

## **Seeing Shame: Legal Storytelling and Prisoner Rehabilitation**

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“It was the best of times, it was the worst of times”.

– Charles Dickens (1859)

### **INTRODUCTION**

In this unprecedented era of mass incarceration, prison reform and prisoner reentry have taken on great salience. Many jurisdictions are reformulating policy to keep people out of prisons and under correctional control in their home communities (Pew Center on the States, 2009; Mobley, 2011; Sentencing Project, 2014). The public safety implications of this move are a major concern. The compromise that seems to be taking shape is one in which an expanded “treatment” or “rehabilitative” side of corrections arises to bolster the more punitive and enduring incapacitation side. Both sides would share the goal of supporting “offenders” in desistance from crime.

Many scholars of the desistance process point to the important role played by formerly incarcerated persons acting as prisoner mentors and rehabilitation program staff (Maruna, 2001; Maruna and LeBel, 2009; Harris, 2011; Calverley, 2012). Ex-cons, ex-gang members and ex-addicts appear as highly valued partners in this emergent correctional scheme. With such large numbers of “ex’s” moving from custodial environments to mainstream society, we might stop a moment to reflect on why proportionally so few step forward as mentors. In this paper, I will share my thoughts, or rather, my thoughts and feelings on this important topic. I offer up my emotions, in particular the emotion of shame, because I believe that shame stemming from my own incarceration experience has motivated my self-exclusion from much prison-related work, including work as a prison volunteer mentor.

What follows revolves around a first person account of my experience of trying to become a prison volunteer. The narrative is informed by “legal storytelling”, for which I offer a brief introduction. I use the legal storytelling method because it allows me to discuss an emotionally challenging topic in a manner that is somewhat detached and, thus, less personally painful. My storytelling is also informed by the practice of “Council” (Zimmerman and Coyle, 1996). Like legal storytelling, Council supports the practice of sharing with peers deeply meaningful and challenging thoughts and

feelings. Council, however, also promotes “speaking from the heart”, a practice that is perhaps the opposite of “detached”. According to Center for Council (2014, p. 4):

Council is a modern practice derived from many ancient forms of communicating in a circle. Sometimes referred to as “Listening Circles”, Council utilizes a center, a circle and a talking piece to create an intentional space in which to share our stories. The practice of deep listening without judgment fosters an atmosphere of respect for ourselves and for others, and promotes empathy, dissolving barriers to cooperation, understanding and community.

Both methods of communication have proven useful to me in identifying personal obstacles impeding my very public work in prison communities. I continue to have a deep desire to serve prisoners and their communities. Part of the rationale for this paper is my growing awareness that if I am to provide effective service I must do so in a satisfying and sustainable way. The principal means by which I currently work with prisoners is as a researcher and in supporting direct services, particularly Council. My hope is to build upon and expand this work, and facilitate the complementary work of others. To do so will require navigating many hurdles, one of which is the challenge of managing strong emotions.

In the preparation of this paper, and in prison work more generally, I am inspired by the hopeful words of a leading scholar on restorative justice and shame who notes: “shame is a sign of a severed or threatened social bond, but communication about shame can bring people closer together and heal that bond” (Van Stokkom, 2002, p. 343). This then, is a hopeful move toward contributing to justice reform and healing.

## **PRISON SCHOLARSHIP AND ME**

Recent contributions to the scholarly study of prisons have left this student of the genre overwhelmed. My problem lies both with the quality and quantity. Let me explain. My work involves action research on imprisonment and the criminal justice system. When I began this avenue of inquiry the year was 1990 and I resided in a prison cell. The number of books and articles available for research was severely limited by my circumstances, to be sure, but what I did find was prison sociology dating from the 1950s-1970s. As a

prisoner who thought he “knew it all” about prison, I was surprised by what I found. The work I encountered portrayed prisoners as complex human beings and prisons as deeply troubled institutions. This felt real and was gratifying for me. When I was granted my freedom a few years later, I continued to find prison studies enlightening and as a doctoral student an emotionally compelling literature was critical to my goals.

Times, however, have changed. I dare say that today’s vast scholarly production on imprisonment far surpasses in quantity what was produced in the 1950s through to the 1970s. As for quality, the work continues to be very smart and very informative in its way, but at times I find something missing. I suspect that my unease relates to a lack of dignity and humanity accorded to participants in the legal process. I do not feel this same void, however, when I read stories and first-person accounts of incarceration (see especially the *Journal of Prisoners on Prisons*), whether from the perspective of the prison guard (e.g. Conover, 2010), the prisoner (e.g. Hassine and Wright, 1996; Baca, 2007), the parolee (e.g. Gonnerman, 2005), the prison educator (e.g. Matlin, 2005), or the children of incarcerated parents (e.g. Bernstein, 2007). Offering a first-person narrative of my experience of trying to become a prison volunteer is meant as a contribution to a penological literature that has grown vast and heady, but may have lost its heart. My aim is not to criticize or supplant other offerings. What I hope to do is complement the existing literature by providing a narrative with a certain *sensibility* – namely, the complexity of lived experience. In this way, perhaps each scholarly orientation may work to enrich the other.

## BECOMING A CONVICT CRIMINOLOGIST

Convict criminology embraces narratives of lived experience (Ross and Richards, 2003). At the time of convict criminology’s founding in the mid-1990s, however, I had to admit that I was a reluctant co-founder. As a graduate student I had detected feelings of shame in my nascent professional identity. As a fledgling state-employed teaching assistant/criminologist I saw myself complicit in the burgeoning prison-industrial complex. In my academic department, colleagues were happy about the expansion of resources and rapid growth in the numbers of faculty and students. On the other side of town, at my fieldwork sites in South-Central and East Los Angeles, the people who resided there were also aware of the length and breadth of the prison-industrial complex. The difference was, they called its operation “genocide”.

I told myself that my role was okay because I could make a positive difference. Others said so as well, but still I doubted it was true. I had lived in the belly of the beast for ten years, and was now living within the constricted world of parole. I had seen the drug war up close and personal, watched the proliferation of new laws and their craftily worded rationales, and noted that many occupational groups were getting fat off of crime (Gilmore, 2007). Even me. In the parlance of the street, I was “getting paid”. I had a fellowship at a major research university, was beginning a career in an expanding, reputable field and was receiving some minor accolades. None of this was going to end any time soon. But was this right? Was I living an honourable life? My fieldwork with action research participants—friends and colleagues—brought the troubling realization that I did not know for sure.

Now, years later, as a more fully credentialed convict criminologist, I continue to wonder. Having as the anthropologists say, “gone native” long ago, I make no pretense to scientific objectivity, and I find few barriers between my work and the rest of my life. And although I hope this approach enriches my work, I should point out it often creates a mess. What I mean is that certain aspects of my scholarly research and life experience strike me (and others) as synergistic. These life spheres, important and provocative on their own, when connected produce additional insights. My trouble is that I find great difficulty tying them neatly together. I often encounter a block and I suspect that at its source, or at least part of this block, is shame.

### **WHY FEEL SHAME?**

When shamed, people feel physically, psychologically, and socially diminished. There is a dramatic shift in one’s perception and experience of the self. People in the midst of a shame experience feel small, inferior, unworthy, or even despicable (Tangney *et al.*, 2011a, p. 711).

Shame is commonly thought of as being, well, shameful. Researchers tell us that in general, people of all types tend to avoid discussions of shame (Retzinger and Scheff, 2000; Tangney *et al.*, 2011b). If this is true of most people, it is probably even more so for prisoners and former prisoners who bear the burden of criminal records and the attending social stigma.

Within criminology, the importance of shame is becoming more readily acknowledged. Braithwaite’s (1989) theory of reintegrative shaming is probably most responsible for this. Braithwaite argues that the criminal legal

process is rife with shaming. Braithwaite's point is that the justice process is disintegrative, in that it further separates "offenders" from law-abiding "communities". Reintegrative shaming condemns the unlawful act, but in contrast to conventional shaming, makes certain to affirm the personhood of the bad actor. The affirmation process is accomplished by showing respect to the wrongdoer and, importantly, making sure s/he has a way of regaining good standing in the community. Adding to this problematic is a recent study of the theory of reintegrative shaming by Botchkovar and Tittle (2005, p. 432), who note that "our results suggest that shaming of any kind, whether reintegrative or disintegrative, may have pejorative consequences".

When I ask myself why I seldom go back into prisons, the usual justifications arise: prisons are remote; getting in is a hassle; staff are often difficult. Less appealing explanations concern the shame sensations I feel when I am there. Why do I feel what I feel? Have I not regained good standing in the community? Shame researcher June Tangney and colleagues (2011a, p. 711), looking into shame in criminal justice processes, cite a typical response to shame: "The knee-jerk response is not to apologize and repair but rather to hide or escape. This is understandable because the pain is great, the self is impaired, and the job (to transform the self from fundamentally flawed to good) is impossibly immense".

In *The New Jim Crow*, author Michelle Alexander (2010, p. 162) quotes Dorcey Nunn, a former prisoner and long-time advocate for the restoration of full human rights to felons. Nunn points out that shame is a major part of the lived experience of currently and formerly incarcerated people:

The biggest hurdle you gotta get over when you walk out those prison gates is shame—that shame, that stigma, that label, that thing you wear around your neck saying 'I'm a criminal'. It's like a yoke around your neck, and it'll drag you down, and even kill you if you let it.

What sociologist Harold Garfinkle (1956) famously has called, "status degradation ceremonies" are integral to the justice process. In prisons, degradation and humiliation are especially well represented. To give you a vicarious experience of this I offer a descriptive analogy of prison that I have used before (Mobley, 2010, p. 15), and that has resonated strongly with prisoners:

The analogy that presents itself as most like the psychological cesspool of prison is the locker room: a high school or college locker room for male athletes.

In your mind's eye fill out the room, if you will, with damp and sweat, stench, and soiled belongings. Now put in place a large number – too large for the room – of opposing athletes. Watch some gamely strut and posture while others withdraw into self-imposed isolation, daydreams, and consuming, reflexive thought. Feel the hyper masculinity manifest in shouted expletives and grunting sexual innuendo. Observe the sophomoric humor and carelessly displayed bodily functions. Think of those participating in the antics as World Wrestling performers. See their legendary menace and outrageous, provocative acts.

Next, consider quite seriously that they are not acting, that they see their individual performances as competitive and vital to their identity, integrity and personal safety. Consider that they view one another as lethal threats.

Now, throw into the locker room one or two officials who are paid to keep an eye on things, but who make their top priority going home safely every night. Finally, go ahead and step into the locker room yourself and seal the door behind you. How do you feel? If you have conscientiously engaged in this exercise you now have a reasonable approximation of prison. If you have been unable to concentrate fully, go ahead and try it again, and again, and again. There is plenty of time for trial and error, to vary your inflection, to get it right. The exercise, like the page upon which it is written, is not going anywhere, and, as a convict, neither are you.

Enjoy your stay.

I submit that prisons stink with shame. Shame is finding yourself stuck in the cesspool with little if anything you can do about it. You are an object being acted upon, and not kindly. For the (ex-)convict part of me, reliving those shaming experiences is tough. For the criminologist part of me, going into prisons and bearing witness to others' shame, maybe even being a catalyst for it, troubles me as well.

### **PRISON VOLUNTEER ORIENTATION: MY STORY OF TRAUMA AND SELF-EXCLUSION**

I have been serving on the advisory board of a prison meditation program for some five years. Recently I decided to apply to go into the prison as a



volunteer. Being a formerly incarcerated person, I wondered if I would be allowed to do so. The application process entails completing a form revealing one's vital statistics, current life and work details, and past criminal record. The process includes attending a mandatory day-long orientation for new volunteers, who, should they wish to continue as repeat volunteers, are then required to attend the orientation annually.

I wanted to go into prison and sit with prisoners as a way of giving back to a community from which I have learned so much. I also sought this opportunity as a tangible way of moving forward in my life, and, in a sense, putting the trauma of the prison experience behind me. I felt I was ready for this. After all, fifteen years had passed since I had done my time. And although I felt nervous about the prospect of re-entering prison to instruct or even just sit with prisoners, I thought myself able to handle the anxiety. I practice yoga and meditation nearly every day, lead and participate in talking circles centered on the justice process and healing, and am established in my post-prison career as a criminologist and professor. What could go wrong?

There were four of us from the prison meditation program scheduled to attend the orientation this particular Saturday. Two of us were going for our first time and two were repeat volunteers. The season was early spring in southern California, meaning there were low clouds, rain and general gloom. At 7:30am I was ready to go but I did not want to be the one to drive. I rarely drive and have never enjoyed driving as it often makes me nervous. However, now that I have a large sedan, a Crown Victoria, I feel the need to offer. Before I have a chance to offer to drive, one of the other volunteers asks me if I might. He does it in a way that makes it easy for me to back out, but the fact that he brought it up indicates what he thinks makes the most sense. So I drive. Not because I want to or because it does not matter to me, but because a reasonable person expects that the person with the Crown Vic should drive. It is raining moderately hard when I pull-out of the driveway and cross the double yellow lines heading south. The weighty boys in the back seat bring the rear of the car down to kiss the road and off we go. The drive passes without notable incident. Our banter rises and falls and feels fairly easy. Traffic is very light. There comes a moment when I say something and someone asks for clarification and I sort of bite back. I use the word "motherfucker" to convey my point. I hear myself, and sort of wonder where that comment came from. I wonder if they wonder too.

We arrive at the prison and I decide not to bring a pen. While I should probably muse aloud about the issue, in which case I am sure someone

would say, “oh, yeah bring pens”, I keep my thoughts to myself because I am uptight. Just seeing the enormity of the place: the administration building, the gun towers, and the “secure housing unit” makes my asshole pucker. There are two rows of twelve foot, chain-link, and razor wire-topped fence with the customary ten feet of gravel in between. The gun towers sit right above that strip of no man’s land. Any prisoner skillful enough to get past the first fence—the electrified one – yet unfortunate enough to find themselves found in the middle, would soon attest to the fabled moniker of that place: the kill zone.

It is still raining so I pull the hood of my jacket down over my face, lower my head and walk. I nearly say aloud what I am thinking: that at least the rain has forced me to keep my head down and not look around. The short walk to the buildings feels like skirting a rocky outcropping way up high, where the guide admonishes, “don’t look down”, because she does not want you to be spooked by seeing the prospect of certain death below. Inversely, I was looking down because I was nervous about looking up. If I were to look up I would take note of the always startling fact that, from the outside, prisons are ghost towns. They are eerily quiet and almost nothing moves. This perception of nothingness mirrors the feeling of being in prison, where I at least often felt myself a nonentity, held in stasis while the world passed me by.

Going into the administration building I see framed portraits of the usual suspects: the state Governor, the Secretary of Corrections and the Warden. Smiling jackals all. Their power ties and business suits contrast sharply with the dull walls, institutional flooring and florescent lights. The hallway is wide and the first corner brings the sounds of perhaps two-dozen would be volunteers waiting for the conference room to open.

They are black, brown and white, nearly all male, with the lone female looking to me soft, vulnerable, and more than slightly out of place. It seems to me that she thinks she will be all right in an almost all male environment. Right. I recognize one of the African American men as a pastor – he wears a high, starched white collar and a broad brimmed black hat and smiles like he is at a wedding. Ironically, to me he looks as though he is ready to preside over a funeral. I also recognize a Latino man that I believe to be named Velez or Valdez. I cannot quite place where I know him from, but I see him wearing a blue suit and as having a high-level bureaucrat’s aggressive attitude. I fail to acknowledge either of them and neither offers any recognition of me.



A tall man, thin but rounded in the middle, balding, glasses, smiling lips under unsmiling eyes, comes around the corner carrying an umbrella high over his head. His jovial manner tells me that he works here so he must be the chaplain. His frivolity could be explained by the fact that he is getting paid to be here, and that he does not care at all about being late. He opens the doors and we file in. At first glance, it is clear that there are not enough chairs around the conference tables to accommodate all of us. I decide that sitting in the cheap folding chairs along the wall will be okay with me. I follow the man in front of me the long way around the tables and, sure enough, we wind up along the wall, near to the front. Being in a good position to have their volunteer documents checked, perhaps those sitting toward the front are likely to leave first.

I look around the room in a way that I often do at parties, to see what I can see by way of refuge – crowded rooms make me uncomfortable, so I am always looking for a safe haven, a niche and a congenial person to talk to. Often, I choose to speak to an older person or someone who strikes me as likely to remain on the periphery of things. Sometimes I choose the most beautiful woman in the room, although I do so rarely anymore. The interesting thing is that my eyes find no hold. There is not a single face I feel drawn to in any way. No one strikes me as offering respite from this place and its purpose. When I mentally rejoin the others and turn toward the front to pay attention to what the chaplain is about to say, I resign myself to the allies I have come with, on my left and right, and none other.

“This is a prison!”, so begins the chaplain.

“This is a prison!”

He seems to make it his mission to demonize the place and its denizens as fully as possible. He speaks of shanks and other weapons, of sexual assault, coercion, cooptation, and riots. He assures us that if we are taken captive the State will not bargain for our release. He says it all with an understated smile.

I find myself utterly ‘freaked out’. Being within these walls and in proximity to prisoners and prison authorities has me in fight or flight mode. I look to Pete to see how he is handling it. He notices my distress and whispers that he is doing a “soft belly” breath meditation. I say, “yeah, I know what you’re talking about”, and I think I do, but I do not do anything about it. Whatever I am holding is not so much in my belly. I am tired and getting hungry and the chaplain will not let up with his, “This is a prison!” business.

“This is a place of evil. You will be safe, but the prisoners are not. This is a dark, violent, and dangerous place”.

Yeah, I get it. I remember. All the stories and details he lays out help me to remember. And then his summation brings it all home, catching me vulnerable, in that chair for over three hours. He says that “inmates” lead half-lives, maybe less than that. “Inmates” are deprived, and needy. When they see free people they often cannot help themselves. They soak up or otherwise suck in all the freedom they can. We volunteers should not take it personally. The “inmates” are not after us as individuals, but as a means to an end. The end goal, something they may not even be aware of, is filling the void and lessening deprivation. We need to watch out for them.

At that moment, I realize I am ashamed. And then I feel ashamed of feeling ashamed. My initial shame comes from having been an “inmate” and from having lived such a pathetic, reduced existence. I remember times when I went to the chapel to meet with volunteers. It is true that I sensed in them something that I found lacking in myself. I felt shy and somewhat of a lesser person around them because of that sensation. I hungered for their attention and to hear anything they had to say. Sometimes the excitement would be so great that I would feel “down” after they left. That “down time” was hard time and if I did not watch myself, it became precarious time. In other words, when a prisoner is feeling down he tends to pay less attention to his surroundings. And in a place where people take offense at clumsiness and lack of consideration (respect), being absentminded or resentful of one’s predicament can lead to trouble.

Now I was preparing to put myself in the role of volunteer, of outsider, of possessor of that which prisoners could never, ever, have, yet so hungered for. Was I really willing to become a trigger for the rollercoaster ride of desperate men? Do not get me wrong: I very much appreciated the folks who came in to teach, preach to and mentor us. Still do. But at the same time, I cannot deny the pain brought on by their presence. Easy time means keeping your mind and body in the same place, which may be summed up with the phrase: be here now. Do the time and do not let the time do you. Mixing with free people threatens that mantra. It puts your head in the streets. I avoided free people for many years, and only made my way to the chapel when I had tired of that way of thinking and acting and had “broken weak” or succumbed to the urge to seek help. Yes, I gained from these experiences, no doubt. However, there is a part of me that still would not wish that bumpy ride on anybody.

Following this experience, the orientation, I have not gone back to volunteer in the prison, although the prison did call to say I was approved

to go inside for the next year. I was somewhat surprised, but did not act on the information. Some of the other volunteers asked me about it a few times, but I put them off until they stopped asking. How did this happen? How did my plan to help others locked inside and in so doing help myself become circumvented? I do not have definitive answers. What I do have to offer is this story and a fledgling analysis that hinges on shame. Not only could I not face the prison, the staff, or the prisoners without a great deal of anxiety and worry, most of all I could not face myself. Not the me I had once been, nor the me I hope I am now.

### **LEGAL STORYTELLING: A USEFUL WORKAROUND?**

Shamed people feel the eyes of others on them, even when experiencing the emotion in solitude. (Tangney *et al.*, 2011a, p. 711).

I have offered a personal story that I think carries the ambiguity and messiness of a real first-person account. The story involved my struggles with volunteering for a local prison program. I put forward this story in the hope that it might provide insights into the specifics of formerly incarcerated persons' reluctance to go back inside and more generally to describe some of the many difficulties in post-release living.

My storytelling can perhaps be best seen as falling within the tradition of legal storytelling pioneered by Bell (1992) and Delgado (2009). Richard Delgado describes legal storytelling as important, even crucial to our understanding of law and legal processes. Storytelling is important as it allows the narrator to take an unpopular position. Rather than represent itself as objective, neutral and outside or above the realm of human experience, legal storytelling embraces the human aspect of materiality. It is scholarship that positions itself not as transcendent or pertaining to the "law in books", but work that expresses something of the lived reality of law, which may be more accurately described as the "law in action" (Calavita, 2010). And it does so from the marginalized point of view of dispossessed out-group members. Further, Delgado (2007) argues that legal storytelling is useful both to groups that "get it" and can relate to the stories of the oppressed, as well as to their opponents, the "in group" members who are challenged to understand. Delgado writes:

Legal storytelling is an engine built to hurl rocks over walls of social complacency that obscure the view out from the citadel. But the rocks all have messages tied to them that the defenders cannot help but read. The messages say, let us knock down the walls, and use the blocks to pave a road we can all walk together (ibid, p. 20).

The formerly incarcerated are charter members of the oppressed. A generation of discriminatory law making, set out in painful detail in *The New Jim Crow* (Alexander, 2010), has deepened the material and symbolic implications of their felon status. They have found their actions criminalized, even when the same behaviours when committed by non-felons are not. In this vein of socially constructed reality, “criminality” in the form of street crime has become increasingly concentrated in fewer places and among fewer people. If conventional wisdom is correct, this administrative and statistical reality may well lead to former felons becoming increasingly feared, and the chances of their rehabilitation more heavily disparaged. Without significant success, new more progressive policies like those supportive of re-entry may give way to a resurgence of punitive justice strategies.

### **FRAMING THE STORY: CAUTIONARY TALES**

Two lines of research come together here. The first comes to us from Rosenfeld and colleagues (2005) who suggests that high felon recidivism rates and falling overall crime rates mean that ex-prisoners are responsible for an increasing proportion of crime. Rosenfeld’s quantitative analysis indicates that while most citizens are crime-free, the formerly incarcerated remain exceptionally crime-prone. These findings related specifically to certain persons complement research on places with high levels of law enforcement contact. Together they suggest that location matters when examining recidivism – although the overall crime rate may rise and fall, aggregation actually obscures important facts related to place (Clear, 2007). Namely, that while some places are becoming ever “safer”, at least in terms of reported crime, other places are not (see Wacquant, 2009; Hedges and Sacco, 2012, on “sacrifice zones”). Perhaps, not coincidentally, the high numbers of formerly incarcerated persons that Rosenfeld suggests are becoming responsible for much crime, live in the very same places that geographic analysis suggests are most worrisome. In sum, while national-

level crime rates continue to decline, criminal involvement remains persistently in place where former felons reside – namely, in poorer and disadvantaged neighborhoods.

The second relevant line of research concerns rehabilitation and the possibility of desistance from crime. Advocates of “smart” sentencing and holistic prisoner reentry strategies (Travis, 2005) suggest that we begin attending to the needs of felons as soon as possible. This suggests that the successful reentry and rehabilitation of “offenders” should begin at sentencing, and time in custody needs to be an opportunity for service delivery. The type of personnel that staff felon rehabilitation programs matters. Those with greater empathy and ability to relate to prisoners are better able to elicit more positive program results (Wexler *et al.*, 1999). This finding is especially pronounced in substance abuse treatment settings (Leon, 1995; Welsh and Zajac, 2004). Surveys indicate that up to 80 percent of convicted populations have problems with drug abuse that contribute to their criminality (Inciardi *et al.*, 2004). It is unsurprising, then, that substance abuse programs are among the most common prison rehabilitative programs available.

In bringing these two lines of research together, I mean to highlight the fact that felons can be helped to desist from crime; meaning that recidivism is not a foregone conclusion. Persons convicted of felonies can be assisted to find dignity, purpose and meaning in crime-free, post-prison lives. Such help may best come from people who are empowered by their own life experiences of prison and reentry. Consequently, it seems important that we ask how the formerly incarcerated can be inspired and supported to “give back” by participating in rehabilitation programs. Not only would their involvement improve the lives and life chances of some of the most vulnerable among us, but also, structural factors notwithstanding, gains in prison programs could result in diminished crime in places that appear to be the most risky.

Of course, it is widely known that ex-prisoners are often found staffing substance abuse treatment programs. When asked, they tell us that “giving back” contributes mightily to their own “recovery”, both from drugs and crime (Terry, 2003). In sum, they credit their own program participation, whether as client or staff, for keeping them safe and free. Since this is the case, the present endeavour has explored why there are not more ex-prisoner run programs available. If program participation is a key to post-incarceration success, and if working as a program staff member is a niche already open to the formerly incarcerated, then why do so few take up the vocation? Many, if not most, programs directed at “criminals” and addicts can boast ex-prisoners

among their staff, but with approximately 700,000 people exiting prisons and another million or so leaving jails each year, why do so few take the opportunity to improve themselves, stay safe, and give back?

The structural impediments to post release life, or the “collateral consequences” of imprisonment, that are so familiar to the formerly incarcerated (Mauer and Chesney-Lind, 2002), are only one aspect of the barriers to giving back. What I emphasize here, through story, is self-exclusion, or the practice of effectively barring oneself from participation in justice-related activities. In focusing on self-exclusion I do not mean to suggest that the personal and subjective are totally distinct from more structural impediments to service. In fact, I think they go hand-in-hand. Although this essay does not detail the many structural impediments to service activities, such as those barring association among known felons, implicit is the suggestion that the presence of formal proscriptions and other civic barriers contribute to self-exclusion.

One of the most obvious and discussed examples of structural or civic barriers concerns employment applications and the infamous “box” asking whether or not applicants have been convicted of a felony. The mere presence of this question on job application forms has discouraged countless former-felon jobseekers from engaging in the application process (Western, 2006; Alexander, 2010). Whether or not their felon status would ultimately exclude them from consideration for employment, the perception that it probably would discourages many from even trying.

Advocates for the formerly incarcerated have launched a campaign to “ban the box” (Alexander, 2010). This initiative is intended to give jobseekers and employers a chance to get to know each other through the job application process *before* the applicant’s felon status is revealed. Advocates have high hopes that this reform will influence former felons to give society a chance to accept them, even as they take the necessary steps to integrate themselves into civic culture.

### **CONCLUSION: PRISON AS AN ENDURING SITE OF SHAME**

The personal shame that I have described seems to come from my prison experience, and yet has been compounded by my reentry from prison and



into the professional role of a “convict criminologist” (see *Journal of Prisoners on Prisons*, 2012). Accordingly, I have offered some exploratory analysis suggesting why these situations could give rise to shame and how shame might provoke self-exclusion from what is presumed to be a satisfying, appropriate, and even lucrative vocation.

As far as feeling conflicting emotions around justice-related work, I know I am not the only criminologist who has felt this way (Cohen, 1988), nor the only formerly incarcerated activist. Does it make a difference that I am both criminologist and ex-con? Are my feelings of complicity and shame ratcheted up a notch because of my hybrid status? If so, perhaps the relative clarity offered by my social location may provide something of value to my more conventionally situated colleagues, the felons and the scholars and activists who study and serve them.

If are we serious about finding ways to meaningfully reduce felon recidivism, we need to foster the participation of reformed ex-prisoners in prisoner rehabilitation programs. To do so, we may need to actively facilitate and support their healing from the pains of their own imprisonment. Better yet, we ought to think about doing away altogether with the shame that comes with incarceration (Harris and Maruna, 2006). In a similar way, the literature on prisons would benefit from the “symbolic reparation” (Retzinger and Scheff, 2000, p. 8) supplied by voices with direct experience. These two issues, fostering ex-prisoner involvement in prison programming and the current lack of prisoner voices in prison sociology, are both matters of inclusion, and may be related. Since imprisonment is burdened by shame and shame is uncomfortable to witness as well as to experience, we must consider whether the field of penology (un)knowingly marginalizes imprisoned voices because it finds them painful to hear. Of course this is not the whole story and there exist many technical challenges to prison research: distant facilities, cumbersome visitation rules, restrictions barring research and so on. What I mean to emphasize here is the emotional state of the potential researcher or prison volunteer. Yes, impediments “out there” in the structures of prisons in society exist and have consequences, but so too do issues on the “inside”.

As Retzinger and Scheff (2000, p. 12) have argued in a discussion of reintegrative shaming in restorative justice conferences, we all need to get more comfortable with shame:

If as Goffman and others have argued, normal shame and embarrassment are an almost continuous part of all human contact, we can see why the visible expression of shame by the offender looms so large in symbolic reparation. When we see signs of shame and embarrassment in others, we are able to recognize them as human beings like ourselves, no matter the language, cultural setting, or context. The central role of shame in human contact has long been recognized in the scientific-humanist tradition, as expressed by Darwin, Nietzsche, Sartre, and many others. To understand the way that successful conferences run on normal reintegrative shame, one needs to overcome the view of shame as a disgraceful emotion, to be denied and hidden from self and other.

I encourage further research on the links between shame and incarceration, recidivism, and the participation of former felons in re-entry and rehabilitation programs. I also call upon the field of penology, and criminology more generally, to examine its reluctance to more actively collaborate with the people who are often made the subjects of research. And finally, to imprisoned and formerly incarcerated potential writers, seek help to cope with shame if you experience it and let your voices be heard.

### ENDNOTES

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