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## Violence, Mass Incarceration, and the Myth of Monstrosity

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To achieve true criminal justice reform, we must first confront the violence in our country's past and present.



(Photo: Shutterstock)

**A**rthur Longworth is currently serving life without the possibility of parole in Washington State. Art committed murder at the age of 20. Now 51, Art has become a teacher, an activist, and

an [award-winning writer](#). Several years ago, he had the opportunity to have his clemency petition considered. Art's lawyer offered two main arguments. The first had to do with Art's remarkable growth since his conviction. The second concerned the horrific abuse Art experienced as a child at the hands of his parents—and again after the state placed him in a group home for boys.

During the hearing, Art's sister Dawn described the abuse they experienced as children: “My brother and I were tied up, locked up, stripped of our clothes, beaten till we would bleed and pass out. This was normal life for us.” She went on to recount a stunningly sadistic pattern of starvation and abuse that persisted for years, despite the fact that she and Art routinely arrived at school malnourished and visibly injured.

Later, when Art was 11 and Dawn was 9, their parents abandoned them. The state took custody of, and immediately separated, the two children. Eventually, state officials placed Dawn in a home with a relatively stable and caring family. But they placed Art in a group home where residents suffered regular physical and sexual abuse. By age 16, Art had been discharged from state custody and was living on the streets. Tragically, Art's downward spiral eventually culminated in his murder of a 25-year-old female acquaintance, Cynthia Nelson, and his sentence to life in prison without the possibility of parole.

In most countries, such sentences do not exist or are imposed exceedingly rarely. This is not the case in the United States, [where nearly 50,000 people have been condemned to die in prison](#) on the premise that they are beyond redemption. But the impact of this [myth of monstrosity](#) extends far beyond the prison walls, limiting our ability to develop an effective and humane solution to the problem of violence as well as meaningful alternatives to the policies that made the U.S. the world leader in incarceration.

For those of us who have been studying and lamenting the state of the U.S. criminal justice system for decades, the recent bipartisan embrace of criminal justice reform is a welcome development. Unfortunately, calls for reform remain highly limited and often reinforce unhelpful ways of addressing violence. As [Senator Ted Cruz explained](#) when announcing his (initial) support for the Smart Sentencing Act, his support for drug reform was *not* indicative of a new

way of responding to violence: “All of us agree, if you have violent criminals, if you have criminals who are using guns, who are using violence, who are dealing drugs to children, the criminal justice system should come down on them like a ton of bricks.”

In “pro-reform” statements like these, the current approach to violence is reinforced, and people who are convicted of violent acts are more demonized than ever. But the apparently stark division between nonviolent drug offenders and people convicted of violent crimes is largely mythical. Many of the people who have been ensnared by the war on drugs have lengthy rap sheets and have long lived in close proximity to violence, often as its victims and witnesses, sometimes as its perpetrators. Meanwhile, people convicted of sex offenses and homicide, the most serious violent crimes, are least likely to have criminal records and have some of the lowest rates of recidivism upon their release.

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Recent calls for criminal justice reform rest on the demonstrably false idea that people who have contact with the criminal justice system can be neatly divided into two distinct categories, and that only those in the comparatively innocent (nonviolent) category deserve reform. Drug policy reform is clearly needed and important. But the United States would continue to boast the largest prison population and one of the highest incarceration rates in the world even if all of prisoners serving time for a drug crime were released tomorrow.

Observers on both the left and the right increasingly use the term “mass incarceration” to call attention to the unprecedented scale of imprisonment in the United States. The U.S. is now home to 2.3 million incarcerated people, 4.7 million people on probation or parole, and tens of millions who have completed their criminal sentence yet remain saddled with incapacitating criminal records and oppressive legal debt. But the problem is not only a matter of scale. At its core, mass incarceration reflects the tenuousness of our commitment to human rights, racial equity, and social justice. Even more, it is a testament to our reluctance to recognize the

innumerable ways that violence has shaped our country, our people, and our way of doing “justice.”

Currently, fewer than **one in six** state prison inmates is behind bars as a result of a drug crime, and only one in 26 is serving time for drug possession. By contrast, **more than half** of all state prisoners are locked up because they were convicted of a violent offense, and the already-long sentences imposed on people convicted of violent crimes in the United States have become **significantly harsher**. One in nine U.S. prisoners are now serving a **life sentence**. These facts are not widely appreciated. When asked to explain our exceptionally high incarceration rates, most Americans **identify elevated crime rates** as the culprit. But U.S. crime rates have been dropping for decades and are similar to those found in other industrialized democracies.

There is, of course, one important exception to this generalization: homicide. Even after falling precipitously, the U.S. murder rate remains **three to ten times higher** than those in comparable countries, although it varies dramatically by geography and demography. The **homicide rate in Chicago’s predominantly black West Garfield Park neighborhood**, for example, is more than 25 times higher than the national average.

But our relatively high murder rate does not explain mass incarceration: Only a very small proportion of people living behind bars were convicted of homicide. Instead, as a **2014 National Research Council report** shows, the unparalleled rise in the U.S. incarceration rate is mainly the result of policies and practices that send more people to prison and jail, and for longer periods of time. As prison and jail populations have grown, conditions of confinement have too often deteriorated, and overcrowding, violence, inadequate medical care, and the use of solitary confinement are increasingly widespread.

The need to meaningfully address the problem of violence and the criminal justice response to it is clear. Too many people living in disadvantaged neighborhoods face the threat of violence daily. Incarcerating people who commit acts of violence—people who are often from the same disadvantaged neighborhoods, and have often also been the victim of violence in the past—for extended periods in inhumane conditions is not an effective response to this problem.

**Recent research** shows that crime survivors agree that current policies exacerbate rather than alleviate the problem of violence. Reducing violence and truly addressing survivors' needs will require developing a more thoughtful, preventative, and service-oriented approach in which long-term incarceration is the exception rather than the rule. Illuminating the centrality of violence in our collective past and present is a necessary step in this re-thinking, for it is only by doing so that we can challenge the myth of monstrosity upon which our current criminal justice policies rest.

The vigor with which we demonize and penalize people convicted of violent crimes stands in sharp contrast to our collective failure to acknowledge the violence upon which our nation was founded. In his introduction to *American Violence: A Documentary History*, historian Richard Hofstadter wrote, "What is impressive to one who begins to learn about American violence is its extraordinary frequency, its sheer commonplaceness in our history, its persistence into very recent and contemporary times, and its rather abrupt contrast with our pretensions to singular national virtue."

American violence has included everything from the forceful subjugation of indigenous peoples, racial violence, imperial wars, lynchings and mob violence to innumerable forms of interpersonal violence. Of these, war has been the preferred focus of historians, many of whom have focused narrowly on battlefield tactics, strategies, and so forth, often valorizing and sanitizing the use of lethal violence in the process.

But it is not just historians who have been reluctant to draw attention to the centrality of violence in U.S. history. There is little public recognition of trans-Atlantic trade in human beings that led to the enslavement of 12 million Africans. The legacy of racial violence that characterized slavery and Jim Crow also lingers, while calls for reparations, continue to be unanswered. Awareness and recognition of the genocide of Native Americans also remains inadequate.

At first glance, it appears that society has been comparatively willing to acknowledge and address family violence. The laws governing domestic tyranny have evolved considerably: Violence directed at partners and children is now statutorily recognized as serious criminal behavior in all 50 states. Yet **intimate partner violence** (experienced by 22 percent of women

and 7 percent of men) and child physical and sexual abuse (which touches one in five children) remain pervasive.

Sadly, the state's failure to provide safe haven for adults and children living in abusive situations often compounds the injuries associated with family violence. Tens of thousands of people (mostly women) contending with domestic violence need, but are unable to secure, safe temporary housing each day, and their requests for services often go unmet. Similarly, the abject failure of the U.S. foster care system to provide safe and nurturing environments for children—more than half of whom are children of color—arguably constitutes a form of violence itself.

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Indeed, truly reckoning with violence in the United States requires considering structural as well as interpersonal forms of violence. Popularized by health activist and author Paul Farmer, the term “structural violence” refers to the harm and suffering that occurs when social structures and institutions prevent people from meeting their basic needs. The U.S. has been, and continues to be, an outlier among modern democratic nations in terms of the degree of structural violence it enacts. Inequality, poverty, and lethal violence remain notably more pronounced in the United States than in comparable countries. And as Ta-Nehisi Coates notes, racism shapes not only the distribution of poverty, but also its consequences: Highly segregated urban neighborhoods with concentrated poverty, overwhelmingly inhabited by black people, are uniquely damaging. In short, our enthusiasm for getting “justice” for violent acts by punishing people convicted of them is not matched by a passion for making amends for, or even acknowledging, the centuries of lethal racial violence that pervades our national history. Nor is our collective desire to condemn those convicted of violent crimes accompanied by an equally zealous effort to address the interpersonal and structural violence that so frequently precipitate the crimes we rush to denounce. No one did anything to stop the violence that was unleashed on Art for two decades, but when he committed a serious act of violence, the state's response was swift, strong, and certain.

The erasure of the violence that so often foreshadows criminal conviction is a remarkable feat. Researchers have amassed a mountain of evidence showing that people convicted of violent crimes, and prisoners in general, are the targets of assaults, often throughout their entire lives. Indeed, chronic deprivation and long-term abuse is the norm in the biographies of those serving time.

Not surprisingly, research also shows that children who repeatedly experience trauma and abuse are far more likely to end up incarcerated than children who do not. In *Just Mercy*, attorney Bryan Stevenson shows how the violence visited upon young people who become justice-involved is so handily erased when prosecutors, judges, and juries hold children as young as 13 criminally responsible for their harmful acts. In such cases, the child is deemed solely responsible for his or her violent behavior, while the rest of society is found innocent. With all complicating realities erased, the idea that violence is a consequence of the monstrosity of the condemned lives on. The alternative view—that interpersonal violence is the expression of the historical, structural, and social violence that permeates society, and of our collective failure to ensure equality and protect the vulnerable—recedes with each condemnation of the “monsters” who fill our prisons.

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**IT DID NOT TAKE LONG** for the Washington state clemency and pardons board to unanimously deny Art’s clemency petition. As one board member explained, “Some people grow up in similar circumstances but don’t grow up in a life of crime. . . . You make your choice and pay the price.” Dawn’s suggestion that her parents and the state that failed to protect Art also bear some responsibility for his crime fell on deaf ears. Evidence regarding Art’s dramatic maturation in recent decades was similarly dismissed as irrelevant.

We can never know what would have happened if the board had actually considered these points. But the board’s refusal to deeply reflect on them is indicative of our impoverished way of thinking about violence. As long as we continue to ignore the historical and structural violence that has shaped, and continues to plague, our country, to deny our collective responsibility for it, and to insist that the sole cause of violence is the monstrosity of the convicted, we will never develop a more capacious, humane, and effective approach to violence.

Developing policies that allow us to move away from mass incarceration will also require re-evaluating our assumptions about people who have been convicted of a violent crime. Tinkering with the line that separates comparatively innocent drug law violators from the allegedly monstrous will do little to address this problem. Neither will coming down on people convicted of violent crimes “like a ton of bricks.” Instead, a comprehensive re-examination of our history, our penal system, and our collective response to violence is in order.

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