

Alexander, Michelle. (rev. ed.) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2012.

In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* legal scholar Michelle Alexander offers a unique and comprehensive account of mass incarceration of African Americans in the United States. Focusing on what she calls “racial caste” and social stratification by class, she explores the systemic influence of racism on law enforcement policy in the contemporary United States.

In the “Introduction,” Alexander describes her thesis by discussing the struggles faced by African Americans today. On her view, what began early in American history as overt racial discrimination has now been transformed into a racial caste system enforced by what colloquially goes by the name “the criminal justice system.” In fact, she argues, “the criminal justice system” is a racial caste system spearheaded by the war on drugs and the use of incarceration as a means of social control.

Chapter 1, “The Rebirth of Caste,” describes the highly attenuated freedom that originated with the Lincoln Administration’s Emancipation Proclamation (1863), and evolved into “Jim Crow.” As Alexander describes it, this transformation involves five distinct evolutionary stages. The first, which she refers to as “the birth of slavery” (pp. 23-26), arose from the economic demands of southern agriculture, and as a response of sorts to a series of slave rebellions (e.g., Bacon’s Rebellion, ca. 1675 [p. 24]), which required southern whites to shift “their strategy for maintaining dominance” (p. 24). In essence, slavery existed as a means of securing status and economic power.

The second period, “the death of slavery” (pp. 26-30), highlights the development of white supremacy in response to the freedom granted to African Americans as a result of the Union victory in the U.S. Civil War and the passage of the Thirteenth and Fourteenth Amendments to the U.S. Constitution (outlawing slavery and granting formal legal equality, respectively). This included the intensification in the use of negative stereotypes of African Americans in an effort to maintain white racial supremacy. Further measures to this end included various legal measures that intensified racial segregation in lieu of slavery (e.g., the Black Codes, convict laws, the failure to enact land reform measures [pp. 28-29]).

The third period, referred to as “The Birth of Jim Crow” (pp. 30-35), involved what Alexander describes as a “swift and severe” backlash against the modest gains of the Reconstruction era (1863-1877) (p. 30), including among other things, the introduction of legalized racial segregation under the so-called “separate but equal” doctrine.

The fourth period, “The Death of Jim Crow” (pp. 35-40), came in the wake of the U.S. Supreme Court’s decision in *Brown vs. Board of Education* (1957), overturning the “separate but equal” doctrine associated with *Plessy vs. Ferguson* (1896). The Court’s rejection of the “separate but equal” doctrine led in turn to a corresponding attempt by the federal government to enforce the *Brown* decision with “all deliberate speed.” This resulted in the establishment of organizations like the White Citizen Council and the Ku Klux Klan (p. 37), intended to thwart the government’s anti-segregationist efforts. In this context, the reforms of the Civil Rights Movement of the late-twentieth century were often depicted by conservatives (and eventually the general public) as “soft” on, and even encouraging of, crime. This interpretation of the Civil Rights Movement ultimately led to what Alexander calls “The Birth of Mass Incarceration” (pp. 40-58), in which African Americans were associated with crime as such. The anti-Civil Rights reaction included a “get tough movement,” which supposedly justified the mass incarceration of African Americans as a crime-control measure. The reaction in question involved the cynical exploitation of racial fears in an effort to gain support for “tougher” (but egregiously discriminatory) crime-control measures. The chapter concludes by discussing the “drug war” policies of the Reagan, Bush, and Clinton administrations (focusing in particular on Reagan and Clinton). While not addressed in this chapter, Alexander discusses at length in Chapter 4 the influence of various counter-cultural dynamics in which racial identity among blacks is often predicated upon the rejection of mainstream values such as hard work and academic achievement.

Chapter 2 of *The New Jim Crow*, “The Lockdown,” begins by discussing Americans’ unrealistic perceptions of the criminal justice system, mainly as depicted in the mass media (e.g., television dramas). These perceptions have shaped a culture that, as she puts it, has now come to regard constitutional protections as essentially dispensable, especially in the case of African Americans, the most notable example being the application of the Fourth Amendment to the U.S. Constitution in relation to searches and seizures. Both culturally and judicially, fundamentally coercive searches and seizures by the police are now widely considered consensual, with drastically adverse effects on the constitutional protections now afforded to criminal suspects in encounters with the police.

As Alexander puts it, the main culprit here is federal drug law enforcement policy, including a very long list of policies, such as the financial incentives that law enforcement now has (e.g., asset forfeiture laws, pp. 78-84) to engage in “the War on Drugs.” Law enforcement reliance on drug carrier profiles is another example of this. In many cases, these tactics are often arbitrary and involve extremely vague guidelines in relation to their

avowed goal of detecting individuals suspected of drug-related offenses. In addition, the federal government has now routinely come to involve military-police partnerships (presumably in violation of the Posse Comitatus Act [p. 77]) by which the military hands surplus equipment, training, or logistical support to police departments gratis or at a nominal price. This militarization of police work has brought about a literal application of a “war” on drugs through paramilitary institutions (e.g., SWAT teams), arbitrary shakedowns, and systematic violations of due process.

Alexander goes on to examine issues related to legal representation, including inadequate legal representation for those accused of drug-related offenses. The inherently subjective and discretionary aspects of prosecutorial power are in a discussion of the coercion or duress involved in plea bargaining. The reality and detriment of extended time periods of jail confinement along with the incapacitation of youth are also explored. For many, criminal convictions are secured at the expense of ignorance and confusion in relation to one’s legal rights. In general, it appears that justice may be sacrificed at the expense of political objectives and public perceptions.

The chapter concludes by discussing the prison system in response to the war on drugs. This involves the use of mandatory harsh sentencing, which is disproportionately used against those accused of drug-related offenses. The impact of such judicial measures is described on state and federal court judges. Finally, the deplorable labeling and stigmatization of the incarcerated is discussed with attention to recidivism, probation and parole violations, and the cyclical nature of incarceration among the formerly convicted. It would have been fitting for Alexander to discuss here the role of individual choice among African Americans in relation to the use of drugs as well as involvement in crime. (She does, though, discuss this important issue briefly on pp. 176-77.)

Chapter 3, “The Color of Justice,” discusses the impact of the war on drugs through a number of case studies of individuals who suffer victimization at the hands of the criminal justice system. Alexander describes the specific tactics of the war on drugs via statistics revealing the disparity in treatment between blacks and whites in relation to drug offenses. She presents a comparative analysis demonstrating the discrepancies between the findings of academic studies of the criminal justice system and beliefs based on media stereotypes.

Topics of various courthouse determinants of racial bias are then examined. This includes Supreme Court rulings (e.g., *McCleskey vs. Kemp* [1987] [pp. 109-14]) that seem to deny the existence of racial discrimination, contrasted with studies substantiating such claims. Sentencing within the context of discrimination is also discussed. This leads to the topic of prosecutorial discretion and its impact upon individuals on the basis of race and offense severity. In this manner, claims of racial discrimination are often rejected despite inappropriate activity exercised by the prosecution (e.g., peremptory challenges, the routine exclusion of convicted felons from juries).

Chapter 4, “The Cruel Hand,” begins by discussing the reality of freedom without citizenship in both the post-Civil War time period as well as among former inmates in the United States. In an effort to explain the source of collective hatred toward certain African Americans, Alexander explores the impact of criminal conviction on the convict. These include the difficulty of securing housing upon release from prison, no-fault evictions, and the possibility of losing one’s children for lack of a home in which to house them.

Employment is another tumultuous endeavor. In addition to pressure from probation and parole authorities, discrimination is the norm. In what William Julius Wilson has called “spatial mismatch,” employment opportunities are situated too far from the candidate employee to be accessed (transportation, too, is a problem). In light of such problems, programs designed to remove certain prior criminal history criteria within applications have arisen. In many cases, employers publish notices designed to deter former prisoners from applying to certain jobs. Those who secure employment often experience extremely low pay. This may include instances in which paycheck amounts are garnished due to various obligations (e.g., child-support, alimony, etc.). In addition, revocation of probation and parole status may take place when fines and fees are not paid, leading to the inability of receiving unemployment or welfare benefits.

In Chapter 5, “The New Jim Crow,” Alexander discusses the commonly held assumption that black men are often thought “absent” within the black community. The most obvious explanation, the mass incarceration of African-American males, is seldom invoked. Within this context, it is probable that racial progress is often associated with the depiction of certain influential figures within the media. Unfortunately, the lack of racial progress, which is unveiled through a systemic racial caste system, has become the norm within the context of the criminal justice system and the black community. Hidden from public discourse, mass incarceration has evolved into a state of collective denial among certain blacks within society. Factors that have contributed to this dilemma stem from negative media-based racial imagery as well as lack of understanding about how racial oppression works. From a comparative standpoint, mass incarceration is easy to avoid and overlook in comparison to historic Jim Crow practices of the past. Inevitably, the debilitating strength of the inherent racial caste system that is clearly associated with mass incarceration is synonymous with the old adage “out of sight, out of mind.”

Chapter 6, “The Fire This Time,” describes how mass incarceration is often ignored within the context of civil rights advocacy by comparison to the allegations and impact surrounding the controversial incidents which took place in Jena, Louisiana, in 2007. Alexander argues that mass incarceration is often overlooked due to a number of factors in relation to the philosophies and aims of civil rights organizations. This includes collective and introspective denial as well as the possibility of being out of touch with those who are disenfranchised and stigmatized from a legal and social perspective. The transformation of core objectives within the civil rights movements is also

outlined as a possible rationale. This encompasses how the movement has evolved from a moral to a legal crusade, which rarely serves as an advocate for criminals due to a history of supporting the “politics of respectability” in terms of representation and progress.

In an effort to address the dilemma of mass incarceration, Alexander offers a comprehensive series of reforms, taking issue with the idea of piecemeal tinkering with the criminal justice system. The first reform calls for an end to the war on drugs. This involves the revocation of federal funding, a change in police culture, as well as a change in public opinion. The second reform demands that we explicitly discuss race in public settings. The third reform encourages resistance against the politically based idea of colorblindness, which denies and justifies the impact of race-based treatment toward minority groups in the United States. From this standpoint, colorblindness is more detrimental than racial hostility; where racial hostility is alive to racial difference, colorblindness is indifferent to justice under the guise of a false neutrality. The fourth proposal offers a critical assessment of the efficacy of affirmative action with an emphasis on symbolic progress and its divisive impact. This lends itself to the expectations, policies, and ideological positions associated with the Obama administration in relation to race relations and the war on drugs.

The chapter concludes by identifying an organization that embodies a civil rights philosophy designed to seek awareness and advocacy along with the need for the resignation of racial bribe (i.e., affirmative action) and racial privilege. The quest for changing the philosophy of the civil rights movement from a race-based approach to human-rights paradigm is offered. In light of this, the chapter fails sufficiently to discuss various impediments associated with the lack of systemic change in relation to minority organizational communities. This includes a cultural mindset that justifies the notion of victimhood, the prioritization of entertainment as opposed to education, and the prevailing influence of groupthink.

The New Jim Crow: Mass Incarceration in the Age of Colorblindness provides a multi-layered assessment of the contextual impact of politics, race, and the perception of crime in relation to the phenomenon of mass incarceration of minorities in the United States. Through the use of legal precedent and academic scholarship, Alexander provides a compelling argument regarding the possible motives and impact associated with the war on drugs. The organizing premise of the work affords one the opportunity to understand the chronological and evolutionary development of the forces that have given rise to mass incarceration of blacks in the United States. The only deficiency identified is inadequate attention devoted to exploring counter-cultural influences that may have a bearing upon the reality of mass incarceration among the black community in the United States. In terms of scholastic contribution, the text provides an insightful perspective in relation to the study of race relations, penology, and the treatment of minorities within the criminal justice system. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* is ideal for criminal justice practitioners as well as

students interested in the study of sociology with an emphasis on the use of social-conflict and structural-functional theories.

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