

BOOK REVIEW

THE PUZZLE OF PRISON ORDER: WHY
LIFE BEHIND BARS VARIES AROUND
THE WORLD

DAVID SKARBEEK

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In *The Puzzle of Prison Order*, David Skarbek builds upon his governance theory of prison social order, which posits that in cases in which the official governance institutions are inadequate, prisoners will form their own institutions to secure property rights, facilitate market exchange, adjudicate disputes, and mitigate violence. Skarbek's work rests at the intersection two interesting subjects of inquiry. Most obviously, he is contributing to the rapidly growing body of literature on carceral systems.¹ Although *The Puzzle of Prison Order* is not a work of history, Skarbek answers historian Mary Gibson's (2011) call for a more global approach

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¹ "Carceral systems" refers broadly to penitentiaries, asylums, schools for juvenile delinquents, and similar institutions designed for involuntary surveillance and containment.



to prison studies, which remains predominantly centered on the United States and the West. Skarbek also builds on a less prevalent body of work carried largely by George Mason-trained economists such as Edward Stringham and Peter Leeson: studies of private governance. Like Leeson's *The Invisible Hook* (2009), which looks at the social order of pirates, Skarbek studies the people who seem least likely to establish functional systems of governance—criminals—to show how informal governance institutions form and operate.

Although Skarbek leans heavily on his previous work, there is a great deal of new insight even for those who are already familiar with his research. The focus of Skarbek's analysis centers on the relationship between official and informal institutions—the foundation of his governance theory of prison social order—but the book is organized into two parts that respectively illustrate two newly developed features of his theory. By comparing prison governance across various systems, Skarbek categorizes the governance regimes in his study into four ideal types: official governance, co-governance, self-governance, and minimal governance regimes. These ideal types structure Part I of *The Puzzle of Prison Order* (chapters 2–4). In Part II (chapters 5–7), he considers the conditions that lead prisoners to develop either centralized or decentralized mechanisms of governance. Skarbek's previous work on the San Quentin and San Pedro prisons (Skarbek 2010, 2014) involves only regimes that qualify as *centralized* systems of *self-governance*, according to his new taxonomy. His new book, therefore, offers a far more dynamic analysis than anything he has previously produced.

Each chapter is designed to highlight a specific element of his classificatory scheme by focusing on a representative example, but the strengths and weaknesses of the book are most embodied in the chapters on Nordic prisons and Civil War prisons, respectively. The Nordic system highlights the importance of comparative analysis by providing a *de facto* control group—a prison system that is largely successful in providing a high-quality system of official governance. Skarbek's governance theory posits that prisoners will form their own institutions *on the condition of failure from the official system of governance*. The Nordic example provides some empirical substantiation of this claim that Skarbek's previous studies have largely accepted as merely abstractly intuitive. The Nordic prison also challenges Skarbek to explain the lack of an informal market

economy—he describes a system of sharing—which leads to new considerations about the conditions upon which market prices develop in a limited underground economy. While the Nordic system provides the most valuable contrast to the other systems Skarbek describes, it underscores the value that the comparative analysis offers across all chapters, in contrast to in-depth but isolated studies.

The chapter on the Confederacy's Andersonville prison camp during the Civil War highlights the weakest points of *The Puzzle of Prison Order*. Andersonville is Skarbek's example of a prison that lacks both official and informal governance institutions, presenting the greatest challenge to the governance theory of prison order. Skarbek acknowledges that "it is actually somewhat surprising that so little governance emerges" in Andersonville, since "the prison camp is full of soldiers, not criminal offenders," who faced an "utter failure of official governance" (p. 63). He explains away this challenge to his theory by suggesting that "extreme restrictions on their freedom... smother[ed] collective action" (p. 64). Skarbek's analysis of Andersonville demonstrates a focus on the operative variables of his governance theory to the neglect of other potentially relevant determinants of whether and how prisoners form institutions. These omissions stem largely from the problem of Andersonville being both Skarbek's only historical and only wartime case. In one odd claim, Skarbek states that the prisoners "made choices—often shortsighted because of the mistaken belief that prisoner exchanges would soon free them" (p. 73), but this "mistaken belief" only relates to what the prisoners viewed as a lengthy incarceration *at the time*—when penitentiaries were still virtually non-existent and prisoners of war had traditionally, even early in the Civil War, been allowed probationary freedom. Relative to the other prisons in the book, their belief in a short term in prison was *not* mistaken—Andersonville was only constructed a year before the war's end. The question Skarbek neglects, in using Andersonville as a comparative example, is how quickly governance institutions developed elsewhere? If the answer is anything longer than one year, Andersonville becomes a moot example for Skarbek's theory. Additionally, when describing the failures of official governance, Skarbek describes a contaminated creek that flowed through the camp, which "was so filthy... that prisoners would later throw thieves into it as a punishment" (p. 67).

Is this not an informal governance mechanism? Skarbek does not appear to recognize it as such, only citing this practice to illustrate the extent of filth the prisoners suffered without (apparently) establishing governance institutions.

The Andersonville chapter also illustrates both the broadest problem and greatest opportunity for his research: the contrast of prisoner governance institutions with those of society outside the prison. Andersonville highlights this oversight because of how many of the problems Skarbek describes in the prison were not unique to prison life, as his exposition implies. By not considering the state of the Confederacy in 1864, Skarbek makes it seem as if the lack of market exchange and the prevalence of raiders, for example, related uniquely to prison camps. In fact, the conditions at Andersonville are arguably more reflective of the broader society at the time than any other prison Skarbek studies. Wartime destruction and Confederate state socialism had destroyed market exchange in the Confederacy well before Andersonville was built, and raiders harassed civilians in much the same way Skarbek describes in the prison. By neglecting to consider the society in which the prison exists, he ignores significant external variables that relate to his analysis.

This neglect of comparison to the wider society immediately outside the prison overhangs all of Skarbek's research, not merely his analysis of Andersonville. While he rightly highlights the importance of comparative institutional analysis when stating the contributions of *The Puzzle of Prison Order*, he fails to account for the variety of comparisons relevant to his inquiry. In his first book, *The Social Order of the Underworld*, Skarbek implicitly compares the institutions of prison governance within a single prison, San Quentin, *over time*. In his most recent book, he explicitly compares governance institutions *across various prisons*. What all of his studies lack is any analysis of how the governance institutions that develop within a prison compare in their operations and effect to the governance institutions within the society that contains the prison. With regards to the efficacy of prisoner institutions, this comparison may be the most important. When he qualifies his description of San Pedro's extensive system of self-governance to acknowledge that extreme cases of violence do occur, the point seems empty without any contrast to the degree of violent crime in Bolivian cities more generally; we cannot judge the efficacy of

prisoner self-governance in mitigating violence by comparing it to the violence in other prisons that house prisoners from different cultures. As Skarbek continues his research, this is a consideration he would do well to address.

These critiques notwithstanding, Skarbek continues to produce important and original work that raises questions no other scholar is asking, even as carceral studies receive unprecedented levels of interest across disciplines. Although *The Puzzle of Prison Order* does not match the quality and depth of analysis of *The Social Order of the Underworld* (which remains one of the best prison studies I have yet read), Skarbek offers useful insights and expands on his theories. While many scholars have the unfortunate tendency to rehash their early scholarship and offer stagnant contributions to their fields, readers can rest easy that *The Puzzle of Prison Order* raises new questions, offers novel ideas, and moves Skarbek's governance theory of prison social order forward in important and innovative ways.

REFERENCES

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