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Journal

Crime, Law and Social Change, 61(3)

ISSN

0925-4994

Author

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Publication Date

2014-04-01

DOI

10.1007/s10611-013-9502-6

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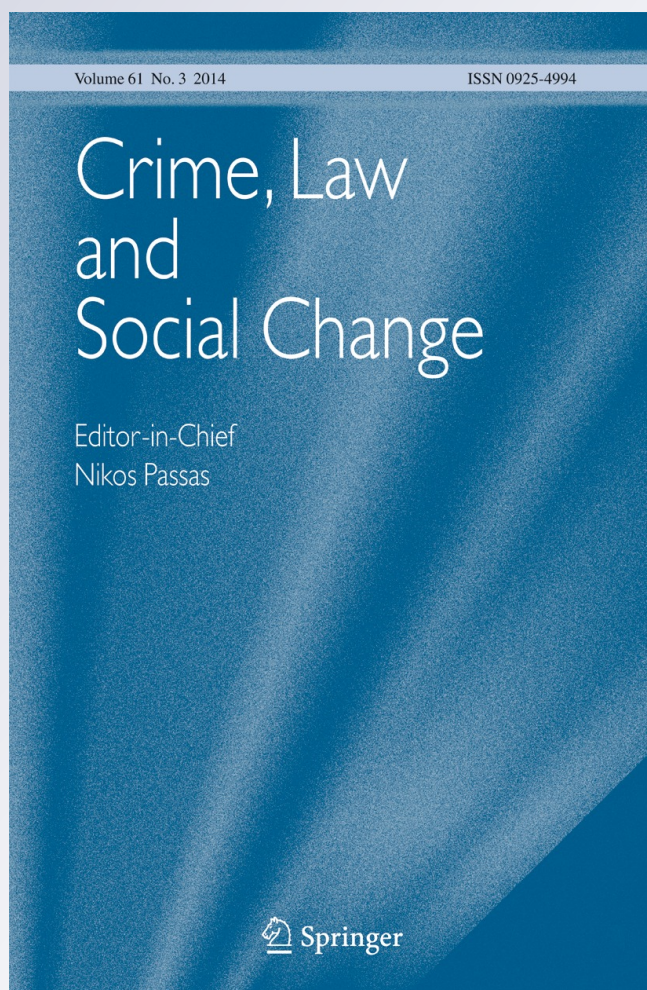
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Crime, Law and Social Change
An Interdisciplinary Journal

ISSN 0925-4994
Volume 61
Number 3

Crime Law Soc Change (2014)
61:359-364
DOI 10.1007/s10611-013-9502-6



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From the hyper-local to the supra-global: review of the globalization of supermax prisons

Keramet A. Reiter

Published online: 24 November 2013

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In April of 2004, the investigative news show *60 Minutes II* aired a series of photos that shocked the United States and the world. The photos documented abuse of Iraqi prisoners at the U.S.-run prison at Abu Ghraib: male prisoners attached to leashes, forced to masturbate in front of female soldiers, and hooded and connected to electrical wires. But as Rothe points out in a chapter on Abu Ghraib in the book *The Globalization of Supermax Prisons*, the *60 Minutes* expose was not exactly breaking news [1]. Human Rights Watch, the *Washington Post*, and certain members of the Bush administration, had been paying attention to the abuses in Iraq for months, competing over whether to publicize or cover up the revelations. *Sixty Minutes* broke the relative silence about American abuses abroad in the newly-coined “War on Terror;” a series of internal investigations into military policy and responsibility ensued in 2004 and 2005.

But nearly ten more years would pass before the media, politicians, and the American public would turn their attention inward, scrutinizing conditions in mainland U.S. prisons, and making a more direct connection between domestic prison policy and international military policy. A range of events converged to produce greater public knowledge and understanding of harsh domestic prison conditions, between 2011 and 2013, including: a 6,000-person strong hunger strike over conditions of long-term solitary confinement in California prisons [2], which followed quickly on the heels of a 2011 U.S. Supreme Court decision condemning severely overcrowded California prisons, in which one prisoner a week was dying unnecessarily [3]; reductions in high-security prison populations in prisons across the country, including in Mississippi, Maine, and Colorado, as well as the closure of Illinois state’s highest security, total isolation prison, Tamms, in January of 2013 [4]; and a congressional hearing about the use of solitary confinement in U.S. prisons in the summer of 2012 [5]. The result? A revelation, not unlike the Abu Ghraib moment in 2004, has gradually filtered through to the American public about domestic prison conditions generally, and especially about the expansive use of long-term solitary confinement that has been institutionalized in U.S. prisons over the last 20 years.

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On any given day, somewhere between 25,000 and 100,000 prisoners in the United States are in long-term solitary confinement, in “supermax” prisons designed for this purpose [6, 7]. These thousands of prisoners spend twenty-three or more hours per day in poured concrete cells, which usually measure roughly eight-by-six feet—the size of a parking space, or a wheelchair-accessible bathroom stall. Many of these cells have no windows, just fluorescent lights that remain on 24 h per day. When prisoners leave these cells, they might shower, or spend an hour alone in an isolation yard—often dubbed a “dog run,” but they have virtually no human contact. Prisoners held in these conditions describe going years without seeing the moon, or touching another human being (except for having cuffs placed on their ankles, wrists, and around their waists, for the occasional medical, legal, or family visit, usually behind glass or from a cage). Correctional administrators, not judges or juries, decide which prisoners are assigned to supermax confinement.

Although the general conditions of long-term solitary confinement in the United States are known, there are many more unknowns—about the exact purposes of supermax institutions, the scale of their use, and the average durations of confinement in these conditions in different states. As noted above, even the precise number of people held in long-term solitary confinement in the United States is unknown. Also unknown: how much of an effect the expansive U.S. use of solitary confinement has had on criminal justice systems around the world. In this sense, the anthology *The Globalization of Supermax Prisons*, edited by Jeffrey Ian Ross, is a major contribution, sketching the outlines of the supermax phenomenon not just in the United States, but across the globe. Published in 2013, Ross’s anthology is also well timed to engage with the growing public realization that the now-familiar abuses at Abu Ghraib and Guantanamo have their parallel counterparts in domestic U.S. prison.

The Globalization of Supermax Prisons includes a forward by internationally renowned punishment scholar Loïc Wacquant, an introduction and conclusion by Jeffrey Ian Ross, and eleven substantive chapters on prisons in Australia, Brazil, Britain, Canada, Mexico, the Netherlands, New Zealand, South Africa, and the United States, as well as U.S. military prisons in Guantanamo Bay, Cuba and Abu Ghraib, Iraq. (Eastern Europe and Asia are notably absent from the anthology’s geographic sweep.) The chapters address the structure of each country’s criminal justice system, degrees of punitivity, and the development of modern, high-security prison facilities. In the conclusion, Ross identifies a number of key themes in the different stories of supermax innovation across the globe. This helpfully synthesizes the disparate nation-based stories into a more coherent list of factors driving the supermax innovation; these factors, according to Ross, include violence in and escapes from prison and prison administrators’ initiative in developing supermax models and conducting research visits to the United States to see supermaxes first-hand.¹ In the end, Ross notes that the U.S. has inspired some of the world’s supermaxes but not others, so the role of globalization itself, especially with reference to the United States, is ambiguous at best.

Ross also notes in the conclusion that “each country examined in this study has adopted the supermax and/or high-security model of incarcerating.”² Experts have been debating how to differentiate between “supermaxes” and “high-security” prisons since

¹ Ross, *supra* note i, at 178.

² *Id.* at 177.

the idea of the supermax first became popular in the 1980s [8–12]. But, given the overall focus of the anthology on the translation and proliferation of what Ross identifies as the distinctive American phenomenon of supermax incarceration, the term “supermax” itself deserves further analysis. Indeed, one of the central (and unresolved) tensions in the anthology is: What exactly is a supermax?

In the forward, Wacquant offers one “analytic concept” of the supermax, defining it as “a species of *meta-prison*, a prison for the prison, a facility dedicated in almost all of its aspects ... to *redoubling* the treatment that the penitentiary inflicts on those most recalcitrant to it.”³ In Chapter Two, Ross offers a different, more concrete definition of supermaxes as “usually stand-alone facilities where prisoners have minimal contact with other inmates ... characterized by their physical layout, the regime to which prisoners are subjected, the types of inmates who are incarcerated, and the effects of this type of incarceration on prisoners.”⁴ But few of the other, comparative chapters return to these working definitions of the supermax, to identify exactly which of the analytic, structural, and experiential characteristics of American supermaxes, as identified by Wacquant and Ross, exist elsewhere in the world.

A few chapters, like “Supermaxes South of the Border,” about Mexico, and “Rise of the Supermax in Brazil,” seem to be using the term “supermax” a bit sloppily, to refer to a given country’s highest security prison or prisons, regardless of whether or not prisoners end up in these facilities because of “recalcitrant” in-prison behavior, have any contact with other prisoners, or experience a distinctive “regime” of control. These two chapters, then, are largely descriptive, explaining the conditions and the political debates around establishing high-security prisons in Mexico and Brazil respectively, but they do not provide much of an analytic frame with which to understand how the concept of the supermax has been interpreted outside of the United States, or how and why the infrastructure emerged in different places at different points in time. In the end, whether the prisons discussed are actually supermaxes is an open question; the title of the anthology seemed to over-determine the analysis in these chapters.

Other chapters in the anthology, however, grappled directly with what constitutes a “supermax,” comparing different uses of the term and explaining the similarities and differences in institutions across borders. For instance, Resodihardjo’s chapter on “The Dutch Supermax” points to King’s 1999 definition of the supermax (developed with reference to the United States) “as a physically separate unit where staff and inmates are physically separated from one another, and where prisoners are sent following an administrative process.”⁵ Based on this definition (yet another alternative to those presented by Wacquant and Ross), Resodihardjo argues that the Dutch SSU, opened in 1997, constitutes a supermax, designed to address a series of high-profile prison escapes.

Two of the strongest chapters in the anthology addressed both how to define supermaxes and how decision-making around building and institutionalizing supermaxes outside of the United States compared to parallel processes in the United States: Newbold’s chapter on “The Emergence of the Supermax in New Zealand” and the Buntnam and Muntingh on “Supermax Prisons in South Africa.” Newbold’s

³ *Id.* at xiii.

⁴ *Id.* at 11.

⁵ Ross, *supra* note i, at 73 (citing [9], *supra* note ix, at 171).

chapter provides a direct comparative analysis between New Zealand and the United States, tracing the parallel procedural developments in the 1970s in the U.S. federal prison at Marion, often identified as a proto-supermax, and New Zealand's Paremoremo, then the country's highest security prison. Newbold identifies the following similarities between the two facilities: Paremoremo's "telegraph-pole design" was directly modeled off of Marion's; Paremoremo followed Marion's transition from "correctionalism" (focused on rehabilitation) to "custodialism" over the course of the late 1970s and early 1980s; and both prisons increasingly held the most violent and dangerous prisoners within the system.⁶ Newbold also acknowledges the clear differences between Paremoremo and Marion, including the smaller scale of incarceration in New Zealand and at Paremoremo, in terms of both number of prisoners and lengths of sentences, as well as the lack of political prisoners in New Zealand.⁷ Newbold, a former Paremoremo prisoner himself, ultimately concludes that many of the same factors were behind the rise of the supermax in both the United States and New Zealand: gangs and violence, lengthening prison sentences and increasing prison populations, and public antipathy to criminals.⁸ These insights affirm arguments made by American criminologists about the role of a widespread public fear of crime, sentencing policy changes, and gangs in shaping U.S. criminal justice innovation [13–15].

The Buntman and Muntingh chapter on "Supermax Prisons in South Africa" is another of the strongest chapters in the anthology, engaging with the question of how to define supermaxes, and theorizing about what factors led to the institutionalization of two supermax structures in South Africa in the late 1990s. Buntman and Muntingh note that South Africa's two supermax facilities were directly modeled on U.S. supermaxes, which South African correctional administrators and architects toured in the 1990s.⁹ They explain that three factors drove the South African supermax innovation: the imposition of long and longer prison sentences, increasing rates of prison violence, and the frequency of prison escapes.¹⁰ Although U.S. supermaxes inspired the South African supermaxes, and administrators in both countries have identified similar criminal justice trends underlying the supermax innovation, Buntman and Muntingh argue that the legal governance of supermaxes is different in South Africa, where supermax operational procedures are more closely pegged to human rights requirements than in the United States.¹¹ Buntman and Muntingh explain that South African supermax governance results from more formal mechanisms for prison oversight, and a legal tradition of "fairly strict protections of inmates' rights," although these laws and oversight are sometimes ignored, or subject to corruption in South Africa.¹² Their chapter then, provides an important comparative perspective for Americans about the differing role of law—in controlling or failing to control corruption and abuse—in different contexts.

Another strength of the New Zealand and South Africa chapters is their close attention to local innovation, focusing on policy development within specific prisons,

⁶ *Id.* at 111–112, 118.

⁷ *Id.* at 126.

⁸ *Id.*

⁹ *Id.* at 88.

¹⁰ *Id.* at 84.

¹¹ *Id.* at 89.

¹² *Id.* at 93.

at specific points in time, not just at the federal, or national level. Ross himself suggests that the supermax innovation in the United States occurred at the federal level, pointing to the federal prisons Alcatraz, Marion, and ADX (the Administrative Maximum) in Florence, Colorado, as the original supermaxes.¹³ However, recent work by scholars of punishment suggests that American criminal justice innovation generally happens more locally, and the supermax phenomenon, which also started at the local, state-level, in Arizona and California, is no exception [16].¹⁴

In spite of the definitional challenges around what exactly constitutes a supermax, and the occasional lack of detail and absence of a local-level focus in the chapters in *The Globalization of Supermax Prisons* anthology, the book represents an important contribution to the fields of punishment and comparative criminal justice. Given the recency with which supermaxes have become a discernible concept of interest, the anthology represents a timely first step in understanding the phenomenon. One of its major contributions is the identification of key variables of import in understanding punitive innovations—including globalization, sentencing changes, public sentiment, and administrative discretion. These variables provide a starting place for more systemic documentation and analysis. A second volume looking at supermax innovations in additional countries in Eastern Europe and Asia, for instance, could provide a more nuanced typology of supermax incarceration, and further insights into how and why states choose to build supermaxes. Another significant contribution of the anthology is that it situates an American phenomenon—supermax incarceration—within a global context. Keynote addresses at both the 2012 American Society of Criminology meeting and the 2013 Law and Society Association meeting, which represent two of the major academic fields concerned with punishment in the United States, recently called for more and better comparative work [17, 18]; Ross's anthology represents an important step in this direction.

References

1. Rothe, D. (2013). A globalized militarized prison juggernaut: The case of Abu Ghraib. In J. I. Ross (Ed.), *The globalization of supermax prisons* (pp. 160–176). New Brunswick: Rutgers University Press.
2. Reiter, K. (forthcoming). The Pelican Bay hunger strike: resistance within the structural constraints of a U.S. Supermax Prison. *South Atlantic Quarterly*.
3. *Plata v. Brown* (2011). 131 S. Ct. 1910.
4. Tapley, L. (2011). Maine's dramatic reduction of solitary confinement. *The Crime Report*. Jul. 20. Available online at: <http://perma.law.harvard.edu/0xsSxt9db6X> (last accessed 30 Aug. 2013).
5. Good, E. (2012). Senators start a review of solitary confinement. *The New York Times*. Jun. 19. Available online at: <http://perma.law.harvard.edu/0wojyfSo9iQ> (last accessed 30 Aug. 2013).
6. Naday, A., Freilich, J. D., & Mellow, J. (2008). The elusive data on supermax confinement. *The Prison Journal*, 88(1), 69–92.
7. Casella, J., & Ridgeway, J. (2012). How many prisoners are in solitary confinement in the United States? *Solitary Watch*. Feb. 1. Available online at: <http://solitarywatch.com/2012/02/01/how-many-prisoners-are-in-solitary-confinement-in-the-united-states/> (last accessed 21 Apr. 2012).
8. Camp, C. G. (Ed.). (2003). *The 2002 corrections yearbook: Adult corrections*. Middletown: The Criminal Justice Institute. at 43.

¹³ *Id.* at 11.

¹⁴ Reiter, Parole, Snitch or Die, *supra* note ix, at 532.

9. King, R. D. (1999). The rise and rise of supermax: an American problem in search of a solution? *Punishment and Society*, 1.2, 163–186.
10. Kurki, L., & Morris, N. (2001). The purposes, practices, and problems of supermax prisons. In M. Tonry (Ed.), *Crime and justice: A review of research*, Vol. 28 (pp. 385–424). Chicago: University of Chicago Press. at 390-91.
11. Reiter, K. (2012). Parole, snitch, or die: California's supermax prisons and prisoners, 1987–2007. *Punishment & Society*, 14.5, 530–563. at 533.
12. Riveland, C. (1999). Supermax prisons: overview and general considerations. U.S. Department of Justice, National Institute of Corrections, January. Available online at: <http://www.nicic.org/pubs/1999/014937.pdf> (last accessed 13 Feb. 2012).
13. Garland, D. (2001). *Culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.
14. Blumstein, A. (1988). Prison populations: A system out of control. In M. Tonry & N. Morris (Eds.), *Crime and justice: A review of research* (Vol. 10). Chicago: University of Chicago Press.
15. Cummins, E. (1994). *The rise and fall of California's radical prison movement*. Stanford: Stanford University Press.
16. Lynch, M. (2010). *Sunbelt justice: Arizona and the transformation of American punishment*. Stanford: Stanford University Press. at 136-7.
17. Garland, D. (2012). Sutherland address: America's Penal State in comparative perspective. American Society of Criminology Meetings, Chicago, IL, Nov. 14
18. McCann, M. (2013). President's address. Law and Society Association Meetings, Boston, MA, Jun. 1.