

“WORK DON’T HURT ME”: A STUDY OF PRISON LABOR AND PRISON INDUSTRIES IN AMERICA

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“Work don’t hurt me,
Like the early rise,
Well, work don’t hurt me,
But that’s the thing that hurts my pride.”
—“Tamping Ties,” traditional work song

In his essay “Prison Labor, Slavery & Capitalism In Historical Perspective,” Stephen Hartnett cites the testimony of Shaka, an inmate who refuses to participate in prison labor because he equates it with slave labor, stating that “during slavery, work was understood to be a punishment, and became despised as any punishment is despised. Work became hated as does any activity which accomplishes no reward for the doer. . . . I unequivocally refuse to be a slave.” While Shaka’s equation of contemporary American prison labor to slavery may seem hyperbolic, his testimony, nevertheless, raises questions about the meaning and the principles behind contemporary American prison labor programs. Today, there are two dominant perspectives on convict labor. The first states that penal work programs are rehabilitative; they prepare the convict to be a functioning individual in society at large. The second reflects Shaka’s argument: that prison labor is exploitation on the level of slavery.

If Shaka is right, and our prison labor programs really are slavery, American industry does not seem to have a problem with making a profit from them. Presently, individual prisons in America earn millions of dollars from the sale of goods produced by inmates (Wisely). According to an article published by the Center For Research On Globalization:

The federal prison industry produces 100% of all military helmets, ammunition, belts, bullet proof vests, ID tags, shirts, pants, tents, bags, and canteens . . . 98% of the entire market for equipment assembly services; 93% of paints and paintbrushes; 92% of stove assembly; 46% of body armor; 36% of home appliances; 30% of headphones/microphones/speakers; and 21% of office furniture. (Pelaez)

These numbers are striking. Prison labor clearly comprises an important portion of America’s economy, yet prisoners are typically paid either minimum wage or well beneath it. Many state prisons deduct costs of living from these wages so that inmates

may earn only twenty or sixty cents an hour (Pelaez). Is this exploitation? As a nation that supports the fair treatment of all laboring citizens, it is important to ask whether or not America is profiting from a system that is unjust and cruel. Does prison labor exploit or reform the convict? Are contemporary American prisoners working for their own benefit or are they, as Shaka so passionately claims, slaves to the prison system?

American policy has always maintained that prison labor is rehabilitative, that it works to reintegrate the criminal into society through useful work and participation in the economy of the outside world. In 1816 the Auburn Prison was opened in the state of New York, operating under a philosophy of reforming prisoners through precise, communal work environments and solitary confinement rather than capital punishment and torture (“Auburn Prison Model”). Prisons built in the Auburn model began to spring up all over America. For a long period in the nineteenth century, prison labor was the rule at Rhode Island State Prison, which had their inmates craft shoes, “manufacture stained and grained furniture,” and meet quotas (Garman 123). This enforced work environment supposedly was designed for “reordering dysfunctional lives” (120). The inmate was seen as possessing a “dysfunction” and labor programs provided the means of reforming criminals—rewiring their circuitry to be functioning individuals in society.

The U.S. Prison Industries Reorganization Administration’s 1937 study, “The Prison Labor Problem in California,” praised road work as an effective rehabilitative method:

Under these freer surroundings . . . where discipline is maintained on an honor basis and all men are engaged in hard work to maintain themselves and provide something for dependents and their own eventual release, where rest and occasional holidays mean something else than just another dreary day, prisoners are preparing themselves physically, mentally and morally for the responsibilities of normal living on the outside.

This passage lucidly expresses the historical perspective on prison labor as rehabilitation: that labor subverts the punishing quality of prison by releasing inmates from absolute containment. Labor, thus, “prepares” prisoners for “normal living on the outside” by allowing them a rehearsal space to practice certain liberties. In addition, the passage suggests that prison labor affirms the importance of responsibility. If prisoners are to enjoy “rest and occasional holidays,” they must adhere to “an honor basis” and must be “engaged in hard work to maintain themselves.” Prison labor potentially instills in criminals the causality essential to outside living: if you are going to enjoy freedom, you have to do useful work to maintain it.

Many contemporary sociologists would agree with the 1937 study’s claim that prison labor is less like slavery and more like liberty, or at least, like a rehearsal space for free living. Robert D. Atkinson, for example, explains that many prisoners

“volunteer for work, because it is a lot . . . more rewarding than watching TV all day.” Atkinson might respond to Shaka’s assessment of prison labor as slavery by arguing that no one is forcing the prisoners to do anything; prisoners willingly participate in work to escape the monotonous boundaries of the prison system. Convict labor thus resembles work on the outside because it is voluntary and even earns prisoners a salary.

Contemporary proponents of prison work programs also echo the historical perspective that prison labor provides inmates with useful work skills. Atkinson claims that “prison labor looks like normal labor; workers sewing garments, building furniture, recycling computers, answering phones, etc.” Former Supreme Court Justice Warren E. Burger agrees that “if we place these inmates in factories, making ball-point pens, hosiery, cases for watches, parts for automobiles, lawn mowers, computers, or other machinery . . . we will stand a better chance to release from prison persons able to secure gainful employment” (755). Rehabilitating a criminal partly depends on teaching the prisoner skills to be applied in the outside world, and proponents argue that prison labor achieves this objective.

In fact, advocates of prison labor argue that it provides more than just physical work skills. Sociologist Gordon Hawkins supports prison work programs because work is “a major source of status and of a sense of adult independence.” He argues that, without labor in prisons, prisoners become idle and dependent on others (87), hardly behavior that will support them on the outside. Hawkins seems to suggest that labor programs help to mature the criminal mind—to settle a childish “dependence on others” (87), and to instill the pride and self-reliance necessary to life on the outside. Hawkins perceives work as a rite of passage, and a means of achieving important character qualities for free living. So, through prison labor, good qualities are learned as well as useful skills.

All of these rehabilitative qualities of prison labor are said to affect recidivism rates. Furthermore, many prisons contend that work programs help to reintegrate the prisoner into his surrounding environment, even while contained. A *USA Today* article explores a prison work program in Maryland that produces office supplies with strange state pride: “the list . . . reads like a Maryland geography lesson: Silver Spring, Chesapeake, Potomac, New Windsor, etc.” (Dishneau). The fact that the products cannot be sold out of state in part justifies these names, but perhaps these state-pride products also attempt to reintegrate the prisoner into his outside environment. By crafting products specific to the location that they inhabit, prisoners may come to feel as if they have an economic stake in the surrounding communities, a 42.8 million dollar stake in the case of Maryland (Dishneau).

Of course, none of these arguments for rehabilitation would be compelling enough without evidence that prison labor helps inmates re-enter society. The executive director of Maryland Correctional Enterprises claims that “inmates who work in the plants tend to re-offend and return to prison at about half the rate of those who don’t” (Dishneau). Other prisons have claimed a similar recidivism rate due, seemingly, to the

prison labor programs (Atkinson). Once again, it appears, from data at least, that prisoners have been reintegrated successfully into the outside world through the work of labor programs. In summation, the concept of labor as rehabilitation relies on the assumption that labor helps to reintegrate convicts back into society insofar as the labor is voluntary, teaches useful work skills, and constitutes the convicts' presence in the local state economy.

So how can Shaka, as well as others, reasonably claim that prison labor equates to slave labor when the benefits seem so obvious? To begin, they dispute that prison labor is voluntary, and therefore equate it to slave labor. Matthew Parker, a Columbia University graduate and writer who served approximately eleven years in and out of state prisons in Arizona, dispels the notion that work is wholly voluntary: "In a medium security prison, everybody's gonna work. Otherwise they'll just increase security and throw you in 'max.' Everybody works." Parker points to the complex power system at play that "inspires" so-called voluntary labor amongst inmates. In addition to avoiding increased security, there are other incentives for prison labor, including decreased sentences, and better treatment by guards (Erllich). Work is not, under these circumstances, a voluntary act, participated in to obtain a salary. In Parker's assessment, prison labor does not transcend the walls of the penal complex by substituting for the kind of voluntary work available on the outside, but rather remains nested in the complex web of forces that comprise a prison.

So, if not exactly voluntary, does prison labor not redeem itself by giving prisoners "a better chance . . . to secure gainful employment" by teaching them useful skills (Burger 755)? In Reese Erlich's article "Prison Labor: Workin' For 'The Man," an inmate from the California prison system named Dino Navarette speaks out about his experience with prison labor: "They put you on a machine and expect you to put out for them. . . . Nobody wants to do that. These jobs are jokes to most inmates here." This particular inmate considers prison labor menial and unwanted; he claims that the jobs have no value for prisoners besides the possibility of a shorter sentence. From his perspective, the work has no real substance in granting the prisoners useful skills, but is only another force of opposition to be endured by convicts. In fact, many prison labor programs do not even pretend to grant prisoners useful work skills. Matthew Parker describes a specific job assignment in the Arizona State Prison called the "rock crew," which consisted of moving rocks from one side of the yard to the other. This job seems absurd in its misuse of prisoners' time and energy. Moving rocks hardly seems like an activity designed to help employ convicts upon reentry. Indeed, many of the jobs in prison labor programs are simply there to make inmates work.

Even to those prisoners who are actually learning useful skills, the reintegration process can be daunting. An article by David R. Jones in the *Gotham Gazette* claimed that some states uphold policies that bar ex-convicts from obtaining licenses for skills they learned in prison. He cites the story of a New York State prisoner who applied for a barber's license but was denied because "owing to state law, La Cloche could

only practice his trade . . . if he remained behind bars.” The skills La Cloche learned had been confined by policy. This particular policy, practiced by many states in America, renders any skill gained from prison labor useless on the outside, therefore undermining the rehabilitative quality of prison labor.

Moreover, securing a job is no easy task for an ex-con, even without such policies. A report published for the Urban Institute Reentry Roundtable claims that even when ex-convicts possess some job training “most employers are reluctant to hire those with such records” (Holzer et al. 8). This reluctance among employers on the outside may come from legal restrictions in federal law, fear of litigation, and even employer attitudes towards “ex-offender status” (7). In short, employers fear and mistrust ex-convicts—they fear that they may be negligent in their work, that they will steal, but mostly, that they bear a mark of ignominy as a criminal. Even with effective job training attained from labor in prison, reintegration is difficult when you bear the title of convict.

Reentry for any convict is a trying process. Although many prisons boast that work programs decrease the chances of a prisoner reoffending, it seems an oversimplification to claim statistics about decreased recidivism are directly related to prison labor programs. Prison reentry policy is “geared to fail,” says Parker. “They want you to work at McDonalds. That’s why they won’t let you drive. The only way to get to a construction site after you get out of prison is to drive, but on parole you can’t do even that.” Indeed, Parker’s feeling of containment lasted long after he was released from prison. Despite proclaimed reduction in recidivism rates due to prison labor programs, Parker insists that he did not benefit from prison labor once released. Rather, he and others former prisoners are confronted with the same barriers and walls they endured while detained, making any chance at reentry difficult, if not impossible.

So maybe prison labor does not supply inmates with useful work skills that will apply to the outside, but one might still argue that the very function of prison industries support the convict’s reintegration into local economies. Maryland prison systems sell hand-crafted furniture to local businesses and prisoners are paid wages, although limited, for their services. Does not prison labor reflect the work process that normal people go through on the outside? Doesn’t prison labor, as Robert D. Atkinson claims, “look like normal labor?”

To assume that the inmate is an actual participant in the economy at large is rendered absurd by several circumstances. Dino Navarette articulates his frustration with the fact that California has been exporting prison-made goods: “‘You might just as well call this slave labor, then’, says Navarette. ‘If they’re selling it overseas, you know they’re making money. Where’s the money going to? It ain’t going to us’” (Erllich). Navarette’s consternation with low wages and his suspicion of exploitation is shared in prisons where exporting goods is not practiced. We have already heard from Shaka, who “unequivocally refuse[s] to be a slave.” It is difficult for either Navarette or Shaka to imagine that they are participating in the economy of the outside world.

Rather, they both feel shackled by their society rather than associated with it. The minimal wages that they are paid are only a painful reminder that they are being punished and someone else is profiting from their toil.

Professor Gordon Lafer concurs that “prison labor is analogous to slave labor,” but for a different reason. He states that “convict labor not only takes decently paid jobs out of the economy; it also undermines the living standards of those who remain employed by forcing their employers to compete with firms that use prisoners.” Evidence of this competition is everywhere. The same *USA Today* article that discusses Maryland’s Prison Industry ends with a disturbing acknowledgment of how local businesses have to compete unfairly with the cheap cost of prison labor and their high profits (Dishneau). Lafer cites instances in which “a south Georgia recycling plant laid off 50 workers . . . and replaced them with prison laborers,” and “in Eugene, the church-owned Sacred Heart Hospital canceled its contract with a unionized linen service and redirected the work to a prison laundry.” What this competition highlights is the unusual economic nature of prison labor. Prison labor is generally cheaper and more profitable than any kind of legal, regulated industries on the outside. This makes prison work programs a target for opposition from companies, labor unions, and federal overseers. Therefore, prison labor is not typical labor. It incites opposition from the economic world on the outside, because prison labor does not fairly compete, and can do so because it exploits its workers.

Paradoxically, while prison work may be exploitative and not nearly as rehabilitative as its proponents claim, disposing entirely of prison labor might present its own dangers. While criticizing many of the functions of prison labor, Parker claims that prison work programs still serve an important purpose: maintaining sanity. “You’ll go crazy without working for a while. If I didn’t have a job in prison, I would’ve been climbing the [expletive] walls.” Here is a seasoned ex-inmate, well acquainted with the prison labor system, advocating working in prison for its “therapeutic” purposes. Parker points to the basic human desire to work and be useful. Even with jobs as absurd as the “rock crew,” prison labor offers inmates the chance to make use of their bodies in an environment that otherwise supports idleness. Parker may agree, therefore, with the arguments of Hawkins and Atkinson that prisoners labor to resist the paralyzing effects of containment.

Yet Parker claims that the merits of prison labor are utterly confined within the prison. While locked up, many inmates want to work—not to better themselves, not to learn useful skills, not even to participate in their local economy, but simply to work. Parker presents an honest assessment of prison labor. Work stimulates the detained body, but does it improve, reform, or rehabilitate the person inside it?

From what we have examined so far, the answer can hardly be yes. And to assume that labor is rehabilitative is to support a rather disconcerting philosophy. First, return to Former Supreme Court Justice Burger, who writes (as I have partly quoted before):

Most prison inmates, by definition, are maladjusted people. . . . They do not observe the concepts of work and accountability that made this country great. They were not taught . . . the moral values that instill respect and concern for the rights of others and in turn foster self-respect. If we place these inmates in factories, making ballpoint pens, hosiery, cases for watches, parts for automobiles, lawnmowers, computers, or other machinery . . . we will stand a better chance to release from prison persons able to secure gainful employment. These will be persons whose self-esteem has improved enough to afford a better chance of living a normal life. (755)

Justice Berger combines the rhetoric of economically reconditioning the prisoner with the somewhat problematic rhetoric of redefining the character of the prisoner—of rewiring the criminal mind. Of course, it would be best if we had fewer “maladjusted” people in society, but Berger’s rhetoric remains troubling. It seems as if he is diagnosing the general social disease that persists among prisoners and prescribing labor as a means of eradicating that disease. In essence, he claims that prison labor gains authority over the character of individual convicts. Ultimately, the process of “making ballpoint pens, hosiery, cases for watches” etc. becomes a means of molding the human being. Prison labor, when considered rehabilitative, becomes an exercise of power—a means of overriding the inmate’s will.

This is the argument of philosopher Michel Foucault, who, in his assessment of modern punishment, claims that “if one intervenes upon [the body] to imprison it, or to make it work, it is in order to deprive the individual of a liberty that is regarded both as a right and as property. . . . From being an art of unbearable sensations punishment has become an economy of suspended rights” (11). Foucault places prison labor within his “economy of suspended rights,” and claims that this economy’s object is ultimately “a punishment that acts in depth on the heart, the thoughts, the will, the inclinations” (16). What could be more salient to Foucault’s claims than the argument that prison labor is rehabilitative? Does not Burger claim that prison labor comes to have precedence over the values and the character of prisoners? Are not the arguments that work programs “reform” the inmate reliant on the idea that prison labor exercises control over the inmate’s person? Do we not assume that we can convert the prisoner by forcing him to work? By attempting rehabilitation through work, we use force to manipulate the soul.

At its best, prison labor may not hurt the prisoner. It may even provide, as Parker asserts, a therapeutic outlet. But let us not trick ourselves into thinking that prison labor performs a rehabilitative task. Prisoners go through the movements of crafting furniture, manning sewing machines, and printing license plates to satisfy their natural desires. If we assume that the purpose of prison labor is reintegration and reform, we uphold the idea that labor exercises absolute control over the body and the will—a philosophy that strikes at the very heart of the inmate.

Contemporary prison labor is not the black-and-white issue proponents or opponents of it may claim it to be. Prison labor is neither rehabilitation nor clear-cut slavery. If we continue to support prison labor as rehabilitation, we become disingenuous in assuming that such work effectively reforms the character of the prisoner and reintegrates him into society. If we discard the programs entirely, we may deny prisoners the outlet they need to prevent them from “climbing the [expletive] walls.” Instead, we need to examine the idle environment of prisons and reform the conditions that make prison labor a necessary component. Our support should lie with programs that both stimulate the prisoner and rehabilitate him—such as education. For as long as we continue to view prison labor as effective rehabilitation, we ignore the severe policy errors which prevent real, meaningful reintegration, and favor a system that exercises power rather than one that fosters reform.

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