individuals ought to do.

When we say, for example, "systemic deprivation" we can't count on this penetrating against the first person anecdotes of wrongdoing and harm to innocent victims of our opponents.

This is an immense challenge for discourse on INCARCERATION, BARRIERS TO EMPLOYMENT, RACE and INEQUALITY. At the outset, these are about *population level* issues, not individual ones. Further, in our worldview, it's about differences attributable to *systemic flaws*, not personal failings.

The causation problem
Effects of incarceration are visible, to many, anyway. The *causes* behind why some groups more frequently face incarceration and are re-apprehended where others avoid returning to or never encounter the prison system are up for debate. A debate that dictates the viability of solutions to what we term a problem.

Faced with hardships of some demographic group relative to another, we seek explanations. Sadly, the simplest and most concrete one is that one group "deserves" punishment, the other doesn't.

Worse yet, our brains seek out evidence to confirm preconceived ideas, rejecting anything contrary. If we already have a hypothesis that differences in carceral status result from differential behavior, arguments that reinforce this carry greater weight than evidence that negates it.

The Just World Hypothesis problem
It is not merely a convenient pathology of those who favor further concentration of power to insist disproportionate incarceration is a product of individual failing. Extensive research shows a need to believe in what social psychologists

call the Just World Hypothesis.[7] In brief, this is the idea that our society is fundamentally fair and thus observed outcomes have justifiable causes.

Not surprisingly, greater attachment to this theory correlates to more conservative preferences. Thus, an appropriate strategy may be to dismiss devotees of this thinking and relegate them to the committed opposition bin.

However, it is also the case that the need to believe in some basic rightness of the universe, or at least American society, is a widely-held and psychologically comforting facet of modern life. It's critical that we remain mindful of this in characterizing why, to be glib, bad things happen to good people. Treading too far into the inequities of our society, risks sending the message that nothing better is possible. Our current deplorable state cannot be improved upon.

Thus insisting, for example, that the War on Drugs failed to curb drug use and addiction, while accurate, is a potentially troubling trope. If a problem seems insurmountable, it's only natural people would rather ignore than confront it.

The government problem
Much has been said about the problem of talking about government.[8] The list of complaints against government is long and ever growing. Yet for any meaningful change to happen, we need government involved.

Finding ways to talk about government that don't prime pervasive beliefs about lack of accountability, inherent malice and inefficiency are integral to making an effective case on policies to address incarceration.

With these common conceptual challenges as background, we turn now to consider the communication issues specific to contemporary discourse on INCARCERATION.

The first place we enter this conversation, is examining what's frequently implied about incarceration itself and, from there, what we're told about the incarcerated.

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[7] Montada, L. & Lerner, M.J. (1998). Preface, in Leo Montada & M.J. Lerner (Eds.). *Responses to Victimizations and Belief in a Just World* (pp. vii–viii). Plenum Press: New York.
[8] How to Talk About Government, A Frameworks Message Memo, March 2006.

What is incarceration?

INCARCERATION is often referenced via abstraction, with little or no explanation of what it feels, looks and smells like:

> The prison industrial complex (PIC) is a term we use to describe the overlapping interests of government and industry that use **surveillance, policing, and imprisonment** as solutions to economic, social and political problems.

> Breaking the addiction to **mass incarceration**

While this kind of language works well for advocates, it falls short of having potential supporters grasp what INCARCERATION means and does. Terminology like "prison industrial complex" and "mass incarceration" are important shorthands for a set of realities we need to name. However, they're comfortably devoid of horror. They offer no people on view.

Similarly, very common phrases like "juvenile detention" are distancing. Regular people don't refer to their children as "juveniles." And "detention" sounds like a light rebuke. More straightforward language like *children's prison* is likely to aid in having people understand how morally repugnant our practices are.

Fortunately, many advocates, sympathetic media and popular culture sources offer an array of effective descriptors:

> These are the same neighborhoods to which the vast majority of people return ("reenter") after being released from prison and where more than four million people are **under the surveillance and supervision of the state**.

> Critical Resistance seeks to build an international movement to end the prison industrial complex (PIC) by challenging the belief that **caging and controlling** people makes us safe.

> Are we willing to relegate ever larger numbers of people from racially oppressed communities to an **isolated existence** marked by authoritarian **technologies of seclusion** that produce severe mental instability?

> This simple design has helped to produce one of the most extraordinary systems of **radicalized social control** the world has ever seen.

> However, I don't think we can **throw children away**.

> Now I see that neither the youth buried in the ground nor those **buried** in prison see justice.

> This is a measure of how difficult it is to envision a social order that does not rely on the threat of **sequestering people in deadfall places** designed to **separate them from their communities and families**.

> All efforts to educate, assist, and empower our communities should be within the context of eliminating **human cages as a mainstream livelihood.**

These final two examples highlight two key facets of describing INCARCERATION: (1) naming the social function and (2) referencing family. We must balance describing the conditions and experiences of each individual in prison while also insisting that the "social order" relies upon this practice. Prison goes beyond the actions of each incarcerated individual.

In my interviews, almost without exception, people described INCARCERATION as *a means of separating people from family*. While seemingly simple and obvious, this descriptor — as opposed to the more clinical "incarceration" or visceral "caging people" — instantly reminds audiences of universal humanity. Referencing enforced separation from loved ones also presupposes another critical idea about prisoners: They are capable of loving and being loved.

While far from the norm in advocacy discourse, there are effective mentions of family:

> **Parents are often disappeared** into the prison system without any real explanation or particular care of **our children**.

> Maintaining connections and **contact with our families** is crucial to surviving prison, and to rejoining our communities as whole people.

In addition to mentioning family and highlighting the social aspect of this issue, another effective explanation describes INCARCERATION AS DEMOLITION. We see this in language like the following:

> We have to get together, register to vote, and build a constituency behind sane policies that **build people up rather than tearing them down.**

A person **re-building** his or her life after incarceration or probation faces many challenges, not least of which is the mountain of fees levied by the state.

Or, from an interviewee: "They come out with a spiritual revelation or they **come out really beaten**." Here, prison is likened to a wrecking ball dismantling the individuals within it and the communities affected by it.

Inside, outside

Unsurprisingly, much of the prevailing language brings up SEPARATION and BOUNDARIES. This makes perfect sense. Being *inside* prison walls when your loved ones are *outside* isn't metaphorical; it's literal.

Beyond the simple notion that INCARCERATION IS CONTAINMENT, there's a problematic extension, which implies that once in prison, people are *outside* of community:

To welcome people **back to our community** after their release from jail or prison

And, admittedly, they are!

However, we see from opponents just how damaging the notion of PRISON as a wholly separate element is:

If you steal a pair of socks knowing that you may be put away for life, then it says something negative about **your fitness to be a part of society**.

The alternative is **having these criminals walk among us** and places another burden on the taxpayer for counselors, training, housing and monitoring.

In fact, rather than being over there or "outside", PRISON is an integral part of our social, legal and economic systems. Without prison, the flimsy social construct spackling our nation together would be even more apparent. The notion of prison as some separate place allows most Americans to remain blithely unconcerned and even wholly unaware of just what is being done to people in our name.

As one author eloquently states: "This is the ideological work that the prison performs — **it relieves us of the responsibility of seriously engaging with the problems of our society**, especially those produced by racism and, increasingly,

global capitalism." In so far as we continue to spread the idea of prison as barricaded off (forgive the pun), we keep it out of sight. And, again to quote an activist, "mass incarceration **defines us as a society**."

Thus, one problem with the INSIDE/OUTSIDE framework is how neatly it allows most of us to distance ourselves from the whole enterprise. An additional concern is that it eclipses the very real financial benefits that the already wealthy and powerful derive from perpetuating and enlarging the carceral system. To put it more succinctly, "the more prisons support people, the more people support prisons."

Finally, a third reason to revisit the language of SEPARATION is that for way too many Americans, especially in communities of color, prison is an integral part of their lives. Whether they are incarcerated, moving through life on the assumption of eventual incarceration or visiting loved ones, prison is absolutely integrated into their experiences:

> Education, income, housing, health — **incarceration affects everyone and everything in the nation's low-income neighborhoods**,'…[refering to what] she calls the '**secondary prisonization**' of women with partners serving time in San Quentin State Prison.

> In some low-income neighborhoods, he notes, **virtually everyone has at least one relative currently or recently behind bars**, so families and communities are **continually disrupted** by people going in and out of prison.

> His biggest challenge in dealing with children of color 'is helping free themselves from this **expectation of incarceration**.'

As you know, there's even a serious policy issue wrapped into the perception of prison as a separate space. In determining how to count people and thus apportion representation, certain communities lose their share of voice and power because so many members aren't physically within their geographic bounds.

Challenging this INSIDE/OUTSIDE paradigm could help us force a greater portion of the public to wrestle with important questions like — who are we in reaction to prison?

Who are the current and formerly incarcerated?

Just as critical as knowing how to speak about INCARCERATION, the question of how to describe people who are or have been in prison looms large in the data. This challenge emerges from our culture's prevailing and noxious tendency to equate the doer with the deed. For example, instead of saying someone committed a crime, many call them a criminal. This is the dynamic also at play with "illegal", used by opponents as a noun in the immigration debate.

Turning an action into an implied inherent — and even inescapable — characteristic is an effective tactic for supporting continuation of our destructive carceral policies. As one activist describes it, "I do not define myself as an ex-convict; I am a person. To use that term is to take the worst moments of my life and call that a whole life." This phenomenon arises from what we call the metaphor of essences summarized by cognitive linguist George Lakoff as follows:

> Just as physical objects are made of substances, which determines how they will behave (e.g., wood burns, stone doesn't), so people are seen as have an essence — a 'character' — which determines how they will behave morally. Good essential properties are called virtues; bad essential properties are called vices. When we speak of someone as having a 'heart of gold' or as 'not having a mean bone in his body' or as 'being rotten to the core,' we are using the metaphor of Moral Essence. The word 'character' often refers to Moral Strength seen as an essential moral property. To 'see what someone is made of' is to test his character, to determine his Moral Essence. The logic of Moral Essence is this: Your behavior reveals your essence, which in turn predicts your future behavior.[9]

This is the background behind the very real debate about the possibility for rehabilitation and, with it, arguments for reforming sentencing and altering or even eliminating incarceration.

More broadly, it also plays a role in unconsciously determining whether you care about, let alone can be moved to act on behalf of, people who have criminal convictions.

Integral to this discussion is the assumption that people don't arbitrarily harm others (economically or physically) without some impetus. This

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[9] George Lakoff, Moral Politics: How Liberals and Conservatives Think, University of Chicago Press, 1996

impetus may take the form of not having full control over your faculties due to illness or substance abuse or having been socialized into acting out.

Our beliefs rest in the assumption that crime is a symptom of a larger social ill, not its cause. In other words, few to no people are wired to inflict pain, they must be taught or incentivized to do so. This — perhaps more than any other element in this debate — is the foundation you must build in order for the rest of your argument to stand.

While you already recognize the need to avoid reducing action to inherent character, this still leaves the question of what it *is* possible and helpful to say. In addition to steering clear of the moral essences trap, there's also a fine line to walk between pointing out harms netted out and portraying the incarcerated as hapless victims.

The list of ways to refer to the incarcerated in the data include the following:

> Missing in America – MIA
> Able to be still
> Paying customers
> Inconvenient people
> People we store out of sight
> Correctional population
> People who made a bad choice
> Prison populations
> Americans under lock and key
> [Domestic] Detainees

These terms present an array of options, none of them perfect for all purposes. The more clear cut terms like "prison populations" lack in personalization and empathy-building while the starker labels like "[domestic] detainees" are confusing out of context.

One notable absence is the relative lack of testament to the strength, tenacity and perseverance among those who survive incarceration. Wording like this from one exonerated individual featured in the documentary After Innocence, is not common:

> They could do whatever they wanted to me. **I'm one of the strongest human beings ever created.** I know that now. And I say that without an ounce of ego because I **paid** for it…

Especially as you turn to the question of advocacy for eliminating the barriers to employment post incarceration, it's critical to turn time served into a strength. Even as you continue to signal the horrors of the experience.

Phrases like *forged in steel* (in reference to the cell bars) or *tested, survivor, able to withstand* and so forth may be your best bet for putting forward a positive image and creating a foundation for better policies.

Other options for referencing those who have served time include the most popular phrase — *formerly incarcerated*. This terminology, adopted as an antidote to the pejorative "ex-con," seems to have wide favor in this advocacy community. This is a strong mark in its favor.

A wider array of names comes mainly from popular culture and includes — *a changed man, ghosts, a ghost in my own life, foreigners, always a step behind, always catching up, damaged,* and *caught in cycle.*

Once again, what these terms lack is expression of the fortitude and will of the formerly incarcerated to function in a system intent upon sending them back to prison. In fact, applying existing messaging research about POVERTY to this issue suggests terms like "striving to stand on their own two feet", "struggling to get ahead" and "working to provide for family" could work well in this space. The intent behind this is to emphasize the potential, not merely the hardships of the formerly incarcerated.

Prison without prisoners

Another way of handling the difficulty of referencing the incarcerated is to discuss the "system" and not the human beings effected by it:

> The intent was to reduce corrections populations and budgets, thereby generating savings for the purpose of reinvesting in **high incarceration communities** to make them safer, stronger, more prosperous and equitable. We believe it is time for a more effective and fiscally-responsible approach to **public safety** – an approach that focuses on prevention, curbs the unsustainable **growth of our prison system**, invests in evidence-based programs that are proven to reduce crime and save money, and strengthens support systems and services for crime survivors.

> This flies in the face of dozens of studies, including some done by the governor's own commissions, that lay out clear and effective alternatives to **prison expansion**.

...studies that call for **prison reductions**

Rather than attempt to humanize the incarcerated, the idea here is to take them out of the picture. Likely these authors assume (whether consciously or not) that generating empathy for this population is well neigh impossible. Thus, they substitute critique of the structures for the harms caused to the people within them.

Absent empirical evidence, it's impossible to say whether this works. Previous research in related areas, however, suggest that while it may engender some support for contracting prison populations it will not motivate desire for effective rehabilitative services — during or post incarceration. Neither does it make the case for holistic resources and programs in communities from which most of our prison population are removed.

As if understanding how to name the players and the scene weren't challenge enough, we turn now to the pressing question of how to convey why we face our current situation. As you'll see the unfortunate tendency in this is to rely on passive constructions.

Who does what to whom?

Altering descriptions of events influence how audiences assess blame and determine desired remuneration. In one experiment, using the infamous "wardrobe malfunction" during the Super Bowl Halftime Show in 2004, among other situations, researchers found that respondents who read that a named agent "tore" another's clothing ("bodice") attributed blame and sought to levy at least 53% more in indecency fines than those who read about the incident described as "the bodice was torn". This is especially telling because all the participants first watched video footage that clearly showed the performer ripping his colleague's clothing.[10]

This research and its antecedents bring into focus a major challenge any social justice-seeking organization faces in communication: defining the problem it seeks to solve. Here is an indicative sample of trying to do just that:

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[10] Caitlin Fausey and Lera Boroditsky, Subtle linguistic cues influence perceived blame and financial liability," *Psychonomic Bulletin & Review*, 2010, 17 (5), 644-650

With 2.3 million Americans behind bars, the criminal justice system is larger than ever. **Its growing tentacles have caught** almost every demographic subset of our country.

Due to expanding prison populations in the majority of states, the total U.S. **prison population grew** in 2013, according to a new report from the Bureau of Justice Statistics.

Increasing amounts of our **public safety dollars go towards prisons.**

The destructive effects of mass incarceration and harsh punishment **are visited disproportionately upon** individuals and communities of color.

After a half century of relative stability, the American penal system for the last forty years **has been dominated** by relentless growth.

We are founded and run by parents and families who have **experienced the juvenile justice system** with their children.

Tax dollars, pension funds, and university endowment funds **are being invested** in the racist prison industry.

In addition to the enormous human cost to families and neighborhoods of caging so many of our people, the **advent of mass incarceration** has also meant more of our public resources **are being consumed** by the prison budget.

The number of prisoners in the United States **skyrocketed** in the next four decades.

As long as we continue to spend on **failed approaches that lock people up**, we won't be able to afford the vital resources that actually set up youth and families for success.

Overwhelmingly black, Latino, and poor, the residents of these neighborhoods are those **most likely to suffer** from high rates of unemployment and poverty; homelessness; and sub-standard schools, healthcare, and other basic services.

Embedded within this communication challenge is the need to convey the real *harms caused*. As is clear above, the tendency is to do this via abstraction. And while this is a problem, the major obstacle in explaining why people face all the difficulties they do, why harms exist and persist, is **frequent use of non-agentive constructions.** In all of the examples above, and the many others I could add to them, there is never a single villain, or even actor, named. If needs are denied and

prison populations are "skyrocketing", this has no clear cause. And, it follows, no solution.

Unless we convince our audiences that **people making deliberate and at times nefarious decisions** are behind outcomes witnessed, we can't make the case that other outcomes are possible. If we do not insist that current problems are man-made we can't expect to prove the case that men and women can fix them.

In fact, one advocate makes this point precisely:

> For the last four decades, this country has relentlessly expanded the size of our criminal justice system, needlessly throwing away too many lives and wasting trillions of taxpayer dollars. But **we are not stuck** with a criminal justice system that is unproductive, wasteful, and dominated by racial disparities. **Bad policies are made, and bad policies can be changed**.

However, note that even in this assertion, the author can't quite put a name on the origins of our problems: "**this country has** relentlessly expanded our criminal justice system." We're not likely to get rid of "this country" and thus, as an antagonist, this is not a fitting choice.

Other examples of suggesting intentional bad actions caused problems are few in this data set:

> **Politicians continue to invest** billions into jails and prisons that fail to help people get their lives on track and fail to make our communities safer.

> **Government's malign neglect** of black people in general.

> Minorities are much more likely to be **drawn into the vortex** of the justice system than whites.

> Today, juvenile justice **systems lock down** poor youth and youth of color — **tracking them** toward adult prisons while locking out their families from the decisions that **drive youth** further along the 'school-to-prison' pipeline.

The greatest danger in not clarifying someone intentionally did something bad to someone else is that it skirts dangerously close to *suggesting individuals bear culpability for their conditions*. It's remarkably easy to move from failing to clearly source harms to implying people effected are actually to blame.

Saying, for example, "she **went to prison** six times," implies fault or even willing

desire on the part of the incarcerated. The use of "go to prison" in various forms appears throughout the data: "The Justice Department has estimated that a third of black men and nearly a fifth of Latino men born in 2001 **will go to prison** in their lifetime."

Other common language, like "**crime-ridden** communities" leaves audiences to fill in for themselves just why crime concentrates in certain areas. The easiest explanation is individual misdeeds.

Similarly, "they're churning through formal and informal part-time work, **fueling a shadow economy**," pins the blame for actions on the formerly incarcerated doing *shady* deeds.

This is made worse by a basic facet of our processing: defaulting to simple causation. Experiments in cognitive psychology attest to the fact that we assume the most visible and proximal potential source is responsible for observed effects. Thus, as explored above, our reasoning tends to have us see the individual at fault for her situation; because we don't see "systems" we aren't prone to assuming they're at work and responsible for harms witnessed.

Who built the barriers?

Reliance on inagentive constructions appear from describing prison through characterizing life post release:

> At the same time that the numbers of **workers with criminal records have risen**, the background check i**ndustry has expanded**.
>
> A great many of these people have **faced background checks**.
>
> Each year, roughly 7,000 people **lose** their driving privileges because of this law, including people who never had a license.

People may *lose* their driver's license. But no one *loses* driving privileges; these are taken.

Just as the passive voice continues to figure in language about BARRIERS TO EMPLOYMENT, so too does the troubling tendency to imply people are at fault for what befalls them:

Our current system of caging people, providing little to no rehabilitative services, failing to treat mental illness and addiction, and hitting people with fees and sanctions upon release – actually **results in more crime**.

In addition to fueling the notion that we live in a dangerous place, by not sourcing additional crime, it feeds into the very common sentiment that people who have served time are inherently bad actors.

Wading through words

One metaphor in particular exacerbates the passivity problem. And it dominates these discussions: INCARCERATION AS WATER. Heard most frequently in the oft repeated "school to prison **pipeline**", the notion that the criminal justice system can be likened to a large body of moving liquid features in many ways:

Justice reinvestment is taking money from the correctional system and using it to fund community programs that will end the **prison pipeline**.

Even taking **an upstream approach** like providing more after-school programs, job training in top industries, and other meaningful programs that help keep individuals and families stable, would transform communities.

Engaging and transforming young men between ages 17 and 24 who were at the "**deep end**" of the criminal justice system.

Our prisons are **overflowing** with non-violent drug offenders, and that we squander hundreds of millions of dollars better spent educating our children.

Black and Latina/Latino youth in the U.S. have been **shipped off** to prison in numbers never before seen anywhere in the world at any time.

Again, we see harms named without origins offered. Moreover, our default understanding of moving liquid is natural. While the PIPELINE through which children, especially boys of color, move from the classroom to the prison cell, is intended to convey deliberate structure — it also signals inevitability, as opposed to human decisions at every step. Further, PIPELINEs don't have escape hatches; thus, while it may help illustrate a case for dismantling the system, it does nothing for the interventions you seek for the kids *in* the plumbing right now.

Less commonly but also unhelpful, is a tendency to liken the carceral system to a virus:

To stop the U.S. youth incarceration **epidemic** and advocate for investment in youth and families.

Our system is **sick**.

Once again, this doesn't suggest that people are electing to criminalize activities and whole populations — not to mention make life impossible for them upon serving their sentence. It's simply some organism in the air, and a highly contagious one at that.

An alternative metaphor like WEB, NET, VACUUM, or GAUNTLET may better convey the continuous, and thus alterable, choices leaders make that harm.

The tendency to not make explicit, both directly and via selected metaphors, is probably your most common messaging issue. But, there are others, such as reliance upon numbers also worth reconsidering.

The law of large numbers

Both in absolute terms and to describe racial differences, you tend to rely upon facts and figures to express just how bad and unjust the situation is:

> **2.4 million**-plus people are locked up in prisons across the US — that's more than any other country in the world!…**One in every eight Black men** in their twenties is in prison or jail on any given day. T**hese numbers should shock the conscience of the nation**.

> The **1,574,700 inmates** in state and federal prisons at yearend 2013 represent an **increase of 4,300 prisoners** since the previous year. (The rate of incarceration declined from **480 prisoners per 100,000 population to 478 per 100,000** during the year due to increases in the overall U.S. population.) The new figures come after three years of modest decline from a high of **1,615,500 prisoners in 2009**.

> And yet, **65 million people** in our country are survivors of incarceration, and **black men are six times as likely** as white men to be incarcerated during their lifetime.

While these numbers should, to quote one author above, "shock the conscience of the nation", they don't. Extensive research demonstrates that exposing people to very large numbers (especially related to financial quantities) makes them more selfish, suppressing empathy.

Large numbers and ratios of the kinds you favor cannot be understood in concrete terms. None of us have ever hung out with 1,574,700 people; we can't imagine a scene with this number of people in it. Figures like these are pure abstractions.

At best, large numbers do nothing to persuade skeptics or motivate your base. At worst, they send completely the wrong signal. Namely, that we are surrounded by epic quantities of very bad people. And, that certain communities systematically produce more bad people than others.[11]

Even where these racist impulses aren't foremost (and they are), utilizing real large numbers has been shown in dozens of arenas to suppress people's will to act. Essentially, you are indicating to audiences that we have a nightmare on our hands. For the unengaged, that's not a call to arms — it's a reason to walk away and assume nothing can be done about it anyway.

There are times when using facts and figures can help bolster your claims. But, these must emerge from a values framework in which you've seized the moral high ground and persuaded that your preferences are what's right. And, even then, it's best to use "social math" to bring large figures down to comprehensible scale. This is the practice of making comparisons like *the population of New York City* or *enough to fill 10 school buses every day for a year* and so forth.

Recidivism as revolving door

Numbers continue to figure prominently in messaging about what happens after people serve time. As you know, far too many are re-arrested and placed right back in prison.

Unsurprisingly, those opposed to reforming sentencing, let alone to more large scale changes to our prison system, are quite keen to discuss recidivism too. They present it as evidence that a person in prison is of inherently criminal behavior:

> That two-thirds of **prisoners go back** to prison after being released sort of makes a mockery of your conclusion it seems to me.

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[11] See, most recently, Rebecca Hetey and Jennifer Eberhardt, Racial Disparities in Incarceration Increase Acceptance of Punitive Policies, *Psychological Sciences*, August 5, 2014.

The overwhelming cases of incarceration involve convicts who are **repeat offenders** and many for short sentences. The liberal leaning American court system treats these **cases of recidivism** as it should with some kind of jail time.

Obviously, describing RECIDIVISM effectively — as a failing of the system not the individuals held in it — is a huge challenge. Here, once again, passive constructions aren't helping you: "Most people who go through the system **end up going through it again**."

Neither is the prevailing metaphor of PRISON SYSTEM AS REVOLVING DOOR. This is meant to quickly encapsulate what a brush with the criminal justice system incites. However, people elect to enter and exit revolving doors. They successfully bring people into buildings and just as efficiently allow them to exit. This does nothing to explain recidivism as stemming from lack of rehabilitation and does much to affirm the incarcerated at fault for returning.

A more accurate and useful metaphor for this phenomenon might be the PRISON SYSTEM as VACUUM, MAZE/LABYRINTH, QUICKSAND or BOTTOMLESS PIT. The objective is to convey that the individual attempts exit and gets pulled back in, despite best efforts on his or her part.

Pocket book persuasion

Another place where numbers figure prominently is in describing the enormous costs incarceration and its collateral consequences represent for individuals, communities and our nation as a whole. Given the emergence of consensus from both left and right that prison isn't working, it's not surprising to see growing appeals to fiscal conservatism as reasons to reform rules about incarceration and post-release.

Often straightforward, these appeals to thrift sound like the following:

It is also **extremely expensive to imprison** so many individuals, many of whom are locked up for non-violent reasons such as drug possession or untreated mental health issues. On average each person in prison **costs the government $34,000 per year.**

The impact is similar nonetheless: **billions of dollars** in lost productivity, forfeited tax revenue for cities, rampant exploitation by employers, and a cascading series of bans and exclusions from civic life that make it almost impossible for these workers to achieve a stable economic existence.

In nearly every state of the country, a political premium has developed in favor of **containing correctional costs**, scrutinizing proposals for further growth, and considering strategies to downsize correctional populations and budgets that were out of the question just a few years ago.

Prison **costs are eating up** money that could be spent on police and protecting the public from violent offenders.

Not surprisingly, conservative reformers also favor this MARKET language. Here's Rob Portman, for example, laying out this case, "it's a really **inefficient use of resources** — that's the Republican, fiscal conservative side of this."

The MARKET frame also emerges more subtly, encapsulated best in the phrase "justice reinvestment." It sounds like the following:

We have a choice: continue to expand surveillance, prisons, and poverty, or **reinvest in people**, health, and prosperity.

To stop the U.S. youth incarceration epidemic and advocate for **investment** in youth and families.

The *Justice Reinvestment* framework is intended to redirect funds from incarceration toward proven interventions that prevent offenses and rehabilitate from them. Sadly, but also completely predictably, this framework has fallen short in practice.

When we signal to our audiences that the purpose for our actions is financial, it suggests that the correct basis from which to make decisions is economic. In other words, we accept that saving money or enlarging the economy is the absolute best and perhaps only relevant goal. Recognizing the inherent harm of this mind set, one interviewee characterized solutions to our carceral issues requiring us to "treat people as assets, not commodities."

The increasing reliance on private prisons to curb costs is an obvious outgrowth of an economic argument. So too is this common rejoinder from our opponents: "the reduction in prison populations is not really so much about cost saving as cost **shifting from prison budgets to victim suffering**." Dollars and cents, even for the most fiscally-minded person, don't hold the same moral sway as human suffering.

The reasons to curb our vituperative reliance on prison has nothing at all to do with money and everything to do with human rights, freedom and family. These are values people recognize and rally around. As much as they may — rationally — claim to care about savings, economic arguments cede the moral high ground and disengage our base. No one I interviewed is in the struggle for prisoners' rights because they're keen to save Uncle Sam a buck.

Paying your dues

We should expect to see financially based arguments not only because these are standard in trying to reach across the aisle. The notion that INCARCERATION IS A FINANCIAL TRANSACTION is deeply rooted in our language.

Consider expressions like *serving time* or ***paying** your debt to society;* language about incarceration is tied to the common metaphor that TIME IS MONEY. In our culture, TIME is a scarce *commodity.* This emerges from a relatively recent, very Western idea of financial compensation for work based on quantity of hours. This has become so integral to our thought system, that we now conceive of *saving, spending, wasting, investing, budgeting* and *squandering* TIME.

Mapped onto INCARCERATION, where a sentence is a length of time, the incarcerated persons is obligated to give TIME in order to *pay* for what he or she has done. Or, as one interviewee put it, "people being held ac**count**able to their crime."

This metaphor of MORAL ACCOUNTING has a conservative and progressive permutation. In the former, MORAL ACCOUNTING IS RETRIBUTION. When someone causes harm, the harmed party — or the state acting in their stead — *owes* back an equal harm in order to *balance* the moral books. You took something from me, I take something from you so we're even; we both have negative one in the ledger. Within this model, INCARCERATION AS PUNISHMENT makes perfect sense.

In the progressive model, MORAL ACCOUNTING IS RESTITUTION. Causing harm is still TAKING. However, here we reset the scales by having the perpetrator provide recompense to the victim. Being *even* takes a different

form — payback is providing something of value to the injured party. Serving time as it stands symbolically for money is a form of restitution.

Obviously, the second understanding is far better. However, it too falls short. The locus of attention continues to be on the harm done; there is no back story. Inside either MORAL ACCOUNTING model, we learn nothing about, care nothing for who the offender is or why she has committed the deed. We foreground the action (offense) and this immediately triggers the idea of consequences and payback.

Rehabilitation doesn't exist in this model because the offender is a black box, acting without context, history or even motives. Until they *serve* their time, the moral imbalance cannot be corrected. The scales of justice, as they were, are tilted.

Yet, even as we seek to leave this toxic punishment and time owed for act committed idea, we rely upon language that reinforces this thinking. This is especially true in describing BARRIERS post incarceration:

> If you holding me **accountable** for something **I paid for**, then shame on you.

> Working together to create resources and opportunities for those who have **paid their debt** to society.

Rather than describing debts *paid,* at the very least moving toward time served is a positive first step. As this author does here: "The lifelong discrimination people with convictions face is a form of double jeopardy that **never allows us to finish serving our time**." However, even here saying "**our** time" implies there is a set amount *rightly owed.* Instead, we could simply say "serving time."

What is "the box"?

As you focus your efforts on what you're calling *barriers to employment for the formerly incarcerated*, we turn now to language more specifically on that topic. In keeping with the language of *barrier,* we see lots of language profiling obstruction or impediment:

> The best applicant I had for a shelver job in a library: a person who learned to shelve in a prison library, where he served time for a nonviolent crime. But I

couldn't hire him, b/c the library simply couldn't hire a felon. Tell me how people can **make their way back, when we stand in their way**?

The millions of people who likely **get locked out** of the job market as a result of their records aren't just sitting around.

After prison, people are sent back to the impoverished places they came from, but are **blocked** from re-entering society.

Remove the barriers that keep people from rejoining society after they are released from prison.

Anyone with a conviction history like me faces **a constant barrier** to being an involved, productive member of our society.

If we're preparing them to be productive **why do we block them** from being productive?

Given what we know about the BARRIER metaphor in related arenas, especially economic inequality, this is likely a very effective way to describe the problem. Since BARRIERS are understood to be constructed objects, this language profiles the deliberate decisions made that are the source of current harms.

The BARRIER metaphor can be expressed slightly differently, as an IMPEDIMENT TO FORWARD MOTION through weight: "Criminal convictions were often **crosses to bear** for years, keeping them from voting and getting jobs." Or, as one interviewee described it, "like a different **set of chains**."

To make greatest use of this metaphor, it's important to focus on getting rid of an existing obstacle — not imply you're asking for a new benefit. Thus, instead of saying, "**open up** opportunities for people with past convictions in our workplace", we could reword this as *eliminate impediments to opportunities…*

Along these lines, usage of the word *find* — as in *find a job* — is potentially misleading. In discussing employment restrictions, such as having to check a box on an application, the issue is not to create new jobs. It's to make accessible job vacancies currently on the market.

> On May 11th Minnesota Governor Tim Pawlenty signed into law a public safety policy omnibus bill (House File 1301) which includes two provisions that begin to address the **growing problem** of individuals with criminal records **finding employment**.
>
> Rivera is part of an uncounted population of formerly convicted or incarcerated people trying to **find** work in a **hostile** economy.
>
> Melissa is just one of the millions with criminal records who face **higher hurdles** than most in **finding** employment.

What these examples imply is that there aren't jobs to begin with, not that certain candidates are unable to obtain existing jobs. The problem of insufficient jobs is, no doubt, a major part of this issue. However, it's not how you're framing your objective and thus it's confusing to present the problem in this way.

Gain — as in "ex-prisoners struggle to **gain**, housing, jobs, re-unite with our families and navigate the fees and other challenges that make successful re-entry all too rare" — is similarly misleading. Common usage of gain suggests something given to you without conscious effort or intention. Instead of *find* or *gain*, you could say *obtain, secure, land a job* or *get hired.*

Although less common, two other options exist in the data to describe challenges people face after incarceration: BRAND/MARKING and PERPETUAL PUNISHMENT/DISCRIMINATION. An interviewee offered this analogy that weaves these two ideas together: "it's kind of like a person who is differently abled – in a wheelchair – if it's not from birth they have to learn how to adjust."

A slight permutation on ceaseless punishment, *double jeopardy* or not being tried twice for the same crime may be useful here. It's an empirical question, beyond the scope of this analysis, which of these frameworks works best.

Finally, this issue is one place you may benefit from breaking conventions about best communication. With this, I mean, being intentionally technocratic may help you. Instead of "criminal record", the more anodyne "conviction history" "previous infraction" or "recorded conviction" may serve you better.

Concluding Thoughts: What are we trying to achieve?

In arguing for alternatives to incarceration and especially for investments in crime-prevention strategies, we find references to the money and hardship saved. However, what's missing from these descriptions is a sense of what society would be like with fewer (if not zero) prisons.

We back into this argument by stating that prisons don't reduce violence. We'd be far better served, however, to begin from our desired end point. In other words, lay out what it is we want to achieve together — a broadly shared consensus on how we want our communities and country to look:

> Current measures inadvertently incentivize unwise policy choices. Federal officials ask states to report the number of arrests, but not whether the crime rate dropped. They measure the amount of cocaine seized, but not whether arrestees were screened for drug addiction. They tally the number of cases prosecuted, but not whether prosecutors reduced the number of petty crime offenders sent to prison. In short, today's JAG performance measures fail to show whether the programs it funds have achieved 'success': improving public safety without needless social costs.

Here, the author takes as given that we share the objective of "improving public safety without needless social costs." This seems a largely popular notion. The same cannot be said of *reducing the number of people we incarcerate*. This, as a principle, requires much more explanation for lay people to see as valuable.

Note that, as a goal statement, "improving public safety" differs markedly from *reducing crime*. First, it's affirmative where the latter is negative. Second, it doesn't prime the fear of crime that instinctively has people favor incarceration. And, finally, it allows for a broader — more accurate — argument that imprisoning people is, in fact, a state-perpetuated form of violence that reduces safety for the incarcerated members of the public. Thus, it may serve us well to move from calls for *reducing crime* to seeking to *reduce victimization* when we're in the problem-naming space. Nevertheless, it bears repeating that it's always better to name the good you seek to create rather than the harm you seek to eliminate.

We must be articulating an overarching purpose to what we're doing. One way of doing this is by simply calling into question what the overarching point is of our current practices. When I asked how he'd approach a staunch opponent of criminal justice reform, one interviewee summed it up with a series of questions: "What business are you in, what business do you believe yourself to be in? And

the second question would be, how's business? Depending on the responses, I'd invite them to consider a better way of doing business."

Just as it's key to anchor — explicitly or through implication — to a larger objective, it's also important to articulate how we intend to handle crime. Outside the discourse on *Restorative Justice*, which is limited, there's next to nothing said about how we intend to respond when a crime occurs. Since no one is imaging magically all people will treat others well, we need to have a clear articulation of our plan for handling people doing bad things. As one interviewee asked: "What does it mean to keep each other safe, to hold each other accountable?"

No where is this lack of an "our side" approach clearer than in the all too frequent responses to racist violence by police or people of privilege. Understandably, for every Mike Brown or Trayvon Martin, there's a huge outcry not only for justice but punishment in the form of lengthy prison sentences, if not retributive violence or death.

Although these don't come from prison reform or "ban the box" advocates, they emerge from the broader movement of allies for social and economic justice. These calls for *justice* are voiced, almost without exception, as desire for making perpetrators pay. This challenges the coherency, not to mention the credibility, of a *punishment is not the answer* message.

I end with this challenge not because I have an answer; unfortunately, I don't. But because without establishing and developing broad agreement about what we stand for and why, there's little hope of pushing an agenda of genuine reformation. We already have and surely will continue to get marginal improvements. But we won't liberate ourselves from our reliance on prison until we can credibly have JUSTICE mean a set thing. Or, to borrow the name of one of the pioneering groups in your coalition, it has to be about *All of Us or None*.