

# Black Mass Incarceration, the Prison-Industrial Complex and the Prison State

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*Michelle Alexander's 2010 book "New Jim Crow" provided a language to talk about the prison state that we never had before. But is it entirely accurate? Is the prison industrial complex real? What's the difference between fighting against racism or a "new jim crow" or a "prison industrial complex" and confronting the reality of the prison state?*

Black Mass Incarceration — Is It New? Is It Jim Crow? Is the Prison-Industrial Complex Real? And What Difference Does It Make?

The short answers are yes, not exactly, not really, and a whole lot, which tells more about the inadequacies of short answers than it does about whether "New Jim Crow" is a really useful description, and who it's most useful to.

## Is it New?

Prisons are certainly not new, and the employment of prisons to enforce a racially unjust social order isn't new either. The post-civil war Black Codes prescribed heavy penalties for all sorts of infractions by African Americans. But the scale of the modern US prison state simply has no precedent. Nobody has ever locked up this many people for as little, for as long. Whatever you want to call the present situation with prisons, prisoners and US society, you have to call it something brand new.

## Is it Jim Crow?

Not exactly.

Michelle Alexander's 2010 book, *The New Jim Crow*, was a breakthrough in many ways. It came at a time when just about every African American family knew there was a crisis, when the shadow of prison literally squatted in the homes of hundreds of thousands, but when the black political class — the gaggle of preachers, politicians and business types we imagine to be our "leaders" lacked even the language to discuss it, apart from tropes inherited from the jailers themselves, like "personal responsibility", and "do the crime, do the time."

Describing the prison state as a "New Jim Crow" played to the imagined history of the current black political class, which never stops celebrating the fifties and sixties victories over the old Jim Crow which made its birth possible, and which incorrectly advertises itself as the author of those victories, rather than the after-the-fact beneficiaries of them. In truth, the struggle against Jim Crow wasn't conducted by black politicians because there weren't many of them, especially in the South. Some black business people supported that struggle but they didn't lead it either, and most black preachers stood aside as well. The cutting

edge that broke Jim Crow and carried out the final wave of organizing in the South which resulted in the Voting Rights Act were black youth.

“New Jim Crow” also absolved the black political class, at least initially, from responsibility for the prison state. They were the “civil rights leaders” and such, after all, you could hardly blame them for Jim Crow, old or new. And above all, by evoking the imagined spirit of class-blind racial unity which prevailed during the struggle against the old Jim Crow, “New Jim Crow” as a sort of descriptive slogan strengthened the credibility of the black political class.

Alexander’s persistent calls for a mass movement to be raised against the “New Jim Crow” are on target. But where do we imagine that movement will come from? College students? Not likely, as today’s students are burdened by debt as no others before them in history, and college-educated blacks are by relatively exempt from the depredations of the police and prison state. A college educated black male today stands a third the chance his uncle in 1980 did of going to prison, while today’s black male high school dropout is several times more likely to serve prison time sometimes during his life than his uncle the same age and status in 1980. Business people just don’t lead mass movements — ever — so that’s not worth thinking about, and the black church, which often makes the historically absurd claim that it was the fount and wellspring of the fifties and sixties Freedom Movement won’t do it either. Neither will our black political class, who are deeply implicated in the day to day running of the prison state.

Alexander herself notes that if US incarceration rates were to be rolled back to 1980 levels, not only would more than a million prisoners walk free, but a million prison guards, sheriffs, judges, bail bondsmen contractors, and others would suddenly be jobless. A lot of their faces are black, which brings us to a second difference between the old and “new” Jim Crows. In the old Jim Crow, apart from black business people who had captive markets white firms didn’t compete with them over, it’s hard to identify any stratum of black people who had a material interest in keeping the old system. You can’t say the same about this “New Jim Crow.”

The closer one looks, in fact, the more “New Jim Crow” looks like a slogan, a metaphor, rather than accurate analysis. To her credit, Ms. Alexander’s is pretty clear on the question of class within the black community, noting that she had to make a personal journey of her own to begin to see lower-class black males and through them their families and communities as the principal victims of the predatory penal state.

But not everybody who throws around “New Jim Crow” as a slogan has or will ever bother to read the book. And not all who do read the book bother to read it carefully or closely. “New Jim Crow” is an acceptable term for the prison state for the black political class and even for much of white America precisely because it seems to blame “racism” for everything, and in blaming “racism” actual human beings and governments they act through tend to be obscured.

It’s the job of intellectuals to come up with not just catchy slogans and malleable metaphors, but actual analysis. Anyone who deals with actual people on the ground knows that people will, after a short while, begin to treat catchy slogans as if they ARE analysis. You plan for it, it’s just the way you expect a lot of people to operate. For example, during Occupy Atlanta last year there were misguided souls in the (non)leadership who took anti-immigrant positions because they imagined that “we are the 99%” meant they should adhere to whatever positions the vast majority of Americans did, and most Americans were

thought to be (if you read the mainstream media) hostile toward immigrants.

It's more useful and concrete to note that police, prisons, courts and criminal laws are functions of government than it is to say they are "racist institutions" being run in a "racist" way. Under one formulation we are fighting the state, trying to re-make the state. If our enemy is racism and New Jim Crow, exactly who or what are we fighting, and by what means?

### **Is the Prison Industrial Complex Real?**

Finally, for the sake of clarity, we should look at the problematic term "prison industrial complex."

It seems to say that the growth in prisons during the last thirty years was motivated by profit. The facts don't seem to back this up. Most prisoners are not working, not performing any economic activity. Better than 90% of all prisoners any given day are simply languishing in their dorms or cells, period, not doing anything. Federal prison industries in several of the last few years, have failed even to make a profit. There are plenty of contractors, who handle everything from feeding prisoners to medical services, and they are raking it in. But they aren't dictating the growth of prisons over the last thirty years. Politicians do that, for reasons that have lots to do with sustaining their own careers, and asserting the authority of the state over supposed delinquent segments of the population, teaching them "a lesson", supposedly deterring crime, ensuring public safety and all that. In short, prisons cost money, they don't make money and the money that is being made from prisons is far too small to account for the six and sevenfold increase in US prisoners over the last 40 years.

Those of us on the left generally and correctly regard privatization as evil, so it's hard to imagine anything more evil than a privatized prison. Although a number of very profitable private prison outfits DO exist, the fact is that the percentage of prisoners housed in privatized prisons is growing very slowly, and most of that growth is confined to a single sector, the incarceration of immigrants.

It seems that private prison companies want to make profits. The least profitable prisoners are the old, the sick and those requiring extra security precautions. Immigrants came here to work. They are mostly young, mostly healthy, and not especially disposed to violence, which makes them the most profitable prisoners. The trouble is that the Obama administration has rounded up and is deporting record numbers of immigrants, and with the unemployment levels remaining quite high, immigration as a whole is declining. So the boom in immigrant prisons is not sustainable either.

Think about it. Can anyone seriously argue that the drive for profit has fueled the six and sevenfold growth of US prisons over the last 40 years? For this to be true there would have to be not a handful, but dozens, perhaps hundreds of prison billionaires, just as there are hundreds of billionaires connected with military contracting. But these do not exist. There are profiteers, but not a hundredth as many even as in the field of rapidly privatizing education. Prisons have never been especially profitable.

Lock-em-up laws, aggressive policing, runaway prosecutions and racist policing have all been about enforcing a new social order on population segments whose labor is no longer needed as it was 50 years ago, and for whom no jobs, training, quality housing or meaningful education will be provided. Prisons are about showing somebody who's boss,

about perceived “public safety”, about enforcing an unjust social order.

To fight the “prison industrial complex” , like generating a movement against the “new jim crow”, is to fight a ghost. Neither of them are real. What’s real is 2 million plus people in US prisons and jails. Prisons are real, and prisons are about statecraft, not about runaway profits, not about “neo-slavery”, whatever that is, and not about “racism”, which is everywhere anyhow.

A movement that challenges the prison state must come in part from the prisoners and former prisoners and their families. It will have to be a movement that challenges the way we are governed, the way housing, health care, jobs and resources are distributed, the way we educate our young and care for our elders. The prison state is another aspect, along with privatizations and austerity, of neoliberal capitalism. That’s what’s real. Time to wash the “new jim crow” pixie dust from our eyes.

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