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Book Review: The New Jim Crow: Mass Incarceration in the Age of Colorblindness

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Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York, NY: The New Press.

Review by: Justin Grinage, University of Minnesota

The permanence of racism in the United States has not remained in the same form over centuries of its existence. Instead, racism shifts, changes, and molds into often unrecognizable ways that fit seamlessly into the fabric of the American consciousness to render it utterly invisible to the majority of white Americans. In the current era of political thinking, colorblindness, or society's unwillingness to discuss or even recognize race in any way, seems to be the dominant perspective. Michelle Alexander, in her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* shatters this dominantly held ideology.

Alexander, who for many years worked as a civil rights lawyer, uses her vast experience and knowledge concerning the criminal justice system to craft a meticulously researched argument that mass incarceration is this generation's most important civil rights issue. As the title indicates, she makes the bold claim that mass incarceration is the 21st century version of Jim Crow. This era in our racial history was one in which brutally devastating laws systemically discriminated and segregated black populations. During Jim Crow the idea of justice did not exist for black people within law enforcement or court systems. Though her argument is daring, she successfully proves it by analyzing the criminal justice system from multiple sides to formulate a case for individuals who are interested in social justice to refocus their efforts to tackle the issue of over-populated prisons. In the book's preface, Alexander asserts that she is writing for an audience that cares deeply about racial justice, but also, she wants to empower individuals who have a hunch that our nation's criminal justice system is flawed, but do not have the data or evidence to back up their assumptions.

The book is separated into six chapters, in which Alexander focuses on a different aspect of the criminal justice system to successfully prove her hypothesis. The introduction

acts as a structure to build upon her argument. It centers the discussion on one that is highly political and institutional, yet profoundly personal. She presents some sobering incarceration statistics, as well as a brief discussion of how colorblindness, the so called War on Drugs, politics, and prisons are intricately related. Chapter 1 serves as a historical analysis of the ways in which the U.S. has utilized racial social control to oppress blacks. Chapter 2 focuses on the structure of mass incarceration, paying particular attention to the rise of the War on Drugs in the 1980s. The methods of the criminal justice system and the various ways in which a large amount of blacks are engulfed by its inequitable practices are the subject of chapter 3. Chapter 4 considers the effects on former inmates after they are released from prison. Chapter 5 explains the many parallels between mass incarceration and Jim Crow. And lastly, chapter 6 explores the future of civil rights advocacy in the face of mass incarceration and some potential solutions to the problem.

It is important to note that *The New Jim Crow* does not seek to be a full analysis of the ways in which the criminal justice system affects people of color who are not black or how the system affects women of color. Alexander does acknowledge that the criminal justice system affects women of color, as well as Latinos and certain Asian populations in particularly adverse ways. She was very transparent in stating that her argument only depicts the black struggle with mass incarceration, but does point to the fact that more significant research needs to be done in these other areas.

In order to illustrate the theory that mass incarceration is akin to the new Jim Crow, it is necessary to explain the historical structure of racial oppression. Alexander begins her analysis with slavery, extends through Jim Crow, and ends with the formulation of the War on Drugs in the early 80s. Traversing through these eras of racial history, Alexander reveals that each existed to maintain a racial hierarchy, similar to a racial caste system. She depicts the numerous ways in which this racial hierarchy is sustained as each system of oppression is challenged and ultimately ended, but instead of eliminating the racial caste, it transforms into a divergent existence within society. Following the collapse of these

systems, those committed to maintaining the racial hierarchy will find new ways to achieve their goals within the existing social and political structure in place at the time (p. 21-22).

Alexander makes the particularly astute point that the perpetuation of the racial hierarchy exists in large part because of the fears and vulnerability of low income working class white Americans. Specifically noteworthy is her analysis of the way in which politicians manipulated the anxieties of working class whites who were pitted against working class blacks. For fear of ending up at the bottom of the social ladder working class whites sacrificed racial solidarity for a position just above blacks on this hierarchy. Politicians such as Ronald Reagan, knowing he could win support playing off of these anxieties, created the War on Drugs to bribe working class whites to vote for him (p. 48-49). Exposing these racial bribes, through her assessment of political decisions based on racial biases and media depictions of crime and drugs, is critical to Alexander's overall argument and squanders any criticism that blacks are solely responsible for their position in society.

Her book also focuses more strictly on how the War on Drugs is executed. Alexander elucidates the process of events that occur before blacks are put into prison. Building on her argument she explores that by justifying and creating the so called War on Drugs in communities of color, governmental policies are now funding the proliferation of police presence in these areas. Essentially, the police department has free reign to literally wage war on these communities doing massive drug sweeps, pulling over and searching anyone who they deem could be suspicious of committing a drug crime. Alexander points out, "few legal rules meaningfully constrain the police in the War on Drugs" (p. 60). They have a military style arsenal supplied by the FBI and CIA as well as financial incentives provided by the government to round up as many citizens as they can to arrest and throw in prison.

Then, once an offender gets caught up in the criminal justice system, they have to navigate several obstacles including poor legal representation and a court system which will turn their backs on anyone who claims racial discrimination during the process. All the while, as Alexander claims, the media misrepresents the actual justice system filtered

through shows like *Law and Order*. Her insights into the hidden inner workings of the justice system give fuel to individuals who may have lacked the evidence to identify specific inequities within this complex structure.

An examination of relevant Supreme Court cases coupled with the reality of unconscious racial bias establishes the seemingly paradoxical argument that the criminal justice system oppresses blacks based on race, yet race is rarely ever mentioned at any juncture of the system. Alexander unmasks the justice system for what it truly is, a racially oppressive force acting as though it is colorblind. The racial bias inherent in the drug war almost guarantees that the majority of individuals swept into the justice system will be black, though whites comprise the majority of drug users (p. 97-98). At no point during the process of incarceration is race mentioned, instead words like crime and drug dealer act as racial code words because of the racial bias already so ingrained in society, those words have become synonymous with black and brown.

Alexander illustrates through her discussion of Supreme Court cases that individuals of color have challenged the criminal justice system on claims of racial discrimination, but each and every decision ruled against the defendant. Ultimately, the justice system can continue to discriminate based on race, without mentioning race, and go unchallenged in doing so. This critique alone eliminates any assertion that the criminal justice system is fair and just for all people no matter what race they are. Alexander's analysis of the court system, the police department, as well as the discriminatory disparities in drug policies is crucial to her claims that the War on Drugs and mass incarceration is by design a racially oppressive occurrence.

The New Jim Crow paints a bleak picture of those unfortunate to fall victim to the injustice of this nation's modern day caste system, but the plight of black males becomes even more troublesome when considering the consequences of the prison label. Black ex-offenders, upon release from prison, continue to be marginalized from society. They are unable to vote, access public housing, or public assistance. They often have to pay large

amounts of probationary fees and, because of the felon label, finding a job is nearly impossible. Alexander urges us to change the lens in which we view these individuals. She writes, "...what is most remarkable about the hundreds of thousands of people who return from prison to their communities each year is not how many fail, but how many manage to survive and stay out of prison against all odds" (p.171).

Towards the books closing, Alexander skillfully frames her argument that mass incarceration is analogous to the era of Jim Crow, by adeptly identifying similarities between the two racial eras. To drive her point home, she synthesizes her previous analysis into the specific historical, legal, and political ways in which the New Jim Crow is a morphed version of the old Jim Crow. Her focus then shifts to the negatively depicted notion of black gangster culture and how these cultural components exist to perpetuate the criminalization of black male populations. These depictions help to serve the now ingrained stereotypes that black equals drug abuser, drug dealer, and violent criminal. Alexander points out the absurdity of imagining waging a war on white crime, illustrating that the War on Drugs no longer needs to be fought because the racial discrimination inherent within the criminal justice system is now institutionalized. No longer does political fabrication in the form of racial coercion and racial bribes need to take place for the maintenance of the system.

This realization brings Alexander to close her book with recommendations on what can actually be done to solve this immensely crucial problem in our racial history. She is critical of the civil rights community who, to this point, has not made mass incarceration a priority, but is also sympathetic to the fact that these coalitions are not insusceptible to the deeply built-in racial biases that each and every individual possesses. Alexander states, "those of us in the civil rights community are not immune to the racial stereotypes that pervade media imagery and political rhetoric; nor do we operate outside of the political context" (p. 212). Therefore she calls for us to resist the ideology of colorblindness and start having real conversations about the devastating impact of race and the black condition. For without these critical discourses and critiques of how race operates within

our justice system and the elimination of “cosmetic racial diversity” (p. 232), which seeks to find short term racial solutions instead of focusing on the massive structural changes that are needed for significant social change, we will never eradicate the racial caste system which plagues our citizens. With this in mind Alexander asserts, “Mass incarceration depends for its legitimacy on the widespread belief that all those who appear trapped at the bottom actually chose their fate” (p. 236).

The New Jim Crow is so penetrating and ingenious because it brings to the forefront an issue that has long been hidden from social justice agendas--the systematic destruction of black males at the hands of a system that seeks total marginalization and criminalization of their existence. This work of scholarship provides hope that we can overcome this era of racial destruction. Alexander intends for *The New Jim Crow* to serve notice to any individual who strives for equity and social justice, but I would also add that this issue is of particular importance to researchers and policymakers who have a significant hand in reform. This book should be required reading for individuals to recognize the systemic and environmental obstacles that all black youth must overcome to escape the immensely large institution of mass incarceration.