



Do these prisons make me look fat?

Moderating the USA's consumption of punishment

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Abstract

Various observers have raised the question of how our penal appetite relates to broader patterns of consumption in western societies. Most recently, Ian Loader (2009) has suggested that our appetite for punishment, much like our appetite for ice cream and other high-calorie foods, has been accelerated by broad cultural and policy developments and queried how we might develop strategies to moderate it. The relationship is not simply metaphorical. The prison boom and the food binge, along with the housing bubble, constitute parallel developments in advanced liberal societies. While they may all be reflections of the kind of deeper structural change in these societies often labeled 'neo-liberalism', I would suggest their relationships are often more direct—and that they can possibly be analytically reversed, yielding insights as to how restraint in one domain might be mobilized within another. This essay seeks to back out some ideas about moderation in punishment from emerging strategies to fight obesity.

Key Words

consumption • housing • obesity • punishment

Introduction: consuming punishment

Thinking about punishment as a form of consumption can be traced back to Durkheim (1997), Foucault (1977), and Norbert Elias (2000), and has been developed more recently by Hallsworth (2000), Garland (2001), Vaughan (2002), Loader (2009) and Goold et al. (2010). It remains however a minor theme in the sociology of punishment versus, for example, the logic of production (see, for example, Rusche and Kirchheimer, 1939; Wacquant, 2007).

In recent work I have explored how a specific kind of consumption, housing, relates to the use of mass incarceration (Simon, 2010). I argue that the growing appetite for more and more lavish, expensive, and 'secure' houses (the final stages of which are now described by many as a 'bubble') helped to sensitize Americans to crime risk (especially homicide) making them more amenable to governing through crime and mass incarceration ('the boom'). Should the present housing-based economic crisis force a substantial change in the manner of housing consumption, we may experience a crime-fear reduction 'dividend'. Loader's work and the focus of this Special Issue on conditions for penal parsimony and restraint invite us to think further about the penal consumption metaphor in light of the parallel growth of obesity ('the binge') in the USA and possibly in other nations following the same consumption pathways; for example, Ireland also witnessed a growth in both punitiveness and obesity during their recent real estate driven affluence (Kilcommins et al., 2004; McWilliams, 2008).

By thinking across all three kinds of excessive consumption, punishment, housing, and food, this essay seeks to draw some parallels and ultimately some lessons from the latter on how we might begin to put brakes on the former. Specifically, I will examine three features that cut across these domains; securitization, or the emergence of a distorting priority of security (a state of emergency in its extreme form); temporality, or the breakdown of the modern industrial model of time; and proportion-ality, or the problem of excess.

Binges, bubbles and booms

Consider three measures of US social health (or morbidity) that have attracted increasing attention in recent years: the incarceration rate; the obesity rate; and the prices of our homes (until, that is, their rapid rise recently terminated in the present economic crisis). Public discussions of these metrics, generally critical, share a number of features. First, the comparison point is usually to the 1960s or 1970s, after which the relatively stable post-Second World War patterns seemed to bend starkly up. Second, there is a sense that growth has exceeded a normal or healthy pattern and become morbid. For a prison system to grow 30 or 40 percent over a decade in response to heightened crime fears is normal in that sense, while having it multiply several times over is not. Likewise seeing a house appreciate 50 percent over the course of a couple of decades when a family might live there is normal, while a house doubling or tripling in value in less than 10 years is not. Third, there is a sense that morbid developments in *all* three domains carry the possibility that problems emerging in *any* of the three domains contain the potential for systemic risk to the larger stability of society (as the problems of the housing sector at the national level and California's legal battle over reducing prison populations in light of state bankruptcy recently demonstrated).

Causal links between these trends may run in multiple directions. I have argued elsewhere that rapidly inflating housing prices may exacerbate the sensitivity to crime fear produced by homeownership as subjects become more attached to their house than to their job as a source of security, a factor that makes mass incarceration easier politically (Simon, 2010). Obesity is no doubt driven by a large number of factors, but crime-fear and intense penalty have become embodied in the geography of our neighborhoods, especially in cities and suburbs to the point that walking is not only ‘dangerous’ but also ‘impractical’. Barely anyone walks to work in LA because it is impossible. It is impossible because of an urban geography that has largely arisen out of coextensive, interrelated explosions in suburbanization and incarceration (Davis, 1998). While it is the poor who increasingly face higher average levels of obesity, and who, in any case, increasingly have fewer jobs to walk to (Wacquant, 2007), urban landscapes force those in the middle classes, who wish to remain fit, to pay for gymnasium fees and personal trainers to make up for the loss of routine exercise through walking.¹

The point is not that obesity inherently makes people more punitive or more fearful of crime. Rather, to observe that they are fellow-travelers, facilitated in many ways by the geography of suburbia, as against aspects of the urban such as blended commercial-residential districts and mass transit, that is itself in part a product of contemporary American penalty. Whatever causal relationship may exist among these domains, we can observe some common trends in each of them that may be more interesting for our purposes.

Securitization

Lucia Zedner (2007: 273) has defined ‘securitization’ as when institutions go beyond consuming security to having their normal priorities reset or ‘distorted’ by a ‘security agenda’. While we are used to thinking of the penal field as invested with issues of security (and indeed this is what Zedner and others have focused on), housing and food consumption have also become remarkably security oriented. Indeed this forms part of the larger sociological explanation for mass incarceration advanced by Garland (2001) and Simon (2007). In this sense we can argue that all three of these areas have undergone ‘securitization’.

Incarceration: ‘super-max’ me

Prisons, in all places and times, understandably place a high priority on security. But American prisons in the era of mass incarceration have become vastly more focused on security in almost every dimension. One direction is toward hiking up the security profile of the prisoners in the system, despite the fact that lots of less serious criminals have been sent to US

prisons. The higher the security custody level of a prison, the more controls are imposed on all movement and activity and the swifter management is to impose 'lockdowns' and other measures designed to prevent violence (but which increase overtime and drive up the costs of medical services delivery. Similar securitization incentives have led to a chronic over reliance on re-imprisoning the formerly incarcerated for parole or probation violations (Petersilia, 2009).

Another direction is toward defining new levels of heightened security. With the adoption of the so-called 'super-max prison', to take one example, almost every US state and the federal government have, since 1975, created a whole new tier of penal severity. In these prisons, the disciplinary isolation traditionally employed to respond to short term recalcitrance has become the routine, with prisoners locked down in cells 23 hours a day.

Finally, security has spread out laterally across the functions of the prison to crowd out other functions (or to fill the vacuum left by their evacuation). But with the retreat of rehabilitation-focused models of punishment after 1975, enforcing security has become the dominant task of prison staff at all levels of formal custody. The California Correctional Peace Officers Association, for example, brands itself as a police force walking the state's 'toughest beat' (Page, 2010). This emphasis on the security role of staff has both increased their salaries and reduced any expectations of them other than maintaining custody.

Housing: gated communities

The logic of securitization has revolutionized housing as well. A generation ago it was common to leave doors unlocked for evening walking in outer borough city neighborhoods. Today one finds the full panoply of urban anti-crime methods deployed to safeguard suburban subdivisions located scores of miles from the urban core and accessible only by highways. The gated community, most common in the US sunbelt, with a guard (or at least a gate and guard structure) at the only entrance to an otherwise walled off community, is the most extrinsically visible form of this securitization.

As with prison securitization, there is some reason to fear a tendency to accelerate the process of distortion over time. Since housing prices (at least in the USA) are highly sensitive to crime risk (Linden and Rockoff, 2008) homebuyers (and lenders) have an incentive to favor properties that are or appear to be crime free. This will favor new homes over old ones (since new homes will, by the same logic, be placed ever farther from crimes) and prioritize approaches to home construction that bristle with security technologies like gated communities because these signal to buyers that security is taken seriously.²

Yet since homes marketed as providing a premium security are now more than even vulnerable to value decline because of real or perceived crime, owners are likely to be even more sensitive to crime threats. Moreover, since perceived security is often signaled by distance from public transit, or even

streets and sidewalks that permit direct connections to commercial areas, parks, and other attractions, gated communities promote obesity.

Obesity: comfort food

Food too is about security. Of course, in age of e. coli infections traced to asparagus and hamburgers, basic food security is no longer a strange concept. But there is also evidence of a securitization of food that is more marked by crime-fear. One version of this is the absence of large grocery stores with substantial and competitively priced fresh fruits and vegetables sections from inner-city neighborhoods afflicted with high insurance costs from crime risks. The lack of such stores tilts the inner-city diet in favor of high fat, prepackaged, processed foods.

A more universal securitization of food, which is marketed to citizens of all economic classes, can be found in the context of fast food stores which have long appealed to their security in their design, a factor which has contributed to their decades long rise against local eateries with shadier reputations. These restaurants have been willing to locate in both high crime areas and low crime areas with the same high crime design (high lighting, large staff with visual contact with the entire restaurant, drive up windows, and standardized décor playing on psychologies of the ‘clean’ and the ‘familiar’).

This relationship between fast food and crime security was perfectly captured by a television commercial for McDonald’s that aired in 2000 (at the high water mark of crime fear in the USA, pre-9/11). In the ad we follow a father driving an SUV. We are hearing his children’s voices. He is smiling. At first we cannot see where they are coming from. Are they in the back seat of the SUV, secured behind steel doors and buckled into child restraint seats? Then it is clear that they are even safer, at home presumably in a well-outfitted suburban house on a quiet cul-de-sac. He is speaking to them over his cell phone (but to promote safety, with the handset sitting in an arm-rest port with the speaker function on).

He pulls up to a McDonald’s drive-up ordering station. The clear voice welcomes the father and asks for the order. The father picks up the cell phone and extends it toward the ordering station. The kids order for themselves. Their desires appear instantly in written form on a large television screen at the ordering station. We then see the father pull up to a ‘pick-up’ window where he pays for the meal, is handed a clean white bag that he stows carefully in the capacious empty seat beside him. The whole transaction takes only a few moments. We see only the outside of the restaurant, its entranceways and parking lot. It is night outside and lit in a vaguely menacing documentary style that suggests that anything could happen to someone who had to move through this environment without being wrapped around by a large SUV and connected instantly to emergency assistance with the cell phone.

The food is never mentioned or shown, except abstractly in the white bag. We know what is in there, of course, and we think of these high calorie, high profit margin items like hamburgers, French fries, and carbonated

drinks as 'comfort food'. The advertisement is striking in its subtle but articulate suggestion that it is not the food that brings comfort to the environment but the carefully managed and secure environment that invests the food with comfort. Augmented with the logic of security, the food and its source are worthy of our trust; we can feel safe weaving them into the fabric of our lives and allowing them to displace less standardized, regulated sites of consumption.

Like most commercials, this McDonald's commercial celebrates consumption itself, but it focuses on a kind of consumption that seems to underlie the compulsion to consume itself, consumption of security. A number of things are being marketed as part of a package or lifestyle in this advertisement, and food is not obviously among them. A prominent place is given to technology. There is the SUV itself and the cell phone. These are among the most popular consumer items of the present conjuncture in the USA. Millions of Americans find themselves gripping their cell phones and the steering wheels of their SUVs on a daily basis; this type of commute is a touchstone of the aesthetics of securitized prosperity.

If there is a McDonald's product being advertised here it is the whole process of ordering and purchasing food directly from one's automobile, at a new high-tech and acoustically satisfying order station. Why have drive-up windows, included in fast-food restaurants as an after-thought, become the fastest growing segment of the market? The primary theme, although never explicitly mentioned, is crime and insecurity. What menaces someone parking and walking inside a restaurant is a human threat—crime—confrontation with a violent criminal bent on robbery or worse mayhem of some kind. Going to a restaurant, being in a public that is unmediated by the architecture of personal control, has become fundamentally frightening to people, and the people who sell restaurant meals and cars know it.³ Remarkably, but at no essential detriment to its business model, McDonald's here actually markets its own insecurity as a restaurant in advertising the ease with which customers can access their favorite comfort food in a security setting most comfortable for them.

Temporality

Time forms an ineradicable lattice work through the ordering of our ordinary lives, but how that lattice work structures lives may change across history. Historians of industrialization described how the first factories had to overcome the temporalities of agricultural societies, including the changing of rising and resting hours with the sunlight, agricultural festivals, and the patterning of rest into a day of hard physical labor. The punch-clock 24/7 time of industrial life became the norm for most citizens in industrialized societies during the 20th century (Thompson, 1963).

Historians of the present suggest that contemporary post-industrial societies are seeing another rearrangement of temporality (Jamison,

1992). The clockwork time is not being broken down but reassembled into a more fragmented discontinuous montage of clocks: one for work, one for the child care center, one for the TIVO that automatically records your favorite shows while you are meeting those other temporalities. There is the temporality of your investments and the housing market, of credit card payment cycles and cell phone contracts (you get the point). How has this postmodernization of temporalities expressed itself across our signal domains?

Time and time again: doing time in mass incarceration

Criminologists have begun to theorize the distinctive temporal features of contemporary penalty (Aas, 2005). In the 20th century two distinctive penal temporalities competed for supremacy. One principle associated with 18th- and 19th-century reformers like Bentham, and promoted as offering the most efficient deterrent signal against the general criminality of the populace stressed well-publicized, determinate punishments for crimes that could not be easily reduced by judicial or executive action. The second principle, associated with both positivist criminology and the new penology of the late 19th century, favored indeterminate sentences up to life for all offenses, on the basis that this established the maximum incentive for prisoners to engage in rehabilitation and gave government legal authority to permanently incapacitate those deemed irremediably dangerous by experts (van Zyl Smit, 2002). While most US states retained a version of one or the other of these two at the turn of the 21st century, some distinctive features have emerged in and in many respects overturned the logics of the other two. These include:

- The proliferation of enhanced sentences that give prosecutors the option of charging crimes resulting in anything from a few months of jail time to a lifetime in prison. Perhaps the most infamous example of this is California's three-strikes law under which a theft of property worth more than \$400 (the lower limit of 'grand theft' a felony) if done by a person with two previous convictions for either a violent or serious felony, they can be sentenced to 25 years to life in prison, or if the prosecutor chooses to not charge the third strike, a year or less in prison (Domanick, 2004).
- The increase of 'life without parole' sentences (or life with parole under rare circumstances) not just for the worst of the worst but for an assortment of serious offenders who prosecutors choose (van Zyl Smit, 2002; Irwin, 2009).
- The recycling of the formerly incarcerated back through prison on a frequent basis and without regard to the commission of a serious new crime (typically on the basis of formalistic parole/probation violations) (Petersilia, 2009). While this happened in the past the cycle has become more rapid and general.

Housing: haunted houses

While Americans spend an astounding amount of money (or did until very recently) to buy homes, they spend comparatively little of their time inside them. In one of the cruelest ironies of the contemporary American real estate market, the priority on crime-free new housing and the relentless inflation (until the bubble burst) of housing is that to obtain a mortgage in this framework, many families had to locate at the fringes of metropolitan areas where they face long commutes, and commit themselves to two-job mortgages, and thus complex child care arrangements (which of course cannot be left to children themselves in the virtually empty suburbs). These haunted houses, designed to signal security, also exude menace in their emptied state, thus requiring more layers of childcare and security (Garland, 2001).

Middle class families find themselves back in the temporal instabilities of early industrialism as they struggle to match the temporalities of work, commuting, and childcare. This adds to the sense of menace as once normal forms of communal oversight disappear and costly private security for children and home become necessary.

Obesity: fast food

We have already discussed the importance of fast food restaurants in promoting security from crime as part of the comfort value of the meal they sell, one that makes up for high fat and low nutritional content of the product they sell. The temporal trap that contemporary families find themselves in has given fast food its name and its comfort bringing appeal. To parents who lack the time to either prepare or even eat their family meal inside the home, meals in the mini-van or SUV en route between afterschool childcare arrangements and burdensome homework loads can become the obesity-facilitating norm. Thus the time constraints that drive the need for fast food and cause obesity may also make people prioritize security more.

Proportionality

Fascinatingly, one issue that unifies the possibility of critical discourse across these domains is that they each contain a distinctive sense of proportionality.

Incarceration: desert, parsimony, and fear

Historically modern criminal law has been deeply anchored in a sense that punishments should be proportionate to crimes (Reitz, 2004: 201). One sense of proportionality comes from the notion of retribution, that the punishment should reflect the moral blameworthiness, or desert, of the offender. It is in this sense that many contemporary legal academics have followed Norval Morris's lead in seeing retribution as setting outer limits to

punishment (Reitz, 2004: 201). An independent logic of restraint or parsimony arises from deterrence that seeks to limit costly punishments to the degree necessary to balance the temptation of crime.

But the emergence of rehabilitation and incapacitation in the late 19th and early 20th century greatly loosened the temporal logic of imprisonment. These rationales focus on the dangerousness of the individual actor rather than the qualities of the crime. Punishment may last as long as it is necessary to effectuate rehabilitation, or assure that the individual no longer poses a danger to the public. In theory, excess should be prevented by the application of expert knowledge whether of criminal psychology or risk assessment. But while the quality of such knowledge remains a subject of controversy, it is clear that the politicization of parole has often rendered such expertise illusory.

Since the late 20th century, US states have virtually competed for the most excessive sentences, with life imprisonment without parole expanding from narrow categories of murder to crimes like large scale drug possession and felony recidivism (van Zyl Smit, 2002). The Eighth Amendment of the United States Constitution has been held to contain a proportionality principle. But only in the area of capital punishment has a majority of the Court regularly recognized the logic of retribution and deterrence as proportionality limits to punishment. In the domain of lengthy prison sentences a narrow majority continues to recognize the possibility of disproportionate prison sentences but valorizes deference to state choices of penological principle so greatly that it is difficult to imagine an extreme prison sentence for a felony of any grade that would be found to exceed constitutional maximums (van Zyl Smit and Ashworth, 2004).

Housing

Early styles of housing in the USA, especially the arts and crafts movement that left its touch on cities like Oakland, Seattle, Los Angeles, made a sense of proportion between lot and house, and between house and the surrounding houses central. The contrasting present tendency toward gigantism in US housing is so marked that it has been tagged by its own distinctive (and telling) negative term, 'McMansion' (Nasar et al., 2007). The square footage for an acceptable middle class house has gone from about 1900 square feet to over 2300 square feet just since 1987.⁴

Obesity: super size me

A major feature of the critique of US food marketing practices has been on the shocking increase in food proportions. McDonald's has been the central example focused upon by critics because of their longtime campaign in which consumers were encouraged to ask, and order takers to prompt consumers to ask, to 'super size' their meal, turning each component, burger, fries, soda, into a giant version of normal. This became the titular target of

Morgan Spurlock's critically acclaimed documentary on McDonald's and obesity, *Super Size Me*. In fact, the expansion of portion sizes in both restaurant meals and in processed food products is widespread and now much blamed for the obesity problem (Nielsen and Popkin, 2003).

Scale as a social problem

While obesity continues to afflict Americans at incredible rates, few doubt that it is a serious problem in need of careful solutions. Cultural authorities from Hollywood documentaries to First Lady Michelle Obama have identified obesity (and especially childhood obesity) as a social problem requiring national action. The supersizing of houses (and house prices) has also come under greater scrutiny as a result of growing concern about global warming and the collapse of housing prices in many areas. Only very recently has mass incarceration now joined the other two as a growing focus of public concern.

What can we learn from the more advanced critiques of the food binge and the housing bubble about how to reverse the punishment boom? In a forthcoming article I address the bubble, here I attend to the binge (noting the cross-relations between the three domains), with some suggestions for change.

Portion control

A great deal of work has gone into making Americans more aware of how out of control portions have become since the 1960s. When the McDonald's meal that might have accompanied a special weekend outing in the 1966 is placed aside the Happy Meal that has become a part of the weekly routine it becomes apparent how seriously awry things have gotten. In contrast, few Americans are yet aware of how supersized prison sentences are in the 2010s.⁵ This development is not limited to drug crime (which has received attention and is beginning to get relief); it is even more dramatically noticeable in the context of crimes that can be defined as violent. This includes homicide, one of the most feared and destructive crimes, but also one of the least repeated and most situationally determined. In spite of such uncontroversial criminological findings, sentences for homicide have more than tripled since the 1970s. Fear of homicide has led to a situation where taxpayers are committed to funding thousands of years of additional expensive incarceration for prisoners convicted of homicide crimes even as they age well beyond the age of likely danger (Irwin, 2009).

Sustainability and supply chain

One effective approach to obesity has been to educate Americans not just about the calories in their food, but about where their food is from and how

it is produced. Movies like *Super Size Me* and books like Eric Schlosser's (2001) *Fast Food Nation* and Michael Pollan's (2006) *The Omnivore's Dilemma*, have helped construct fast food as part of an obesity threat to society. Key to these movies and books is not simply documenting the alluring and repulsive features of fast food but exposing its 'supply chain', how this enormous industry with its enormous market power affects the environment and human labor conditions all over the world. The consumer is not just being asked to think twice before accepting a larger portion of some food that is both addictive and potentially injurious, she is being asked to play a self-conscious role in creating chains of consumers and suppliers that are sustainable and socially just.

The growing opposition on college campuses and in some state capitals to what is called 'the prison-industrial complex', the network of industries and interests that have increased their power and wealth through mass incarceration, instantiates the narrative of large organizational conspiracies which has a long history on both the left and the right in the USA (Gilmore, 2008). While the prison-industrial complex may serve as a poor explanation for the rise of mass incarceration (Wacquant, 2009; Page, 2010) it may provide an excellent frame for stigmatizing the warehouse style prison system that mass incarceration has produced. To take full advantage of this parallel with the anti-fast food movement, alternative ways to promote public safety should be presented self-consciously in terms of the chains of supply they will promote. For example, one important alternative strategy being promoted by public safety reformers in the USA is 'Justice Reinvestment' (Tucker and Cadora, 2003). This strategy aims to replace spending on incarceration with spending on various social services in communities afflicted by mass incarceration with the aim of producing more local safety at lower costs without the destructive effects of incarceration on local social capital (Clear, 2008).

It takes a culture

One of the most interesting social critiques of obesity has come from food journalist and academic Michael Pollan. In best-selling books like *The Omnivore's Dilemma: A Natural History of Four Meals* (2006), Pollan traces the supply chains of mass obesity, showing that tags like 'organic' or 'fat free' are far less important cues for consumers than knowing something about the production of your meals. In *The Omnivore's Dilemma* and his subsequent book, *In Defense of Food: An Eater's Manifesto* (2008), Pollan goes further than supply-chain social justice and health and argues that sustainable eating can only result from creating a good 'food culture' more broadly. Such a culture would involve a broad palette of foods, spices, and cooking methods evolved over time by a group of people in a particular geographic space.

According to Pollan, being brought up in a food culture gives people important immunities against obesity by habituating them to a set of satisfying foods

tested to nourish people in a sustainable way over time. In contrast, the modern science of nutrition, by breaking food down into microelements like fats, proteins and carbohydrates, actually makes people less food secure. Learning to eat through nutritional science categories leaves consumers vulnerable to fad-driven diets, such as 'low fat' diets that led people to gorge themselves on empty, high calorie carbohydrates, or 'low carb' diets that have led them to blindly pile on high calorie fats and proteins, without regard to their broader nutritional significance.

Borrowing from Pollan, I want to question the extent to which evidence-based correctional policy reform, attention to re-entry, or any solutions based mostly on criminological science can reduce mass incarceration any more than the latest diets from nutrition science can lead obese people to sustainable weight loss. Instead, we need a sustainable penal culture and perhaps even just a penal culture to begin with. In a sense we must have a penal culture, just as our 'fast food nation' is a food culture (albeit an unsustainable one). But Pollan suggests that by luring people into thinking about their food in micro nutrients the food industry and regulatory agencies have undermined the sense of having a culture at all. To extend the parallel to the penal context, we might say that our penal culture does tell us how to think. It tells us that Sheriff Joe parades Mexican immigrants around in pink underwear because they are anti-Anglo monsters of subterfuge (Lynch, 2004), and that 1g of crack = 1kg of cocaine because crack is the drug of wild, violent black men in inner cities (Beckett et al., 2006). In the alternative, we might argue that the logic of penal populism is to obscure any penal culture and instead anchor the penal imagination in the promise of prison or other technical controls on a series of monstrous criminal threats like serial killers, sex offenders, and gang members.

Who has a penal culture? Consider the recent controversy over the release of convicted Lockerbie bomber Abdelbaset Ali Mohamed al-Megrahi by Scottish prison authorities, on the grounds that the former Libyan diplomat, who continued to protest his innocence, was terminally ill with prostate cancer. Although politicians and the media in both the USA and England have been outraged and accused Scottish officials of corrupt motives, the decision has been largely accepted in Scotland where the Government's claim that this decision was an application of a principle of compassion that is a core feature of Scottish penalty was asserted by the top justice officials (unimaginable in the USA).⁶ So, too, in a famous comparison from the early 1990s, Norway and England and Wales demonstrated quite different levels of punitiveness in response to similar cases of child homicide committed by children; whereas in England and Wales the killing of Jamie Bulger by two 10-year-olds is often hailed as crucial to the ratcheting up of punitive discourses, in Norway, the killing of Silje Redergard by two six-year-old boys was dealt with outside of the criminal justice system altogether (Green, 2008).

Conclusion: do these prisons make me look fat?

I would argue that the absence of a penal culture, what elsewhere I have called a penal narrative (Simon, 1993; see also Bright, 1996) leaves publics and politicians (not to mention penal administrators) unable to make sustainable choices in the face of the predictable stimulation to the penal appetite produced by the media in mass society. The problem with evidence-based corrections reform proposals is that they ignore the destabilizing qualities of lacking such a penal culture. Such reforms usually gain some traction by showing politicians that money could be saved by moving certain prisoners back into the community where they can be supervised less expensively. The evidence-based risk analysis behind these schemes is quickly upended when a prisoner so released commits a serious crime, even though the risk thinking assumed that such events would in fact occur. The reform collapses because in the absence of a penal culture that tells consumers how to think about particular penal choices the promised smarter choices falls apart.

Yet, where might we obtain a new penal culture? First, we once had one. Modern rehabilitative correctionalism reached its 20th-century peak in California's Department of Corrections during the 1950s and 1960s and remained quite robust until the early 1980s (a period during which California's imprisonment rate was remarkably stable despite sustained media attention to crime). While there are good reasons to question a full restoration of rehabilitation, there are reasons to look there. One is that while modern rehabilitative correctionalism drew on many ideas from the UK and from Europe, it had strong American roots in its optimism about science and technology and about personal transformation. Much of the same optimism has helped to fuel mass incarceration on the promise that the warehouse prison could bring down crime by incapacitating criminals.

Second, much like our food consumption, penal culture is now global. Just as American fast food and American prisons circulate in a global market, foreign food cultures are being promoted to Americans today (*French Women Don't Get Fat; The Mediterranean Diet*) on the grounds of sustainability as well as satisfaction. What foreign penal cultures should be promoted here?

Driving their giant SUV into a fast food restaurant to load the kids up on happy meals on the way from day care to doing homework once seemed downright attractive and responsible to Americans. In the last few years both are becoming increasingly problematic, and Americans are becoming self-conscious about these practices as unsustainable and unhealthy. They have not reached the level of stigma associated with, for example, smoking, but considerable progress in that direction is evident.

Could mass incarceration be the next SUV, or the next Big Mac? Despite promising developments along all three of the pathways sketched above, we must note a major obstacle. Unlike their food, their fat, their cars, or their houses, Americans do not necessarily identify with their prisons any more than they do with their waste management facilities or their power plants

(although they do identify with their tough sounding prison sentences). Therein lies the most important epistemological challenge to moderating America's punishment boom. But it is not an impossible quest. A generation ago it would have been unimaginable for a middle class American to sort their own garbage into recyclables, compostables, and so on, something that because of rising consciousness of waste management and power plants is becoming routine in many parts of the nation. What can we do to create that kind of consciousness about mass imprisonment not in a generation but in the next five years?

Notes

1. Undoubtedly these observations will seem odd to Europeans and those Americans who live in walk-able urban neighborhoods and is not intended to caricature those suburban areas of the USA, most heavily concentrated in the Midwestern and Sunbelt states.
2. Goold et al. (2010) suggest that the gated community has been a failed security commodity in the UK. More research needs to be done on cultural differences between the USA and the UK in this regard. I would look for other ways that UK real estate developers have found to signal safety in their design and location.
3. The American practice of eating in the car has often been taken as a sign of American business, but it may in fact suggest the degree of insecurity which has made even restaurants menacing environments. Despite the obvious disadvantages to eating in one's car people feel more secure behind the wheels of their car than practically anywhere else (including their home). This is especially true of SUVs which are designed to give the driver an experience of security by providing a higher stance, the appearance of lots of protective metal, and the ability to drive off road.
4. While my three bedroom Berkeley home, built for a family in a solidly middle class neighborhood in the 1930s, was a mere 1700 square feet.
5. Justice Kennedy made headlines when he pointedly asked why US prison sentences averaged eight times longer than European sentences, see <http://articles.latimes.com/2010/feb/04/local/la-me-kennedy4-2010feb04>.
6. <http://www.scotland.gov.uk/News/This-Week/Speeches/Safer-and-stronger/lockerbidecision>.

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