

Book Review: The Social Order of the Underworld: How prison gangs govern the American penal system by David Skarbek

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This book challenges the widely held view that inmates in US prisons create prison gangs to promote racism and violence. On the contrary, gangs form to create order, argues David Skarbek. The Social Order of the Underworld is thought-provoking and challenging, writes Tim Newburn, and policy-makers in the UK have much to learn from Skarbek's book.



The Social Order of the Underworld: How prison gangs govern the American penal system. David Skarbek. Oxford University Press. 2014.

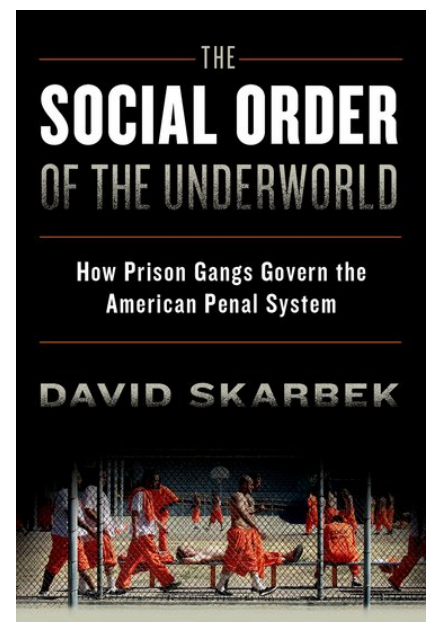
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Apart from the sheer scale of the American prison system, one of the greatest contrasts with its equivalent in Britain concerns the existence of gangs. Though data are limited, it would appear gang activity is far more extensive and entrenched in the US Federal and State prison systems than is the case in the UK. Rather like street gangs, despite an apparently increasing problem there is little in Britain to compare with what can be found in many parts of America. The main American prison gangs have been around for half a century or more. Quite a lot of academic attention has been paid to the rise of prison gangs, with a number of authors arguing that the declining influence of the 'convict code' – essentially a normative system that informally regulated much inmate behavior until perhaps the early 1970s – together with a number of other changes to the American prison system, created a space within which gangs could flourish. And flourish they have.

In *The Social Order of the Underworld*, David Skarbek, a London-based, US political economist, focuses on a different question: what role or function do gangs perform? His answer, in short, is that they play a vital role in the maintenance of social order in prisons. Accepting this, he suggests, requires us to think anew about the role of gangs – shifting from seeing them, as the book's blurb says, as 'chaotic bands of violent, racist thugs' and rather considering them to be 'sophisticated organisations' with varied, and sometimes complex regulatory functions.

This is a thoughtful book that contains much of value, not least in the ways it surveys a mass of data and illustrates its central theme: how gangs operate as alternative governmental bodies within the American penal system. The core of Skarbek's thesis is these alternatives are required precisely because 'criminals can't rely on the same governance institutions that law-abiding citizens rely on'. In particular, gangs help define and enforce property rights (how currencies are traded within prisons), they help govern the processes by which profits are extracted from trade within prison (how can anyone ensure that drugs are paid for, favours are returned, obligations are upheld?) and, finally, they enable individuals to act collectively and form systems of protection.

In developing this view Skarbek distances himself from both what he refers to as 'deprivation theory' (prison order being a consequence of the 'pains of imprisonment', a view most famously associated with Gresham Sykes) and 'importation theory' (which focuses on the importance of pre-imprisonment experiences and beliefs, and is



associated particularly with criminologists, Irwin and Cressey). In navigating between these two approaches, Skarbek genuinely adds something to the debate, though it should be acknowledged that his governance theory is perfectly compatible with both extant approaches. That it is additional rather than a full alternative does not diminish its value.

Skarbek uses a wide range of sources – prison records, a small number of interviews, personal memoirs and biographies, and legal documents from California in particular – to build up a nuanced and detailed picture of elements of the history, and much of the current organizational strategy of America’s prison gangs. He charts the rise of gangs and details the extent to which they now dominate parts of the US prison system – with, it must be said, the collusion of those in charge of corrections. According to Skarbek the uncomfortable truth is that prison gangs have improved social order within penal institutions. The public policy implications of such a claim are far from straightforward, though Skarbek outlines a number of ways in which penal administrators might recognize the governmental role gangs play and attempt to alter the conditions that make gangs necessary – in essence by making prisons safer for prisoners.



Although there is a huge amount to admire in *The Social Order of the Underworld*, I had three small reservations. The first concerns Skarbek’s somewhat overstated contrast between his approach – viewing gangs and gang membership as a rational reaction to regulatory failures within the prison system – with what he takes to be the popular view of gangs as sources of chaos and the absence of sufficient control. Is it really the case, as Skarbek argues, that prison gangs appear ‘baffling’ to many? Do we tend to associate them with ‘non-rational forces’? Is there a general tendency to associate them with ‘psychopathy or pure evil’?

No doubt some see them as wildly irrational, but in the main the idea that gangs help organize and orchestrate significant elements of prison life is actually quite well-established. As one example, fifteen years ago, [Christian Parenti](#) described in some detail how prison gangs ‘organise and regulate huge swaths of everyday life behind bars’. Visit the US Department of Justice’s website and look for ‘prison gangs’, and you’ll find the entry located under ‘organized crime’. Prison gangs may generally be viewed negatively, but I’m not convinced they’re generally seen as ‘irrational’. The strengths of *The Social Order of the Underworld*, and it has many, would stand on their own perfectly well without resorting to hyperbole or exaggerating its claims to originality.

The second issue concerns Skarbek’s use of rational choice theory (RCT) and its view of people as self-interested, relentlessly pursuing ends that they value (whether through self-interest or altruism). Now it is not that RCT is inappropriate in this context – there are many ways in which it helps to illuminate the activities of prison gangs. It is simply that a perhaps unintended consequence of RCT is that it works to limit the vantage points from which to understand the penal system. In particular, it tends to underplay the influence and importance of emotions, and in

privileging utility maximization its tendency is to engage insufficiently with the possibility that actions, thoughts, and perceptions might be open to interpretation in ways other than the instrumentally rational. My issue, therefore, is not that I disagree with Skarbek's RCT-influenced interpretation of gangs and American prison life. It is that one of the consequences of the approach is that, occasionally, it results a somewhat dry, evacuated account of these worlds.

My final, and linked, concern in the book is the role of race in the history and explanation of prison gangs. One of the interesting questions raised by Skarbek is why prison gangs began to appear when they, and where they did. It appears they first began to operate in the 1950s, spreading rapidly in the 1970s, appearing first in Washington State in 1950 and then California in 1957. Skarbek's argument, and a largely convincing one, is that far from being a consequence of the shift of street gangs inside the prison system, or a reaction to changes in judicial, government or state policy, the rise of gangs was largely a consequence of the need for self-government given the declining power of the 'convict code' during a period of massive expansion in the penal system.

What seems somewhat underplayed in all this is race. Whilst Skarbek is undoubtedly right that the rise of gangs cannot be explained by, or reduced to, racism and racist ideologies within prisons, it also seems undeniable that race is *the* central organizing feature of American prison gangs. The great strength of Skarbek's thesis is its focus on gangs as sources of governance, authority and control. My sense, however, is that the racialised nature of this alternative system of rule within American prisons might reasonably have been given more prominence.

The Social Order of the Underworld is thought-provoking and challenging. It is hard not to look at the role of gangs in the American penal system with more than a degree of pessimism. They are now so embedded, so well-established, that it is hard to see how the system can be reformed. By contrast, in jurisdictions like England and Wales, where gangs are a significant issue but less firmly entrenched, policy-makers in this field potentially have much to learn from Skarbek's book.

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