THE POLITICAL AND PSYCHOLOGICAL IMPLICATIONS OF INCARCERATION

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INTRODUCTION

I was not born sneaky. Although my mom first explained prison to me as a timeout for adults, I knew it was different. Unlike a child leaving timeout, my brother did not return from prison calmer, happier, or healthier afterwards; he scared his eight year old sister. My brother finished his punishment, but he treated me, my family, and himself as usual. My ability to hide that which my mother disapproved of quickly developed because of my elementary logic. If my brother was punished but did not change, then punishment would not make me a better person, and I should avoid the depressing setting he was forced into at all costs. I only cursed around classmates, told my mom simply the PG parts of shows I watched, forged her signature with accuracy, and only mentioned the girls I would play with during recess. I absolutely refused to get myself into trouble — not by avoiding actions she deemed bad, but rather by displaying a facade of perfection around authority figures.

Retrospectively, I see that many of these hidden habits were not abnormal, and that many children learn how to hide aspects of themselves from their parents. Unlike my peers, however, I can pin-point the exact experience that began my scheming: my brother's incarceration. Additionally, living with the consequences of his incarceration caused me to become incredibly shy. My mother called the police on my brother in the past. If she could send her son to that terrible place, then anyone could send me there, especially the girls in class that I was paranoid were secretly plotting against me. My paranoia was completely unfounded because these same girls would invite me to special occasions; however, I never stopped hiding the parts of myself that reminded me of my brother when I was around them. I could not discern who I could be my true self around, my loving opinion of my older brother masked due to a sense of shame. Again, these feelings are more common than my melodramatic younger self realized; but, most of my

friends can no longer remember—if they ever even knew—when they began to feel their personality split from their social appearance, while my memory of that moment continues to make it hard for me to open up.

My brother's all-too-common and fortunately short-lived experience with the criminal justice system at a young age was enough to markedly change my way of experiencing authority, acquaintanceship, and my sense of self. While not everyone has an experience with incarceration, it is nearly impossible for any American to be ignorant of the reality that people from their society go to prison, whether they believe in toughness on crime or the abolition of the prison system altogether. In America, there are almost two million people held in federal, state, local, and tribal prison systems.[1] I assert that we abandon more than incarcerated people while mass incarceration persists. Our country abandons the ability to form a more ideal world as long as we are complacent in sending an ever increasing amount of our fellow citizens to prison. My thesis here will be that punitive incarceration for crime is distributively unjust because it prevents the formation of a suitable bare-minimum standard of living and causes objective alienation, therefore failing Rawlsean ideals of justice economically, as John Rawls described, and socio-psychologically. Locking people away as punishment does not allow citizens to form the primary good of self respect because it creates a broad range of negative feelings that no individual, even those most removed from the direct consequences of incarceration, can avoid and that harms social recognition and connectedness.

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At the outset, I would like to disclaim that actual crimes and their consequences are more harmful than theoretical consequences that cause psychological and social harm to individuals; however, the consequences of mass incarceration in particular too create real, statistically

[1] Initiative and Wagner, "Mass Incarceration."

supported harm to many Americans. To begin this analysis, I will test if America meets Rawls' standard for a well-ordered society before outlining Rawls' theory of justice as described in *Justice as Fairness: A Restatement* to clarify the standards for evaluating incarceration. This section will argue alongside contemporary scholars that mass incarceration in America fails Rawlsean maxims for justice. Therefore, America is economically prevented from becoming a well-ordered society due to actual historical, economic, and demographic data, giving necessary consideration for material consequences. Paying particular attention to the phenomena of the jobless ghetto and its connection with mass incarceration, Part 1 addresses those most impacted by incarceration to most concretely test incarceration as an obstacle to Rawls' ideal world. I will not argue that the harms of potential objective alienation are greater than the tangible economic harms of mass incarceration or even of crime, but that punitive incarceration fails distributive justice both politically, in a Rawlsian sense of economic justice, and socio-psychologically, in the sense of the fundamental conditions for respect and inclusion Rawls outlines for all members of society.

Next, I will argue that the American prison system creates both subjective alienation and objective alienation by practicing punitive incarceration. Due to space limitations, my focal phenomenon – punitive incarceration – will be attributed to a loosely defined criminal justice system composed of lawyers, politicians, police officers, government officials, and prison employees. It is not important that we pinpoint who or which of the parties listed is most involved in the maintenance of American prisons, as this paper discusses the consequences of incarceration more than its inception. In Part 2, I will establish the basic elements of the sense of self needed to achieve the goals of distributive justice using Axel Honneth's expansion of Rawls' theory of distributive justice. Rawls' inclusion of self-respect as a primary good that all members

of a democratic society ought to have connects both scholars, allowing me to assess if punitive incarceration undermines citizens' ability to form a foundation of self-respect through recognition by others.

Finally, my discussion will turn to one of alienation. At the crux of this paper, I try to illuminate the psychological consequences of living in a society in which aforementioned economic consequences of incarceration persist. To accomplish this goal, Part 3 will expand on both Honneth's and Rawls' explanation of the purpose of society, reducing incarceration to a worst-case scenario for human beings. This scenario, supported by data and illustrations of daily dramas, will be examined, and I find that the worst-case scenario leads to objective alienation across our nation. As such, I conclude that punitive incarceration is a mechanism for a type of societal alienation that damages citizens' ability to form a suitable foundation for self-respect, thereby preventing America from becoming a well-ordered society.

DEFINITIONS

Punitive Incarceration: Incarceration with the official purpose of punishment is punitive incarceration.[2] To incarcerate someone is to subject them to confinement within an institution, and incarceration alone is not punitive. For example, people can be incarcerated if they have an infectious disease, and some are incarcerated for the soul purpose of torture in the cases of psychopathic violence.[3] In America today, we incarcerate citizens as their punishment for breaking the established laws. Pretrial detention in jail, notably, is not punitive incarceration because those subjects are not yet considered guilty of any crime.[4] Once found guilty of a crime, the person is moved to a more permanent institution for incarceration now as a consequence for their guilt; incarceration as such is punitive incarceration. In this paper, the terms "punitive incarceration," "mass incarceration," and "incarceration" need not be considered wholly different phenomena. My paper deals with incarceration as a whole, however different terms will be used at points to refer to specific elements, causes, and effects more closely aligned with one subcategory of incarceration than another. The punitive aspect of the American practice of incarceration is most important in understanding incarceration as a mechanism for alienation, although there the difference between punitive incarceration and mass incarceration is merely a matter of emphasis.

Mass Incarceration: Colloquially, mass incarceration refers to a state or nation's high rate of incarceration. In the United States, there are almost 2 million people in state prisons, federal prisons, local jails, juvenile correctional facilities, immigration detention centers, indigenous country jails, military prisons, civil commitment centers, state psychiatric hospitals, and prisons

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[2] Shelby, *The Idea of Prison Abolition*.
[3] Shelby.
[4] Shelby.

in U.S. territories.[5] Although – restating the data – 0.60% of the population does not appear to be an unacceptably high number, this statistic reflects that for any American community, approximately six out of every 1,000 people have been sent out of their communities to prison. This proportion grows even more monstrous when discussed over lifetimes.

To put this into a global perspective, scholars have defined mass incarceration as a societal phenomenon where firstly, the rate of imprisonment and size of the prison population is higher than historical and comparative norms for that type of society.[6] The United States has the highest prison rates compared to all other recognized countries based on the data reported by world governments.[7] America's current prison population also exceeds domestic historical averages, causing our country to meet the first criteria for a phenomenon of mass incarceration.[8] Imprisonment is mass incarceration if it also systematically imprisons entire groups of people rather than imprisoning individuals on an individual basis.[9] In 2009, black non-Hispanic men in America were incarcerated at rates six times higher than white non-Hispanic men.[10] Similar racial disparities are found across demographic groups in prisons, including among incarcerated women and juveniles, and they persist into the current day.[11] America's high incarceration rate and disproportionate rate of incarceration of black Americans continue to grow higher and more unequal despite the U.S. having rates of crime similar to comparable industrialized democracies and violent crime among poor black men ages 15-18 dropping over 20% between 1980 and 2000.[12] Because mass incarceration permeates all levels of incarceration in the United States, mass incarceration affects instances of punitive incarceration. Over 1 million people are held in

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[5] Initiative and Wagner.
[6] Garland, *Mass Imprisonment*.
[7] "BBC NEWS | In Depth."
[8] "BBC NEWS | In Depth."
[9] Garland.
[10] Levad, *Redeeming a Prison Society*.
[11] Levad.
[12] Initiative and Wagner.

state prisons alone, facing punitive incarceration in an institution facing the phenomenon of mass incarceration. In Part 1, incarceration is reemphasised as mass incarceration to provide a more suitable discussion of the phenomenon of the jobless ghetto, as both more specific phenomena are inextricably linked to systemic racism. In Parts 2 and 3, mass incarceration is used to highlight the awareness all Americans have of our criminal justice system and the millions of lives incarceration affects.

Society: The majority of this paper will use the term society as synonymous with the American people, American citizens, and those living in the United States that impact the country politically. "Society" in general here can be understood as "a voluntary association of individuals for common ends."[13] Parts 2 and 3 will further explain how Rawls and Honneth respectively define society, adding details to this standard definition in order to draw conclusions regarding incarceration, however "society" used in these conclusions will generally remain synonymous with the dictionary definition.

[13] "Society." *Merriam-Webster.com.*

PART 1: The Economic Consequences of Incarceration

The American criminal justice system can only contribute to America's failure to be a well-ordered society if America is, in fact, not a well-ordered society. We must prove the latter before we can discuss the former. When writing on the nature of justice, Rawls argues that the idea of human beings as free and equal citizens coincides with the idea of a well-ordered society that is regulated primarily by a public conception of justice. He claims that a well-ordered society must have citizens that (1) accept that all citizens share the same political conception of justice, (2) have foundational political and social institutions that are publicly known to satisfy those principles of justice, and (3) have citizens that apply the publicly recognized principles of justice. It is impossible, at this time, to determine if all Americans share the same conception of justice; for purposes of this argument, we will assume that all Americans define justice as Rawls does. Moving to his second criterion, our topical institution of the American criminal justice system must be publicly known to satisfy Rawl's principle of justice.

The American public debates whether our criminal justice system satisfies the principles of justice. Let us assume, like Rawls, that citizens in a democratic society have at least an implicit understanding of liberty and equality.[14] The liberty to achieve the life one wants to live and equality – feeling that one's scheme of basic rights and liberties is equal to another's – are values expressed by citizens during dinner room debates over who to vote for and pointed political commentaries shared over the Internet. Political life bleeds into the everyday experience of Americans, and the widespread debate about mass incarceration can be found in media readily available to millions of Americans. The state of more than 7.3 million adults in the U.S. under supervision through either probation, jail, prison, or parole[15] may be a topic talked over by a

[14] Rawls, *Justice as Fairness*.
[15] Levad, *Redeeming a Prison Society*.

family without any previously incarcerated members, argued about between a mother with a hidden record and unknowing daughter, or muted because of a family's perception of the injustice of the criminal justice system. Across the country, not everyone agrees that prison as an institution is just, therefore failing Rawls' second criterion. Since now we can conclude that America is not a well-ordered society, we may engage the question of how the criminal justice system fails to publicly satisfy the principles of justice.

In this paper, the American criminal justice system includes its consequent phenomenon: mass incarceration, defined above. Rawls argues that principles of justice are twofold, and I argue that mass incarceration violates both of them. Firstly, a just institution must ensure that each person has the same indefeasible claim to a fully adequate scheme of basic liberties compatible with those of other persons.[16] Rights specified by a person's physical integrity include the ability to gain capital without systemic obstacles that reduce the person's ability to fulfill basic physical needs, including nutrition and shelter.[17] If we can prove that the criminal justice system fails to offer all citizens a compatible scheme of these rights by creating systemic obstacles, then we will have reason to believe that the criminal justice system violates Rawls' first principle of justice.

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I argue that the deindustrialization of cities established systemic obstacles for residents of jobless ghettos. These obstacles continuously result in their having rights to physical integrity that are incompatible with those of at least some of their suburban neighbors. The relationship between mass incarceration and aforementioned impoverished urban centers supports the claim that the criminal justice system violates Rawls' first principle of justice. Political philosophers

[16] Rawls, *Justice as Fairness*.
[17] Rawls.

William Julius Wilson and Loïc J.D. Wacquant argues that the deindustrialization of cities transformed institutional ghettos based on the segregation of black populations in cities into hyper or jobless ghettos.[18] Suburbanization that followed the switch from inner city economies based on factories to those based on finance, tourism, and other non-material entities resulted in fewer jobs for low-skilled men, lower wages, and depleted benefits as corporations gained bargaining power against unions and increased prices at local stores. As a result, it is harder for residents of jobless ghettos to gain enough capital for food, shelter, and investments in the future, such as education. Middle-class residents moved out of cities, leaving those who could not afford to move behind to face these systemic challenges.[19] Residents of jobless ghettos are inhibited from fulfilling their basic physical needs, and the jobless ghetto fails to offer them an adequately equal scheme of basic rights. As such, the deindustrialization of cities failed to satisfy Rawlsean justice, so now we must determine if the criminal justice system is responsible for this failure as well.

Scholarship on the matter faces a causality dilemma: whether jobless ghettos caused mass incarceration or mass incarceration caused the development of jobless ghettos. Jobless ghettos are often characterized as chaotic. Largely, social disorganization has increased in impoverished urban centers because of the economic hardships imposed on residents of jobless ghettos.[20] Residents have sparse personal resources to contribute to social and economic marketplaces, such as a lack of affordable education, limited social networks to access new resources, a restricted capacity of the community itself to provide goods for community members and less collective efficacy. While deindustrialization alone erected these obstacles, the criminal justice

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[18] Levad, *Redeeming a Prison Society*.
[19] Although race is not a central consideration in this paper, it is important to note that there is a disproportionate amount of people of African descent in first institutional and now jobless ghettos, and that people of color are, largely, those left behind in ghettos when other move to suburban areas. Levad.
[20] Levad.

system quickly began to establish conditions that exacerbated these challenges. Black and white men of the same demographic commit crimes at the same rate, despite a higher percentage of African American men being incarcerated than white men.[21] Levad argues that jobless ghettos, with a disproportionately high number of residents of African descent, enable crime to occur in public due to the higher number of dilapidated buildings than in other neighborhoods. A lack of privacy in the typically cramped communities of jobless ghettos makes it easier for police to arrest these residents.[22] The connection between a lack of private interior spaces and higher arrest rates in ghettos helps explain the striking racial disparities found in statistics regarding mass incarceration, as well as connect the phenomenon of deindustrialized cities and mass incarceration.

Furthermore, Wacquant argues that prisons began to incarcerate more people to contain and control those left behind after the elimination of institutional ghettos.[23] Mass incarceration controls residents of jobless ghettos by turning a disproportionate number of community members into ex-prisoners: a class that faces numerous forms of permanent exclusion. In prison, individuals largely lose their networks outside of prison that could help them find a job, and many jobs do not hire them as standard policy.[24] Ex-convicts face limited employment and educational opportunities, exacerbated poverty, and a loss of civil rights, such as a permanent inability to vote in 4 states after any criminal imprisonment; they also lose, on average, 40% of their lifetime incomes due to incarceration.[25] Immediately after release, previously incarcerated people cannot return as much economic activity or funding to their communities, because of their limited ability to create and maintain capital as a result of aforementioned data. They often

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[21] Levad.
[22] Levad.
[23] Roithmayr, “The Ghetto and the Prison - Jurisprudence.”
[24] Levad.
[25] Levad.

cannot vote to push for governmental assistance in developing their area to help eliminate systemic obstacles.[26] If an overwhelming number of residents of jobless ghettos are sent to prison, their community is left with less economic, social, and political power. Mass incarceration results in the proliferation of injustice against basic liberties in jobless ghettos, namely, the right to personal integrity, which violates Rawls' first principle. This connection does not solve the causality dilemma between which came first, an unjust criminal system, or an unjust deindustrialization of cities, but I argue that the dilemma is irrelevant to the claim that mass incarceration violates Rawls' first principle of justice. Although we cannot determine that mass incarceration first subjected residents of jobless ghettos to an inadequately equal scheme of basic liberties, it at least in part, for the aforementioned reasons, causes the inadequate scheme those residents face today.

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The term 'compatible' allows for various levels of interpretation. Some may argue that though the aforementioned systemic obstacles persist, systemic obstacles can be found in all communities to some degree, rendering the basic liberties offered to most suburbanites and most residents of jobless ghettos compatible. Regardless of the compatibility of schemes of basic liberties, we have shown that residents of jobless ghettos today face economic inequality because of systemic obstacles placed on their communities. Continuing to Rawls' second – and more groundbreaking – principle of justice, such social and economic inequalities must satisfy the conditions to be (1) attached to offices open to all under fair equality of opportunity and (2) to the greatest benefit of the least advantaged members of society.[27] To Rawls, the least advantaged in society lack at least one of the following primary goods: basic rights and liberties, freedom of

[26] Levad.
[27] Rawls, *Justice as Fairness.*

movement and free choice of occupation against a variety of options, power over official outcomes such as legislative decisions, the amount of wealth generally needed to achieve a wide range of social outcomes, or the social basis of self-respect.[28] As described, residents of jobless ghettos lack multiple of these necessary criteria and can be considered, in a Rawlsean sense, the least advantaged in society. I argue that residents of jobless ghettos do not benefit from their inequality, at least not by that caused by mass incarceration. Money spent on correctional institutions cannot be spent on other endeavors to improve communities, and, again, many previously incarcerated people cannot vote to change how economic surplus is distributed.[29] As such, the criminal justice system takes away opportunities for economic equality while funneling capital into itself rather than returning it to affected communities. Incarceration itself takes away capital from incarcerated and previously incarcerated citizens and marks them so that they cannot readily achieve economic prosperity. Because the criminal system does not create inequality that benefits the least advantaged, the criminal justice system fails Rawls' second principle of justice.

Rawls assumes that in a well-ordered society, all citizens' political conception of justice upholds two principles of justice, and the same has been assumed here. The criminal justice system, however, is not universally regarded as just, meaning that as an institution, it must fail to satisfy at least one of the principles of justice. I have shown that the phenomenon of mass incarceration specifically supports economic inequality between residents of jobless ghettos – who are the least advantaged in society due to their lack of freedom of movement and choice of occupation, among other criteria – and their suburban neighbors. Even if the deindustrialization of cities first caused these deficiencies faced by the least-advantaged, mass incarceration

[28] Rawls.
[29] Levad, *Redeeming a Prison Society*.

continues to limit job opportunities for residents of jobless ghettos by imprisoning large numbers of their community, which effectively strips them of many resources needed to obtain a job suitable to ensure their rights based on their physical integrity. The criminal justice system as such in no way benefits these least advantaged citizens and renders unjust the inequality residents of jobless ghettos face. Because of its role in perpetuating inequality and restricting returns to the least advantaged, the criminal justice system fails Rawlsian justice in material, economic, or physical considerations. This is not to mention the psychological implications of Rawlsean justice that will be considered next.

PART 2: The Psychological Implications of Rawls

At this stage, I admit: that the discrepancy between the public's political conception of justice and the criminal justice system's perceived failure to satisfy that conception can be remedied either through (A) the prison system combatting the phenomenon of mass incarceration – or at least halting their financial support of it, based on what was outlined in Part 1 – or (B) citizens coming to a consensus that mass incarceration is just, therefore replacing Rawls' principles of justice with another scheme of justice. I argue for Rawls' conception of justice and therefore suggest (A) because of the psychological implications of his description of society as a fair system of cooperation and his list of primary goods. In stating the purpose of his political theory, Rawls explains the connection between politics and mental wellness in the following quotation:

> "We try to show that the well-ordered society of justice as fairness is indeed possible according to our nature and those requirements. This endeavor belongs to political philosophy as reconciliation; for seeing that the conditions of a social world at least allow for that possibility [to affect] our view of the world itself and our attitude toward it."[30]

According to Rawls, basic liberties must include rights specified by the liberty and integrity of a person both physically and psychologically. As such, a well-ordered society is not merely physically or structurally well-ordered, but it is experienced as well-ordered by those engaging with and in it. I agree that politics and psychology, to be used interchangeably with mental wellness, are inextricably linked. This begs the question: Do institutions that fail to justify Rawlsean justice in a material sense also fail to create a well-ordered society in a psychological sense? To answer this question, we must expand on the psychological implications of the Rawlsean theory and discuss the impacts of political philosophy on society in terms of society's worldview or attitude.

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[30] Rawls.

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In *Justice as Fairness*, Rawls begins by painting a picture of society. He argues that societies are created to channel the same accepted system of social cooperation over generations. To Rawls, social cooperation is more than coordinated activities, such as orders issued by an absolute central authority or Social Security protocols. To organize social cooperation in a democratic state, public rules and procedures that regulate social conduct guide socialization and political participation.[31] These rules should include fair terms that each citizen reasonably expects as long as everyone else expects them, and everyone assumes their fellow citizens expect the same terms. Here follows an idea of reciprocity in society. All members must do their part in recognizing the rules because recognizing the rules benefits a specified public standard.[32] Restated, when following social rules, citizens help create an imagined citizen that, although not based on any individual, is reminiscent of all citizens as the embodiment of what characteristics all citizens share. Finally, according to Rawls, social cooperation necessitates that each participant gains a rational advantage from participation in society. Citizens want to advance from something, and, in a democratic system of social cooperation, public participation must facilitate that movement. Additionally, Rawls claims that a social basis of self-respect in society and each individual's ability to develop their sense of self-respect is a primary good and must be possible for all citizens to achieve if we are to call that society a well-ordered society. Therefore, the standard conception of the average citizen must be a citizen who benefits from society and has a sense of self-respect. Those two criteria are markedly similar to Rawls' principles of justice, emphasizing the connection between his political philosophy and psychological commentaries.

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[31] Rawls.
[32] Rawls.

If all citizens seek an economically rational advantage in exchange for being a part of society, then Part 1 has explained why the American criminal justice system fails to provide all citizens an equal opportunity to achieve this goal. Again, mass incarceration as an aspect of the criminal system perpetuates systemic obstacles for residents of jobless ghettos, understood by Rawlsean terms to be the least advantaged in society, and the inequality these obstacles create reinforce prisons themselves rather than benefit residents of jobless ghettos. It is important to note that Part 1 has only outlined material, economic, or physical consequences Americans face at the hands of punitive incarceration; now, we will begin a critique and revision of Rawls' seemingly unfinished discussion of the metaphysical consequences of injustice. Part 1 and Rawls' emphasis on economic inequality fail to consider citizens who seek a psychological rational advantage from society. Think of a person from an upper-middle-class background who is certain they will inherit more than enough money to survive and are well-sustained with their familial allowance; what rational advantage does that person gain from society? Why would they bother to create more wealth rather than be satiated living off of what they inherit? Perhaps that person decides to go to work as a matter of self-respect. They would feel negatively towards themselves if they were physically sustained without having done any work, so they go to work. Scholars have debated whether or not economic redistribution as called for by Rawls can achieve the abstract goal of developing self-respect for all citizens. The debate will be summarized alongside an expansion of Rawls' strongest psychological criteria in *Justice as Fairness*: self-respect as a primary good. I argue that Rawls' conception of self-respect is expanded upon by Axel Honneth's philosophy of social reciprocity. Honneth's definition of justice uncovers and supplements Rawls' vague socio-psychological criteria for justice.

Seldom do we think about the age of the Vikings, Ghengis Khan's conquest, or the absolute rule of King Louis XVI as just, and many argue that that is for a sound reason. These historical periods are not marked by public participation or equality, and discussions of justice were limited, if discussed at all. For political philosophers such as John Rawls, justice is an expression of the age of social democracy.[33] Justice can only be meaningfully discussed closer to our current condition, not in debating the splendor and plunders of ancient times. When a social democracy arises, it embodies or attempts to embody a democratically decided conception of justice, and those principles of justice ought to be agreed on by citizens and subsequently promoted by institutions, such as the criminal justice system discussed here.[34] More broadly, justice is a reflection of the society that defines justice and that acts according to its agreed-upon principles.

For Honneth, on the other hand, justice is less ambiguous and more pervasive than an expression of a political system. Justice is the political effect of avoiding humiliation or disrespect.[35] People experience justice, not merely cry out for it. To Honneth, citizens experience justice when they do not feel humiliated or disrespected by others. An expression of society, however, would necessarily include manifestations of political effects. The aforementioned others are not just neighbors one engages with personally but include the standard conception of the average citizen, political institutions including the criminal justice system, and society in general based on definitions of society used by the government and media. Therefore, Rawls' definition of justice can and henceforth will include Honneth's definition of justice as an additional criterion or perhaps an implied third criterion of justice.

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[33] Rawls.
[34] Rawls.
[35] Honneth, "Recognition and Justice."

Both Honneth's and Rawls' definitions of society, however, involve separate, but not necessarily contrary, ethical assumptions. Ernst Bloch argued that social utopias such as Rawls' well-ordered society aim to bring about happiness by eliminating distress.[36] Happiness here is a general term likened to his first criteria for a well-ordered society: again, that all citizens share the same political conception of justice.[37] The shared political conception of justice ensures that citizens are happy because their scheme of basic liberties is compatible with that of others, moving to his first principle of justice. Happiness comes from knowing that any persistent inequality is just, therefore ensuring compatible schemes and an overall sense of camaraderie. Comparatively, natural law, assumed in Honneth's definition of justice, aims to bring about dignity, human rights, and judicial guarantees for citizen's safety and security.[38] Rather than define happiness as knowing all citizens are similarly well- or worse-off than oneself, Honneth describes happiness with concrete criteria. A citizen cannot be happy if they do not have dignity, human rights, or guaranteed safety, even if others also lack those criteria. If we are to view Honneth's definition of justice as a continuation of Rawls', then the aim of justice must be singular. Happiness is a difficult concept to define, however, we can assume that dignity, human rights, and guarantees of safety and security increase happiness. Similarly, happiness will hereon be synonymous with mental wellness, a less nuanced term that more simply means a stable mindset individuals are content with having. While the ultimate goal of Rawls' well-ordered society is mental wellness, Honeth's criteria of dignity, human rights, and aforementioned guarantees will be considered necessary components of that wellness.

Returning to the standard conception of the average citizen, I argue that the psycho-philosophical theory of normative recognition justifies the standard mentioned by Rawls.

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[36] Honneth.
[37] Rawls.
[38] Honneth.

According to Honneth who advanced such a theory, individuals expect that society will recognize individuals' abilities, regardless of how seemingly minimal these abilities might be.[39] Even individuals with poor skills, no talent, and no drive to improve themselves largely learn how to be a member of society from the reactions they get from others; if they experience no negative reaction when others recognize or note their lack of abilities, then they have no reason to change their ways and can expect that the average citizen will not protest their behavior. Individuals imagine themselves as both a full member of their social community and as a particular member.[40] We are ourselves both when we act in public and in private, and for the mentally well, our public persona and our private personality are both considered authentic, necessary parts of who we are in our imagination. Each person with an individual personality has specific abilities and specific needs that must be managed.[41] People become assured of their methods of management through patterns of approving reactions from generalized interaction partners.[42] Defined, generalized interaction partners are largely un-specific categories of types of people an individual habitually interacts with, such as "teachers," "police officers," or "classmates." Pushing the term further, one can become confident they are meeting their needs in a socially acceptable way by reviewing how all of these categories generally respond to the same behavior. For example, a person can learn that their intelligence is valued through a friend happily accepting help with homework, watching movies where a quick suggestion during a crisis saves the day, and reading biographies of doctors who have created disease-curing medication after years of higher education and residency. There is a pattern for how people, in general, react to intelligence, and this pattern is recognized by summarizing the different

[39] Honneth, "Recognition and Justice."
[40] Honneth.
[41] Honneth.
[42] Honneth.

situations in which different categories of people tend to react. The patterns are normative because they are reflected in the socially-expected attitudes of socialized subjects.[43] Honneth agrees with Rawls that social cooperation must be based on mutual expectations between members of society, such as the expectation that others, regardless of the category of person, will react positively to expressions of intelligence or honor the same conception of justice. The standard conception of the average citizen, then, must embody the normative principles of recognition in their society. Honneth emphasizes that justice as such is not merely redistributing economic opportunities; justice is measured according to society's ability to secure conditions of social reciprocity and mutual recognition so that personal identity formation can sufficiently proceed. For example, a just society would ensure that all citizens in general react positively to intelligence.

A just society, then, would provide all citizens the ability to be judged by others in the same way others are judged by society to the effect of each citizen developing a strong sense of personal identity. Expanding upon the concept of personal identity as a necessary criterion for justice, we will now discuss Rawls' inclusion of self-respect as a primary good. In a well-ordered society, reciprocity must be between members who each and all have a sense of self-respect.[44] Honneth describes Rawls' list of primary goods as his ethical assumptions about justice; the primary goods are necessary for giving all citizens an equal or unequal yet just chance of realizing their personality and forming a sense of self-respect, which itself is also a primary good.[45] According to Honneth, just participation in public life necessitates both the elimination of unjust economic inequality, as Rawls argues, and the elimination of cultural humiliation. He defines cultural humiliation as a sense of shame in one's personality caused by the perception

[43] Honneth.
[44] Rawls.
[45] Honneth.

that a larger society rejects personality aspects accepted in smaller social groups.[46] Let us return to our example of the person with no drive to improve themselves; they may have learned how to identify as such a person from their immediate family, but they may experience cultural humiliation when they express themselves as such in public. Bullying in school, for example, allows them to realize that others do not accept their lack of ability.

Returning again to Rawls' standard conception of an average citizen, if the standard conception is overly narrow or if it subverts relevant citizens' political conception of justice, cultural humiliation is not eliminated and participation in public life is reduced because of feelings of shame causing the person to at least partially isolate themselves from the public.[47] Honneth argues that appropriate socialization is necessary for developing the strength of ego, or self-respect, concerning personal achievements that must be socially recognized to be personally recognized. An exclusive standard conception of an average citizen cannot offer citizens the shameless socialization required to provide equal or unequally just opportunities to develop a sense of self-respect in society. Such a standard would subvert Rawls' interpretation of justice by limiting access to a primary good. It would also subvert Honneth's interpretation of justice: citizens are entitled to the same degree of opportunity to participate fully in social life and to successfully form a sense of self.[48]

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Ultimately, Rawls' inclusion of self-respect as a primary good underlies all psychological elements of his political theory of justice. The idea of a standard conception of an average citizen connects Rawls' and Honneth's descriptions of justice; both of them provide implications for the suitable range of character development necessary for a just, well-ordered society. The next step

[46] Honneth.
[47] Honneth.
[48] Honneth.

in this project, then, is to employ the philosophy of recognition and analyze the criminal justice system as an obstacle in the formation of a well-ordered society. Part 1 focused on punitive incarceration as a necessary element of mass incarceration. The discussion will now focus on the negative outcomes of the particular phenomenon of punitive incarceration on the mental well-being of both individual members of society and society as a whole. If punitive incarceration obstructs the successful and relatively equal formation of self-respect among citizens, then it violates Rawls' second principle of justice. I argue that punitive incarceration causes affective alienation in public life, limiting the formation of self-respect for some citizens as well as the mutual respect of recognition between members of society. Effectively then, the criminal justice system fails to provide the psychological justice necessary for a well-ordered society according to Rawlsean principles.

PART 3: Punitive Incarceration as a Mechanism of Alienation

Our next step is to show that punitive incarceration is a mechanism of alienation and that alienation violates at least one of Rawls' principles of justice. We will focus on his second principle that to be just, inequality must be to the greatest benefit of the least advantaged. Doing so would render punitive incarceration, a part of the criminal justice system, an obstacle to America becoming a well-ordered society. To show this, we will track different situations caused by the American prison system, particularly because of its practice of punitive incarceration, which results in feelings of alienation. Alienation is most broadly defined as the separation of a subject and its object when the subject should not be separated from the object.[49] For our purposes, the subjects are American citizens and the objects are their sense of community. Because of aforementioned explanation of the psycho-philosophical theory of recognition developed by Honneth and necessary for understanding Rawls' standard conception of the average citizen, I argue that all American citizens – no matter how far removed from the criminal justice system – will experience alienation from their fellow citizens because of the criminal justice system. First, we must prove that all American citizens can face a singular type of alienation: that caused by punitive incarceration.

At the outset, alienation is a phenomenon that affects people on an individual basis.[50] George Wilhelm Friedrich Hegel, one of the earliest writers on alienation, argues that individuals fall into cycles of alienation throughout their lives spontaneously and unconsciously. The phenomenon of alienation as a natural pattern of human life is unavoidable, and therefore it must be clearly defined for individuals, and consequently society, to respond to it effectively and justly.[51] For Hegel, the moment an individual participates in a community, they enter into cycles

[49] Leopold, "Alienation."
[50] Stillman, *Hegel's Philosophy of Spirit*.
[51] Stillman.

of alienation perpetuated by that society. As something natural and inevitable, alienation cannot simply be overcome; however, there is no reason to believe that alienation caused by particular institutions cannot be overcome in themselves. I am not arguing that a well-ordered society cannot have some degree of natural alienation. Instead, I am discussing institutionally-created alienation: alienation that arises from the particular actions of an institution, not from the general actions of individual social members. I argue that institutions that themselves generate a specific, non-natural form of alienation violate Rawls' second criteria for a well-ordered society: that institutions satisfy publicly known conceptions of justice, which again, in this paper, are synonymous with Rawls' principles of justice. If we can prove that punitive incarceration generates additional alienation, then we will show that punitive incarceration has a negative effect that can undermine the individual self-respect of the incarcerated *and* the general, mutual recognition needed for all citizens to have an equal or unequally just level of self-respect. This negative dynamic prevents America from becoming a Rawlsean well-ordered society. It is important to note, however, that the extent to which a person *feels* alienated varies, necessitating that we track different situations in which feelings of alienation arise directly from America's practice of punitive incarceration. This is important because my central argument about the relation of *feeling* to *being* alienated is that some individuals feel alienated due to circumstances created by the criminal justice system but that all individuals are alienated, whether they realize they are or not, because of those unnatural circumstances.

Alienation can be categorized as either objective alienation or subjective alienation.[52] Objective alienation does not refer to the feelings, experiences, or thoughts of the subjects. All American citizens *are* or *can be*, alienated if their separation from society prevents them from developing their essential human characteristics, in this case, their sense of self-respect. This

[52] Leopold.

means that even those most unaffected directly by incarceration, such as those who have not been incarcerated or those who have no known incarcerated or previously incarcerated members of their family, neighborhood, or immediate communities, still suffer from this alienation. Though they might not *feel* it and usually would never connect this alienation to the incarceration of those whom they know little to nothing about, alienation created by the criminal system affects their social lives in ways unperceivable to them themselves. In other words, even the non-incarcerated face a minimum level of psychological alienation because of their mere existence in a society that supports a system of punitive incarceration causing objective alienation.

The category of subjective alienation, on the other hand, is characterized by how subjects experience their separation from society.[53] A person would face more subjective alienation because of the criminal justice system if they had personal experiences with punitive incarceration themselves or in their close relations. Many Americans consider incarcerated and previously incarcerated people as permanently excluded from society, even after release from prison or parole.[54] For example, a person with an incarcerated father who lives in an impoverished urban center that has extremely limited legal job opportunities would perceive more alienation and *feel* more separated from their suburban neighbors or society at large[55] than someone only experiencing objective alienation. The child of a convict would feel othered or stigmatized by his connection to an excluded and rejected group. Subjective alienation as such is connected to cultural humiliation outlined by Honneth.[56] By excluding the incarcerated and previously incarcerated from the standard conception of the average citizen, citizens more

[53] Leopold.
[54] Levad, *Redeeming a Prison Society*.
[55] Levad.
[56] Honneth.

closely attached to excluded members would feel shame that could reduce their participation in public life.[57] They may decide not to vote, for example, as an expression of solidarity with their parents barred from voting due to their incarceration and as an expression of perceived isolation from the rest of their community who take voting for granted. I am more interested, however, in the objective alienation between American citizens and their society than the experience of subjective alienation. Rawls' theory of justice does not account for individual differences besides socioeconomic status,[58] but citizens of all economic backgrounds can become incarcerated. Investigating instances of subjective alienation, however, helps illuminate the ways punitive incarceration can itself be a mechanism for alienation.

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To analyze punitive incarceration as a mechanism for objective alienation, we will examine the psychological implications of living in a society in which punitive incarceration exists for someone who has no direct or acknowledged relationship with the criminal justice system. Again, we assume that American citizens have at least an internally subjective understanding of liberty, but now let us also assume that they are aware that prisons exist. I knew that prisons existed even before my brother was incarcerated; my Kindergarten class went on a field trip to the police station with prison cells. With this reality, most American citizens understand prison as a worst-case scenario: a warning against bad behavior that introduces citizens to the reality that their actions have social consequences. Rawls explains that although there is no escape from the fear of death, society exists as a way for individuals to escape from the fear of losing their material goods and freedom.[59] In the hypothetical state of nature,

[57] Honneth.
[58] Although, I suggest that a further analysis of the consequences of subjective alienation at the hands of punitive incarceration – especially for those who are incarcerated and previously incarcerated – be conducted in order to further illuminate the connection between economic justice and psychological justice.
[59] Rawls.

everything we materially have is at risk constantly from danger, jealousy of others, the environment, and general unpredictability. In society, on the other hand, we have laws and regulations that lower the risk we have of losing our material goods in exchange for giving up our complete, untethered freedom to cause harm to others. The American prison system punishes those whom society has judged to have committed harm to others, ie: crimes, and society through our criminal justice system delivers consequences to those who commit crimes.

According to Rawls, justice requires that the least well-off in society benefit from inequalities.[60] Then, punitive incarceration is only just if aforementioned punishment inevitably benefits those most directly affiliated with the prison system. Incarceration, however, presents a condition in which we can lose our already limited freedom and our material goods. Upon admission to prison, incarcerated people are issued clothes, hygiene items, and bedding; items from before the person was incarcerated are considered contraband, seized, and discarded. Even items sent to the incarcerated person or purchased from the prison commissary can be considered unauthorized and similarly discarded.[61] The incarcerated person's material goods are thus either taken from them or left to be maintained and managed by non-incarcerated family or friends, who might neglect, sell, or discard these belongings. If outside actors do protect the goods of the incarcerated person, the incarcerated person still loses their possessions while incarcerated, as they are completely unable to access them themselves. Part 1 outlined many of the losses of freedom incarcerated individuals face and some freedoms, such as the right to vote, may never be returned once the person reenters society. Issuing clothing strips the person of their ability to dress as an individual; they are grouped as a punished class that has lost the right to express themselves through dressing, as one example. The loss of freedom and material possessions

[60] Rawls.
[61] Federal Bureau of Prisons, "BOP: Entering Prison."

leaves incarcerated individuals with a situation of being worse off than they would be in a state of nature without society.

Next, we will analyze the psychological repercussions of this worst-case scenario to see if it diminishes the foundation for building self-respect for those least affected by incarceration. If it does, then punitive incarceration, a marker of the American criminal justice system, fails Rawlsian principles of justice psychologically. The fear of the worst-case scenario can permeate the minds of all American citizens because of instances of wrongful accusations, changes of heart, and false confessions. An estimated 4-6% of incarcerated people are innocent, meaning that around 1 in 20 criminal cases result in a wrongful conviction.[62] A person could be unjustly imprisoned for their entire life. Although socioeconomic and demographic considerations, such as race or quality of lawyer,[63] can make a person more or less likely to be wrongfully convicted, effective journalism has made many Americans aware of groundbreaking cases in which a person was freed years after their unlawful imprisonment. Anyone can face the worst-case scenario unjustly, and most Americans know that, or at least should know it, given the easily accessible evidence in the popular media. The criminal justice system exacerbates anxiety stemming from the possibility of punishing the innocent due to instances of false confessions. False confessions happen when innocent suspects admit to crimes they did not commit for various reasons.[64] One of the most famous examples of a false confession occurred in the homicide case of Krystal Tobias (nine years old) and Laura Hobbs (eight years old). Almost immediately after the brutal murders of Hobbs and Tobias, Hobbs' father was interrogated by police for over 48 hours; confused, exhausted, and grieving, he admitted to the murders and

[62] "Beneath the Statistics: The Structural and Systemic Causes of Our Wrongful Conviction Problem – Georgia Innocence Project."
[63] Gross et al., "Race and Wrongful Convictions in the United States 2022."
[64] False Confessions Inc., "False Confessions Happen."

spent five years in prison before new DNA evidence exonerated him.[65] Harsh interrogation tactics and the prison environment increase the likelihood of the worst-case scenario occurring to innocent people by their own omission. This shows that the structure of the criminal justice system, whose primary goal is punishment, contributes to instances where legal justice fails to secure an average, law-abiding citizen their material goods and social freedom. Furthermore, there are instances where incarcerated people genuinely change their heart, but, due to mandatory minimums or a biased parole board, for example, they are not offered shorter sentences or parole. Punitive incarceration as such represents a practice in which the innocent can be punished by having their socially-agreed-upon position temporarily or permanently undermined.

To review, the criminal justice system's practice of punitive incarceration establishes, makes known to the public, and contributes to the worst-case scenario of society: being wrongfully imprisoned because of a crime. As such, punitive incarceration tends to produce profound distrust between members of society with each other and with their government: effectively, objective alienation. Before describing how punitive incarceration causes objective alienation in American society, we must first, as a final consideration, connect individually experienced alienation to the state. According to Friedrich Schiller, the state remains eternally alien to its citizens if the state does not act to remedy psychological alienation. If the state does not care for human feelings, then people are alienated from the state, based on the reasonable assumption that individuals do not care for that which does not care for them.[66] The state is manifest here as one distributor of goods to society and as that institution largely responsible for allocating goods. According to Rawls, with this definition of the state, lawyers, legislators,

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[65] Ann Wolbert Burgess, *A Killer by Design*.
[66] Schiller and Snell, *On the Aesthetic Education of Man*.

policymakers, government officials, prison staff, and other governmental contributors to prisons must distribute a sense of self-respect as a primary good to American citizens in order for America to be a well-ordered society.[67] The state promotes punitive incarceration by upholding and enforcing laws that cause a very large portion of citizens to end up in facilities to punish them as a form of retribution for their crimes, not as a way to heal the self-respect of the criminal and to heal the loss of self-respect for those who are victims of crime; doing so consequently diminishes the social fabric of mutual recognition and respect. From Supreme Court decisions to laws made by elected legislatures, the legal system is a set of institutions and practices upheld by the state.[68] By voting directly or for representatives, every American participates in perpetuating our system of punitive incarceration; this calls into question how much any individual citizen can trust their fellow citizens, which is certainly a sign of societal alienation as a whole unit.

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Compounded by the reality of false accusations, anyone in America can send another American to prison for the rest of their life, especially if the accuser is rich or socially and politically powerful. Let us return to the phenomenon of the jobless ghetto, the feeding tube of mass incarceration in the United States, and once more discuss subjective alienation: how do residents of jobless ghettos and incarcerated people feel alienated from society? Again, subjective alienation will illuminate the causal connection between the criminal justice system and alienation to claim that the criminal justice system is a mechanism for alienation. Prison abolitionists argue that ghettos are more similar to minimum security prisons than other, more affluent neighborhoods.[69] In particular, the mistreatment of black communities in ghettos and often prisons is strikingly similar to some practices of enslavement. Abolitionists liken the

[67] Rawls.
[68] Legal Information Institute, “Legal Systems.”
[69] Davis, Angela Y. *Abolition Democracy: Beyond Empire, Prisons, and Torture*.

grounds on which an imprisoned person may justly defy their imprisonment to the political grounds that justify the defiance of fugitive slaves.[70] When discussing the evolution of human enslavement into mass incarceration targeted at predominantly Black jobless ghettos, Tommie Shelby explains: "The tyrannical practice was justified on the grounds that black people are an inferior race and are incapable of rational autonomy, and therefore are owed no better treatment than permanent paternalistic subjugation."[71]

Thoroughly interconnected, residents of jobless ghettos and those incarcerated both face a disrespect to their basic rights as necessitated by their physical integrity, including, for example, disrespect against their right to gain capital. Honneth defines this type of disrespect as such:

> "Those forms of practical maltreatment in which a person is forcibly deprived of any opportunity to dispose freely over his own body represent the most fundamental type of personal degradation. This is the case because every attempt to seize control of a person's body against his will, irrespective of the intention involved, causes a degree of humiliation, which, by comparison to other forms of disrespect, has a more profoundly destructive impact on an individual's practical relationship to self."[72]

I argue that disrespect as such can reduce a person's trust in the world. The resident of the jobless ghetto may feel humiliated that they cannot obtain the education required to achieve a high-skilled job, one of the only jobs available in their area, and, as discussed, their inability is caused by systemic obstacles that are in-part created by the criminal justice system and that limit their ability to seek a low-skilled job instead. Disrespected, the person is left feeling alienated from other citizens, with whom they compete for a limited number of low-skilled jobs, and their government, which uses capital gained from the criminal justice system to merely reinforce the system rather than return benefits to the ghetto. This alienation cripples fundamental forms of a

[70] Shelby, "Army of the Wronged."
[71] Shelby.
[72] Honneth, "Integrity and Disrespect." 190.

person's practical relationship to their self-confidence; systemic obstacles tell them that they are not worthy of freely pursuing job opportunities.

Diminishing a person's self-confidence has detrimental consequences to the development of self-respect. Self-confidence is the underlying layer of emotion related to security in expressing one's needs and feelings.[73] According to Honneth, this layer forms the prerequisite for the development of all further psychological attitudes of self-respect, making disrespect to a person's physical integrity caused by the system of punitive incarceration one of the most fundamental types of personal degradation. Another degradation to a person's self-respect outlined by Honneth is a person's normative understanding of self; this is a personal disrespect where a person is excluded from certain social rights. It implies that the disrespected person is deemed incapable of living according to the same degree of morality as other members of society.[74] Belief that people of African descent are not fully human, with the same mental capacities as white people of European descent, according to Shelby, contributed to the development of racist ideologies eventually leading to enslavement and later evolving into jobless ghettos and the phenomenon of mass incarceration.[75] The denial of rights for residents of jobless ghettos and previously incarcerated or incarcerated people and the social ostracism that follows them signifies a violation of the person's expectation that they will be recognized as an equal moral subject.[76] As such, individuals lose their sense of self-respect and their ability to relate to themselves as equal partners with other individuals.

Levad and Davis both describe the consequences of this ostracization: residents of jobless ghettos lose faith in their suburban neighbors[77] and their government.[78] As such, ghettos are

[73] Honneth, "Integrity and Disrespect."
[74] Honneth.
[75] Shelby.
[76] Honneth.
[77] Levad, *Redeeming a Prison Society*.
[78] Davis, *Angela Davis*.

longstanding symbols of the degradation of marginalized populations and represent the internal colonization of dispossessed people, predominantly those of African descent, but not exclusively; the problem is wider than just one disrespected social grouping.[79] Levad also explains the repercussions of the subjective alienation of these groups on less affected populations. The larger the ghetto area, the more suburban residents and people outside will complain about the crime problem inside it and caused by it, inspired by longstanding racial, ethnic, and class stereotypes. For those outside jobless ghettos, everyone inside a jobless ghetto is a potential criminal and therefore unworthy of trust and respect. These communities—most broadly, (1) those either from a jobless ghetto or directly impacted by the criminal justice system and (2) those neither from a jobless ghetto nor directly impacted by criminal justice—are unable to trust each other. Both those closely connected to the criminal justice system and those far removed from it become alienated from each other. Here, subjective alienation carries with it the consequence of objective alienation, which will be discussed below.

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As it stands, we have established why those most directly affected by punitive incarceration and those least affected by punitive incarceration are alienated from each other. Finally, let us explore how the degradation of the most affected leads to degradation that affects all individuals and alienates them from all others objectively. Disrespect towards residents of jobless ghettos and those closely connected to or who are previously incarcerated or incarcerated entails negative consequences for the social value of individuals.[80] This disrespect denigrates individuals and communities by reducing some members of society to a lower status of person than others. The status of a person signifies the degree of social acceptance a person has

[79] Shelby, “Army of the Wronged.”
[80] Honneth, “Integrity and Disrespect.”

available to them for a person's self-realization within the cultural traditions of society.[81] By creating a worst-case scenario and alienation between groups due to the stigmatization of the prisoner, punitive incarceration builds a cultural tradition of distrust. Proximity to incarceration, perceived by many suburbanites to include proximity to the jobless ghetto, is thus considered an inferior or deficient type of living.

Americans approach each other with hesitation for two reasons introduced by the practice of punitive incarceration. First, they judge whether the other person falls too close to the worst-case scenario of punishment in prison and social death to be trusted.[82] If a judgment is positive or uncertain, that person may be socially ostracized for the mere reality of their living situation or existence. If people form their sense of self and self-respect through recognition by others, this proximity suggests that they take on criminal or morally inferior qualities. People do not want to fall into crime, and they generally believe that they are better off steering clear of individuals who might have been led astray by their environment. Secondly, individuals must choose which aspects of themselves to reveal to another person to subvert the worst-case scenario: a person falsely accusing them and sending them to prison to enjoy a loss of material goods, freedom, security, and respect. In proper normative recognition, as described in Part 2, individuals grasp themselves as both full and particular members of society through social reassurance of their specific abilities and needs of their personality. Doing so is necessarily dependent on the context of social forms of interaction. If, because of the worst-case scenario created by the criminal justice system, social forms are marked by distrustfulness, then individuals may never develop a sense of self that assures them of their status as a full member of society. Individuals have no certainty that others are accepting them as full members or as

[81] Honneth.
[82] Honneth.

undesirables to be avoided. Punitive incarceration, as at least one source of this distrustful context of social forms, thus causes objective alienation. In turn, objective alienation fails to provide the bare minimum foundation for building self-respect that Rawls outlines as a primary good. Both economically (Part 1) and psychologically, the criminal justice system contributes to America's failure to be a well-ordered society.

CONCLUSION

In this paper, I examine if America can be defined as a well-ordered society according to Rawlsean terms. I focus on the second criteria for such a society: that America has political and social institutions that publically satisfy principles of distributive justice. Specifically, does the American criminal justice system ensure (1) that each person has a scheme of basic liberties that is fully adequate and compatible with those of other citizens and (2) that inequalities stemming from the criminal justice system are attached to equality of opportunities and are to the greatest benefit of the least advantaged? I found that the criminal justice system, particularly its practice of punitive incarceration, promotes economic inequality and unsuitable conditions for forming self-respect.

I began analyzing the consequences of incarceration specifically, with the example of the jobless ghetto. Residents of these impoverished urban centers are the most directly impacted by our criminal justice system either through their own incarceration in light of a lack of privacy or the incarceration of other members of their community. When compared to suburbanites, residents of jobless ghettos were not found to have compatible schemes of basic liberties primarily because of their lack of opportunity due to the impact of mass incarceration and the loss of political rights and capital following incarceration. The economic inequality resulting from incarceration does not benefit residents of jobless ghettos, who, due to aforementioned limitations to their basic liberties, can be categorized as the least advantaged in American society. Money spent on incarceration returns to increase the capacity of prisons rather than refurbished dilapidated communities. Additionally, there is no way for residents of jobless ghettos to make up the capital lost either directly or indirectly because of incarceration, including the loss of job opportunities upon reentry. Punitive incarceration in the U.S. does not provide all

Americans with compatible schemes of basic liberties and does not allow the least-advantaged to benefit from economic inequalities, supporting that the criminal justice system today bars America from becoming a well-ordered society.

As shown in Part 1, Rawls' theory of justice was focused on tangible social and economic inequalities. Scholars Levad and Shelby describe the financial consequences of incarceration, but they do not address psychological inequalities that incarceration may produce. Rawls briefly mentions that self-respect is a primary good ensured by his first principle, making a deeper analysis into the psychological consequences of incarceration appropriate. Honneth first expanded Rawls into a more psychological dimension, including the philosophy of recognition as a crucial part of distributive justice. In order to properly develop a suitable foundation for self-respect, citizens must be surrounded by truthful, honest others that either condone or reject their behaviors. This allows them to discover who they are and gain a sense of confidence, followed by self-respect. Thus, if incarceration creates circumstances in which individuals cannot properly be recognized by other citizens, they cannot form the basis of self-respect necessitated by Rawls for all members of a well-ordered society as a primary good.

In Part 3, I discussed the psychological implications of incarceration. My main finding was that it creates a worst-case scenario that citizens can fall into. According to Rawls and supported by Honneth, society was developed to free humans from natural circumstances in which we enjoy total freedom but no security and offer them limited freedoms but security. Incarceration, however, results in a person losing total freedom and security over their belongings and future opportunities, necessitating that it be avoided at all costs. Most Americans are aware of cases in which someone is falsely accused and incarcerated or offers a false confession, putting everyone at risk for facing the worst-case scenario. From this risk comes fear

and distrustfulness between others. We hide parts of ourselves in order to ensure we are not getting ourselves involved with crime or suspect individuals. Effectively then, incarceration creates its own sense of objective alienation that separates all Americans from each other. Objective alienation is a state, not a feeling, explaining why some individuals may not think twice about incarceration yet still find themselves uncomfortable talking to someone who was previously incarcerated.

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My research expands the discussion of the consequences of incarceration on our nation. I argue that it economically, at least, prevents America from becoming a well-ordered society and that it fails Rawlsian justice in a psychological sense as well. I urge readers to contemplate the effect incarceration has on them, no matter how far removed they are from the prison system. In addition to putting unjust systemic obstacles in front of the least-advantaged in society, incarceration harms all Americans' foundation for forming self-respect through recognition. In order to turn America into a well-ordered society, punitive incarceration must either be eliminated or adapted to benefit the least-advantaged in order for all Americans to abandon their fear of the worst-case scenario. Eliminating a source of objective alienation would improve social cohesion and uplift the confidence of citizens.

Regrettably, I have not determined if the economic and psychological injustices caused by incarceration are independent. Perhaps improving the economic consequences of incarceration would eliminate the subsequent psychological obstacles the criminal justice system creates. I suggest further research into the connection between the two phenomena I discussed. Additionally, Part 3 of my thesis remains largely hypothetical, as I have not accumulated data on a sample of population. I propose a survey that asks individuals from a variety of backgrounds

and connections to the criminal justice system questions about their views on punitive incarceration, how they behave with those involved with the system, and how they approach meeting new people who may or may not be previously incarcerated. Taking a data-based approach would confirm or deny the psychological implications of incarceration I found in this paper.

Finally, let us return to the first problem solved by this paper: is America a well-ordered society? Assumptions aside, to accomplish this goal, Americans must come to a consensus on what is meant by political justice and all choose to apply publicly recognized principles of justice in their daily lives. Meditating on one's position in a country that incarcerates an increasing number of individuals is imperative to fostering discussions on justice which would bring America one step closer to a well-ordered society.

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