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Latino Liberty and the Meaning of Security: On Prison Nations and Liberal States

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Abstract

Critics view the prison system as a mechanism and an institution that produces (and reproduces) prison populations that reflect institutional racism in society. Alternatively it is said that democratic societies fail to protect society's most vulnerable members, and thereby erodes prisoners' liberty. The only way to ensure the liberty of anyone is to protect it for everyone, and the only way to safeguard the freedom and security of the democratic majority is to also guarantee liberty, equality, and justice to democracy's minorities. American prisons reify these notions, give them concrete form. Predation and extortion casts in lurid reflection unfair advantages in society outside the prison, such as through white privilege (the tyranny of the majority as ethnic gang) and by ever-increasing transfers of wealth to the rich — without any subsequent mechanisms of redistribution.

Keywords

Criminalization, minorities, discrimination, prisons, Latinos

The titular reference of Jimmy Santiago Baca's prison memoir, *Working in the Dark*, comes in a chapter describing a visit to San Quentin, where an encounter with a young Chicano prisoner reaffirms the poet's "vow to never give up struggling for my people's right to live with dignity" (20). Left to the reader's imagination are the specific agents and social mechanisms that pose a threat to that dignity, the human dignity due to all persons in a just society. It doesn't take much imagination to fill in some of the blanks: ethnic discrimination, economic disadvantage, the marginalization of Latinos in society, to name but a few. Most prominent among these, in the tableau

that Baca presents us with, is the mass incarceration of Latino males. As Baca's narrative makes clear, the intricate connections between inequality, criminalization, mass incarceration, and minority social status are systemic and pervasive rather than isolated and incidental. Easily obscured from intuitive understanding, these sociopolitical forces and structures are revealed when manifesting themselves in the form of bad institutions, institutions whose direct impact on human lives and civil society increases the visibility of these otherwise abstract systemic realities. The corrosive effects of systemic sociopolitical forces, structures, and institutions are most emblematic in the image of the prison, whose brutalizing conditions left Baca himself a man "who would never entirely be free of the demons he met behind bars [....] the foundation for the man I am today, still working in the dark" (21). As Baca's poetic and poignant account makes clear, mass incarceration rends the moral, political, and socioeconomic fabric of society. To be incarcerated in an American prison is to be systematically abused, stripped of meaningful political participation, and excluded from socioeconomic opportunity long after having served one's prison term. Baca and his fellow prisoners thus become the conscience of society, their treatment and civic condition serving as baseline metric by which social justice and the protection of civil liberties can be assessed.

Among the many negative social costs of America's experiment in mass incarceration stands at least one unexpected benefit: the modern prison mirrors and magnifies the political and socioeconomic fault lines of the society that produced it. To peer into the magnifying mirror of our prisons is to see reflected back at us the glaring injustice of socioeconomic disadvantage and minority marginalization, with the demographic overrepresentation of minorities in prison recapitulating the contours of inequality and insufficient opportunity outside the prison walls. Also visible in the mirror image is the overall illiberalism of existing social structures: the systemic disadvantages that institutionally erode liberty, opportunity, and social justice for minorities. The overrepresentation of Latinos in prison, that is, mirrors their marginalization in society as well as the systemic mechanisms that maintain it: the lower likelihood of access to good schools and employment opportunities; the higher likelihood of being targeted for discrimination or racially profiled by law enforcement. Similar mechanisms of targeting, exclusion, criminalization, and mass disenfranchisement systematically marginalize other disadvantaged ethnic

groups as well as the working poor, and serve to erode fundamental liberties and to increasingly disenfranchise all but the superrich. In these and other ways, prison conditions magnify the social condition. The challenge is to put this information to good use, to use it as a tool for expanding liberty, justice, and opportunity for all.

That the overrepresentation of Latinos and other minority groups in prison results from underlying socioeconomic and political forces has long been recognized (Alexander). Less understood is the extent to which the proximal manifestation of intolerable conditions inside our prisons express and magnify homologous phenomena in society at large, democracy-corroding effects that stem from those same fundamental socioeconomic and political forces. It is the political and institutional failure to protect members of vulnerable minority populations from systemic discrimination, unequal opportunity, and the tyranny of the majority that engender minority overrepresentation in prison. Likewise, it is the prison's failure, as an institution, to protect prisoners from more violent prisoners and dominant groups (read: gangs) that make rape, robbery, violence, and extortion the rule rather than the exception of prison life. This comparison is not meant to trivialize the atrocities and depredations endured by those whose imprisonment and institutionalization is enforced with the aid of concertina wire and gun towers but, rather, to underscore the ways in which the barbaric conditions inside our prisons magnify the very same political and institutional failures by which minorities in society remain marginalized and disadvantaged rather than civically and economically integrated.

More persuasive to the political majority than the critique of mass incarceration as a mechanism and an institution that produces (and reproduces) prison populations that reflect institutional racism in society, I argue, is the liberal democratic argument that failing to protect society's most vulnerable members erodes the liberty and security not just of prisoners but of each and every one of us. The only way to ensure the liberty of anyone is to protect it for everyone, and the only way to safeguard the freedom and security of the democratic majority is to also guarantee liberty, equality, and justice to democracy's minorities. Our shortcomings in this regard — such as our failure as a society to reduce inequality through reforming our social, political, and economic institutions — are easily masked by the abstractness of socioeconomic phenomena in the

aggregate. American prisons reify those abstractions, give them concrete form. Predation by prison gangs and the extortion of peaceful prisoners by more powerful ones casts in lurid reflection unfair advantages gained in less overtly forceful and personal ways in larger society, such as through white privilege (the tyranny of the majority as ethnic gang) and by ever-increasing transfers of wealth to the rich — without any subsequent mechanisms of redistribution.[1]

In the pages that follow, I will begin with a description of the modern prison as a Hobbesian *state of nature*. Though this essay is neither a brief nor a policy article, integrated into the closing paragraphs of that first section are some brief suggestions for simple prison reforms that, if enacted with all deliberate speed and full institutional commitment, could offer substantial social, political, and humanitarian gains at minimal cost. Among these modest proposals are separate facilities for nonviolent prisoners, political representation within the prison, and greater emphasis on rehabilitation. A subsequent section explores the interdependent nature of liberty, justice, security, and equality — arguing that these principles, though often in tension with each other, can neither securely nor sustainably be enjoyed by any identity-based majority that does not extend the same measure of liberty, justice, security, and equality to minorities. Following this institutional analysis, I turn toward cultural considerations that, broadly conceived, revolve around the indispensable role of education in securing a liberal democracy. As case studies and literary examples, I cite the prison narratives of Joe Loya and Jimmy Santiago Baca, two Latino writers who, in memoirs that also describe life before and after prison, proclaim with evangelical fervor the role of language and literacy in delivering themselves from "the bitterness of injustice," "a silence of killing rage," and "the emotional butchery of prisons" (Baca 11). Their emphasis on personal transformation calls attention to the important micro-level and non-institutional mechanisms by which a society can critically reevaluate civic values and begin to push for institutional reform. Such is the basis also of social movements, which begin at the personal level through the

1 On race privilege and fixed majorities, see Lani Guinier, who, in *The Tyranny of the Majority*, explains that "in a heterogeneous community, the majority may not represent all competing interests," particularly when "the self-interested majority does not need to worry about defectors. When the majority is fixed and permanent, there are no checks on its ability to be overbearing. A majority that does not worry about defectors is a majority with total power" (3-4).

formation of social identities, the critical interpretation of experience, and the development of cognitive and psychological strategies without which uplift cannot be achieved or maintained. In these prison narratives, it is here, at the intersection of the personal and the political, that the cultural change needed to challenge and transform the social dynamics of institutionalized disadvantage and socioeconomic marginalization begins.

The Hobbesian Prison

The prison is often viewed not as a reflection of society, but as its antithesis. From a limited perspective, the anti-society conception of prisons is instructive. No one would rationally adopt this particular social and political organization as their chosen form of civil society, and the negative image that it provides casts into relief those features — security, equality, the rule of law, government that actively protects citizens from powerful interest groups, and so forth—that are essential to the preservation of a society that is peaceful, civil, and free. In dismissing prison as an aberration rather than a manifestation of society, however, we turn a blind eye to the inconvenient truths staring us in the face. Among those inconvenient truths is the sociopolitical fact of institutional racism and economic inequality. The prison mirror frames such truths in bold relief, making explicit the disproportionate disadvantage conferred on racial minorities and the poor, both of whose numbers are inexcusably overrepresented inside our prisons. And so, as much as we profit from seeing our prisons as negative examples of how not to preserve a civil society, we would also benefit from seeing prisons as the focal point of the nation's moral conscience. Fyodor Dostoevsky (1821-81), who for four years endured the hardships of a Siberian prison camp, is often quoted as having said that "The degree of civilization in a society can be judged by entering its prisons." Though -attribution of this quote is somewhat in question, the sentiment behind it is clearly expressed in the prisoner's-eye view of prison conditions given in Dostoevsky's fictionalized 1861 account, *The House of the Dead*, suggesting that the prison is not so much a window (through which we gaze out onto some alien world) as it is a mirror, directing our gaze inward in order to expose society's deepest flaws and failures.

The change in perspective forces us to examine the underlying sociopolitical and institutional forces that preserve uncivil society in our

prisons. That is, though it is convenient to scapegoat convicts and to view prison life as a deviant foreign culture, we could learn a lot about ourselves and our society by seeing it as an expression of domestic culture. Flipping our perspective from outside to inside also changes the political model through which we interpret prison society. Viewed from the outside, the prison is a model police state: power is absolute and the authorities invested with that power rule over subjects rather than citizens. The view from inside, however, is just the opposite. From inside, the prison resembles nothing so much as an anarchic state: civil society replaced by lawless anarchy, the state's de facto guardians either too weak or simply unwilling to govern effectively — to protect people from other people. Theoretical conceptions of political anarchy, it should be noted, run the gamut from the utopian to the infernal. For seventeenth-century political theorist Thomas Hobbes, "the Natural condition of Mankind" was nothing short of hell on earth. The *state of nature* as imagined by Hobbes was an anarchic state, a "warre of every man against every man," which though it may never actually have existed as hypothesized is nevertheless everywhere present where "no common Power" prevents the formation of gangs, or "Kingdomes," that impose their will upon less powerful groups of individuals so that there is "no security to any man" (183-90). Nothing could be more Hobbesian — or more hellish — than the modern prison, in which power gangs readily form, and the vulnerability of individuals could hardly be more immediate or poignant. Here, in miniature, is the notion of a *libertarian paradise* exposed for what the near or total lack of government intervention is more likely to look like: a failed state, such as pirate-spawning Somalia or terrorist-besieged Afghanistan, a world where life is "poore, nasty, brutish, and short" (Hobbes 186).

Hobbes' firsthand experience of Civil War, and the imminent threat of anarchy that the absence of a strong and unified state admitted, impelled him to sacrifice liberty (by equating it with necessity) in the name of security. In the Hobbesian commonwealth, the ruling sovereign is sole and absolute authority over inhabitants who are not so much citizens as subjects. The modern prison puts Hobbes' political theory into practice: the absolute and unchallengeable "common Power" of the prison authorities, and the top-down rules that they impose upon their prisoner subjects, is not itself subject or accountable to the people over which it rules. Oversight from above is insufficient, and accountability from below

in nonexistent. Iron bars, razor wire, and security gates control movement within the impermeable confines of the prison, focalizing both the force and absolutism of sovereign power in the prison state. It is a political irony, then, that anarchy should prevail inside of the prison state, inside of an institution conceived in and dedicated to security. Behind that ironic curtain lies the human tragedy of the prison state: namely, that its subjects, though legally stripped of the privileges of citizenship in the name of security, are unconscionably and unconstitutionally — by almost any interpretation of the Eighth Amendment prohibition of *cruel and unusual punishments* — forced to live in a place where there is "no security to any man."

In Hobbes' view, there can be no liberty without security. The conditions inside the modern prison force us to acknowledge with equal clarity and circumspection the other side of the equation: that there can be no security without liberty. Deprived of self-representative rule (liberty), prisoners are completely dependent (for security, as for sustenance) upon a state apparatus in which they have no political voice and no opportunity to secure sufficient economic means.[2] Under these conditions it is virtually impossible to protect one's own person, let alone one's property or interests. Security is impossible because liberty is denied. Inside the prison there is no vote, no free association, and no integration with legal and regulated markets. Even self-defense is typically punished, either by solitary confinement or by segregated confinement through protective custody classification. The prison, in short, is certainly a police state, but it is no commonwealth. Prisoners are defenseless under this political and economic arrangement, a most unnatural *state of nature* qua *police state* in which the absence of representative rule and of any meaningful notion of citizenship not only strips away otherwise inalienable liberties but also renders this newly manufactured class of noncitizens completely vulnerable under the law. The obvious response to such conditions — and the only means of self-defense — is lawlessness. It is almost inevitable, therefore, that not only is civic life made unviable in prison, but that the prison state should devolve into a "society" where life is "nasty, brutish, and short" (186).

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2 Louis Althusser singles out the prison as an example of a "Repressive State Apparatus," as opposed to "ideological State apparatuses (ISAs)" such as schools, churches, and mass communications that function by ideology and indirect influence rather than by violence and direct, repressive power (96-7).

Quite naturally, when prison administration (or the prison government, if you will) talks about security, they have something quite different in mind than do the prisoners who are subject to their rule. Prison authorities — comprising prison staff and correctional officers who answer to a chain of command headed by prison administration — have two clear mandates. The first of these is to restrict the movement of prisoners to within the confines of the prison, with provisions made for court-ordered appearances, the exception of minimum security facilities, and so forth. The second mandate is security, the meaning of which is, for them, restricted to preventing escapes and maintaining control within the facility. In brief, the prison authorities are appointed by our elected representatives to deny liberty while providing security. In practice, however, prisons deny liberty without providing security.

More precisely, the prison authorities tasked with denying the liberty of their subjects needlessly sacrifice prisoner security and, though they do so in the name of safeguarding citizens outside the prison, put the entire nation's liberty and security at risk in doing so. The difficult task of balancing liberty with security, in other words, has been evaded entirely by instead compromising the security of a subclass in order to substitute the illusion of greater liberty and security for the rest of us. This stratification strategy, ignoring the fact that it undermines the principle of equality, is acceptable to many — and particularly to those in the majority whom it most benefits in the short-term — because its immediate outcomes seem to guarantee one's own security without any diminution of personal liberty. The ordinary citizen, having delegated such tasks to her elected officials and bureaucratic functionaries, can perhaps be forgiven for failing to fully comprehend the longer-term consequences of unchecked factionalism and systemic social stratification. Inescapable, however, is the civic cost of advancing one's own special interest group by manufacturing and sacrificing a persecuted subclass — ethnic, racial, or otherwise. That cost, though seldom immediately apparent, is the erosion of *every* citizen's rights, liberty, and security.

Precisely because prison inmates are perceived as having freely chosen to commit the crimes that landed them in prison in the first place, discriminatory treatment of the prison population as a subclass is perceived, by many, as legitimate. Mass incarceration thus too easily becomes an instrument for legitimizing discrimination against a class of people whose

systematic disenfranchisement and marginalization would otherwise be publically (if not privately) repudiated. In this regard, convicted felons as a class are significantly analogous to other classes of people similarly persecuted or marginalized throughout history. Indeed, criminalization and marginalization go hand-in-hand, as young Latino men — more likely to be profiled and convicted than their counterparts from less targeted ethnic groups — well know. This is not to excuse criminal behavior, and certainly not violence committed against others. The above observations should, however, serve to remind us that sometimes the tail wags the dog. That is, often the targeted ethnic subclass or economic underclass is already perceived as criminal, a presupposition that law enforcement officers are systemically pressured to justify by targeting individual members of that subclass as criminals whether or not they actually commit a crime. Another method of criminalization, in addition to unwarranted profiling, is to criminalize actions and behavior that are not truly criminal — that do no harm to other people. In such ways, crimininalization manufactures the "criminal" long before a crime is committed.

From a social contract theory point of view, prisoners have surrendered their liberty even more clearly by their own choice than have those entering, as imagined by Hobbes, or born into the *social contract* between subjects and their sovereign. The originating choice in question here is whether to commit a felony or not, assuming that most, though certainly not all, prisoners are indeed guilty of the crime for which they have been convicted. For Hobbes, the contractual choice consists of transferring your power to the sovereign authority in exchange for security of person and state. The intuitive understanding, from a contractarian point of view, is that crime-convicted prisoners are rightfully stripped of their liberty for breaking the social contract. Obscured by this "common sense" understanding is the extent to which the social contract was first broken by society at large — and more directly by the government that represents it — through fostering subclasses, allowing inequality to grow too great, and failing to restrain the tyranny of the majority. These, of course, are systemic forces, and more abstract — and thus harder to comprehend — than the concrete fact of a felony act committed by a specific individual. Nevertheless, systemic forces shape human lives and, among other observations, there is no denying the hard fact that the overwhelming majority of prisoners come from the lowest socioeconomic tranches of society.

It also bears keeping in mind that legal procedure, due to the legitimacy that it confers, has often been used to mask abuses of power, as demonstrated in historical examples as wide-ranging as the Spanish Inquisition, centuries of witch trials, and the Khmer Rouge's bureaucratic obsession with extracting not only confessions but also denunciations of the tortured detainee's own friends and neighbors. The liberal democratic distinction of conviction beyond a reasonable doubt, by a criminal justice system in which the burden of proof is on the prosecution, is certainly, in conception, a much more just system. These lofty ideals, however, are not always so fair and just in their execution (as actually practiced and carried out), while at the same time their perceived justness can serve to legitimize, in the eyes of many, almost any treatment to which prisoners might be subsequently subjected in prison. The presumption of guilt by deed rather than by mere identity or association, that is, leads people to assume that prison conditions are deserved if not just. Most of us would reject, as cruel and unusual punishment, those same wretched conditions in any other context. Equally poignant is a critique of how convictions are actually gotten, in particular the unsettling resemblances between the plea bargain snitch system heavily relied on by American prosecutors and the duress-elicited denunciations extracted by Khmer Rouge interrogators. In both cases, it can be impossible to distinguish real criminals from people merely identified as such because convenient for bureaucratic purposes.

None of this is to excuse the fact that many prisoners have committed heinous acts, or to ignore the reality that this makes it difficult for prisoners convicted of violent crimes to be seen as victims of any kind by the rest of society. In considering the real and perceived exceptionality of convicted felons from the rest of us, however, it should first be noted that most contemporary prisoners were sentenced to prison for nonviolent or victimless crimes. It is only in recent years that states (and at a much slower pace, the federal criminal justice system) have begun to roll back some of the mandatory minimums — harsh sentencing standards for drug possession and other nonviolent crimes — that have overcrowded our prisons and strained state budgets. In regard to those convicted of violent crimes, we must not confuse the desire for vengeance with the demands of justice. The justice due to the victims of violence is not justice at all if compromising the liberty and security of third parties. Against the emotion-charged call for justice that is personal and punitive must

be weighed the competing need for justice that is blind and beneficial for the rest of society. Indispensable to balancing the scales of justice in a liberal democracy is an awareness that failure to provide security of person to prisoners undermines, in the long term, the very rights, liberties, and collective security that the state seeks to preserve by segregating violent offenders from the rest of society in the first place. If we fail to protect our most vulnerable citizens — people stripped not only of personal liberty but also of many of the privileges and protections of full citizenship — we, as a society, put everyone's liberty, security, and prosperity at risk. This is the case because, as is sensible and just in most cases, imprisonment is a provisional status. Though temporarily deprived of liberty during their prison term, most prisoners will eventually return to society. It is for this reason that prisons must ultimately function more as instruments of rehabilitation than of retribution, of prisoner reintegration back into the social and economic life of society than as a form of punishment, though this may sometimes go against the tough-on-crime sentiments of popular opinion.

Frontline prison personnel do not share many of the popular misconceptions about the social function of prisons. Correctional officers, more than anyone, know that it is not their task to administer punishment — and that doing so is more than just unprofessional: it is a violation of the duties and principles for which they stand. Given the commitment to this professional creed, it is not the direct actions of guards, in most instances, that put prisoners at risk. Just the contrary: correctional officers routinely risk life and limb to break up fights, foil strong-arm shakedowns, and seize weapons before they get used on anyone. As with other challenging social problems, the greatest failures of our prisons are not direct and personal, but institutional. Among these institutional failures is the policy of not providing separate facilities — despite a bureaucratic obsession with prisoner classification for other purposes — for nonviolent offenders. The absence of political self-representation among the prison population could be mitigated by, at the least, the election of a few prisoner representatives who, under any number of possible and initially experimental arrangements, would have the authority to request that prison administration enforce prisoner-agreed-upon rules — so long as these rules did not contradict or excessively compromise overarching administrative mandates. What is more, the institutional failure to prioritize rehabilitation services (from

drug rehab and anger management to certification in an employable skill) for those prisoners who are willing, capable, and committed to such a path puts the liberty and security of all citizens at risk by depriving prisoners of the basic cognitive, emotional, and vocational skills they will need to adjust to life on the outside.

Essential to the rehabilitation and reintegration of prisoners are educational opportunities and job training. Many voters view such programming as coddling criminals, and therefore oppose their funding, with the result that key rehabilitative and self-improvement programs have been cut or remain underfunded in most states. In states such as New York, college-level courses used to be made available to prisoners, something now only possible where civilian volunteers are allowed to offer such curricula. Far from seeing educational programs as some kind of reward for breaking the law, however, it behooves us to take the larger view that the security and stability of a democracy — not to mention the liberty of its people — depends upon an educated citizenry. Freedom in a democracy cannot be sustained without free and universal education. It stands to reason, then, that the freedom and security of a prison-reliant state cannot be preserved without prisoner education that provides the critical thinking, decision-making, and psychological skills—the "soft skills" that are the hallmark of a liberal education — that are indispensable to participation in civic life. What is more, without the "practical skills" that vocational and on-the-job training provide, it can hardly be expected that parolees will find gainful employment upon their release.

Even more importantly, without reasonable equality of opportunity, the most rational choice for prison parolees — as well as for disenfranchised minorities who have never broken the law — could well be disengagement from the larger society that, through neglectful institutions and unchecked special interests, has broken the social contract. Though not all prisoners can be rehabilitated (most murderers never kill again, while sex offenders and the pathologically disturbed, it turns out, have a much higher recidivism rate), there is little question that prisons reformed to provide security of person and education of mind to those inside their walls would be more just, ethical, and humane. Such reforms would also safeguard the liberty of those on the outside. That is, people outside of prison are safer if the people held in and later released from prisons have been given the means, opportunity, and incentive for achieving meaningful socioeconomic

integration. What is more, a society that stalwartly protects the basic rights and human dignity of its most disadvantaged and vulnerable citizens is a society where — by force of culture and firm resolve — everyone's civil liberties are less vulnerable to erosion by threats to those liberties in a time of crisis. The alternative, a prison experience that psychologically deforms men and women before returning them to society, not only institutionalizes the marginalization of minorities by disproportionately depriving Latinos and other disadvantaged minorities of their liberty, but also threatens the national security in whose name such abuses are permitted. The alarming number of people imprisoned for nonviolent crimes — some of which are also victimless crimes — serves as stark reminder that there can be no security without security for everybody, and no liberty without fairness and equality for all.

On Majority Rule and Ethnic Gangs

The prison mirror reifies as it reflects, giving concrete forms to otherwise overly abstract dimensions of justice and equality, liberty and security, fairness and opportunity. The moral reprehensibility of prison rape makes more poignant the importance of personal security to us all. The pervasiveness of robbery, extortion, and violence in prison drives home awareness of individual vulnerability when the social mechanisms of justice and equality break down. The failure of prison authorities to prevent that violence — despite having complete hegemony over the use of legitimate force, and despite depriving their subjects of individual freedom and self-governance — exposes as false the police state assumption that security is achieved only by curtailing civil liberties. Against this assumption stands a countervailing argument: that restoring basic liberties, such as the right to meaningful civic participation, can also be a powerful means of increasing security. Anarchic predation on others declines when everyone has a stake in the game, an intrinsic incentive for playing by the rules that have been agreed upon. Thus, restoring the fundamental right to representative rule within the prison, for example, would go a long way toward increasing security inside the institution, while also increasing security outside the prison walls by better socializing those released into civic culture and responsible social life. It is to this connection between inside and outside — between criminal justice and social justice — to which this essay now turns.

The indissoluble bonds and inherent tensions between liberty, justice, security, and equality are vividly illustrated in prison narratives such as Jimmy Santiago Baca's *Working in the Dark* and Joe Loya's *The Man Who Outgrew his Prison Cell*. Loya describes in harrowing detail the prison as Hobbesian state of nature: "I didn't want him [Loya's father] to know about the cum smell of prison; to know about the men murdered while they slept in their cells because they'd been ignorant of the drug-buy double-cross. I didn't want him to know how I'd once plotted with friends to extort money from a legless man in prison" (Loya 345). Here is a world of unchecked liberty in which there is no security of person, no justice, no equality, and — paradoxically — no meaningful liberty. The strong prey on the vulnerable. Blind justice has been replaced by justice that turns a blind eye. Civic equality has become meaningless, any semblance thereof completely evacuated by aggressive transfers of wealth and property from those with power to those who lack it. Whatever liberty you might gain in the short term is eventually lost when stronger parties later impose their will on you.

In an earlier scene, Loya describes, again with self-incriminating candor, the "prison ethic about fair one-on-one fighting" and what he must do to gain respect and ensure that no one messes with him in the future:

> First and foremost, I needed to draw a lot of blood — by either biting him, or smashing his face on the porcelain sink or against the mirrors, or kicking him so much in the face that I'd bust open his nose or his mouth. No matter what, I needed him to see a lot of his own blood. And I needed a lot of other guys to see his blood (203).

As a "fish," in prison for the first time, and targeted by the "Mexican prisoner powers-that-be," what little security of person Loya is to have in prison must be gotten by brute force and preserved through showing respect and deference to the prison gangs that "run the joint" (201). Civic virtues have been crowded out by the zero-sum calculus of an honor culture, "a culture of dominion and violence" in which mutual respect is replaced by hierarchical respect based on blood, tribe, power, and sheer violent force (307).

In part due to a hazy conceptual association with violent youth gangs, the formation of insular ethnic groups in general is widely assumed to be an

aberration, a canker blighting the flower that is society. In actuality, ethnic groups are more fundamental than nation-states, particularly those of the pluralistic, free market democracy variety. People readily affiliate by ethnic group and within their local community, whereas forging some sense of a shared identity in a nation so diverse and so large that its members will never meet most of their fellow citizens entails a much more extensively "imagined community," as Benedict Anderson has argued, whose initial formation and future stability is less certain (6, 13). The tendency toward ethnic association, that is, reflects the "primordial" pull of ethnicity, a notion expanded by anthropologist Thomas E. O'Toole's explanation that "The ethnic groups into which we all are born give us our first satisfying and sacred group experience" (185). In contrast, national identities in a large, multicultural society, involve "joining a more extended community," and thus tend to involve looser associations such as those based on "common interests" (185). The challenge for a multicultural nation is twofold: protecting members of ethnic groups from harmful discrimination by others; and addressing inequalities between ethnic groups that systemically undermine basic rights or political and socioeconomic inclusion.

Clearly a society must distinguish between ethnic groups (and the social good they do) and ethnic gangs (and the harm they cause through violence and coercion), but perhaps more fruitful than the default emphasis on illegal activities would be closer scrutiny of the ways in which tribal interests are systematically advanced through legal means. When also taking into account legal mechanisms of coercion and extortion, the largest and most powerful ethnic "gang" in a society often turns out to be the least visible since the dominant majority does not perceive itself as a gang.

This startling comparison of identity-group majorities with ethnic gangs would hardly shock the founders of American democracy who, in hammering out the US Constitution, recognized that a diverse society is composed of many different factions. Any telling of American history provides a long recitation of ways in which the white majority, as the largest and most powerful faction, has routinely operated — through coercion and consensus, in ways both conspicuous and institutional — by the logic of an ethnic gang. One of the more telling examples of this gang-like mentality, if far from the originating moment, can be found in the "three-fifths" clause of the Constitution, by which African slaves were counted as three-fifths of a person for purposes of determining apportionment among the

states. In the contemporary era the majority population is often resentful of redistributive policies that seek to alleviate minority disadvantage. Blind to their own status as an *ethnic* majority, the largest special interest group (which pollsters and politicos sometimes euphemistically refer to as "middle America" — with epithet "white" implied) has in recent decades come to associate liberalism with, as Alonzo L. Hamby puts it, "minority interests." Liberalism thus conceived, Hamby continues, "had little support among the majority of the population" (395). Rather than seeing liberal polices as promoting the common good through decreasing inequality, the (mostly white) majority is "still disposed to view liberalism as a species of special interest politics," and thus even to vote against their own economic interests by rejecting the slate of candidates whose liberal democratic reforms would include addressing minority inequality (395). To this point, Walter Benn Michaels, in *The Trouble with Diversity*, has argued from the progressive left that we are "pretending that our real problem is cultural difference rather than economic difference" (19). The much more complex reality is that both types of "difference" matter — the two are irredeemably intertwined.

In trying to account for the emergence of identity politics in society and ethnic gangs in prison, we might rightly point to innate human tribalism. But our cognitive tendency to think in terms of in-groups and out-groups is only part of the story. The other part of the story is that social equality and economic security are prerequisites to full participation in the extended community of larger society, and thus for the social integration of diverse ethnic communities. Inversely, the absence of security — from the insecurity that prisoners are subjected to inside the prison state, to economic security outside the prison gates — dissolves the looser affiliations that hold together a diverse society. Disadvantage and lack of opportunity breed alienation among individuals, which coalesces into social anomie. When society fails to protect minorities from the majority, it is to be expected that people will retreat with greater urgency and chauvinism to ethnic and kinship ties. It should come as no surprise, then, that the tide of ethnic nationalism swells when minorities are increasingly — whether overtly and systematically, or only subtly and systemically — marginalized and disadvantaged by the dominant majority. The hardening of ethnic identities into oppositional rather than integrative expressions, in short, is largely an artifact of socioeconomic exclusion and inequality.

What is more, the fixed identities that such injustice leads to go make unnaturally rigid associations that are otherwise loose and forgiving. As Cristina Beltrán observes, "Latino interests" are themselves inherently "ideologically heterogeneous" (127). Identity groups, that is, tend to divide over issues and to fluidly reform into separate, interest-based coalitions; but this fluidity of association hardens into factions and fixed political agendas whenever the ethnic group is threatened from without — or when misled by charismatic leaders or a culture of prejudice to advance their own interests in an anti-democratic way in relation to some other ethnic group or groups.

In such ways the subtle connections between ethnic marginalization and national (in)security — the inexpungible interdependence of insiders and outsiders — are made clearly evident when viewed through the prison prism. The failure to protect minorities from the tyranny of the majority threatens personal security, which in turn threatens national security — the security and stability of civil society. Less revealing than the formation of Latino gangs (largely a response to the absence of personal security) inside our prisons is the overrepresentation of Latinos inside prisons in the first place, an overrepresentation that reflects social inequality along factional ethnic lines. To credit for this demographic anomaly are such social facts and practices as racial profiling, economic inequality that follows ethnic lines, and the inherent competition between identity groups for scarce resources. It is common knowledge, if not common practice, that there can be no justice (and little liberty) without equality. Less understood is that there can be no security (and little equality) for any majority that fails to protect the same rights for minorities. The context-specific complex of institutional mechanisms and policies by which society should alleviate social inequality is a subject of much debate, but the problem is well understood in the abstract, as here delineated by Cornel West in if-then terms: "If there were social democratic redistributive measures that wiped out black poverty, and if racial and sexual discrimination could be abated through the good will and meritorious judgments of those in power" then [...] race- and gender-specific responses would not be necessary (96). The question is how, specifically, we are to fill in the details before the ellipsis: what kinds of redistributive measures? How to abate discrimination? And which cultural, structural, and institutional devices a society should employ to augment the good will and discerning judgment of its citizens?

Personal Transformation and Cultural Change

Standing in contrast to the systemic, structural, and institutional forces thus far emphasized in this essay is Loya and Baca's focus on reform from within through personal transformation. As with Baca's title before it, the metaphorical title of Loya's *The Man Who Outgrew his Prison Cell* signals to prospective readers the theme of personal redemption. Like Dante, Loya takes the reader on a tour through hell, each stage of the journey revealing some horror more ghastly than the last. The passage through those infernal depths, however, is just one part of a journey whose lofty end point is nothing short of redemption and salvation. Dante's narrative alter ego is saved through the intervention of a beautiful and pious woman. In these Latino prison narratives the agent of salvation is language and literacy. Even taking into consideration the inherent bias toward language that is to be expected from a writer's account of reform and redemption, Loya's and Baca's compelling account of the salvific power of language is persuasive. "Words can save you," intones Richard Rodriguez in summing up "the lesson of Joe Loya" (xiii). "Through language I was free," chants Baca in chorus (7). Literacy is the doorway to knowledge, and language the key. Language gives one a voice, the instrument of democratic participation. Language provides the tools for giving expression to one's condition, and supplies the means to imagine ways of transcending that condition: "Correspondence was simply communication. It was a hermetic exercise, an emancipation for me" (Loya 306). The power of words turns Baca into a prison-house poet, and Loya into an epistolary writer. And it frees both of them from the revolving door of poverty and prison.

This inward focus on individual redemption and salvation through language does not mean that we, as a society, can long ignore systemic inequality, disadvantage, and discrimination. Personal change alone is not enough, nor are exclusively institutional reforms sufficient. The challenges that face a diverse society can only be solved by addressing both sides of the public-private intersection. These Latino voices insist on the importance of introspection and self-improvement, but do so within the context of social institutions such as schools and prisons.[3] Writing from the perspective of those with less access to good schools and the advantages that they confer,

3 Again, noting that Althusser makes a useful distinction between these two types of institutions: schools are ISAs and prisons are not (96). In prisons, the power of the state is direct, repressive, and enforced by violence or the threat of violence.

their focus is largely on self-education, including emotional rewiring and the development of other cognitive tools. They are joined by Latina voices, such as that of Judith Ortiz Cofer, who in a widely-read essay writes: “Because of my education and my proficiency with the English language, I have acquired many mechanisms for dealing with the anger I experience. This was not true for my parents, nor is it true for the many Latin women working in menial jobs who must put up with stereotypes about our ethnic group” (152). For Cofer, as with Loya and Baca, the means of greater agency and opportunity is through language and literacy.

Further underscoring this emphasis on the private dimension of public affairs is the realization that personal transformation (first of self, then by influencing others) is the prerequisite for cultural and political change. If we would reform corrupt institutions, we must first change the culture that uncritically accepts them as they are. A foundational lesson can be taken from James Madison who, within a system of governmental checks and balances, and along with other framers of the US Constitution, strove to “‘refine’ the expression of majority will, without departing fundamentally from the principle of consent, [to] protect basic rights both from potential tyrants within government and from popular passions” (Ketcham 8).

Loya and Baca’s prison narrative message of liberty through literacy is a call to all of us: to find our voice, to demand change, and to throw off factional “gang” rule. By reforming our prisons we protect the vulnerable and better reintegrate prisoners back into society. By making similar institutional and redistributive reforms in larger society we protect vulnerable minorities from powerful majorities while simultaneously protecting the socioeconomic majority from a superrich minority. Increasing opportunity and decreasing inequality are crucial first steps toward reversing the prison nation trend and restoring the liberal state — taking us from “multicultural prisons” to a truly pluralist society, from the overrepresentation of minorities in prison to the liberal democratic ideal of *e pluribus unum*: out of many, one. Through civic literacy we learn that rights must be balanced with restraint, that core principles we would all agree on under Rawls’ proverbial “veil of ignorance” are often trampled by powerful special interests, and that, though self-rule is predicated on the consent of the governed, the common good must ultimately triumph over popular opinion dominated by a powerful faction. Through personal transformation we turn political theory into practical reality.

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