

Prison is considered a civilized punishment. Despite lacking 18th century Vlad-esque brutality, modern imprisonment is all the more inhumane.

On the surface incarceration appears the more compassionate option. A person commits a murder and, instead of an 'eye for an eye,' society sentences them to perpetual imprisonment. By such measures "justice" is served. Modern civilization exhibits its sophistication and advancement by forsaking sanguinary barbarisms of former epochs. Outside those duly initiated, few argue to the contrary. An ignorant cloud obscures the matter. For the continuation of the Penal Institution, law-abiding society's succour, ignorance is imperative.

The mechanics of incarceration are unequal parts physical and psychological. Physically, prison is most felt in its severe curtailment of liberty in movement. Isolation. Confinement. Imprisonment is more than being exiled from society. However large a space may be in prison everything is merely a series of enclosures. Four walls and a door. Here and there, monotony is broken by a window; a change from concrete walls to steel and chainlink fences. Each enclosure leads to another. Penitentiaries are inverse citadels. The daily significance of isolation reverberates down the corridors and off



the physical bulwark separating prisoners from a too-near-distant freedom. Prison is an iron curtain par excellence.

Physical impediments are of lesser import than how it affects the mind. The Penal Institution parallels the criminal justice system in stripping each person of their individuality and personhood. Every prisoner is divested first of name being rechristened 'offender', 'inmate', 'prisoner', 'convict', etc. If not by some such impersonal title people in prison are identified by other expediency, e.g. by a registration number or cell assignment. Daily impersonal address gains the force of habit and internalization follows.

Forms of address influence, at times even dictate, our behavior and treatment of others. Indeed, few and far between are those who would treat a prime minister as dismissively as they would a writer known for plagiarizing. The opposite equally holds true. 'Prisoner' is a word that does not inspire one to reverence. Its effect is most illustrated in the perspective of those tasked with minding prisoners. The "treat them like they're human" attitude says so much more than many would care to know. Principally it expresses an implied reality that the condition



of incarceration invalidates one's membership in the human race.

In modern society, human-ness is bound up in citizenship. Today people are privileged to dignified treatment only insofar as their citizenship is valid. To be a citizen is to have rights and rights human. The law recognizes a prisoner as *civilitate mortuus* which makes each a living corpse — breathing and extant but dead in the law's eyes regarding rights of citizenship. As prisoners, under the 13th Amendment, are subject to slavery or involuntary servitude it should come as little surprise prisoners are treated derisively and 'as if' human instead of as humans.

Nothing is more forceable than habit. What we perceive becomes our reality and from thence flows our relationality to it. This perceived reality, an actuality, operates equally on prisonrats and guards but is immensely more detrimental to prisoners. Consider being given the choice of unnutritious, spoiling foods or starvation; of an ice cold shower or none at all; of cleaning floors with your bare hands and clothing or living in filth; of being ignored or grudgingly spoken to — an important



distinction because, while one speaks to things and animals, one speaks with people. And these choices realized everyday compounded by years and decades. Such conditions people to behave in manners other than human.

An oft-cited subject for criminal justice reformers is the prevalence of mental illness found among captive populations. The regular incidence of psychological and psychiatric disorders in modern penitentiaries intimates an often overlooked reality. The base level logic is rather simple. It is not that the criminal class is abounding in mental degenerates; rather imprisonment, itself, provokes psychic decomposition. Prison is an abnormal environment informed by impersonalization, dehumanization and desensitization; there is the common currency of aggression, domination, subjugation, and ever-deeper entrenching prejudices. It is easily observable how animals in captivity become warped. How much more affected will humans be forced to live outside the normal, sociable parameters of society or anything remotely approximating the same?

Hugh Black wrote "the normal conscience rises to the demands made on it, and easily falls to the limits of the standard



expected from it." It can not be denied that much of the deplorability of the prisoner's behavior originates in the fact that expectations rarely rise higher. Consider, if the daily conviction of those supervising your "rehabilitation" is that every other word spoken is a falsehood or that your modus operandi is pursuit of ulterior, illicit motives. If at every interaction prisoners and guards anticipate aggression, violent verbal opposition, or plain physical violence; in short, as if you only comprehended violence. If aggressivity and brute force is the lingua franca and standard operating procedure of all involved. If docility is greeted with greater liberties being taken. If force begets force and only force or its threat is acknowledged. Matters emerge into clarity.

An animal always kicked comes to expect such. Human beings are not mean animals and, at some point, a person will rebel. For prisoners rebellion has myriad manifestations. It is a sign of the psychological impositions inherent in prison, its necessary inhumanity and fallacious premise. To honestly believe that the safety of the commonweal can be achieved by subjection to such a regiment of stricture. To trust a person can be rehabilitated by means of inhumane



subjugation. *Caeteris paribus*, *duct ad absurdum*. And, it does synchronize most comfortably with Mozart's concept of punishment - an eye for an eye is simply inadequate.

Psychological consequences of incarceration are unavoidable. Although it is a noble nature that refuses to be broken by force. I would lay a heavy wager, following his imprisonment, Mr. Wilde would assert that even the noblest natures are not unscathed. Charles Dickens gave a most insightful exposition of the United States' Penal Institution. Even in the late-19th century it was clear that the "daily tampering" of the human mind, body, and spirit constituted an incalculable danger to all involved. How much more today, in spite of our post-Modern system's veneer of civility, sophistication, seeming benevolence, and justness. Incarceration's facade is evidenced by its manifest consequences. Recidivism is more likely to occur than anything else. Mental illnesses or disorders, psychological regressions, psychoses and neuroses are only more prevalent in asylums. And, the degeneration of social mores, standards, norms and normal societal relationality is more severe than that found in war torn countries; perhaps, even worse for being normalized.

In civilized society *extra positus legem est*



civiler mortuus. One without rights is subject to every manner of treatment those with rights deem appropriate. As punishment is our system's foremost objective and principle function there can be no wonder that it consistently fails at its purported purposes: protecting society and rehabilitation of convicts. Sophistry and hypocrisy pervade the entire carceral system, extending to criminal justice as well. The Penal Institution dictates authorities treat imprisoned persons as if they were human beings; exercise a domineering control over both employees and internees; and, rely on punishment, its threat - implicit and explicit - to work the betterment of prisoners and cooperation of employees. Modern incarceration is a paradox. It dehumanizes, denies rights and humanity, yet, demands behavior appropriate a law-abiding citizen.

Here, I quote Honorable Judge Warren H. Young: "It makes absolutely no sense to confine a person under conditions which increase the likelihood of further confinement." Yet, this is exactly the virtue of our Penal Institution.