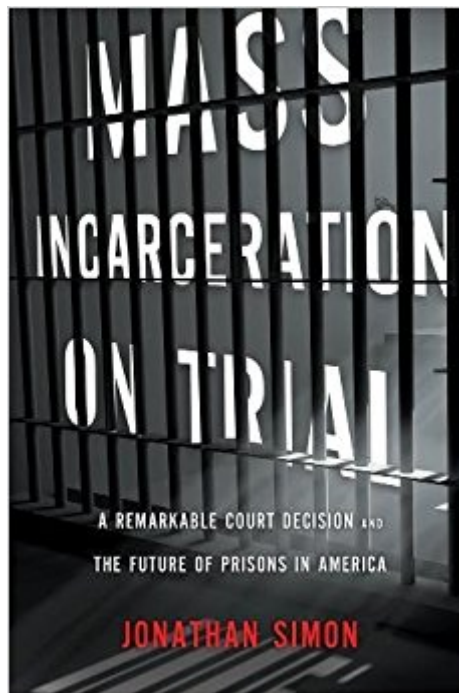




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# Mass Incarceration On Trial: A Remarkable Court Decision And The Future Of Prisons In America



## Synopsis

For nearly forty years the United States has been gripped by policies that have placed more than 2.5 million Americans in jails and prisons designed to hold a fraction of that number of inmates. Our prisons are not only vast and overcrowded, they are degrading—relying on racist gangs, lockdowns, and Supermax-style segregation units to maintain a tenuous order. *Mass Incarceration on Trial* examines a series of landmark decisions about prison conditions—culminating in *Brown v. Plata*, decided in May 2011 by the U.S. Supreme Court—that has opened an unexpected escape route from this trap of “tough on crime” politics. This set of rulings points toward values that could restore legitimate order to American prisons and, ultimately, lead to the demise of mass incarceration. Simon argues that much like the school segregation cases of the last century, these new cases represent a major breakthrough in jurisprudence—moving us from a hollowed-out vision of civil rights to the threshold of human rights and giving court backing for the argument that, because the conditions it creates are fundamentally cruel and unusual, mass incarceration is inherently unconstitutional. Since the publication of Michelle Alexander’s *The New Jim Crow*, states around the country have begun to question the fundamental fairness of our criminal justice system. This book offers a provocative and brilliant reading to the end of mass incarceration.

## Book Information

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## Customer Reviews

Praise for *Mass Incarceration on Trial* : "Highly readable, stunning stuff. California is at the epicenter of a new American debate about prison policy and Simon's remarkable book places the

state's travails in national and historical context. I recommend it to anyone interested in the problem of prisons in America." — Todd Clear, author of *The Punishment Imperative* "A masterful job of assessing the qualitative shift in the court's analysis on human rights concerns as they apply to our notorious prison system, the book points the way to a legal strategy premised on human dignity as a means of challenging mass incarceration." — Marc Mauer, executive director, The Sentencing Project, and author of *Race to Incarcerate* "A powerful critique of California's use of mass incarceration combined with an inspiring vision of a hopeful future created by landmark court decisions." — Jules Lobel, president, Center for Constitutional Rights

**Praise for Jonathan Simon:** "[Jonathan Simon is] one of the outstanding criminologists of his generation." — Nikolas Rose, London School of Economics

**Praise for *Governing Through Crime* :** "Ambitious and carefully reasoned." — Boston Review "Every thoughtful citizen should confront the arguments that are so lucidly presented in this book. Highly recommended." — Choice "In *Governing through Crime*, Jonathan Simon powerfully and persuasively argues that America's obsession with crime has touched, indeed distorted, the fundamental building blocks of our democratic society — This disturbing and provocative treatise should command the attention of scholars, opinion leaders, and policymakers who aspire to create a more tolerant and open future for this country." — Jeremy Travis, president, John Jay College of Criminal Justice "For historians, this book will one day be a valuable primary source." — Law and History Review "An invaluable addition to the literature in critical criminology, this is a volume that ought to be read by anyone who seeks to understand the present and future of governance in the USA — and elsewhere." — John Comaroff, Harold H. Swift Distinguished Service Professor, University of Chicago "This is an impressive work. The book's great strength is its integration of a wide range of research on political science, law, and sociology, with journalistic accounts of current and recent politics — I know of no other work that so effectively uncovers ways that these issues are connected to a changing relationship between citizens and their government." — The Law and Politics Book Review "His book stands out as the most important and most readable treatment to date on the overreach of crime and our emergence, in part, as a society gripped by the language of crime and the technologies of criminal justice." — Political Science Quarterly

Jonathan Simon is the Adrian A. Kragen Professor of Law at the University of California, Berkeley. His most recent book, *Governing through Crime*, won the American Sociology Association's 2008 Sociology of Law Distinguished Book Award and the 2010 Hindelang Prize of the American Society of Criminology. He lives in Berkeley, California.

This book is great for people who are new to ideas of mass incarceration, those who need convincing that locking people in cages is wrong, or those who just like a good flood leitmotif. However, this really fails to analyze the prison industrial complex or mass incarceration on a further level--one that would at least link, but preferably implicate, economic and political systems of oppression as well. The overall tone of someone who is shocked that prison conditions could be so horrid is borderline offensive, and the not-so-subtle implication that incarceration works but mass incarceration is where things get morally dicey is at best, a lazy viewpoint, and at worst, willful ignorance resulting from thinking steeped in white neoliberal politics. But I mean, it gets points for being a relatively easy read.

Simon was our guest lecturer at UC Berkeley! Such an amazing book.

It gives the standards by which we must confront the fate of prisoners in the California system. It is a hellish dystopia that needs desperate changes.

Great book for the price! Excellent condition and arrived as expected.

Professor Simon's "Mass Incarceration on Trial" is a wonderfully written piece that covers a plurality of important social issues by examining America's prison system, with California's prison system at the epicenter of it all. A series of landmark cases have signaled a change in prison policies, and perhaps more generally, a change in our idea of human rights and dignity. All in all, a clearly written piece that is open to all audiences, and well worth the read.

This book adds to the substantial recent literature critical of our criminal justice system. It will not be considered a major book but it is well done and should be used in college courses. Our system now harms many people and creates criminals and turns minor criminals into more serious criminals but the real problem is our society in general. However, any attempt at making major improvements in criminal justice is I believe a somewhat futile effort. The system, like the education system and the health care system reflect the society as a whole with its characteristic problems, inequality, injustice, and incoherence. These systems of symptoms will not be improved until the general society is improved or changed fundamentally. I am not talking about socialist revolution but a fundamental increase in fairness and equal opportunity and decrease in discrimination and all of the

barriers to fairness and equal opportunity. We won't have any real progress in any sphere until we can eliminate the essential corruption at the heart of our society and economy. There are many good people working in the criminal justice field and good work being done and this should be continued simultaneous to general efforts to improve our whole society. Midwest Independent Research, educational websites. Law, [mwir-law.blogspot](http://mwir-law.blogspot). There are book lists here.

This book, among several others, represents a new awareness similar to the one which started the civil rights movement about whether we are, or should be, our brothers' keeper.

America worries about its citizens. America wants to reduce crime, separating those who have committed crime from those who are victims or can become victims. The method of the separation the US have chosen is imprisonment everyone who poses even a slightest threat to society. Mass incarceration has become panacea for all crime related illnesses in America. Prisons lose their rehabilitation status, turning into human warehouses storing people as objects that have lost all their value for the government. Jonathan Simon in his study of mass incarceration writes that the society and then government views on crime and crime prevention toward incapacitation changed their views on prisons significantly only recently. On an example of California, Simon shows how a state with moderately small amount of prisons during only two decades had made a big step forward to a prison state, where "more than twenty new prisons [were built] during 1980s and 1990s". The state abandoned all rehabilitation programs for prisoners, adapted new harsh sentencing laws, made parole impossible, with the only solution in mind incarceration. The newly builded prisons couldn't catch up with the number of newly convicted, who received long sentences even for smaller crimes. It had led to overcrowding in prisons, that itself had become the source of another issue for prison inmates. The conditions of their imprisonment worsened. While the official theory was that prisons are safe for those who are unsafe to society, in real life prisoners suffered from absence of elemental medical treatment. The prisons became places of torture tucked away from our eyes. Examining new trial cases, regarding mass incarceration and prisons conditions unfeared for any human, especially those who suffer from mental and chronic illnesses, Simon find the reasons as to why California and the rest of America found this brutal and most unhuman way to treat persons who were found guilty of committing a crime. I avoided in the previous sentence the notion that state found a new way to prevent crime by building new prisons. In this book Simon (and he's not the first) argues that it's been established already that there is no direct relevance between crime rate

and incarceration rate. Thus we should regard the reasons that caused and started mass incarceration across USA. In one of the strongest arguments Simon explains how society viewed an ordinary criminal, the two most common types being black violent revolutioner and white serial killer hunting in suburbs. It seemed there were no other way to be saved from crime, other than to place every person who committed any crime possible in prison for the longest term possible. Simon convincingly argues that it is the government itself who sold the society this idea about incorrigible criminals, and then after society in fear changed its views toward the need of a harsher punishment, the government simply used society's approval of mass incarceration. Building prisons is the simplest way out, also being not the cheapest one. Mass incarceration requires minimum brain work, as prisoners are treated as things that are needed to be placed inside cells, and then forget about them, for life if possible. Rehabilitation, working with people, treating human beings with dignity they're entitled to, this is a hard work. Government "treat(s) members of the human race as nonhumans, as objects to be toyed with and discarded". For a few decades government was focused on the materialistic side of the problem, being interested in contruction, safety inside of prisons for prison officials, supermax blocks and whole prisons. Simon slightly touches one, as it seems for me, important point: the new prisons were considered as safe places for work of prison officials in the first place, and only in the second as a safe place for prisoners. Prison officials viewed prisoners as dangerous species, animals who deserved to be treated as such. Therefore all in prisons was made so that prison officials could feel and work safely inside prison walls. While completely forgotten and deprived of decent medical treatment and opportunities for education, communication and rehabilitation, prisoners struggled all these years. The prison population grew, the average age of prisoners raised, the suicide rate among prisoners high as ever, and only recent litigation cases drew attention of media and social scientists to the issue of total incapacitation. Simon delves into three most important cases, where whole population of several California prisons demanded the right to medical treatment and human conditions in prisons. During these cases, it was found that mass incarceration leads to a violation of Eighth Amendment. The Brown vs. Plata court's recommendations on reducing prison population is only a start. The three cases examined in this book initiated the end of mass incarceration. The government still fights this decision, yet there were some progress already made. Mass Incarceration on Trial is a superb study of American penal system, its issues and the possible ways to solve them. It a book for prison freaks and for those who studies law.

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