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# A Legacy of Supremacy: Prison, Power, and the Carceral Nation

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**A LEGACY OF SUPREMACY:  
PRISON, POWER, AND THE CARCERAL NATION**

By

Luke J. Hickey

Accepted in Partial Completion  
of the Requirements for the Degree  
Master of Arts

Kathleen L. Kitto, Dean of the Graduate School

ADVISORY COMMITTEE

Chair, Dr. Kathleen Young

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## **MASTER'S THESIS**

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**A LEGACY OF SUPREMACY:  
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A Thesis

Presented to

The Faculty of

Western Washington University

In Partial Fulfillment

of the Requirements for the Degree

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Luke J. Hickey

February 2017

## **Abstract**

This thesis focuses on the relationship between the prison system and the history of institutionalized racism in the United States. It begins with a detailed historical and political analysis of the criminal justice system in relation to race/ethnicity from the abolition of slavery in the nineteenth century into a modern day context. The ideologies birthed from the abolition of slavery that contributed to the structure of the United States penal system are paired with practices of contemporary mass incarceration. The examination of the historical in conjunction with the present shows a clear trajectory of how the U.S. private and public prison system took on many of the roles once held by slavery. A look into contemporary practices of mass incarceration includes the role of the private prison as a way to profit from racism, as well as to expand the system. The role of free labor is central to these connections, as it is the historical constant both in the forms of antebellum slavery as well as prison labor. Finally, with an understanding of the relationship between prison conditions and racism, this thesis concludes with the questioning of what positive changes can be made.

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## **Introduction**

### **1.1 Motivation**

The prison is one of the central institutions of United States culture. It is a highly ideological and influential construction on the cultural landscape, but has never been so much as it was and is in the twentieth and twenty-first centuries. Prison reaches into the trenches of society— as well as into the depths of the collective consciousness— and is ever expanding with the advent of the transnational prison industrial complex. The network of corporations, legislation, and economic factors that break across borders has become normalized. It is no question that this is the age of mass incarceration. In no place is this as true as the United States of America, which incarcerates more bodies than any other place in the world (Enns 2016).

What is often overlooked is how the prison has entered the landscape of the collective consciousness as something that is now presented as a natural appendage of society. As a result of the prison occupying a central place in the habitus of a culture of punishment, rarely is it questioned that the immediate response to crime so often is to cage the criminalized. This response, particularly in the United States, is a product of how the culture has come to criminalize, as well as how to neglect and dispose of the criminalized. This disappearance is the posited solution to socio-cultural issues, such as violence and the constructions surrounding the use of drugs. It is the operative response to actions that can be seen as direct results of alienation and poverty under capitalism, such as theft and financial crimes.

Anthropology will do well with an expanded study of the prison. The prison is in many ways a reflection of the larger culture and its attitudes. The prison system

creates a subculture within the larger culture in which certain aspects of the macro are more concentrated. Rhodes (2001) discusses the role that anthropologists can play in the study of the contemporary United States incarcerated population. Critical Resistance (2017) notes the existence of a prison industrial complex, defining the term as a way to “describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems” (para. 1). As the prison industrial complex claims more lives every day and continues to expand, strengthen, and consolidate, anthropologists have an obligation to concern themselves with this institution.

The public awareness of the ever evolving prison industrial complex has heightened in recent decades, and in particular in the last several years. With police brutality and mass incarceration becoming household topics of discussion due to increased media coverage and the publication of popular books such as *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (Alexander 2012), anthropology is taking a fresh look at the practice of mass incarceration. An anthropology of the prison will analyze the labels, treatments, constraints, and limitations of being a criminalized person in twenty-first century United States. This includes acknowledging the historical roots of the prison in this country. Foucault (2003) acknowledged that “[a]t the end of the nineteenth century . . . criminality was conceptualized in racist terms” (258). With this in mind, the movement to abolish the operative vestiges of slavery and Jim Crow, with particular attention to the Thirteenth Amendment and the influence of Black Lives Matter (2017), has become what will perhaps be later known as the new wave of civil rights.

## 1.2 Questions and Justification

The working questions for this thesis are as follows:

To what extent, if any, is the United States prison system influenced by racism?

What approaches are being used to make positive change?

Anthropology takes a specific stance on the treatment of historically excluded and dominated populations (Lévi-Strauss 1963). The discipline stresses the value of liberation from colonization and oppression. This period of mass incarceration is not an aberration, but is rather an outgrowth of other institutions that have been deemed obsolete. The obsolescence of these institutions, such as slavery and Jim Crow, left a void that was filled by the prison. The human experience of what it means to be criminalized in this culture is one with which anthropology should concern itself. While anthropology moves increasingly toward a decolonization model of study, the prison system continues to expand. Anthropology has the tools to critically analyze the deeper meanings behind the construction of criminalization and penalization. It is no question that the time for a serious analysis of criminalization and the prison by anthropology is today.

## **Methodology**

### 2.1 Selection of Sources

A thesis regarding a current practice that is continuously developing and evolving has required a methodology that itself has evolved. The primary method of research has been documentary analysis— the examination of primary sources. The strength of primary sources is that they provide information that is highly specific and diverse. The weakness is what can be often perceived as a certain lack of depth. Supplementing

primary sources with theory is, therefore, of great importance. These sources come from various angles and places of participation in the prison industrial complex. The weakness of this methodology is that human subjects are generally considered to be more valuable, as they provide a wide variety of experiential data and tend to be more nuanced. For this thesis, human subjects were not used, and there are specific reasons for this decision as well as strong benefits for the research.

Incarcerated individuals are subject to severe restriction of movement as well as acute surveillance. Prisons are generally wary of allowing researchers behind the walls and many do not allow it at all. Those that do allow interviewing to occur do so under highly surveilled circumstances. Surveillance would alter the setting to such a degree that the research subjects might not be able to express what they truly feel and experience for fear of repercussions. This is especially important to consider when the criminal justice system is set up in a manner that allows the duration of prison sentences to be changed with respect to what is constructed by the state as “good” and “bad” behavior of the criminalized. Incarcerated people have limited rights, and a research project that would ask members of this population to detail their experience and feelings surrounding their imprisoned existence could easily pose problems for the subjects while benefitting the researcher; documentary analysis was chosen as a way to avoid this. In short, the method of documentary analysis was chosen as a way to avoid the possibility of putting incarcerated individuals in a position that might potentially be exploitative.

To answer the research questions, data gathered from firsthand accounts of incarcerated individuals is paired with federal and corporate sources as a way to show various angles of participation in the prison industrial complex. Firsthand accounts of

the lives of incarcerated individuals provide a look into the daily life of prison, as well as providing insight in what it means to be incarcerated during the time of mass incarceration. Firsthand accounts show the reader what is rarely seen— the life of people who are made invisible by the institution.

Federal and corporate sources are to provide insight into the world of those who have an interest in keeping the system mass incarceration in place. This creates a contrast by showing the issue of human rights versus an economic system that needs incarceration to keep itself afloat. Additionally, the ideology behind punishment in the criminal justice system is examined by the use of these sources.

Organizations that advocate for the rights of incarcerated individuals are also used as source material. This material provides a sort of synthesis wherein issues of human rights, roots of the prison system, and economic and political interests are all shown together to create a larger picture of incarceration, its influence on the larger culture, and its roots in this culture. Data from these organizations is used to examine cultural issues surrounding mass incarceration, especially how the practice disproportionately affects specific demographics. This allows for a deeper analysis that examines both the past and the present.

The amount of primary source data available was vast and needed contextualization, both historically and finally theoretically. After initial examination and organization of data related to current incarceration in the United States, the trajectory of prison and how it has been constructed in this culture was analyzed. The feminist methodology of examining intersections came into place at this point in the research. Feminism, when intersectional, can provide a critical framework and methodology that acknowledges connections, both institutional and ideological.

Intersections of colonization, historical and contemporary slavery, racism and xenophobia, and the current political climate in the United States all contribute to an analysis that encompasses both the historical and the contemporary. The pairing of the current and the historical served to provide a contextualized view of how the prison industrial complex in the United States came to exist as it does today with focused regard to its role in over-incarceration and institutionalized racism.

## 2.2 Theoretical Perspective Approach

Buttressing this information with anthropological theory grounds the data and makes it relatable. It adds greater context to a picture that would otherwise seem too vast. Theory was the thread of continuation. Theorists who examined institutional power and its relation to economy, political climate, and the institution of prison itself—such as Karl Marx (1947; 2000), Ludwig Wittgenstein (1922), and Michel Foucault (1977; 1982)—are combined with theorists who spoke of race/ethnicity, masculinity, and other relevant constructions that play central roles in what the prison has become. These included W. E. B. Du Bois (1935) who wrote about how fundamental aspects of slavery survived its formal abolition. Pierre Bourdieu (2001) used the concept of *habitus* to show how aspects of a culture that might otherwise be perceived as violent are normalized and rendered customary. James Gilligan (2003) is one of the current researchers who have become central sources regarding cyclical issues of violence and internalization.

## 2.3 Evolution of Relevant Data

The data for this thesis proved to be continuously changing, as the system itself continuously changes. Factors taken into account that had direct influence on the

development of the working questions included legislation and economic interests regarding private prisons (Cox 2016). Andrew Taskitz (2010) and others have discussed the movement to abolish the slavery “loophole” in the Thirteenth Amendment (Taskitz 2010: 245). The activist groups such as Black Lives Matter (2017) has added to the recent emergence of a larger cultural awareness of mass incarceration. All of these factors influenced both how data is interpreted and presented as well as the data itself.

The research methodology allows for a broad range of perspectives. Addressing all the issues surrounding mass incarceration is beyond the scope of the thesis. The research focuses on the historical legacy of racism in mass incarceration and relevant intersections. Documentary analysis, with the availability of a vast amount of source material, is a methodology that allows the researcher to look into all relevant areas. The source material was selected from the body of research according to its specific relevance to the relationship between incarceration and institutionalized racism, as well as theoretical work that examines power relationships and how they function in a culture.

## **Literature Review**

### **3.1 Anthropology and the Prison**

There are some 2.4 million people in prison in the United States, and five million on probation or parole— a total of 7.4 million people under the control of the correctional system (Federal Bureau of Prisons 2017). The modern prison system, also known as the prison industrial complex— the vast network of industries, public and private facilities, and technologies that form the contemporary consolidated prison

system— is an area of interest among many social scientists. One reason being that the United States incarcerates more people than any other country, a practice known as mass incarceration (Federal Bureau of Prisons 2017) (see Figure 3.1).

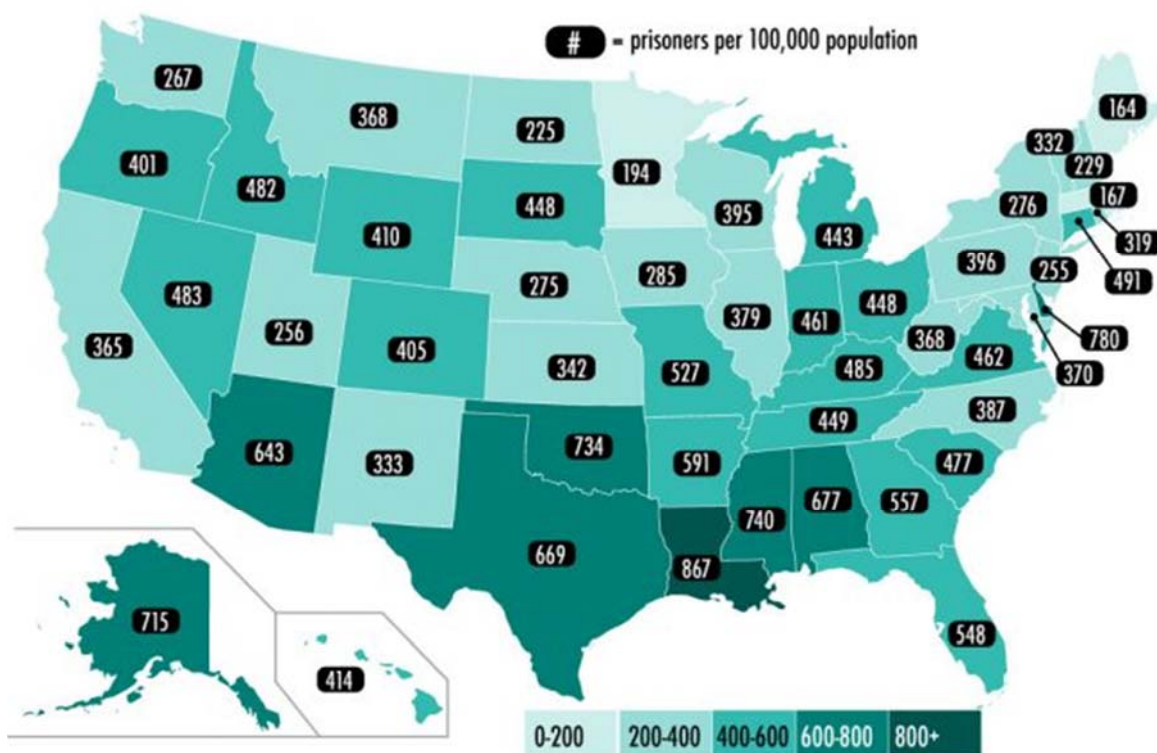


Figure 3.1 (Khosla 2015)

Lorna Rhodes (2001) describes the phenomenon of people of color, especially African Americans, having become the most criminalized population in the United States and therefore occupying the majority of the prison system (Rhodes 2001: 67). This confirms W. E. B. Du Bois' (1935) findings, which illustrate a clear trajectory from slavery to prison in its current form as the dominant mode of punishment in the criminal justice system. Foucault (1982) emphasizes that the study of prison cannot be limited to analyzing only the power— that is, the institution itself— but also the prisoner, the subject of the punishment. A power relation must be examined. “[W]hile the human subject is placed in relations of production and of signification, he is equally



placed in power relations that are very complex” (Foucault 1982: 778). Amy Allen (2007) suggests that Foucault’s work, though invaluable, must be supplemented if one is to have a full critical understanding of the prison because the theorist— at least in *Discipline and Punish* (1977)— ignored the cultural construction of race and the consequences of racism.

Moreover, the prison, its purpose, and historical trajectory must be collectively understood within the complex cultural power relations in existence. The history of the prison in the United States must be understood within the history of the country itself. “We have to know the historical conditions which motivate our conceptualization. We need a historical awareness of our present circumstance” (Foucault 1982: 778). Punishment is not simply about power— it is also entangled with history.

Marx writes, “In order to study the connection between intellectual and material production it is above all essential to conceive the latter in its determined historical form” (Marx 2000: 381). Anthropology, then, cannot fully understand and analyze the prison in the United States without lending respect to its roots. Analyzing the cultural function of the prison needs the context of history. This leads to the point that the prison is not only a material structure, but also something that has been intellectually produced. It is, therefore, necessary to question not only the material prison, but how it is imagined in the collective consciousness as a concrete and tangible solution to crime.

Some anthropologists have taken on the role of studying the prison as well as building curricula to educate future anthropologists about the system. One professor, Laura Barraclough (2010), teaches a course in anthropology on the prison industrial complex and its relationship with public policy. The author explains that the purpose of the course is to teach the mostly white, elite students “about the ways in which prisons

create and sustain relationships of power and inequality” (Barracough 2010: 42). The syllabus was especially relevant, as it outlined how an anthropology of the prison industrial complex can be taught in a university setting. The author explains that this laid the groundwork for students to engage in critical thought in order to come up with radical alternative ideas to the many problems of the prison system, such as mass incarceration, asymmetrical power relationships that allow the system to self-perpetuate as explained by Foucault (1977), and racism. The author and professor explains that she specifies on her syllabus and at the beginning of the course “[T]his is an anthropology-sociology course, not a criminology course. That means that our focus will always be on the social and cultural functions of the prisons, how they shape the quality of individual lives and are shaped by the dynamics of social structures” (Barracough 2010: 42). In providing this specification for the course, the author resists the dominant discourse of crime and punishment, shifting the focus to cultural implications.

Additionally, Barracough (2010) makes use of non-hegemonic vocabulary to describe and outline meaning behind the existence of prison and mass incarceration (i.e. “relationships of power”). Making use of non-dominant language in discussion of the prison industrial complex allows for the emergence of alternative critical analyses, as well as comparing prisons to psychiatric hospitals, camps for refugees, and other places where people are confined for periods of time, both definite and indefinite (Sudbury 2014). In doing this, the interconnectedness of all of the above mentioned institutions rises to the surface of discussion and analysis.

In using non-hegemonic vocabulary, it has been noted that definitions must be clearly laid out if the goal is to analytically dismantle the power relations (North 2006). The term ‘social justice,’ for example, must be clearly outlined in its meaning if it is to be

applicable (North 2006). The author writes, “[A] reinvented human consciousness, born from expanding and challenging our dominant notions . . . has the potential to develop political strategies that do not shy away from making generalizing redistributive and recognition claims” (North 2006: 527). Thus, clear definitions of terms such as ‘social justice’ and perhaps ‘freedom’ must be used if sound political strategies are in need. If each individual’s definition of these words are different and based on different interpretations of trajectories, a common ground for positive change cannot be met (Lynch 1995; North 2006). The difficulty here is to find a common ground for struggle where the goal and the means to the end are all agreed upon.

### 3.2 The Construction of the Criminal

W. E. B. Du Bois shared a close association with Franz Boas, both contributing to an increased acceptance of the concept of cultural relativism (Liss 1998). This helps establish an anthropological connection and understanding of the relevance of Du Bois’ work to anthropology on a larger scale. Du Bois (1935) noted that criminalized populations— most often populations of color— have always existed in the United States since its inception as such. One of the first criminalized populations consisted of slaves, and then former slaves after the eventual miscarriage of Reconstruction and its failure to establish what Du Bois termed ‘abolition democracy’— that is, a specific form of democracy that had fully abolished slave labor, criminalization based on identity, and historical exclusion of people of color (Du Bois 1935: 185). As a result of the emergence of a criminal justice system that actively criminalized former slaves, abolition democracy was never successfully instituted. This has led to the present situation with the prison system: mass incarceration and a new incarnation of slavery in the form of

prison labor. This was accomplished by establishing a slavery loophole in the Thirteenth Amendment.

The first article of the Thirteenth Amendment to the United States Constitution asserts, “Neither slave labor nor involuntary servitude except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction” (United States Constitution, Amendment XIII). The existence of this amendment shows that slave labor has not been abolished, but rather has merely changed its appearance in the United States. In order to fully illustrate the slavery that exists in the prison today, the incredibly disproportionate numbers of the presence of people of color in prison must also be considered. Prisoners make everyday items which might be rather unexpected, such as Victoria’s Secret lingerie (Davis 2003). Angela Davis (2003) notes that in California, the colleges and universities are provided with furniture that has been made by prisoners; this points to a seemingly unlikely connection between the prison system and the higher education system and a larger trend of the pervasiveness of the products of prison labor. “Punishment,” the author writes, “no longer constitutes a marginal area of the larger economy. Corporations . . . are now directly involved in the punishment business” (Davis 2003: 88).

In the same vein of thinking as Rhodes, the author discusses at length and analyzes how the privatization, massive growth, and consolidation of the prison system has led to an increased targeting of communities of color to by the state. This is not limited to the African American population, but has extended also to the Latino/Latina population (Davis 2003). The author identifies clear connections between prison and slavery, writing, “Moreover, the prison privatization trends . . . are reminiscent of the

historical efforts to create a profitable punishment industry based on the new supply of “free” black male laborers in the aftermath of the civil war” (Davis 2003: 93-94).

Essentially, many Black men are now being used by the prison system for a new form of profitable slave labor similar to the way they were used in the convict leasing system after the Confederacy lost the Civil War (Du Bois 1935). Convict leasing was a system that allowed formerly enslaved people to be easily criminalized via laws called Black Codes and leased out to landowners to perform the same labor that was done under the system of slavery (Du Bois 1935). It was essentially a legal loophole that allowed slave labor to continue after slavery was formally abolished (Du Bois 1935). The Black Codes were laws that applied to people of African descent and were instituted to surveil and restrict the movement of Black people (Du Bois 1935). This historical comparison points to criminalized populations as having existed throughout United States history.

One clear example of how slavery persists under the Thirteenth Amendment today is the existence of Louisiana State Penitentiary, which is a former antebellum slave plantation (Leeper 1976). This maximum security prison is most commonly known as Angola, because this is the country from which the plantation slaves were originally kidnapped (Leeper 1976). Today, the prison is known as the most violent and notorious in the United States and has various crops, including cotton, which are maintained by the prisoners— seventy-six per cent of whom are Black as of 2010— under the watch of guards on horseback (Louisiana Department of Public Safety and Corrections 2010). This slave labor has barely changed appearance since the formal abolition of antebellum slavery. There is a certain visual effect that evokes remembrance of antebellum plantation slavery when viewing photographs of Black men being forced to maintain

crops under the watch of white guards on land has not ceased to be a site of forced labor (see Figure 3.2).



Figure 3.2 (AP Images 2011)

As Michelle Alexander (2012) has pointed out, the number of Black people under the control of the criminal justice system today exceeds the number of whom were under the control of white slave owners in 1850 (9). This speaks to the theory that people of color are targeted and actively criminalized by the state in United States culture. Davis (2003) postulates this this is due not only to the history of institutionalized racism in the system as a whole, but also that it is now profitable to have more prisoners and that people of color have been historically constructed to be an easily targeted population.

The theories of Bourdieu (2001) regarding social and cultural capital— that is, ethnicity, socio-economic status, nationality, among other things— can be applied here.

These ideas show how much individuals or groups of people in a particular culture come to be valued according to specific traits that are culturally constructed. In light of these theories, it would be reasonable to suggest that populations such as people of color in the United States often lack, or are perceived to lack, the dominantly desired forms of cultural capital, which in turn makes them easily criminalized by the state and larger culture and seen as disposable and undeserving of certain standards of human rights. This ideology of punishment and abuse that is produced and reproduced by the prison industrial complex can be seen extended in other ways, such as Alberto Gonzales' assertion that the middle-eastern prisoners of war held by the United States were not entitled to the human rights regulations of the Geneva Conventions (Greenberg and Dratel 2005: xiii-xiv). This is important to note, as the United States prison system is a part of a prison industrial complex that is transnational, reaching across borders as a result of the ability of corporations to do so.

In discussing criminalized populations, it cannot be denied that gender also plays a strong role. Indeed,

[f]emale prisoners and victims of police brutality have been made invisible by a focus on the war on our brothers and sons. This emphasis fails to consider that state violence affects women as severely as it does men. The plight of women who have been raped by INS officers or prison guards, for instance, has not received sufficient attention. (Critical Resistance and INCITE! 2003)

This information requires a drastic rethinking of how prison control and the violence it perpetuates is imagined as an issue for male prisoners only. In a culture where the criminal is generally constructed and imagined as male, it is important to look beyond the dominant conceptions and to consider all of the practices of the prison industrial complex. For instance, women of color are currently the fastest growing prison

population today (Federal Bureau of Prisons 2017). This points to a significant shift in the existence and usage of the prison in relation to its more traditional historical function as a mode of punishment for men who have been criminalized. For much of the history of the prison in the United States, the incarcerated population consisted almost exclusively of men (Du Bois 1935; Federal Bureau of Prisons 2017).

Keeping with the assertion that dominant ideologies and conceptions of incarceration must be resisted to allow for a more accurate analysis, the role of gender in the prison industrial complex— and its intersection with patterns and cycles of violence— must be acknowledged. Gilligan (2003), for example, has observed first hand a cycle in which punishment and violence reproduce each other as a result of an intersection of masculine identity and the prison. One example the author provides is the punishment of a man who was in prison who would repeatedly assault the guards, who would in turn punish him more drastically on every occasion (Gilligan 2003). This led to a repetition and reproduction of the cycle and eventually solitary confinement for the man who was the prisoner.

The more they punished him, the more violent he became, and the more violent he became the more they punished him. They placed him in solitary confinement, deprived him of the last few privileges and possessions a prison inmate has; there was no further punishment to which they could subject him to without becoming subject to punishment themselves. (Gilligan 2003: 1150)

Gilligan (2003) has done extensive participant observation research in the prison system, and this serves as a credible example of the prison reproducing violence it claims to solve. When the author asked the prisoner, “What do you want so badly that you are willing to give up everything else in order to get it?” the man replied, quite simply, “Pride. Dignity. Self-esteem” (Gilligan 2003: 1150). The loss of these feelings



and attitudes by the institution of the prison thus led to the cycle of punishment and violence described above. The prison had stripped the man of these three things by the act of punishment itself.

The author goes on to describe the actual reasons behind the crimes committed by many of the prisoners in the same prison population in which this study was conducted. One surprising conclusion was the notion of what the author has termed “death of the self,” which often took place in early childhood as a result of violence and punishment on the part of the fathers of the men who later committed the crimes that led them to prison (Gilligan 2003). The researcher found that many of the prisoners committed atrocious crimes as a means to an end, the end being the ability to feel anything— and yet, the “capacity to have feelings and feel alive” was not repaired after committing violence against others, because the end result was punishment which led to more violence, more punishment (Gilligan 2003: 1152).

In analyzing the way prisons create and reproduce violence, it is important to consider various types of prisons. Researching the more dramatic examples in conjunction with “regular” prisons— be they public or private— paints a more complex picture of the practices the United States directs toward prisoners who are members of populations that have been constructed as criminalized. The topic of criminalized populations in the United States cannot be fully understood without taking note of the nation’s use of torture on its prisoners. There are the horrific examples of Abu Ghraib and Guantanamo Bay, both relevant in particular because of the leaked images and reports of torture (Greenberg and Dratel 2005). These prisons serve as supplementary examples to the standard state and federal prisons, as they are often perceived by the larger culture as anomalies and to be separate from the larger prison system, but are

instead results of state-sanctioned violence. These two prisons, their practices, and the continuing presence of Guantanamo Bay show what can happen when a state allows for human rights violations to become normalized in the habitus of a culture of punishment and criminalization.

Using the example of Abu Ghraib to further illustrate this point, Davis (2005) has established a disconnect between the torture photographs taken by guards at the Abu Ghraib and the United States public. Davis (2005) writes that the pictures represent the opposite of a democratic judicial process. The author then encourages viewers of the photographs to imagine themselves in the place of the victims to further understand the meaning of the torture (Davis 2005). The benefit of this exercise is that the public actually has access to a visual representation of practices of more obvious forms of torture. But what of the forms of torture of which the public has less access to visual representations? These methods of torture include solitary confinement, which has been declared a form of torture by the United Nations but is widely employed in the United States (The Istanbul Statement on the Use and Effects of Solitary Confinement 2007).

Abu Ghraib is a clear example of the treatment that is reserved for populations who have been constructed as the most undesirable and deserving of imprisonment and even torture. The declassified military memos chronicling the torture that took place at the Abu Ghraib prison in Iraq in 2003 detail torture techniques such as rape, mock electrocution, and many other techniques. The files reveal that these techniques of torture are also used on prisoners to this day at Guantanamo Bay detention camp (Greenberg and Dratel 2005). Jasbir Puar (2004) has drawn attention to the fact that these methods of torture, particularly the attachment of electrodes to the hands, face, and genitals— coupled with sensory deprivation— was originally developed by the

United States for prisoners of war during the Vietnam war. This fits with the historical trajectory regarding the treatment of people who have been constructed to be undesirable to a state founded upon white supremacy.

The theme and main discourse of these examples and intersections is identity.

Davis identifies specifically how identity collides with the justice system, saying,

Thus, if we are willing to take seriously the consequences of a racist and class-biased justice system, we will reach the conclusion that enormous numbers of people are in prison simply because they are, for example, black, Chicano, Vietnamese, Native American or poor . . . They are sent to prison, not so much because of the crimes that they have committed, but largely because their communities have been criminalized. (Davis 2003: 113)

This questions that which is considered normal in the prison system— and larger justice system— and deconstructs it in the tradition of Bourdieu and Foucault, laying bare the underlying racism and classism that is an integral part of how the system functions in way of punishment.

The transition from the twentieth to the twenty-first century saw a consolidation not only of the prison industrial complex itself, but also of the criminal— both in the individual and the collective sense. The criminal became a construction in a way that was more specifically defined than ever before. This transition created a sort of panopticon in which the person who has come to be called a ‘criminal’ is not only seen by the eyes of the system but also by the public eye. “These new modes of perception pick up on patterns of power and marginalization that date back to the beginning of the United States” (Lee et al. 2011: 47). Lee et al. describe how criminals have been constructed by passing a “litmus test” based on groups that are perceived as threats to the dominant elite Euro-descent population (2011: 48).

### 3.3 Growth, Consolidation, and Privatization

Foucault (1977) identified how the prison has always been used as a method of social control for people who are considered undesirable. The theorist suggests that there is a “symbolic connection” between prisoners and the prison as an entity that exists to keep people out of prison by means of fear (Foucault 1977: 104-105). Though the author established that criminalized populations did exist, it is questionable whether he imagined the enormous rise of the prison industrial complex or the expansion of imprisonment and torture across the globe by the United States. This theorist’s perspective is part of the foundation of an analysis of prison as a manifestation of state power.

Marx (1947) would perhaps argue that privatization of prison is a direct result of the rise of global capitalism in the postmodern era. The theorist asserts, “[I]n a modern workshop . . . modern society has no other rule, and not other authority for appointing work, than free competition” (Marx 1947: 198). Free competition here is related to corporate power and its interest in filling prisons and maintaining the steady expansion of the prison industrial complex. Global capitalism and the free market of neoliberalism has made it possible for prison to become increasingly independent and has therefore created a situation in which the most draconian regime of punishment has been allowed to proliferate, expand, and consolidate (Brown 2013). The system is self-replicating.

Putting the prison in context of the intersection of capitalism and racism, profitable incarceration thus creates a cornerstone for what Rhodes (2001) characterized as the ability to “disappear” populations of color that have been criminalized throughout the history of the United States (67). The term “disappear” here refers to the ability of the state to use the prison as a means of otherwise removing

people from public view. The criminalization of the people who are disappeared creates a population that can be used for profit by corporations such as the Corrections Corporation of America, one of the leading private prison companies in the United States (Corrections Corporation of America 2017; Davis 2003: 91). Put quite simply, the more people that are criminalized and absorbed by the culture of the punishment industry, the more money there is to be made and the more prisons there are to be filled.

With the advent of the private prison system, as Mary Sigler (2010) points out, one in every one hundred people in the United States today is in prison. Several decades ago this was not the case and would have been almost unimaginable. In 1971, there were fewer than two hundred thousand people in prison; as of today, there are over 2.4 million people occupying the cages of United State prisons (Federal Bureau of Prisons 2017). The increase in numbers of bodies in cages speaks to the dramatic effect of privatization: more incarceration for smaller offenses is good for capitalism. According to Alexander (2012) and Davis (2003), though the crime rate has steadily declined over the last quarter of a century, the rate of incarceration has skyrocketed; this all happened in conjunction with the construction of private prisons and the consolidation of the system as a whole (see Figure 3.3).

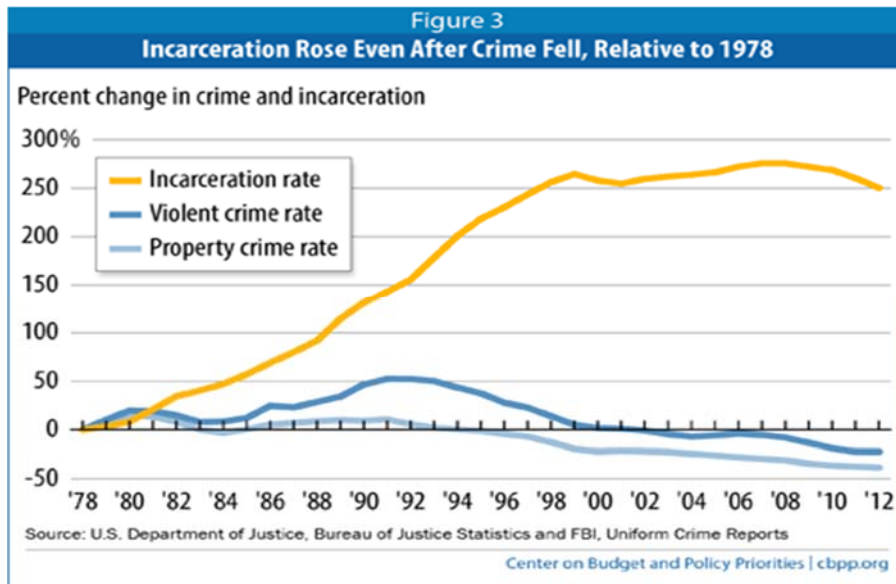


Figure 3.3 (Center on Budget and Policy Priorities 2014)

Savas (1987) argued that privatization is beneficial to society, saying that it lightens the burden of the government and puts it instead in the hands of the private sector. Additionally, there are the perceived short-term benefits of job creation and monetary upliftment of impoverished communities. Prison critics have a different point of view. One of the dominant criticisms of the privatization of prison is that “incarceration is an inherently public function and thus recourse to private prisons is inappropriate of the relative efficiency of this penal reform” (Dolovich 2005: 443). Anderson (2009) contends that because private prisons are looking to cut costs wherever possible, private prisons in particular are exactly the opposite of rehabilitative, because the entire function of the private sector is to generate as much profit as possible. The author points to the thwarted efforts to quell the prison population, asserting “the number of jailed criminals typically rises to fill whatever space is available (Anderson 2009: 115).

The main way private prisons profit is by charging inmates for their room and board (Davis 2003). Once an inmate is released, they receive a bill for their time spent incarcerated. The company can then garnish wages and assets up to one hundred per cent if the inmate is unable to pay (Alexander 2012). In addition, every person with a felony is required to “check the box” for felony convictions on job applications, though there is a movement to abolish this practice (Alexander 2012). If one has to repeatedly “check the box,” they are unlikely to gain employment, and if wages and assets are garnished up to one hundred per cent, it is difficult— if not impossible— to access the necessary resources to live outside the prison. The cycle repeats itself once a paroled individual once again becomes a prisoner for violating parole conditions, which include having a job, residence, and transportation (Alexander 2012).

As previously mentioned, one of the perceived benefits of private prisons is job creation and stimulation of local economy in the communities that house prisons. However, as the private sector is always seeking to cut costs and labor in order to make more capital, private prisons have benefited not only from the punishment itself but also by means of cutting employee hours, wages, benefits, as well as by simply not providing adequate training (Dolovich 2005). Capitalism plays a central role in the penal system and the changes it has undergone in recent decades. It has been suggested that, “The ruling class . . . is struck by systemic fear— that is, fear for the survival of capitalism. The reverberations of crime and punishment – including the recent Supreme Court order to release a quarter of California’s prisoners – may be signs of that fear” (Bichler and Nitzen 2014: 268). This systemic fear is thus a product of the ideologies of both capitalism and incarceration.

It is possible that the growth of the prison system can be explained by the ruling class having a strong desire to maintain power and control— this concurs with Foucault's (1977) theory of prison as a way of controlling populations that have come to be constructed as having less socio-economic power and autonomy. The authors continue to say that power in a capitalist culture must constantly grow, as is the nature of capitalism; this growth and expansion of power— for fear of losing it— forces the boundaries of the system (the penal system in this case), “making systemic collapse increasingly likely” (Bichler and Nitzen 2014: 269).

The priority of prison as the dominant form of punishment over other social institutions must be carefully considered. For instance, California has opened twenty-three prisons since 1980 and only one college campus, which speaks to how the state considers prison to be a priority higher than education (California Budget & Policy Center 2015). California has a total of forty-two prisons, eight of which are private (California Department of Corrections and Rehabilitation 2016). In addition, California has increased its prison population from twenty-five thousand in 1980 to over one hundred sixty thousand in 2015 (California Department of Corrections and Rehabilitation 2016).

California proves to be one of the leading states in increasing the prison population every year, as well as increasing the number of private prisons (California Department of Corrections and Rehabilitation 2016; Davis 2003). This means that there is an entire culture of prisoners who are increasingly understudied in anthropology. Anthropology should take a lead in the research, because there are rising issues regarding prison culture that should be examined beyond the more rigid constraints in the fields of criminology and economics. Anthropology is holistic in its methods of



research and development of theory. Because of this, an anthropology of the prison might lead the United States “[t]o live violence-free lives . . . [and] develop holistic strategies for addressing violence that speak to the intersections of all forms of oppression” (Critical Resistance and INCITE! 2003).

### 3.4 Abolition Democracy

Prison reform versus prison abolition is the liberal versus the radical. By its very definition, the word ‘radical’ means to go to the root of that which is recognized as a problem. Mass incarceration has been recognized as a problem by various organizations, political figures, activists, and intellectuals. Many— if not most— individuals and collectives center the discussion of the solution to the problem around the notion of prison reform. Jackson (1972), a political prisoner, critically analyzed the difference between reform and abolition in his work that was finished merely days before he was murdered in prison by a guard. There exists a canon of literature written by people who have become radicalized as a result of their imprisonment; George Jackson was one of the most prominent writers in this genre, second perhaps to Mumia Abu-Jamal. On the movement to change how the United States culture punishes and constructs images and tropes of people who have committed crimes, the author writes, “We are faced with two choices: to continue as we have done for forty years . . . or to build a new revolutionary culture that we will be able to turn on the old culture. Collectively, we have that choice” (Jackson 1972: 72).

Brady Heiner (2003) illuminates the problem with prison reform by returning to the concept of ‘death of the self’ and developing the idea further to three specific kinds of death experienced by prisoners: “social death by incarceration, political death by

neutralization and disenfranchisement, productive death by exploitation, or physical death by execution” (Heiner 2003: 99). The author further states that this is the nature of punishment under capitalism— that these types of death of the incarcerated funnel into social and economic gain to the white elite at the expense of those who are of color and who are impoverished (Heiner 2003). The author analyzes prison reformist ideas and practices through the lens of these modes of death of the incarcerated and concludes that because prison exists to cause these deaths, reforms “seek merely to *perfect* the inherently oppressive logic of the capitalist state-form” and that “all reformist politics are simply *not radical enough*” (Heiner 2003: 99).

Moreover, Heiner (2003) not only illustrates why reform is not enough, but provides a pathway to abolition. The proposed method of abolishing prison as the dominant mode of punishment is through a process of both negative and positive measures of change that complement each other. In other words, destruction of components of the system must be paired with the building of a new system. Finally, the author points to intellectuals— particularly those who are radical and incarcerated— as agents of defining freedom and democracy not by “confinement, incarceration, and immobilization” but rather to consider it in a framework of “creation” in the arena of abolition (Heiner 2003: 99). This process of abolition circles back to Du Bois’ (1935) analysis of abolition and reconstruction. The author wrote, “What, then, was the strength of the democratic movement which succeeded the war? In many respects it was emotional. It swept the land with its music and poetry” (Du Bois 1935: vii).

Sisters Inside, a prison advocacy and abolition group, is unique in that it provides a platform for women prisoners to speak for themselves, rather than having people on the ‘outside’ speak for them. They provide many examples describing why reform is

simply not enough, maintaining that small reforms cannot change a system that is built upon the abuse of prisoners. One example would be the mandatory strip search, which is sometimes performed on women prisoners up to fifteen times in one day (Kilroy 2005: 291). Sisters Inside has labeled the strip search procedure, which includes a full cavity search, as “sexual assault by the state” (Kilroy 2005: 289). According to research conducted by this organization, eighty-nine per cent of women in prison have been victims/survivors of some form of sexual abuse. Sisters Inside concludes that the “sexual assault by the state” is a method of social and physical dominance that repeatedly revictimizes women and others who have already experienced sexual trauma (Kilroy 2005). It would make sense that a system that has historically stemmed from human rights violations would continue them today.

Critical Resistance and INCITE! (2003) are two additional prominent prison abolition advocacy groups. Together, they have devised a proposed system for the abolishment of prison as the dominant mode of punishment as well as possible alternatives for addressing socio-cultural issues that lead to crime. Critical Resistance and INCITE! (2003) use the example of the socio-cultural issue of violence against women as a prime example of how prison is an ineffective solution to a macro issue. The organizations assert,

Prisons don't work. Despite an exponential increase in the number of men in prisons, women are not any safer and the rates of sexual assault and domestic violence have not decreased. Prisons also inflict violence on the growing numbers of women behind bars. Slashing, suicide, the proliferation of HIV, strip searches, medical neglect, and rape of prisoners has largely been ignored by anti-violence activists. The criminal justice system, an institution of violence, domination and control, has increased the level of violence in society. (Critical Resistance and INCITE! 2003: 142)

This is a prime example of how prison not only allows violence to continue on the outside of prison walls, but actually reproduces the violence it claims to address with what is called justice.

It has become increasingly known “[i]n the last 50 years or so, philosophical and public policy discussions . . . have focused increasingly on retributivist accounts of punishment, that is, accounts in which punishment is justified not in consequentialist terms on the grounds of its rehabilitative or deterrent effects” (Allen 2007: 316). Allen (2007) continues, asserting that the prison has not managed to achieve fruits from either of these methods, the former being that the individual being punished deserves help to rectify the crime they have committed, and the latter being that the criminal has an innate need— and indeed a fundamental right— to be punished. This is not to say that crime is an unsolvable problem; rather, it is to say that there has yet to be an effective method of change in the United States.

Marilyn Frye (1983) identifies the life of an oppressed person— a prisoner, in this context— as being made up of a network of interconnected forces of oppression, all of which contribute to keeping the person trapped. This can apply also on the collective level. The author likens these interconnected institutions and forces to a birdcage. Each institution is represented by a wire of the cage and together the wires keep the bird trapped. The author provides the explanation that this cage is “as confining as the solid walls of a dungeon” (Frye 1983: 4). In the context of the prison, each wire would represent a social force or organization that functions to keep the prison system as the dominant mode of punishment. One would be the criminal justice system, others would be drug laws, three strike laws, corporations that profit from prisoners, the market that

consumes and sells products made in prison. Finally, the birdcage would include the collective belief that people need to be locked in cages to keep society safe from crime.

Shimshon Bichler and Jonathon Nitzan (2014) have noted that the consolidation of this 'cage' came about in the 1980's, at the same time as the rise of neoliberalism. The authors propose that the distinction between the political and the economic be dissolved and that they be viewed as two sides of the same proverbial coin (Bichler and Nitzan 2014). This Marxist view allows for a clearer view of the decisions and growth that led to the consolidation of the prison industrial complex in the United States and therefore for a critical analysis to be more developed. The authors agree that it is more effective to "instead think of capital as power and capitalism as a mode of power" (Bichler and Nitzan 2014: 252). The authors go on to explain that this power, in the intellectual tradition of Foucault, is indeed a method of control:

The greater the capitalization of power, the greater the resistance to that capitalization and the larger the force needed to prevent this resistance from exploding. As profits increase to make distribution more unequal, the result is mounting resistance from below, and this resistance in turn leads to retaliation from above. The rising crime and intensifying punishment that we now see in the United States are key manifestations of this dialectic of capitalized resistance and retaliation. (Bichler and Nitzan 2014: 252)

This affirms the above stated hypothesis that prison is a method of social control via capitalism. The authors go on to state that the rise of the prison industrial complex and mass incarceration is also a method of retaliation from the capitalists as a response to the resistance of the exploited. The authors also note that "[h]uman creativity is a positive form of resistance to capitalist power . . . Illegality is a negative form of resistance to capitalist power . . . and penalty is the major institution that keeps this resistance from undermining the capitalist *creorder*" (Bichler and Nitzan 2014: 269).

It has been argued that the consciousness acquired by education is a main factor in cultural change that change often relies on alternative forms of education, as has been proposed by Herbert Marcuse (1969). The author proposes that “an alternative appears which would involve the subversion of the material *and* intellectual culture” (Marcuse 1969: 30). Some scholars recommend that prison abolition be taught in schools from a young age in order to give both children and adults the critical thinking tools to imagine new and alternative ways of dealing with crime on both an individual and a cultural level. The authors point to many recent and notable publications as evidence that the idea of ending mass incarceration has returned to popular thinking (Agid et al. 2010). This brings into consideration ways to address the issue in academic institutions as a legitimate alternative to how society currently operates surrounding the prison. The purpose of education according to Marcuse (1969) is to impart and build on knowledge that is relevant to human reality. “The groundwork for building the bridge between the “ought” and the “is,” between theory and practice, is laid within theory itself. Knowledge is transcendent (toward the object world, towards reality) . . . it is political” (Marcuse 1969: 61-62).

A professor at the University of St. Thomas, taught a class about the prison abolition movement using writings by prisoners to engage the minds of the students (Corr et al. 2010). The materials focused on various historical forms of incarceration and human captivity in the United States, beginning in colonial America, such as “the contact between European and Native Americans; African American slave narratives; Indian boarding school memoirs; Japanese American internment poetry; contemporary prison writing and neo-abolitionist discourse; and poetry from the Guantánamo Bay prison detainees” (Corr et al. 2010: 52). Thinking of imprisonment in its many historical

incarnations allowed the students to have a greater grasp on how the system has been used as a method of decreasing and often completely removing the rights of people who are of non-European descent in the United States. Most of the students had not ever heard of or thought about prison abolition; yet, as the course progressed and all of the historical angles and methods were examined and critically analyzed, the students began to see the connection between the various abolition movements and to see prison abolition as the abolition movement of the twenty-first century (Corr et al. 2010).

Abolitionist strategies must involve a theoretical framework in order for the structure of the movement to remain intact (Davis 2016). Feminist methodologies have been proposed, as “feminist methodologies impel us to explore connections that are not always apparent . . . Feminism insists on methods of thought and action that urge us to think about things together that appear to be separate . . . but it also insists on what this knowledge and activism tells us about the nature of punishment” (Davis 2016: 104-105). The author proposes a movement that is inclusive of a critical analysis of race, class, gender, sexuality, capitalism, and imperialism— an analysis that sees all of these identities and practices as interconnected with each other and the prison industrial complex.

## **Results**

### **4.1 Social Birth and Civil Death**

Since its inception, the United States has made use of coerced labor. From slavery to the current use of prison labor, one can see a clear historical trajectory of the use of such labor. After the collapse of slavery, and in the efforts of Reconstruction, a new

system of forced labor was put into place in which the same people who were used for labor under the system of slavery were once again forced to do the same labor via convict leasing and sharecropping (Du Bois 1935). Both of these practices returned the people who thought they had secured liberation from slavery to work at the very places where they had previously been enslaved (Du Bois 1935). This all happened under the guise of justice.

With slavery came not only social death, but also *civil death*. People who were enslaved were not allowed to participate in the civil realm. Today's incarnation of this would be felony disenfranchisement— the loss of the right to vote after being convicted of a felony (King 2008). This is the embodied history— the habitus— of the carceral nation's practice of civil death. Civil death is a rite of passage as part of one's social birth into the prison industrial complex. Foucault (2003) made the clarification, "When I say "killing," I obviously do not mean simply murder as such, but also every form of indirect murder . . . political death, expulsion, rejection, and so on" (256).

This type of death to the society a person convicted of a crime was once an integral part of is a part of the punishment process. If one is expelled from greater society for a period of time— or for the remainder of one's life— the idea of rehabilitation in that society seems counterintuitive. Thus, the notion of "corrections and rehabilitation" is an inaccurate way of explaining a removal that makes one irrelevant to the culture which has learned to easily forget about the existence of prisoners.

Private prisons, in particular, have a specific interest in maintaining this status quo. Because private prisons exist with the interest of gaining profit, they implement policies that ensure this monetary gain. For instance, CCA requires that each state that utilizes its brand of prisons must "maintain a ninety percent occupancy rate . . . for at



least twenty years” (Aviram 2016: 429). This requirement indicates an upheld importance of keeping the prison full, which disregards the idea of rehabilitation and a reduction of criminal behavior. The goal is to imprison as many people as possible in order to generate as much profit as possible. In this instance, recidivism must be desired and harsher punishments for lesser offenses must be implemented.

Hadar Aviram (2016) contends that private prisons are often given either an exceeding amount of attention or not enough in a dialogue that either blames private prisons for all issues related to mass incarceration or absolves them of the ethical issues of over-incarceration and human rights violations. This points to complexity greater than the public versus private debate and introduces such complexity to the discourse surrounding mass incarceration. The public dialogue surrounding mass incarceration, then, becomes misguided and misses the context in which mass incarceration emerged.

Private prisons have been erected all over the United States, often with the approval of the local community, who might benefit economically (Huling 2002). California was claimed by the CCA as its place and population of development and expansion (Aviram 2016). This leads to a normalization of mass incarceration. Because prisons have a way of isolating people, even if the facility itself is in a large city or otherwise well-integrated community, those on the outside of the walls often do not see the prisoners as existing because of both the civil death and the social death of isolation. Death to the self has been discussed. Death to the self is something that is a product of the prison, perhaps unless it is resisted (Jackson 1972). Forced conformity, uniformity, and the loss of one’s name and identity to an inmate number and technologies of surveillance and captivity all contribute to death of the self and birth into the prison

industrial complex as a caged body. A body in such a situation can be used for labor that is virtually free— the continuation of slavery.

A prisoner in the United States is not only often used for labor and profit, but is also used as a threat to those on the outside of prison walls. In other words, prisons are constant reminders of what may happen if one makes a misstep against what is culturally constructed as legal and acceptable. Additionally, prisons are constant reminders of bourgeois democracy (Davis 1986). Freedom, in such a political system, is understood by the observance of those who have had their freedom stripped away. It is understood by its negation. During antebellum slavery, white people who were not indentured servants could see those under the control of the system of slavery and understand their own freedom by seeing those who lived in captivity. Today, one can look at prisoners much in the same way. And very often, the gaze of freedom is from a free white person onto a person of color behind bars.

While it has been common among prison scholars and activists to refer to prison as a new incarnation of slavery, another point must be brought to the surface. Because not all prisoners are subjected to coerced labor, another perspective which includes all prisoners must be considered. Prison can largely be viewed as an outgrowth of slavery which has evolved into a system of “mass containment, the effective elimination of large numbers of (poor, black) people from the realm of civil society” (Davis and Rodriguez 2000: 213).

The prison industrial complex is a system that thrives on the isolation and systematic caging of people— specifically people of color, as the data shows. When a powerful institution prevents the possibility of thriving by means of repression and restriction of physical and social movement in a culture, it is complicit in and

responsible for slow-motion genocide. Genocide is not only the final result of a regime of highly developed repression, but is also a series of events leading up to the extinction of a group or groups of people (Power 2013). The highly disproportionate caging of people of color by a system that strips away the freedom— and often the very lives, via execution— of historically dominated populations is the intermediate stage of such a power structure. Prison, having its roots in slavery, is perhaps the largest and most significant institution of racism in contemporary United States culture.

Since its inception in the eighteenth century, prison has become such an integral part of the broader culture that it so often seems impossible to imagine a world where prison is not the immediate answer. Prison is a feature on the landscape of United States culture— a culture of mass incarceration— that has entrenched itself so deeply that mass incarceration has come to be considered normal. That which is considered to be normal has come to include the caging of historically oppressed human beings, to restrict their rights and movements, and to subject them to acute surveillance— all on a mass scale.

#### 4.2 Socio-cultural Movements and the Prison

For many, it is inconceivable to imagine a criminal justice system without the use of such technologies. For others, imagining a world beyond prisons is an integral part of struggles for social justice. The role of prison reform is often discussed in political and intellectual spheres. Reform is to change a system from within, to change certain features in favor of features that are considered more humane and progressive (Morris 1976). As the data has shown, the prison industrial complex is an institution that participates in a cycle of racism, both perpetuating racism and benefitting from it. Prison reform seeks to edit a racist system. Though this at first might seem to be a noble

cause, to edit a system of racism is to keep that system in power, simply with different features. This conception of progressive change is what has kept racism in power in the criminal justice system. The simple reason is that it creates an illusion of change, rather than lasting radical change.

The illusion is that reform, incremental change of certain more obviously problematic parts of the prison industrial complex, will change the whole system and resolve the issues surrounding over-incarceration and disproportionate representation of bodies of color. Reform cannot accomplish the desired changes, if the desired changes are in fact to eliminate racist practices inherent in the philosophy and practice of mass incarceration. This is an inherently anthropological approach to addressing the issue of mass incarceration, as it implements a holistic perspective of the issue, a point of view that makes use of cultural and historical critical analysis.

There is not, however, a clear divide between reform and abolition. Both the methods and the goals often overlap. For instance, it “would be absurd for a radical prison activist to refuse to support the demand for better health care inside Valley State, California’s largest women’s prison, under the pretext that such reforms would make the prison a more viable institution” (Davis and Rodriguez 2000: 216). The authors continue to argue that certain reforms can be used in an “abolitionist context” in which the focus is shifted from punishment to the effectiveness of “education, housing, health care, and other public resources and services” (Davis and Rodriguez 2000: 216). This shows that prison abolition and prison reform do have many things in common. The main difference in practice is the way changes are used to achieve a certain end.

Abolition, in the fullest and most successful sense, would not have allowed legal and systemic racism to be absorbed by other institutions, such as the criminal justice

system or the prison. Radical change, etymologically, is to go to the very root of the issue. A radical change, to uproot the system as a whole, is an ideological alternative for many who do not see reform as effective for long term progressive change. The prison abolition movement is unique in that it recognizes the interconnectedness of the past and present with the dominant institutions of racism and classism, while prison reformists tend to see history as isolated from the present condition (Morris 1976).

The ability to see the issue of mass incarceration as a vestige of slavery allows those who identify as prison abolitionists to imagine new ways of dealing with crime that are preventative rather than punitive and to implement new methods and conceptualizations of security. These new conceptualizations require not only legal and policy changes, but also ideological changes. This is because the actions of institutions legitimate themselves with the use of language that gains the best public response. Words such as “protection,” “security,” and “corrections” all elicit specific reactions. People want to be safe from criminal behavior, and the institution uses language that gives a sense of security in order to legitimate its actions. But there is an incongruence between language and action when people who are members of historically excluded groups are not safe from unethical practices of the institution.

There are many examples of the state refusing to give up this level of control and how it tightens its grips and extends its authority when it is faced with resistance. Assata Shakur (née Joanne Chesimard) was found guilty of the murder of New Jersey state troopers in 1973, despite medical and forensic evidence proving otherwise (Davis 2016; Shakur 1987). She was imprisoned in a men’s prison where she was subject to torture and systemic racism; she eventually escaped to Cuba, where she received political asylum and lives to this day (Davis 2016; Shakur 1987). In 2013, she was unexpectedly

added to the FBI's Most Wanted Terrorist List with a two-million dollar bounty (Federal Bureau of Investigation 2016). This is one highly political example of how the United States continues to exercise the maximum level of control over those who defy and resist what seems to be an increasingly draconian regime of punishment.

Davis (2016) suggests that in the case of Assata, who is today sixty-nine years old and the only woman on the Most Wanted Terrorist List, the state is making an example of what can happen to a person who resists this type of maximum punishment and that power of the state in general. This is another example of how the death penalty takes many forms other than what is generally considered in discussions surrounding capital punishment. In Assata's case, there is both a permanent civil death as well as a bounty that encourages her capture and perhaps subsequent execution. In today's world of "Blackwater-type mercenaries who might want to claim the \$2 million bounty," this is a very specific type of threat in relation to a civil death (Davis 2016: 74).

A current issue surrounding state sanctioned killing of citizens is the disproportionate amount of people of color, most specifically young Black people, are being killed by the police. The Black Lives Matter movement is central to this discussion. One aim of the Black Lives Matter movement is to cease the disproportionate killings of Black people at the hands of police and vigilantes in the United States. But this is not the only focus of the movement; it also has a focus on ending all targeting of Black people and people of color in general by the state, including police brutality, racial profiling, and mass incarceration (Black Lives Matter 2017). It is an organization that challenges structural violence against Black people.

The organization also functions as a consciousness raising movement in which both individuals and collectives can put forth efforts to resist the dominant notion of

Black history and current life that prevails in contemporary United States culture.

Tomiko Shine presents this same idea with the explanation that “the Afrikan interacts within a framework of the last 500 years. Thus, time for the Afrikan within the European context is distorted” (Shine 2013: 79). Shine presents the argument that the construction and punishment of crime committed by Black people is a direct result of the actions and philosophy of white supremacy (Shine 2013). Black Lives Matter has become a central point of focus in the arena of social movements of resistance to the full state apparatus, including specific respect to the prison.

State sanctioned violence that disproportionately targets people of color easily connects to capital punishment in many ways. For instance, in the state of Washington, “[J]uries were three times more likely to impose a sentence of death when the defendant was black than in cases involving similarly situated white defendants” (Beckett and Evans 2014: 4). This is not limited to Washington State, and is an example of how those who have been constructed to be most subject to the fullest expression of the power of the state are members of racial and ethnic groups who have been historically disadvantaged or excluded.

State sanctioned violence has arisen as a prominent discourse in this research. One of the purported reasons for the existence of prison is to stop violence, though the data has shown that the violence instead is perpetuated in cycles within the institution. Because the prison survives partially by the power of an ideology that culturally constructs crime and how crime should be dealt with, this ideology is a part of life in the United States. If violence is a result of this operative ideology and the institution itself, it is reasonable to conclude that, by extension, the violence is also perpetuated outside the prison walls. For instance, individuals are punished for instances of domestic violence

and this punishment is supposed to be a form of “correction.” And yet, this form of violence continues to be a cultural problem on the outside of the confines of the prison. The prison does not address the larger issues that exist in this culture. The prison is not a corrective or rehabilitative institution. Rather, this institution accepts the perpetuation of violence and— by its very existence, ideology, and methods— creates a condition in which violence is encouraged (Gilligan 2003). With the increased corporatization of punishment, violence is profitable (Davis 2003; Gilligan 2003). Prison abolition seeks to implement new ways of addressing cultural problems, such as intimate violence, that do not rely on scapegoating individuals for larger problems (Morris 1976).

Foucault is likely the most referenced theorist in topics surrounding punishment and state power. He suggested that all methods of state punishment— such as incarceration, state-sanctioned torture, and execution— are symbolic ways in which the state asserts its power and ability to control social outcasts and people who have been labeled criminals (Foucault 1977). In the thread of discussions surrounding the efforts to abolish certain forms and performances of state power, the author says that the goal of movements which assail such institutions is to specifically target “a form of power” (Foucault 1982: 781).

Although the social theorist’s work presents a historical analysis that predates the current state of punishment, it becomes ever more relevant, as he “had long observed how methods of punishment and death were vibrant, social and political symbols. The symbols have remained, but they have a disturbing modern twist” (Denno 2002). Indeed, “the state’s power . . . is both an individualizing and a totalizing form of power” (Foucault 1982: 782). The individual experiences are intricately entangled with the collective experience.



The International Conference for Penal Abolition (ICOPA) “keeps abolitionism alive” with the knowledge that “abolitionism should not now be considered an unrealizable utopian dream, but rather the only possible way to halt the further transnational development of prison industries” (Davis and Rodriguez 2000: 214). The authors continue in the discussion of the ICOPA with the criticism that though it presents abolition in a practical manner, it has in the past failed to make connections with race/ethnicity and the penal system. An anthropological approach to prison abolition would therefore inform the movement to a degree that would provide it with the relevant cultural and theoretical framework it might need in order to become a more popularly conceived alternative to the ever-expanding carceral system.

#### 4.3 Intellectual Repression

Prison abolition is not limited to the abolition of incarceration as the most influential institution in the criminal justice system, but must also include the abolition of racism as a whole if the racist practices of mass incarceration are to come to a halt. This means not only a change in institutional structures and practices, but also a fundamental ideological change. The data suggests that this was perhaps the greatest failure of the abolition movement in the nineteenth century. While the institution itself was officially abolished, the ideologies of racism that remained pervasive in the culture allowed the criminal justice system— and prison in particular— to absorb racist practices once held by slavery (Du Bois 1935). Had racism not been pervasive and tightly woven into the cultural fabric of the time and place, it is conceivable that mass incarceration would not have emerged in the late twentieth century.

As Foucault (2003) wrote, “Racism first develops with colonization, or in other words, with colonizing genocide” (257). The carceral nation is not only complicit in the above mentioned oppression and slow motion genocide of people of color who are imprisoned, but is also responsible for the wasted lives of prisoners, regardless of race and ethnicity. The denial of Pell Grants to the vast majority of prisoners (Kim and Clark 2013), and therefore denial of intellectual progress of a population who would perhaps benefit the most from such mental stimulation, is one example of time wasted. Being locked in a cage for years— and for many, the rest of a person’s life— comes to nothing if the result is only that the individual lives in captivity and the problem of crime persists on the outside of prison walls.

The stated purpose of prison is to correct and rehabilitate. It is widely accepted that education is a key to change, and is imperative for liberation (Marcuse 1969). But if liberation is exactly the opposite of the goal— and indeed, freedom is the antithesis of imprisonment— it follows that certain activities and arenas of thought would be expressly forbidden and nearly impossible to penetrate if the system so desires. Prisons in the carceral nation often forbid the entrance of certain books into their libraries. One notable example of this is how the Texas Department of Criminal Justice banned Toni Morrison’s novel *Paradise* from entering their prisons (Texas Civil Rights Project 2011). The reason given was that it has content that threatens the legitimacy of the prison system (Sweeney 2004).

Toni Morrison, arguably one of the most influential writers who contributed to a canon of women of color feminist literature, produces writing that examines systems of oppression and encourages the reader to think about their own circumstances in relation to such systems. Such a canon of literature allows the reader to question power

structures. This type of literature is perceived to be a threat to the prison system. The Texas Department of Criminal Justice has a list of thousands of banned books, many of which are banned for the same above stated reasons; *Mein Kampf* is not on the list of banned books (Texas Civil Rights Project 2011). The banning of books such as *Paradise* while allowing *Mein Kampf* sends a clear message about what types of power are allowed to perpetuate with the consent of the prison.

This example is included to show that prison is not only an institution that serves to restrict the movement of bodies— certainly certain types of bodies more than others— but is also an apparatus of state repression of the mind, the intellect. This is the broader meaning of captivity, of full denial of freedom and agency. This type of ultimate restriction of the body and the mind can be compared to the laws against teaching a slave to read during the period of antebellum slavery.

Frederick Douglass (2005), in his autobiography, described how he became hungry for knowledge, how he heard the word ‘abolition’ and had a sense that it was a word and concept with which he should be concerned. Douglass (2005) was able to secretly learn to read; reading, he had come to realize, was a sure way to secure freedom— first intellectual freedom, and later bodily freedom.

If liberation flows first from the knowledge of what it means to be free, it only makes sense that a consolidated set of institutions which are invested in keeping nearly 2.4 million people from being free would restrict access to knowledge. It would, after all, be a threat to the institutional power if its captives had a profound and critical understanding of the full capacity for freedom and its antithesis: the prison.

#### 4.4 Schools of Resistance

While prisons are popularly viewed as sites of violence, they have also acted as inadvertent sites of political education and resistance in the last several decades. This has been particularly true of incarcerated people of color (Badillo and Haynes 1972). After the seminal works of George Jackson were published, *Soledad Brother* in particular, it and other radical literature produced by incarcerated people of color began to spread throughout the prison system, despite such literature being expressly forbidden in many institutions (Badillo and Haynes 1972). The outlawing of this vein of political literature again points to a policing of thought in addition to the movements of the body. Not only is movement restricted and surveilled, but the ideas that are able to permeate the prison and enter the minds of those in prison are heavily restricted, so as not to allow prisoners to become conscious of their condition, the socio-cultural structures that led them to prison, and the power structures that keep them there (Foucault 1977; Jackson 1972).

George Jackson (1972) himself became politicized— that is, he recognized his particular social position of being a criminalized black man— by reading works by Marx, Lenin, and other political theoreticians while incarcerated. Jackson (1972) became a leading radical intellectual at the Soledad prison and was murdered by a prison guard just days after his second book was ready for publication. This is but one example of a historical trajectory of prisoners of color becoming politicized as a result of their incarceration. It also is an example of a legacy of brutal repression against the acquisition of radical political consciousness. The prison thus works to reinforce a McCarthyist mentality that certain political ideologies are unacceptable.

This concurs with the theoretical concept of hegemonic ideology being a weapon of oppression (Freire 1996). The ideology serves to maintain the status quo both inside and outside prison walls. Most of the time it works. But, as has been shown in the cases of historical and contemporary prison revolts and strikes, the ideology is not always convincing and does not always hold its grip. When the hegemonic ideology surrounding the prison is rejected by those who are incarcerated, the result is a radical politicization wherein the prisoner realizes their position in the scheme of institutional, historical, and cultural power networks (Freire 1996; Jackson 1972).

Results of this radical politicization of criminalized and imprisoned people have been strikes and revolts. The 1971 Attica prison revolt is a key historical example of a political prison uprising. Taking this example, there are historically many similarities between prison and slave revolts. Slave revolts called for human rights, such as the right to be paid for work and the rights to personal agency and autonomy (Du Bois 1935). Prison revolts have these same demands (Badillo and Haynes 1972; Jackson 1972). The Attica manifesto included demands for adequate and modern health care, proper nutrition, an end to severe overpopulation, and an end to other human rights violations (Badillo and Haynes 1972).

Historically, revolts against both institutions— slavery and prison— have been named ‘riots’. This is significant because the word conjures up images of violence and chaos rather than organized direct action with a specific end goal in mind. Language, using the tradition of Wittgenstein (1922), has the power to shift how one sees the world. One term might cause one to see the actions simply as threats to the dominant institutional forces, while another sheds light on the purpose of and ideas behind the actions.

A key historical component of abolition has been securing agency by those who have had it taken away (Morris 1976). Prison abolitionists identify the restoration of agency to prisoners as a key component in moving toward a world beyond prisons (Morris 1976). Viewed in this light, historical prison uprisings are viewed as calls for an end to civil and cultural death, and a restoration of agency and rights to incarcerated people.

On September 9, 2016— the anniversary of the Attica revolt— there began a nationwide prison strike. The significance of this is for the prisoners to end slavery by refusing to submit to being enslaved (Shirley 2016). The date was chosen deliberately, the strike was organized systematically, and it has resulted in the strike spreading across the country (Shirley 2016). This is how the movement towards a post-prison world is happening in the present day. This can be analyzed from a perspective that is aware of the past failure of abolition democracy and a desire to bring it into being, in accordance with Du Bois' (1935) theory. This illustrates the connection between abolition democracy and the prison as a site of contemporary slavery. Additionally, the history of both institutions— slavery and the prison— as sites of resistance by those held captive are shown to be deeply entangled.

## **Discussion**

### **5.1 Discourses of Racism and Criminalization**

The two main discourses to surface from the results of this research are that of criminalization and institutional racism. Historically, the United States prison system, as a component of a larger criminal justice system, emerged largely as a response to the

institution of the Thirteenth Amendment to the United States Constitution and the abolition of the larger antebellum slavery economy. The penal system, as has been shown, responded in such a way as to adapt to new circumstances and maintain the status quo of institutionalized racism under a new appearance and new laws. This set the foundation for what is now the prison industrial complex.

The prison industrial complex, emerging in the late twentieth century, thrives off of the criminalization of individuals and groups of people who have been historically disadvantaged by a culture of class oppression and white supremacy. The latter of the two is especially pronounced, as evidenced by the number of people of color who are imprisoned, which is disproportionate to the population of the country as a whole. The prison industrial complex needs racism for its sustenance. The slavery loophole in the Thirteenth Amendment has allowed for a culture of structural violence to continue, forming a cultural thread of institutionalized racism that exists on a historical continuum (Davis 2003; Du Bois 1935; United States Constitution, Amendment XIII).

The prison industrial complex has been shown to perhaps be one of— if not the most— racist institution in contemporary United States culture. It has absorbed lives of millions of people. The results show that this is no aberration, but is rather the habitus of this culture and its institutional system of criminal justice. The results of this research show that institutional racism is the outcome of a maintenance of a status quo that has always sought to dominate specific populations based on heritage and phenotypical features.

## 5.2 The Possibility of Abolition

The results of this project also make apparent that systems of slavery and prison have both produced significant resistance, within and without. Since their inception, there have historically been abolitionists for both institutions. The 2016 nationwide prison labor strike is a key contemporary example, and might in the future be commonly presented as being deeply connected to the revolts that took place during antebellum slavery. Just as it seemed impossible and out of the question to abolish slavery during its height, it now seems to the vast majority of the population impossible and indeed ridiculous to abolish the prison industrial complex. The abolition of slavery, with the exception of the “loophole” regarding the incarcerated population, is an affirmation that full abolition of contemporary incarnations of slavery and an institution of abolition democracy is perhaps within the realm of possibility.

This possibility is contingent on an ideological change in the culture as a whole. Before such a drastic institutional change can take place, the way the United States culture conceptualizes crime, its reasons for existence, and what can be done about it must change. A discussion is needed. Anthropology can be at the heart of this discussion, if it were to take on contemporary incarnations of racism and legalized slavery in the same way it addresses neo-colonialism as a central issue to the preservation of cultures that have throughout history been dominated by nations with cultures of domination.

## 5.3 Neoliberalism and the Prison Today

The prison industrial complex is also a product of neo-liberalism (Brown 2013). When discussions of prison abolition occupied a heightened arena of discussion in both



academic and activist circles, it was perhaps inconceivable that what is now the trans-national prison industrial complex would not only emerge, but that it would be so incredibly complex, vast, and have the ability to create a rise in prison populations (Barraclough 2010; Morris 1976; Foucault 1977; Marcuse 1969). The neo-liberal ideology that allows for an increased freedom to privatize culture in a way that is largely unrestricted and that is able to enter into increasingly intimate areas of a culture that has, throughout its existence, been one of structural violence and racism is a factor that cannot be ignored.

In the year of 2017, this could not be more relevant. The day after the election of Donald Trump as the forty-fifth president of the United States, stocks in private prison corporations rose forty-seven per cent after what was previously a significant drop (Pauly 2016; Surowiecki 2016) (see Figure 5.3). It is reasonable to conclude, with Trump's iron grip of authoritarianism, that mass incarceration is likely to increase and become ever more draconian. With the Islamophobic and xenophobic attack on immigrants from specific nations, the opening of additional immigrant detention facilities is quite likely on the horizon.

### CCA Stock Price, 1997-2016



Figure 5.3 (Pauly 2016, chart by *Mother Jones*)

#### 5.4 Critical Thinking and Practice

Ideological changes must first take place before the culture can change. An understanding of the sum of the parts is necessary for this. Anthropology, with its ability to use cultural theory and practice to provide holistic analyses of practices of domination has a responsibility to this population as both a sub-culture as well as the larger surrounding culture. The United States is a culture of punishment— thus, being known as the carceral nation.

The research question has been answered in the affirmative. Yes, the prison is deeply connected to this culture's history of racism. But the research answered far more

than what was initially asked. The prison system is not influenced by racism. It is, rather, a driving force of perpetuating racism.

To answer the second part of the research question, which asked what is being done to make change, there is a wide range of ideas about how change should come about and what specific things need to be altered. Some call for reform, while others call for a full overhaul of the way criminal justice is conceived of and acted out. In the vein of social movements, none is perhaps more ignored and yet relevant than the prison abolition movement. This movement is radical in its approach, as it not only acknowledges the prison system as being deeply flawed, but it sees the prison for what it is: a system that emerged in this culture largely as an effort to restrict, contain, and dominate populations that have been constructed as worthy of such.

The reach of the state's power is indeed immense. There are many organizations and advocacy groups— Critical Resistance (2017), for example— which are making attempts to mobilize against the structural violence of the penal system. Why, then, in 2016 is there not a mass movement to abolish mass incarceration? Perhaps it is because of the retributive nature of the United States justice system, which acts to punish rather than to prevent or rehabilitate. Perhaps it is because those on the outside of prison walls have learned to create a sense of invisibility in which prisoners are erased from the slate of society.

This poses the problem. How does one shift from this perspective to a perspective of wanting to prevent the state from disappearing its citizens? Marcuse (1969) says, “[A]n alternative appears which would involve the subversion of the material *and* intellectual culture” (30). Thus, a change in actions would need to be interdependent with a change in the ideological conceptions relating to incarceration.

## **Conclusion**

### **6.1 Efficacy of the Approach**

The approach of documentary analysis proved to be effective for this project. It allowed for a critical analysis that contained both the historical and the contemporary. This approach, as stated in the methods, served an ethical standpoint as well. Firsthand accounts of incarcerated individuals were accessible. These accounts were not influenced by surveillance or coerced censorship in the way that they might have been if currently incarcerated individuals were interviewed in a prison. The approach allowed the researcher to examine various points of view, from prisoners to those who have an interest in keeping prisons at full capacity for economic gain. This approach therefore paints a complex picture.

Every effort was made to produce research that encompassed a wide array of issues surrounding mass incarceration, its roots and trajectory, and its relevance to anthropology. While it would have been easy to use only one type of viewpoint, the research wouldn't have been as well-rounded. Similarly, it would have been easier to restrict the research to what is happening in the present, but the roots of mass incarceration would have been ignored and the research would have been less comprehensive.

### **6.2 The Need for an Anthropology of the Prison**

This culture has developed a sophisticated way of erasing prisoners from its line of sight. Prisoners don't have to be seen, thought of, or discussed in everyday lives outside the prison walls. Once people are sent to prison and labeled "criminals," they

can easily be forgotten. As a significant amount of the United States population is caged, anthropology should concern itself with the experiences of prisoners.

An anthropology of the prison might emerge as the transnational prison industrial complex continues to expand and evolve. An anthropology of prison might inform what happens in the future regarding the state of the prison system. An anthropology of the prison would make the experiences of prisoners visible to those who are free. The emergence of such a critical analysis and cultural study would make prisoners visible where they might not have otherwise been.

The prison system functions as a way of restricting, surveilling, and otherwise controlling people who have been criminalized. More frequently than not, these people are people of color, people who have historically been excluded and constructed as undesirable by a culture that still has operative vestiges of white supremacy. Figure 6.2 illustrates mass incarceration in the United States according to race and ethnicity.

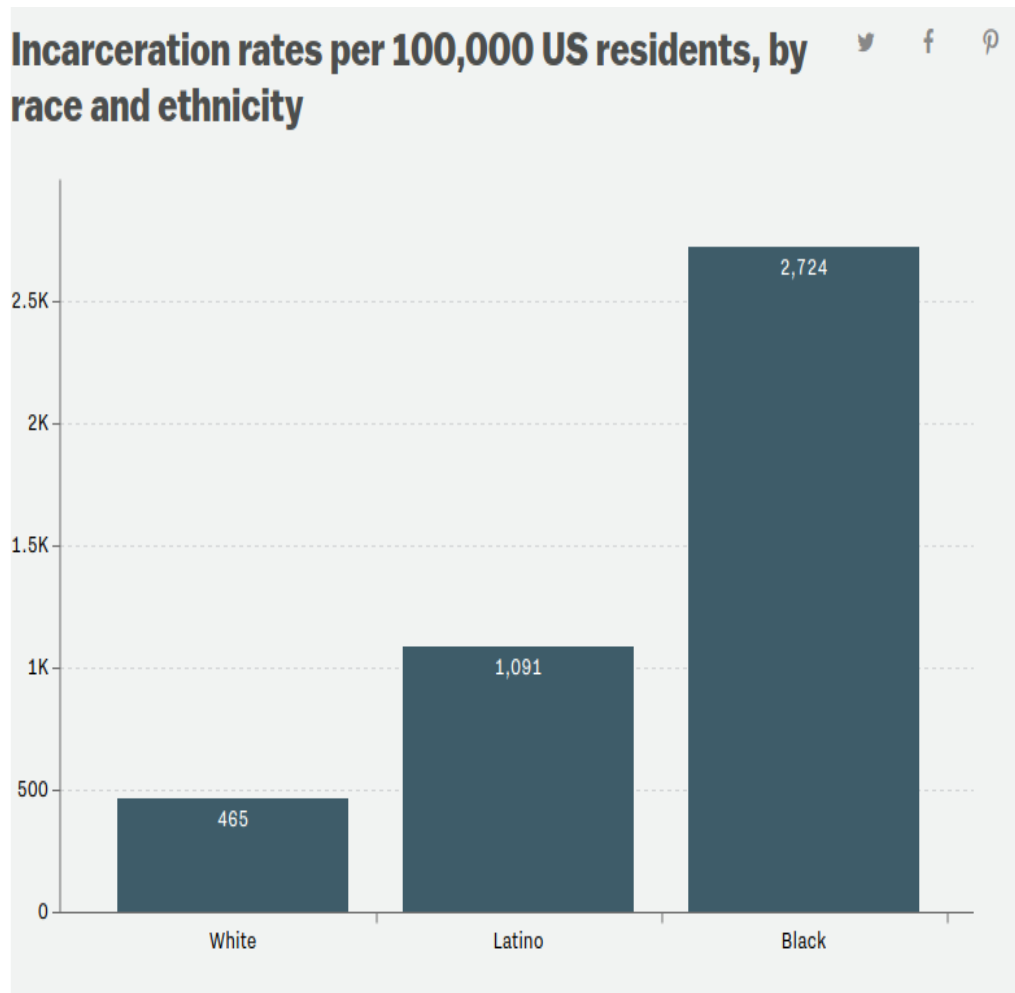


Figure 6.2 (Lopez 2016)

The prison functions not as a relic of racism, but rather as an institution that maintains and perpetuates racism. It is a system that is very much ensconced in and upheld by ideologies of racism and white supremacy.

This research is important in that it contextualizes mass incarceration within the anthropological framework. Such a framework allows critical analysis of the broader circumstances of the prison and its relevance to people today and throughout the history of its existence. The research also gives a platform for those who wish to see an end to institutionalized racism and provides context of its place in United States culture— both in the past and the present. It is recommended that future research looks more in detail

about the activities of anti-prison movements, including what has been successful and what has yet to come about.

The lack of a significant contemporary anthropology of the prison speaks to the dehumanization of prisoners in this culture. It speaks also to a certain failure of anthropology— a failure to oppose an obsolete institution that continues to disempower and break up communities that have been subject to structural violence. This dehumanization has, thus, been rather successful within the field of anthropology, creating a void of relevant research. When such research is conducted, it is popularly viewed as a niche area of study. In other words, incarcerated people are not seen as significant enough to be researched on a larger level. Anthropology has failed this population. Moving towards an anthropology of the incarcerated would serve to reverse the gaze and shed light on the cultural implications of the current state of the transnational prison industrial complex. Claude Lévi-Strauss (1963) asserted that anthropology is an atonement for colonization. Anthropology can function as an atonement for human rights violations inherent in incarceration, if such an anthropology were to emerge on a larger level.

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