

# (Re)Imagining (Re)Habilitation

An Argument from Death Row

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## Abstract

In this article we argue that developing programs focused on rehabilitation in the setting of mass incarceration is an incoherent goal given that rehabilitation presupposes prior habilitation. Yet, histories of social and personal trauma render this initial habilitation illusive, at best, for much of the population that ends up incarcerated in a setting such as death row. Our claim is that traumatic histories can impede development and lead to antisocial consequences to such an extent that our pursuit of justice within and without carceral systems needs to be habilitative rather than rehabilitative. The unique vision of habilitation that emerges from death row, and the context in which mass incarceration arises in the United States in particular, challenges and strengthens the concept of habilitation. Moreover, a habilitative approach questions the very logic of rehabilitative projects in settings of mass incarceration. We argue that a reinforced vision of habilitation upends the stated objective of “rehabilitation” in mass incarceration settings and gives reason to replace “rehabilitative” projects with “habilitative” projects. We further argue that, in doing so, the very logic of mass incarceration is also turned on its head. In conclusion, we suggest how a habilitative response to individual and social trauma would yield a different kind of justice system that is neither retributive nor restorative but, in fact, deeply habilitative—and transformative.

## 1. Introduction

Tennessee’s death row, like most prisons and jails in the United States, implements programming the values, justification, and objectives of which revolve around the rehabilitation of those who have been convicted. This rehabilitation is meant to be a process of restoring an individual to a prior, “noncriminal,” condition. In the case of Tennessee’s death row, programming includes art and writing classes, conflict resolution training and certification, and divinity and philosophy courses. The three authors of this essay are members of a reciprocal education philosophy class that address topics including justice, trauma, friendship, compassion, healing, and storytelling. Reciprocal education is the practice of all participants being equally educators and learners within the group. One of the authors is currently incarcerated on Tennessee’s death row, and two authors are “outsider” members. Programs like ours are valuable. Yet, our contention is that “rehabilitation” is an incoherent goal given the conditions under which it tends to be pursued on Tennessee’s death row and its peer

institutions in the United States.<sup>1</sup> Our approach recasts rehabilitation and reimagines the role of incarceration.

We argue that rehabilitation presupposes prior habilitation. By habilitation we mean the process of providing individuals with the moral, psychological, emotional, and social foundations necessary for their flourishing. Yet, histories of social and personal trauma render this initial habilitation illusive, at best, for much of the population that ends up incarcerated in a setting such as death row. In referencing social and personal traumas, we mean to encompass the entire range of physical, psychological, and emotional harms that adversely affect the

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1. The three authors of this piece are members of a reciprocal education group that meets weekly on Tennessee’s Death Row in Nashville, Tennessee. Two of us are outsiders, who enter into the maximum-security institution for these weekly meetings. One of us lives on death row and has for over thirty years. Our group was started by an academic and activist in 2012 along with a core group of insiders, and it also includes an evolving group of outsider volunteers. The core group of insiders changes based on members joining or departing for various reasons including having their sentences being modified leading to their leaving death row.

ability of social groups and individuals to thrive as members of society. Our claim is that these traumatic histories can impede moral, psychological, emotional, and social development in individuals. Histories of trauma also lead to antisocial consequences such as pervasive domestic violence. As a result, we argue that our pursuit of justice within and without carceral systems needs to be habilitative rather than rehabilitative. Once we account for the importance of habilitation, we argue that we need to deeply reassess the objectives of mass incarceration in a context like the United States.

Our argument unfolds according to three main moves. First, we explicate the theoretical concept of “habilitation.” Second, we describe the unique conceptualization of habilitation that emerges out of the lived experience of trauma prior to and during incarceration on death row. A habilitative approach questions the very logic of rehabilitative projects in settings of mass incarceration. We further argue that the vision of habilitation that emerges from death row, and the context in which mass incarceration arises in the United States in particular, challenges and strengthens the conception of habilitation exemplified by the work of Lawrence C. Becker. Third, we argue that this reinforced vision of habilitation upends the stated objective of “rehabilitation” in mass incarceration settings and gives reason to replace “rehabilitative” projects with “habilitative” projects. We further argue that, in doing so, the very logic of mass incarceration is also turned on its head.

In conclusion, we suggest how a habilitative response to individual and social trauma would yield a different kind of justice system that is neither retributive nor restorative but in fact deeply habilitative—and transformative. Moreover, the burden of transformation does not fall entirely on the incarcerated persons; this transformation and habilitation is the work of the entire sociopolitical community. Because this essay is an attempt to articulate the particular vision of habilitation coming out of Tennessee’s death row, where we are engaged in reciprocal education programming, we rely primarily on first-person accounts from this context. However, we take this vision to be a useful starting point for a broader conception of habilitation.

## 2. Habilitation as a Concept

Becker has offered a concept of habilitation as a framework for basic justice.<sup>2</sup> He defines habilitation as “the effort to equip a person or thing with a range of functional abilities or capacities.”<sup>3</sup> According to Becker, habilitation starts as a relational, intersubjective process that promotes the individual agency necessary to continually self-habilitate across a lifespan. Ideally, well-habilitated individuals can then participate in the relational habilitation of others.

For Becker, habilitation is an adaptive process that requires some basic scaffolding and predictability of one’s environment and resources to allow for the development of an individual’s capacity for further self-habilitation. Moreover, habilitation as basic justice is about establishing practices as an entire society, not merely in individual cases. If habilitation tracks onto a framework for basic justice, then we are talking about something that everyone who participates in the society must take part in and something that we are each owed. Becker notes that “the circumstances of habilitation for basic justice are those under which hospitable social environments can arise and be sustained.”<sup>4</sup>

Initially favorable habilitative environments are intended to produce the individual capacity for ongoing self-habilitation, of which Becker takes individual “complex rational agency” to be a “relentless source.”<sup>5</sup> By “complex rational agency” we understand Becker to mean the kind of deliberative and cognitive functions necessary to attain full moral agency. Although we resist the suggestion that the development of complex rational agency is necessarily hampered in the absence of favorable conditions, we agree with Becker that the initial conditions of and for habilitation determine the trajectory of individual and group habilitative capacities. Consequently, we ought not to underestimate the value of hospitable environments, which act as a sort of initial investment in a growing habilitative portfolio.

2. Becker, Lawrence C. *Habilitation, Health, and Agency*. (Oxford UP, 2012).

3. *Ibid.*, 18.

4. *Ibid.*, 40.

5. *Ibid.*, 75.

Becker acknowledges that habilitation is subject to one's greater social, economic, and political context, as well as personal circumstances. The ability to habilitate in many ways speaks more to your context than your natural abilities. Yet, we worry that Becker's account casts certain failures of habilitation primarily as individual failures, based on individual choices and shortcomings. While he uses a human developmental approach that acknowledges that infants require support and nurturing, the absence of which results in a failure to thrive,<sup>6</sup> he also concludes that a serious level of deprivation would have to occur to block an individual with "necessary physical endowments" from not developing her own "complex rational agency."<sup>7</sup> He claims that only "minimally good physical and psychological health," through "any minimally favorable physical and social environment," can produce this outcome.<sup>8</sup> The implication of these claims is that, on Becker's account, negative social actions such as criminality are almost always the result of the deliberate and reckless choices of individuals.<sup>9</sup>

Although we agree with Becker's assessment that complex rational agency is not made unattainable by unfavorable developmental conditions, we take it to be a blind spot of his view that he does not entertain the possibility that purported criminality can be a symptom of inadequate habilitation. Becker does not allow that criminality, along with other adverse social realities, can be the result of societal failures in contexts such as the United States. Not accounting for this possibility also leads to a mischaracterization of incarcerated persons as deliberately criminal in all instances. Instead, we suggest that certain criminal acts should be understood as the complex product of a series of historical, personal, and social traumas. Moreover, this understanding ought to challenge us to think differently about responsibility, including social and political responsibility, in addition to individual responsibility.

### 3. Habilitation in the Setting of Mass Incarceration

To be clear, we are not suggesting those who have done harms, whether convicted of them or not in a criminal justice system, should not take responsibility for them. But we think that responsibility should be understood as more broadly answerable and distributed than an individual model of responsibility allows. We offer instead an account that foregrounds the premise that habilitation is a process situated within, and produced in part by, societies. This foregrounding allows us to make two claims.

First, habilitative failures can occur societally at such a scale and locus that individuals cannot reasonably be held responsible for them. An example of such failures is the sort of systemic social sabotage in low-income communities in the United States, which is driven by anti-Black racism and on which theorists including W. E. B. Du Bois to contemporary prison abolitionists like Angela Davis have commented. Second, because such habilitative failures cannot reasonably be understood as individual, the responsibility for addressing and correcting for them lies with societies and communities.<sup>10</sup>

If habilitative failures can be societal in the way just suggested, but are not evenly distributed throughout a society as in the case of anti-Black racism, it can no longer be reasonably assumed that all members of that society can achieve the same habilitative threshold. Further, it cannot be assumed that individuals can independently correct for these societally-caused habilitative failures. Yet, as suggested earlier, many carceral systems are premised on the idea that the incarcerated have regressed from some prior adequate level of habilitation and that as individuals they are responsible for and capable of returning themselves to the threshold level of habilitation. These assumptions drive the operationalization of prisons as rehabilitative sites. But, if our counterclaims about the societal nature of certain habilitative failures are accurate, then the project of

6. Becker, Lawrence C. *Habilitation, Health, and Agency*. (Oxford UP, 2012), 35.

7. *Ibid.*, 75.

8. *Ibid.*, 75.

9. *Ibid.*, 139.

10. W. E. B. Du Bois, *The Souls of Black Folk* (New York: Literary Classics of the United States, 1986); Avery F. Gordon, "Globalism and the Prison Industrial Complex: An Interview with Angela Davis," *Race & Class* 40, no. 2-3 (1999): 145-57, <https://doi.org/10.1177/030639689904000210>; Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard UP, 1982).

prisons as rehabilitative is undermined in contexts such as the contemporary United States. Instead, habilitative projects might be needed.

Scholarship on prisons and within the prison abolitionist movement has been consistent with this stance largely because it condemns the current state of mass incarceration as a continuation of systemic societal failures that can be linked to anti-Black racism and the history of chattel slavery in the Americas.<sup>11</sup> And, although we are inclined to think that these societal failures might be so pervasive and severe as to require a complete dismantling of the entire prison-industrial complex in the United States, our theoretical framework does not entail that prisons are always incoherent.

Instead, our account suggests that a radical overhaul of carceral systems can occur incrementally through two habilitative approaches. One, the focus of carceral systems needs to shift from incoherent attempts to “rehabilitate” in contexts where habilitation never happened to habilitative ones. Two, the burdens of habilitative projects need to be transferred from the sole domain of individual incarcerated persons to being shared among various communities. This includes communities formed within incarcerated populations, but ought not to be reliant only on communities of individuals who are incarcerated.

Our approach to conceptualizing habilitation helps us head off what might be an obvious objection to our account. As Becker notes, most individuals of relative cognitive health are capable of sufficient complex rational agency and can be held responsible for their individual acts. Additionally, in certain cultural and political contexts, such as contemporary Norway, where the society is more homogeneous and residents are (in general) supported by substantive social programs to which they

have (relatively) equitable access, we might be able to assume that citizens start from a point of general habilitation, in Becker’s terms. Such social infrastructure for habilitation might help explain why Norway has the lowest recidivism rates in the world.<sup>12</sup> In these contexts, one might argue that the concept of rehabilitation is coherent and appropriate if members of a society have already achieved, and can return to, some threshold level of habilitation.

We grant this point, but our view is that this kind of society-wide infrastructure is seldom achieved, and societal failures that lead to the deep histories of personal and structural trauma endured prior to incarceration more commonly result in failures of habilitation.<sup>13</sup> Such failures of habilitation often render the goal of prisoner “rehabilitation” a contradictory objective in the sense that one cannot “return” to a level not previously achieved, one cannot be held individually responsible for correcting a societal failure, and, as is the case with high recidivism and practices, such as life without parole and the death penalty, the system precludes the possibility of individuals returning to a societally relevant state of habilitation given that the end-game is itself social exclusion, even to the point of execution.<sup>14</sup> In other words,

12. Seena Fazel and Achim Wolf, “A Systematic Review of Criminal Recidivism Rates Worldwide: Current Difficulties and Recommendations for Best Practice,” *PLoS One* (2015): 1-8, <https://doi.org/10.1371/journal.pone.0130390>; Christina Sterbenz, “Why Norway’s Prison System Is So Successful,” *Business Insider*, December 11, 2014. <https://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12>.

13. Joyce A. Arditti, “Families and Incarceration: An Ecological Approach,” *Families in Society* 86, no. 2 (2005): 251-60, <https://doi.org/10.1606/1044-3894.2460>; Todd R. Clear, Dina R. Rose, and Judith A. Ryder, “Incarceration and the Community: The Problem of Removing and Returning Offenders,” *Crime and Delinquency* 47, no. 3 (2001): 335-51, <https://doi.org/10.1177/001128701047003003>; Kathleen J. Ferraro and Angela M. Moe, “Mothering, Crime, and Incarceration,” *Journal of Contemporary Ethnography* 32, no. 1 (2003): 9-40. <https://doi.org/10.1177/0891241602238937>; Holly Foster and John Hagan, “Incarceration and Intergenerational Social Exclusion,” *Social Problems* 54, no. 4 (2007): 399-433, <https://doi.org/10.1525/sp.2007.54.4.399>; Craig Haney, “The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment,” *Papers prepared for the “From Prison to Home” Conference* (Department of Health and Human Services, 2002), 77-92; Dorothy Roberts, “The Social and Moral Cost of Mass Incarceration in African American Communities,” *Stanford Law Review* 56 (2004): 1271-305.

14. James A. Wilson and Christine Zozula, “Risk, Recidivism, and (Re)habilitation,” *The Prison Journal* 92, no. 2 (2012): 203-30, <https://doi.org/10.1177/0032885512438870>.

11. Holly Foster and John Hagan, “Incarceration and Intergenerational Social Exclusion,” *Social Problems* 54, no. 4 (2007): 399-433, <https://doi.org/10.1525/sp.2007.54.4.399>; Kim Gilmore, “Slavery and Prison - Understanding the Connections,” *Social Justice* 27, no. 3 (2000): 195-205; Frank B. Wilderson, “The Prison Slave as Hegemony’s (Silent) Scandal,” *Social Justice* 03, no. 2 (2003): 18-27, <https://www.jstor.org/stable/29768181>. Although we use the term anti-Black racism to capture a broad concept of racism that would be familiar to many readers, we specifically take this racism to be anti-Black animus, a more precise form of racism relevant to our analysis.

rehabilitation sees offenses leading to incarceration as the personal failures of well-equipped individuals with comparable conditions of childhood and moral development who are able to return to those conditions.

Yet, as we have argued, persons are often not afforded the same conditions for childhood and moral development. Systemically oppressive structures in places like the United States, including a growing wealth gap and continued pathological anti-Black racism, along with ongoing marginalization of racial, ethnic, sexual, or religious minorities persist. We are far from the ideal of reasonably equitable access to hospitable environments for habilitation that would yield adequately habilitated individuals who could continue to habilitate themselves, let alone who have reached a stage of initial habilitation to which they can be rehabilitated.

Instead, social and personal histories of trauma deprive some groups and individuals of necessary habilitative resources. At the same time, these histories rigidly reinforce ongoing social exclusion that systematically blocks the possibility of change. Moreover, ongoing incarceration compounds trauma. These histories of trauma, we suggest, are behind much behavior that is identified as criminal or deviant. Histories of trauma normalize cycles of abuse and tend to produce harmful responses to stressors that would be absent in more just societal contexts.

Studies of incarcerated populations have shown a correlation between childhood trauma and aggression,<sup>15</sup> and indicated a demonstrable link between childhood trauma and becoming incarcerated in the first place, not merely aggressive behavior once incarcerated.<sup>16</sup> Although the nature of childhood traumas and the crimes for which individuals were incarcerated varied among subjects, one study indicated a correlation “between childhood traumatization and criminal behavior in terms

of subsequent offending but not in terms of severity of offense.”<sup>17</sup>

Childhood trauma is associated with “increased risk of violent and aggressive behavior and criminality in adulthood,” and childhood trauma is a predictor for “dissociation,” which disrupts “normally integrated functions of memory, perception identity, consciousness and motor control.”<sup>18</sup> Moreover, “adverse family experiences during childhood,” which include “family dysfunction, parental separation/divorce, incarceration of a household member, low-income, mental illness, substance abuse and domestic violence are all considered childhood stressors that lead to negative mental, physical, and behavioral health outcomes.”<sup>19</sup>

Childhood trauma and adverse family experiences are, in part, failures of habilitation. Moreover, we identify such histories of trauma as societal failures constituted by historical oppression, structural injustice, and social marginalization that prevents all members of a society from being afforded the same trajectory of personal and moral development. Furthermore, the data indicating a preponderance of habilitative failure among incarcerated persons reinforce the anecdotal evidence within our own reciprocal education community on death row.

For example, Harold Nichols, a Tennessee death row insider, recounts his own history of institutionalization as a child in an orphanage where he faced abuse after the death of his mother, and neglect by his violent father.<sup>20</sup> He observes that we need to “replace the present penal system with a system of early treatment that provide[s] individuals with the tools necessary to be productive members of society.”<sup>21</sup> We take Nichols to be underscoring habilitative failures on the part of the social structures and authorities that were supposed to ensure his well-being. At the same time, he is also recommending a habilitative response to these shortcomings through penal reform. Even when traumatic history is recognized

15. Marco Sarchiapone, Vladimir Carli, Chiara Cuomo, et al. “Association between Childhood Trauma and Aggression in Male Prisoners,” *Psychiatry Research* 165, no. 1-2 (2009): 187-92, <https://doi.org/10.1016/j.psychres.2008.04.026>.

16. Merih Altintas and Mustafa Bilici, “Evaluation of Childhood Trauma with Respect to Criminal Behavior, Dissociative Experiences, Adverse Family Experiences and Psychiatric Backgrounds Among Prison Inmates,” *Comprehensive Psychiatry* 82 (2018): 100-07, <https://doi.org/10.1016/j.comppsy.2017.12.006>.

17. *Ibid.*, 107.

18. *Ibid.*, 100.

19. *Ibid.*

20. Harold W. Nichols, “Closing the Revolving Door” in *So I Can Live: Visions of Life from Death Row*, edited by W.S. Lyon (Nashville, TN: REACH Coalition, 2013), 25-26.

21. *Ibid.*, 25.

by the carceral system, there is often a failure to address it. As another example, one of the coauthors of this essay, Abu Ali Abdur'Rahman, has noted that "in two cases" of his, two years apart, "federal judges issued orders for treatment" for "personality disturbance and P.T.S.D." yet "these orders were ignored."<sup>22</sup>

We are not suggesting that *all* incarcerated persons have histories of childhood trauma or adverse family experiences, nor are we suggesting that all persons who experience trauma become incarcerated. Epidemiological research shows that trauma is prevalent throughout the United States, among all groups.<sup>23</sup> Findings of people surveyed between ages 15-54 in the United States show that up to two thirds had experienced at least one traumatic event in their lifetime.<sup>24</sup> Such evidence indicates that trauma is widespread, although as already noted, evidence also suggests that exposure to childhood trauma correlates to higher rates of incarceration. This suggests that of those incarcerated, there is a greater likelihood of at least some adverse childhood experiences than in a nonincarcerated population.

As the accounts of Nichols and Abdur'Rahman show, members of our group and their fellow Tennessee death row residents often report histories of unattended mental illness in themselves or among their family members who were supposed to be caring for them as children; experiences of domestic violence and abuse; substance use disorder; racialized violence; and poverty. And, when incarceration is a result of these histories, it does not, as currently formulated, offer a sufficient solution to them.

First-person accounts of incarcerated persons affirm not only that those who are incarcerated have social and personal histories of

trauma but that incarceration itself, along with corollary recidivism, further contributes to these histories of trauma by perpetuating and creating social injustices. Incarceration itself is routinely traumatic.<sup>25</sup> Mika'il DeVeaux, writing as both a formerly incarcerated person serving a life sentence (and later paroled and then discharged from the correctional system) and as a scholar within the academy, engages his own personal experience with the limited empirical data on the trauma of incarceration to argue for the trauma caused by incarceration.<sup>26</sup>

Like De Veaux and others, another Tennessee death row author, Derrick Quintero, also uses personal experience to expose the trauma of incarceration. He writes in a poem addressed to a fellow incarcerated friend:

Of guards standing, watching once again  
Rather than forcefully ordering your door opened  
To provide you needed assistance;  
Five days without sleep  
You are starting to hallucinate  
Terrified of going to your cell  
Where sleep has hurt—dehumanized.<sup>27</sup>

In this scene, unaddressed physical and mental illness prior to incarceration remains unchecked and blatantly disregarded by the "Many guards and nurses" who "watch you thrash on the floor."<sup>28</sup> The basic conditions of incarceration exacerbate prior traumas and retraumatize. If we appreciate the concept of habilitation, we have to address these cases differently than the current carceral system.

The kind of trauma illuminated in this poem suggests the need for complex solutions that go beyond addressing the traumatic histories of incarcerated individuals by also addressing their treatment by the carceral staff. Exploring all of the necessary interventions is beyond the scope of this article, but we want to highlight one proven intervention that has been shown to ameliorate the effects of the traumatic experiences of incarcerated individuals.

22. Abu Ali Abdur'Rahman, "Born Not of Love" in *So I Can Live: Visions of Life from Death Row*, edited by W. W. Lyon (Nashville, TN: REACH Coalition, 2013), 52.

23. Naomi Breslau, "The Epidemiology of Posttraumatic Stress Disorder: What Is the Extent of the Problem?" *The Journal of Clinical Psychiatry* 62, no. 17 (2001): 16-22; Ronald C. Kessler, Amanda Sonnega, Evelyn Bromet, et al. "Posttraumatic Stress Disorder in the National Comorbidity Survey," *Archives of General Psychiatry* 52, no. 12 (1995): 1048-60.

24. Souci Frissa, Stephani L. Hatch, Nicola T. Fear, et al. "Challenges in the Retrospective Assessment of Trauma: Comparing a Checklist Approach to a Single Item Trauma Experience Screening Question," *BMC Psychiatry* 16, no. 1 (2016), <https://doi.org/10.1186/s12888-016-0720-1>.

25. Mika'il DeVeaux, "The Trauma of the Incarceration Experience," *Harvard Civil Rights-Civil Liberties Law Review* 48 (2013): 257-78.

26. *Ibid.*

27. Derrick Quintero, "February 25, 2013 7:46 p.m." in *So I Can Live: Visions of Life from Death Row*, edited by W.S. Lyon (Nashville, TN: REACH Coalition, 2013), 1.

28. *Ibid.*, 1.

Research indicates that educating prisoners has benefits, including reducing recidivism, supporting a positive prison environment, enabling formerly incarcerated individuals to reintegrate into society, and potentially reducing overall costs to the state.<sup>29</sup> Our position is to underscore how programming can and should meet aims to support the “social skills, artistic development and techniques and strategies to help [incarcerated persons] deal with their emotions” as has been suggested by others.<sup>30</sup> These objectives aptly describe the content of programs on Tennessee’s death row noted earlier. To underscore, our critique is not of programs but rather how programming is understood, justified, and mobilized.

While we agree that social and emotional strategies are important skills, we emphasize that these programs can in fact be habilitative programs often providing initial skills in these domains, instead of rehabilitating skills that had previously and sufficiently existed. Our account of “habilitation,” informed by first-person experiences of incarceration, underscores that in light of such traumatic histories, there is little to nothing that can be “rehabilitated.” Addressing trauma, then, is necessary to understand, respond to, and interrupt putative criminal offenses in our society while correcting for habilitative failures.

#### 4. Conclusion: Habilitative Justice and Reimagining the Role of Prison in the United States

Our own experiences of reciprocal education in the setting of death row offer a practical model that responds to trauma through our updated framework of habilitation. We understand programs such as our own as doing the work of habilitation, not rehabilitation. It builds a hospitable community in which participants are habilitated in a way that corrects for the habilitative failures produced by inhospitable societal conditions. We engage in programming to both modify perceived ill behavior and

equip individuals with habilitative resources of which they have otherwise been deprived.

Such resources develop habilitative self-agency for individuals through the support and engagement of a community of insiders and outsiders. This engagement is aimed at fostering the transformation of individuals while shifting the burden of that transformation to a community. Such a shift makes it clear that these transformations are appropriately, as Becker would say, in the realm of those things that we can do better together rather than alone.

While our habilitative model does not require the removal of all prisons, it greatly reimagines them. This approach attends to the current circumstances in which over two million people in the United States live in the setting of mass incarceration and identifies these circumstances as societal failures that are issues of justice. On our account of habilitation, the current state of mass incarceration is itself a perpetuation of societal failures since it fails to end the underlying oppression that leads to the targeted criminality. This is a profound failure because ending oppression is the proper aim of egalitarian justice.<sup>31</sup>

With this aim in mind, we advocate for reimagining the premise and purpose of prisons. For one, prisons in contexts such as the contemporary United States should be habilitative projects. As such, the burden of fostering habilitation, and addressing failures to adequately habilitate individuals, shifts from individuals who need to prove their “rehabilitation” to the community who must nurture habilitation. We contend that habilitative steps can be taken within existing systems of mass incarceration as a first, and fruitful strategy to appropriately respond to personal and social traumas that lead to lives lived in prisons, including on death row.

Yet, we also conclude that if the objectives and practices of habilitation were fully realized, they would produce carceral institutions virtually unrecognizable from what they are currently and would eventually render them obsolete.

29. James S. Vacca, “Educated Prisoners are Less Likely to Return to Prison,” *Journal of Correctional Education* 55, no. 4 (2004): 297-305; John H. Esperian, “The Effect of Prison Education Programs on Recidivism,” *Journal of Correctional Education* 61, no. 4 (2010): 316-34.  
30. *Ibid.*, 299.

31. Elizabeth Anderson, “What is the Point of Equality,” *Ethics* 109, no. 2 (1999): 287-337, <http://www.jstor.org/stable/2989479>. Anderson is only one of many scholars to make this point.

Once we see prison programs as habilitative, then we should also recognize the incoherence of sentences to life, life without parole, or death. Habilitative programming ought to equip individuals to live, not to deprive them of life.

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# (Re)Imagining (Re)Habilitation

A Public Holistic Response

Sarah Tyson



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Elizabeth Lanphier, Takunda Matose, and Abu Ali Abdur'Rahman argue for rethinking the role of incarceration in the United States and practical steps to changing carceral practice. Their argument critiques and builds upon the work of Lawrence C. Becker on the role of habilitation in a just society. They draw on Abdur'Rahman's theorization of his experience of living on death row, Lanphier's and Matose's theorizations of their experiences of volunteering there, as well as research on the relationship between childhood experiences of trauma and incarceration later in life. They provide a clear overview of the importance of habilitation for a person, throughout their lifetime, but especially in childhood, to develop agency. They present compelling evidence of society-wide failures to provide the necessary conditions for habilitation in many communities. And they argue that much criminality should be considered as a product of this failure.

Their argument puts into question the theoretically and publicly popular idea that prisons are or should be places of rehabilitation. They argue that rehabilitation is not possible if people have not been habilitated in the first place. Prisons, therefore, need to be redesigned as places of habilitation. The authors further argue that in reimagining prisons as places of habilitation, society must acknowledge that failures of habilitation are not the result of individual choice but are often the products of larger societal injustices, such as anti-Black racism. Prisons as responses to criminality are particularly clear sites for understanding the failures of habilitation in the United States, but the authors show that such failures have consequences long before someone walks through the gates of a jail or prison. The article therefore calls for a broad reimagining of our social world.

In its most practical move, the authors suggest how prison programs currently underway can

be reimagined as projects of habilitation. While the authors are clear that the responsibility for developing habilitative practices ought not to fall solely on incarcerated communities and those who are involved in programming in prisons, they draw from their own experiences of developing and participating in a habilitative reciprocal education program to show how habilitative work can be done now, even under the severe conditions of injustice that have given rise to prisons and that shape contemporary prison practices. Indeed, the reciprocal nature of their program—ALL participants are teachers and learners—seems to embody a key habilitative practice: learners must be teachers and vice versa. The article moves productively between reimagining society and re-imagining specific prison programs.

**Sarah Tyson** is Associate Professor of Philosophy at the University of Colorado, Denver. Her research interests include feminist philosophy and critical prison studies. Her most recent book is *Where are the Women? Why Expanding the Archive Makes Philosophy Better* (Columbia UP 2018).

# (Re)Imagining (Re)Habilitation

A Public Holistic Response

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This essay issues a timely and important call to (re)imagine the role of (re)habilitative programs in U.S. prisons, with a specific focus on Tennessee's death row. At a time when the concept of rehabilitation is gaining more traction in public discussions of punishment, the authors help to deepen our understanding of the limits and possibilities of this concept, given that the "re" in "rehabilitation" tends to assume a prior foundation of social, psychological, and material support to which many people in prison did not have access before their arrests. Without a robust consideration of habilitation, which the authors develop through an engagement with the work of Lawrence Becker, the concept of rehabilitation risks glossing over extreme inequalities in access to the basic conditions for human flourishing. If advocates for prison reform fail to address this injustice at the level of habilitation, they may inadvertently frame criminalized persons as pathological subjects who must

be brought "back" into a healthy, wholesome community—when, in fact, this community is structured in a way that compounds trauma and reproduces marginalization on the basis of race, class, gender, sexuality, religion, disability, and other forms of social being. Perhaps the most important contribution of this article is the collaborative methodology, through which people on Tennessee's death row share their own knowledge of the value of habilitation and the harm of unaddressed trauma, both within prison and beyond. The authors make a strong and convincing argument for the importance of habilitation programs at any stage of life, even—or especially—in spaces where people have been deemed "beyond rehabilitation."

**Lisa Guenther** is Queen's National Scholar in Political Philosophy and Critical Prison Studies. She is the author of *Solitary Confinement: Social Death and Its Afterlives* (U of Minnesota P 2013) and *The Gift of the Other: Levinas and the Politics of Reproduction* (SUNY Press 2007).