

CALL FOR ARTICLES

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“THE CRIMINAL JUSTICE SYSTEM AS A LABOR MARKET INSTITUTION”

Edited by

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It has become increasingly clear that the criminal justice system is implicated not only in the reproduction of inequalities by race and class, but also in obscuring changes in the extent and nature of such inequalities over time. In the United States, criminal justice policies profoundly affect trends in employment and wages. Criminal justice contact is associated with reduced labor force participation, greater unemployment, and lower income and earnings, especially for people of color and the poor, a set of relationships that theory and evidence suggest is bidirectional. For this special issue, we invite new and innovative contributions to bodies of research on the relationship between criminal justice contact on the one hand and inequalities in labor market experiences and outcomes on the other.

Below we lay out a set of possible topics and research questions. We encourage contributions from a variety of disciplines, including but not limited to anthropology, criminology, economics, legal studies, political science, psychology, social work, and sociology. Although we would like authors to go at least some distance towards making causal statements and to consider how new data and/or new methods might advance studies in the areas listed below, we are also flexible about the choice of topic, the unit of analysis, and the methodological approaches taken. Our main criteria for selection will be the connection between clear theory and empirical approach, the rigor of the empirical analysis (regardless of method), the interpretation of findings, and the quality of writing.

The editors welcome abstracts related to topics such as (but not restricted to):

How Employment Status and Opportunities Affect Criminal Justice System Involvement. A

growing body of research indicates that criminal justice system involvement has a detrimental effect on individuals' access to employment opportunities. Less well understood is how access to opportunities for human capital development shapes individuals' involvement in crime and engagement with the criminal justice system. Given this, we ask the following set of questions.

- Whether, how, and for whom is criminal justice system involvement a particularly important labor market institution?
- How do age, ethnoracial background, gender, immigration status and other demographic factors shape early labor market experiences that affect criminal justice system involvement?

- How are poor employment opportunities linked to later justice system involvement?
- What role do educational attainment and human capital development generally play in shaping criminal justice involvement?

Policies that Affect the Labor Flow of the Justice-Involved. Various types of policies affect the flow of the justice-involved into and out of the labor market. Although we have a general sense that such policies matter, there is a shortage of hard evidence about the possible harm and potential good that such policies do to the employment and wages of the justice-involved. As is by now well-known, federal and state governments have restricted ex-offenders' access to government employment. Occupational licensing is one example. Indeed, the American Bar Association has identified over 30,000 such laws, provisions, and exclusions on the state level such that as many as 800 different occupations are formally off-limits to ex-felons. State courts consider criminal records in cases of negligent hiring lawsuits that deter employers from hiring ex-offenders. Bureaucratic policies determine both the degree and (in)accuracies of criminal records made available to private employers. Surely such policies are at least in part responsible for the poor employment outcomes of justice-involved individuals. In response, some policies have been implemented to facilitate the employment of the criminal justice system involved. Ban-the-box policies are one such example. What is unclear, however, is how much such policies affect the justice-involved's probability both of labor force participation (searching) and of being employed. This is because few have undertaken rigorous analysis of this set of questions. Thus, we ask the following:

- To what extent is the labor supply of ex-offenders suppressed by state-specific government employment licensing policies?
- Which policies are most effective, and for whom, in their effects?
- What activities or programs within jails/prisons positively affect employment possibilities post-release?
- To what extent do occupational licensing and other restrictions inform inequalities by race/ethnicity and class?
- What other policies should we be considering to better understand the labor flow of the justice-involved? Examples might include disability benefits (welfare policy); ban-the-box (employment policy); monetary sanctions/fines, fees (criminal justice policy).
- Much has been made of late of federal job guarantees and the universal basic income as a way to achieve social and economic justice for all. How much might such policies aid in re-entry efforts?

Laboring Behind Bars and Under Supervision. Billions of dollars of merchandise are produced by prison labor. This alone suggests that we consider the extent to which and how the use of prison labor affects trends in employment and wages in the formal wage economy. Thus, we ask the following questions:

- To what extent and in what industries does prison labor suppress job availability in the formal, non-prison wage economy?
- What meanings do prison workers attribute to the work that they do?
- Do work requirements result in positive outcomes?

Labor Standards in the Era of Mass Incarceration and Criminalization. For the justice-involved, workplace rights, and economic citizenship more generally, are increasingly under threat as legal authorities are empowered to force work or send individuals to jail/prison for nonwork. For instance, a standard set of conditions for probation and parole include the requirement that participants seek and maintain employment. A violation of these terms can lead to incarceration, as roughly 9,000 people learn nationwide each year. Given this, we ask the following set of questions:

- Do criminal justice policies contribute to the suppression of these workers' voices? If so, how have workers been silenced and what are the consequences of this silencing for the quality of their labor market experiences and their short- and long-term employment outcomes?
- Are criminal justice policies associated with depressed labor standards? If so, in what industries or labor market sectors has this been most apparent and to what effect?
- To what extent and how do criminal justice policies aid employers in evading workers' legal protections?
- As alternatives to incarceration, hundreds of thousands of criminal justice involved people are forced to provide unpaid labor to state and municipal governments and nonprofits. To what extent do such criminal justice policies indirectly undermine or displace workers with no criminal justice involvement?

Innovative Efforts to Facilitate Re-entry. Most reentry efforts focus on altering the characteristics of ex-offenders by developing their soft skills and providing the training and education that might facilitate finding work and keeping it. Relatively few efforts are focused on altering the economic and social landscape in which justice-involved individuals are made to compete, despite the tremendous structural barriers they face. Ban-the-Box initiatives are a recent exception to this general pattern. Given this, we ask the following set of questions:

- What role have/can unions played/play to help in the social and economic (re)integration of the justice-involved?
- Governments (federal, state, and local) play a major role in stigmatizing the justice-involved. What state-led efforts are underway to de-stigmatize the justice-involved, and what difference do such efforts make?
- Some employers court the formerly incarcerated as a significant source of labor. Who are these employers? What motivates their "outreach"? How do they think about what they are doing? Where applicable, how do their customers respond? From the perspective of formerly incarcerated employees of such establishments, what is it like to work at such places? How do formerly incarcerated individuals think about this kind of work and these types of arrangements?

The Politics of Post-Criminal Justice System Contact and Labor Force Participation. Many other countries, especially high-income countries, have implemented extremely different incarceration models, often aimed specifically at maximizing the likelihood of successful reintegration. Furthermore, some states are perhaps better than others at facilitating more successful transitions. Given this, we ask the following:

- What are best practices from other countries and/or cross-national comparisons more generally.
- Do states with Democratic state legislatures or governors have a different record regarding post-jail employment than states with Republican legislatures or governors?
- Can there be a liberal/conservative coalition to improve employment prospects, perhaps through private sector or nonprofit or religious initiatives?
- What are the politics of fair chance employment policies, such as "ban the box," and are these useful policy innovations?

Criminal Justice Contact and Worker Identities. Just as "welfare recipient" and "worker" are seen as competing identities, too different to occupy the same social and structural domains, the notion of the worker is often pitted against that of the offender, despite the fact that individuals so categorized often

occupy both positions at the same time or have historically gone between them (in the case of welfare with some regularity). To push our thinking, we ask the following set of questions:

- What positions/roles do the justice-involved see for themselves in the formal, informal and household economies, if any, and how does this differ by race/ethnicity, class, place?
- What constitutes meaningful work?
- To what extent and how do individuals manage presumably competing identities? What weight does the worker identity hold for those who have had criminal justice contact, and what are the experiences that shape these identities?
- How do the justice-involved seek to communicate to others their attachment to work?

Criminal Justice Contact and the Household Economy. When discussing justice-involved individuals, we pay a great deal of attention to their engagement in the informal (and illegal) economy and their participation (or lack thereof) in the formal economy. We pay little attention, however, to their contributions to the household economy (child and elder care, household repairs, etc.), intentional efforts designed to compensate for their inability to contribute with earnings from the formal and/or informal economies. The invisible labor that they do in the home forces a reconsideration of the role that they play in the broader economy, one that aligns with debates a generation ago about the invisible role that women/homemakers play in facilitating economic growth.

- To what extent and how do the justice-involved contribute to the household economy, both in addition to and in lieu of contributions they make resulting from participation in the formal and informal economies?
- What factors shape the extent and nature of justice-involved individuals' engagement in the household economy?
- How do the justice-involved make sense of the opportunities they have to contribute to their families, households, and/or communities?
- To what extent and how do patterns of engagement among the justice-involved in and outside of the household represent non-reformist reform efforts (efforts that are not intended to be compatible with the current social and economic system, but that disrupt the system in ways that might lead to structural or systemic reforms)?

Anticipated Timeline

Prospective contributors should submit a CV and an abstract (up to two pages in length, single or double spaced) of their study along with up to two pages of supporting material (e.g., tables, figures, pictures, etc.) **no later than 5 PM EST on May 22, 2018 to:**

<https://rsfjournal.onlineapplicationportal.com/>

All submissions must be original work that has not been previously published in part or in full. Only abstracts submitted to <https://rsfjournal.onlineapplicationportal.com/> will be considered. Each accepted paper will receive a \$1,000 honorarium when the issue is published. All questions regarding this issue should be directed to Suzanne Nichols, Director of Publications, at journal@rsage.org and **not** to the editors of the issue.

A conference will take place at the Russell Sage Foundation in New York City on **February 22, 2019**

with a group dinner taking place on the night of the 21th. The selected contributors will gather for a one-day workshop to present draft papers (due by January 21, 2019, one month prior to the conference) and receive feedback from the other contributors and editors. Travel costs, food, and lodging will be covered by the foundation for one author per selected paper. After the conference, the authors will submit their final drafts on or before April 18, 2019. The papers will then be sent out to three additional scholars for peer review. Having received feedback from reviewers and the RSF board, authors will revise their papers before July 18, 2019. The issue will be published in the spring of 2020. Papers will be published open access on the *RSF* website as well as in several digital repositories, including JSTOR and UPCC/Muse.