

Deadly Symbiosis

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Rethinking race and imprisonment in twenty-first-century America

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Consider three brute facts about racial inequality and imprisonment in contemporary America:

(i) Since 1989 and for the first time in national history, African Americans make up a majority of those entering prison each year. Indeed, in four short decades, the ethnic composition of the U.S. inmate population has reversed, turning over from 70 percent white at mid-century to nearly 70 percent black and Latino today, although ethnic patterns of criminal activity have not fundamentally changed during that period.

(ii) The rate of incarceration for African Americans has soared to levels unknown in any other society and is higher now than the total incarceration rate in the Soviet Union at the zenith of the Gulag and in South Africa at the height of the anti-apartheid struggle. As of mid-1999, close to 800,000 black men were in custody in federal penitentiaries, state prisons, and county jails—one male out of every twenty-one, and one out of every nine between twenty and thirty-four.¹ On any given day, upwards of one third of African-American men in their twenties find themselves behind bars, on probation, or on parole. And, at the core of the formerly industrial cities of the North, this proportion often exceeds two thirds.

(iii) The ratio of black to white imprisonment rates has steadily grown over the past two decades, climbing from about five to one to eight and a half to one. This rising "racial disproportionality" can be traced directly to the War on Drugs launched by Ronald Reagan and expanded under George Bush, Sr. and Bill Clinton. In ten states, African Americans are imprisoned at more than ten times the rate of European Americans. And in the District of Columbia, blacks were thirty-five times more likely than whites to be put behind bars in 1994.²

Students of crime and justice know these grim facts but disagree about their explanation. Most analysts account for the sudden "blackening" of the the carceral system—comprising jails, state prisons, federal prisons, and private detention facilities—in terms of trends in crime and its judicial treatment (arrest, prosecution, sentencing); a few have considered such non-judicial variables as the size of the black population, economic factors (the poverty rate, unemployment, income), the value of welfare payments, support for religious fundamentalism, and the dominant political party. But these factors, taken separately and in conjunction, simply cannot account for the magnitude, rapidity, and timing of the recent racialization of U.S. imprisonment, especially as crime rates have been flat and later declining over the past quarter-century.³

Black hyperincarceration

To understand these phenomena, we first need to break out of the narrow "crime and punishment" paradigm and examine the broader role of the penal system as an instrument for managing dispossessed and dishonored groups.⁴ And second, we need to take a longer historical view on the shifting forms of ethno-racial domination in the United States. This double move suggests that the astounding upsurge in black incarceration in the past three decades results from the obsolescence of the ghetto as a device for caste control and the correlative need for a

substitute apparatus for keeping (unskilled) African Americans in a subordinate and confined position—physically, socially, and symbolically.

In the post-Civil Rights era, the remnants of the dark ghetto and an expanding carceral system have become linked in a single system that entraps large numbers of younger black men, who simply move back and forth between the two institutions. This carceral mesh has emerged from two sets of convergent changes: sweeping economic and political forces have reshaped the mid-century "Black Belt" to make the ghetto more like a prison; and the "inmate society" has broken down in ways that make the prison more like a ghetto. The resulting symbiosis between ghetto and prison enforces the socioeconomic marginality and symbolic taint of an urban black sub-proletariat. Moreover, by producing a racialized public culture that vilifies criminals, it plays a pivotal role in remaking "race" and redefining the citizenry.

A fuller analysis would reveal that this increasing use of imprisonment to shore up caste division in American society is part of a broader "upsizing" of the state's penal sector, which, together with the drastic "downsizing" of its social welfare sector, aims at enforcing a regime of flexible and casual wage labor as a norm of citizenship for unskilled segments of the postindustrial working class.⁵ This emerging government of poverty weds the "invisible hand" of a deregulated labor market to the "iron fist" of an omnipresent punitive apparatus. It is anchored not by a "prison industrial complex," as political opponents of the policy of mass incarceration maintain,⁶ but by a system of gendered institutions that monitor, train, and neutralize populations recalcitrant or superfluous to the new economic and racial regime: men are handled by its penal wing while (their) women and children are managed by a revamped welfare-workfare system designed to buttress casual employment.

So the hypertrophic growth of imprisonment is one component of a more comprehensive restructuring of the American state to suit the requirements of neoliberalism. But race plays a special role in this emerging system. The United States far outstrips all advanced nations in the international trend towards the penalization of social insecurity. And just as the dismantling of welfare programs was accelerated by a cultural and political conflation of blackness and undeservingness,⁷ so, too, the "great confinement" of the rejects of market society—the poor, mentally ill, homeless, jobless, and useless—can be painted as a welcome "crackdown" on them, those dark-skinned criminals from a pariah group still considered alien to the national body. The handling of the "underclass" question by the prison system at once reflects, reworks, and reinforces the racial division of American society and plays a key role in the fashioning of a post-Keynesian American state.

Four peculiar institutions

The task of defining, confining, and controlling African Americans in the United States has been successively shouldered by four "peculiar institutions": slavery, the Jim Crow system, the urban ghetto, and the organizational compound formed by the vestiges of the ghetto and the expanding carceral system. The first three served, each in its own way, both to extract labor from African Americans and to demarcate and ultimately seclude them so that they would not "contaminate" the surrounding white society that viewed them as irrevocably inferior and vile.

These two goals of labor extraction and social seclusion are in tension: extracting a group's labor requires regular intercourse with its members, which may blur the line separating "us" from "them." Conversely, social

isolation can make efficient labor extraction more difficult. When the tension between exploitation and exclusion mounts to the point where it threatens to undermine either of them, the institution is re-stabilized through physical violence: the customary use of the lash and ferocious suppression of slave insurrections on the plantation, terroristic vigilantism and mob lynchings in the post-bellum South, and periodic bombings of Negro homes and pogroms against ghetto residents (such as the six-day riot that shook up Chicago in 1919) ensured that blacks kept to their appointed place at each epoch.

But the built-in instabilities of unfree labor and the anomaly of caste partition in a formally democratic and highly individualistic society guaranteed that each of these peculiar institutions would in time be undermined by the weight of its internal tensions as well as by black resistance and external opposition, and be replaced by its successor regime. At each new stage, the apparatus of ethno-racial domination became less total and less capable of encompassing all segments and dimensions of the pariah group's social life. As African Americans differentiated along class lines and acceded to full formal citizenship, the institutional complex charged with keeping them "separate and unequal" grew more differentiated and diffuse, allowing a burgeoning middle and upper class of professionals and salary earners to partially compensate for the negative symbolic capital of blackness through their high-status cultural capital and proximity to centers of political power. But lower-class blacks remained burdened by the triple stigma of "race," poverty, and putative immorality.⁸

Slavery (1619–1865)

From the first years of the colony to the Civil War, slavery determined the collective identity and individual life chances of Americans of African parentage. Orlando Patterson has rightly insisted that slavery is essentially "a relation of domination and not a category of legal thought," and, moreover, a relation unusual for the inordinate amounts of material and symbolic violence it entails.⁹ In the Americas (as opposed to, say, in the Islamic world, where slavery served no productive purpose), this violence was channeled to fulfill a definite economic end: to appease the nearly insatiable appetite of the plantation for labor. The forcible importation of Africans and West Indians, and the rearing of their descendants under bondage supplied the unfree workforce needed to produce the great staples—tobacco, rice, sugar, and cotton—that were the backbone of North America's preindustrial economy.

In the early colonial period, indentured servitude was economically more advantageous than slavery but, by the second half of the seventeenth century, demographic and economic factors conspired to make slavery the preferred source of labor. After the Revolution, human bondage was abolished along the Eastern seaboard and prohibited north and west of the Ohio River, but it spread and solidified throughout the South, as the economic value of slaves rose in concert with the increase in the demand for cotton and the scarcity of labor in the new territories of the Southwest. Once generalized, slavery reconfigured society, culture, and politics in its image, concentrating economic and state power in the hands of a small slaveholder class tied to lower-class whites by patronage relations and to their slaves by a paternalistic code that reinforced the latter's lack of cultural autonomy and sense of inferiority.¹⁰

By the nineteenth century the sharp dichotomy between bondsmen and freemen had been racialized: the militant defense of slavery generated an elaborate ideology that justified the subhuman condition imposed upon

blacks by their inferior biological makeup. Particularly in the period between the Great Awakening and the Civil War, the specter of insurrection and abolition resulted in increased hostility toward manumission, miscegenation, and "passing" by Negroes, and a rigid twofold racial schema based on the mythology that God had created a separate species of blacks to be slaves and that persons of mixed descent were against nature and fated to physical extinction.¹¹ In short, slavery as a system of unfree labor spawned a suffusive racial culture. And that culture remade bondage into something it was not at its outset: a color-coded institution of ethno-racial division.¹²

Jim Crow South (1865–1965)

Emancipation posed a double and deadly threat to Southern society: the overthrow of bondage made slaves formally free laborers, which potentially eliminated the cheap and abundant workforce required to run the plantation economy; black access to civil and political rights also promised to erode the color line initially drawn to bulwark slavery but subsequently entrenched in both North and South. In a first phase, during Reconstruction, the Dixie ruling class promulgated the Black Codes to resolve the first problem by establishing "forced labor and police laws to get the freedman back to the fields under control."¹³ In a second phase, through the 1880s, the white lower classes joined with the plantation elite to demand the political disenfranchisement and systematic exclusion of former slaves from all major institutions: the Jim Crow regime of racial segregation was born which would hold African Americans in its brutal grip for nearly a century in the Southern states and beyond.¹⁴

This regime restricted economic opportunities for African Americans in the Southern cotton fields and the emerging mining and industrial towns of the uplands by limiting their employment to the most dirty and dangerous "nigger work." Former slaves and their descendants were prohibited from attending churches and schools with whites. And they were methodically banished from the ballot box thanks to an assortment of residency requirements, poll taxes, literacy tests, "grandfather clauses," and disqualifying criminal offenses.

Most crucially, Jim Crow curtailed social contacts between whites and blacks by relegating the latter to separate residential districts and to the reserved "colored" section of commercial establishments and public facilities, bars and movie houses, parks and beaches, trolleys and buses, waiting rooms and bathrooms. Any and all forms of interaction that might imply social equality between the "races," or, worse yet, provide an occasion for sexual contact across the color line were rigorously forbidden. Any infringement, real or imagined, was savagely repressed, as testified by periodic explosions of mob violence, beatings, whippings, and rioting against blacks who failed to display proper caste deference. In the last two decades of the nineteenth century, some 2,060 African Americans were lynched, one third of them after being accused of sexual assault or mere social improprieties towards white women. These veritable carnivals of caste rage, during which the bodies of "bad niggah" were ritually desecrated by burning, mutilation, and public exhibition, were fanned by the press, tacitly supported by the churches, and encouraged by complicity from the forces of order. African Americans could hardly turn to the courts for protection since the latter openly put the law of caste above the rule of law: as a Mississippi gentleman put it, "race is greater than law now and then, and protection of women transcends all law, human and divine."¹⁵

The Northern Ghetto (1914–1968)

The ferocity of Jim Crow as a system of labor extraction and seclusion sowed the seeds of its eventual ruin, for blacks fled the South by the millions as soon as the opportunity came. In part a result of economic causes—including a booming demand for unskilled and semi-skilled labor in Northern steel mills, packinghouses, factories, and railroads—this Great Migration was driven by the irrepressible will to escape the indignities of caste and its attendant material degradation, truncated life horizons, and rampant violence. Indeed, the outmigration of blacks was heaviest in those counties of the Deep South where lynchings were most frequent. The trek north to Chicago, Detroit, New York, and Philadelphia was thus undertaken by Southern blacks not only to "better their condition" but also to board what Langston Hughes called the "train of freedom," on a journey filled with biblical imagery and political import: it was a race-conscious gesture of collective defiance and self-affirmation.¹⁶

Though Northern cities did offer salutary relief from the harsh grip of Southern caste domination and significantly expand the life chances of the former sharecroppers, African Americans there came upon yet another device for economic exploitation and social seclusion: the ghetto. As the Negro population grew, so did the animosity of whites towards them. Previously informal patterns of ethno-racial discrimination and segregation hardened in housing and schools, as well as parks, playgrounds, and beaches. They were extended to the polity, where the promotion of a small cadre of black politicians handpicked by party leaders served to rein in the community's votes to the benefit of the white-controlled city machine. They were systematized in the economy, where a "job ceiling" set conjointly by white employers and unions kept African Americans trapped in semi-skilled, manual, and servant work that made them especially vulnerable to business downturns.¹⁷ And, when they tried breach the color bar—by attempting to move outside their reserved perimeter, for instance—blacks were assaulted on the streets by white "athletic clubs" and their houses were bombed by "neighborhood improvement societies." They had no choice but to take refuge in the secluded territory of the Black Belt and to try to build in it a self-sustaining nexus of institutions that would both shield them from white rule and procure the needs of the castaway community: a "Black Metropolis" lodged "in the womb of the white," yet hermetically sealed from it.¹⁸

Although this "black city within the white"—as black scholars from DuBois and Frazier to Oliver Cox and Kenneth Clark have consistently characterized the ghetto—served the functions of extraction and seclusion, it differed from the earlier peculiar institution in the degree of organizational autonomy it permitted black Americans.¹⁹ The urban Black Belt enabled African Americans to fully develop their own social and symbolic forms and thereby accumulate the group capacities needed to escalate their resistance to continued caste subordination.

Analyzing the workings of the ghetto as mechanism of ethno-racial control highlights its kinship with the prison. Thus the ghetto is a kind of "ethno-racial prison" in that it encloses a stigmatized population with its own distinctive organizations and culture. And the prison functions as a "judicial ghetto" relegating individuals disgraced by criminal conviction to a secluded space harboring the social relations and cultural norms of a "society of captives."²⁰ So when the capacity of the ghetto to ensure caste domination was undercut in the 1960s by economic restructuring that made African-American labor expendable and by the mass protest that finally won blacks full voting rights, the carceral system began to function as a substitute apparatus for enforcing the shifting color line and containing segments of the African-American community devoid of economic utility and political pull. As the ghetto became more like a prison (what I call the "hyperghetto") and the prison became more like a ghetto, the two

institutions increasingly fused to form the fast-expanding carceral system that constitutes America's fourth "peculiar institution."

"Prisonization" of the ghetto

The hyperghetto presents four main characteristics that differentiate it sharply from the communal ghetto of mid-century and converge to make its social structure and cultural climate akin to those of the prison. I will consider each in turn by drawing a schematic contrast between the mid-century "Bronzeville" depicted by St. Clair Drake and Horace Cayton in *Black Metropolis* and the South Side of Chicago as I observed it some forty years later through fieldwork, statistical analysis, and survey data.

Class segregation over racial segregation

Mid-century American ghettos contained a full complement of classes, for the simple reason that the black bourgeoisie was barred from escaping while a majority of adults were gainfully employed in a gamut of occupations. True, from the 1920s onward, Chicago's South Side featured clearly demarcated subdivisions stratified by class, with the small elite of black doctors, lawyers, teachers, and businessmen residing in the more stable and desirable neighborhoods adjacent to white districts at the southern end, while the families of laborers and domestic workers massed themselves in areas of blight, crime, and dissolution towards the northern end.²¹ But the social distance between the classes was limited by physical proximity and extensive family ties; the black bourgeoisie's economic power rested on supplying goods and services to its lower-class brethren. Moreover, "brown" residents of the city were united in their rejection of caste subordination and an abiding concern to "advance the race," despite internecine divisions and the mutual panning of "big Negroes" and "riff-raff."²² As a result, the postwar ghetto was integrated both socially and structurally.

Today's black bourgeoisie still lives under strict segregation and its life chances continue to be curtailed by its geographic and symbolic contiguity with the African-American sub-proletariat. Nonetheless, it has gained considerable physical distance from the heart of the ghetto by establishing satellite black neighborhoods at the urban periphery and in the suburbs. Its economic basis has shifted from the black community to the state; employment in public bureaucracies accounts for most of the growth in the number of professional, managerial, and technical positions held by African Americans over the past thirty years. The genealogical ties of the black bourgeoisie to the black poor have also grown more remote and diffuse. Moreover, the historic center of the Black Belt has experienced massive depopulation and deproletarianization, such that a large majority of its residents are no longer employed: two thirds of the adults in Bronzeville did not hold a job in 1980, compared to fewer than half thirty years earlier, and three out of every four households were headed by women, while the official poverty rate hovered near 50 percent.

These shifts in the social composition of the ghetto make it socially akin to the prison, dominated as the latter is by the most precarious fractions of the urban proletariat: the unemployed, the casually employed, and the uneducated. In 1991, fully 36 percent of the half-million people housed by U.S. jails were jobless at the time of their arrest and another 15 percent worked only part-time or irregularly. One half had not finished high school and two thirds earned less than a thousand dollars a month; in addition, half the inmates were raised in homes receiving welfare and only 16 percent were married.²³ Residents of the hyperghetto and clients of the prison

system thus present similar profiles in economic marginality and social disintegration.

Loss of a positive economic function

The transformed class structure of the hyperghetto is a direct product of its evolving position in the transformed urban political economy of the past three decades. From the Great Migration of the interwar years to the 1960s, the ghetto served a positive economic function as reservoir of cheap and pliable labor for the city's factories. By the 1970s, the engine of the metropolitan economy had passed from manufacturing to business- and knowledge-based services and to factories relocated in suburbs and exurbs, in anti-union states in the South, and in foreign countries.

Between 1954 and 1982, the number of manufacturing establishments in Chicago plunged from 10,288 to 5,203, while the number of production workers sank from nearly half a million to 172,000. The demand for black labor plummeted accordingly, rocking the entire black class structure (in 1945, half of all employed African Americans in Chicago were blue-collar wage earners). As Jeremy Rifkin points out, just as mechanization had enabled Southern agriculture to dispense with black labor a generation earlier, "automation and suburban relocation created a crisis of tragic dimension for unskilled black workers" in the North, as "for the first time in American history, the African American was no longer needed in the economic system" of the metropolis.²⁴ The effects of technological upgrading and postindustrialization were intensified by sustained residential segregation, the breakdown of public schools, and the renewal of working-class immigration from Latin America and Asia—all of which helped consign the vast majority of uneducated blacks to economic redundancy. Instead of providing a reservoir of cheap labor, the hyperghetto now stores a surplus population devoid of market utility, in which respect it also increasingly resembles the prison system.

From communal to state institutions.

The organizations that formed the framework of everyday life for urban blacks were created and run by African Americans. The black press, churches, lodges and fraternal orders, social clubs and political machine knit together a dense fabric of resources and sociability that supported African American ethnic pride and group uplift. For their 200,000 members, the five hundred religious congregations that dotted the South Side were not only places of worship and entertainment but also a potent vehicle for individual and collective mobility. In the economic realm, too, African Americans could seek or sustain the illusion of autonomy and advancement. To be sure, Negro enterprise was small-scale and commercially weak: the three most numerous types of black-owned firms were beauty parlors, grocery stores, and barber shops. But the popular "doctrine of the 'Double-Duty Dollar,'" according to which buying from black concerns would "advance the race," promised a path to economic independence from whites. And the "numbers game," with some 500 stations employing 5,000 and paying yearly wages in excess of a million dollars for three daily drawings, seemed to prove that one could indeed erect a self-sustaining economy within Black Metropolis.²⁵

By the 1980s, this organizational landscape had shifted radically, as a result of the generalized devolution of public institutions and commercial establishments in the urban core as well as by the cumulative demise of black associations.²⁶ The physical infrastructure and business base of the South Side had been decimated, with thousands of boarded-up stores and abandoned buildings rotting away along deserted boulevards strewn with

debris and garbage. Arguably the most potent component of the communal ghetto, the church, lost its capacity to energize and organize social life on the South Side. Storefront operations closed in the hundreds and the congregations that endured struggled for survival against the indifference or hostility of local residents. Similarly, the black press grew outside of the ghetto but virtually disappeared within it. In 1941, there were five black weeklies in Bronzeville; forty years later, the Chicago Defender alone remained in existence and then, only as a pale shadow of its former glorious self.

The vacuum created by the crumbling of the ghetto's indigenous organizations has been filled by state bureaucracies of social control, themselves largely staffed by the new black middle class whose expansion hinges, not on its capacity to serve its community, but on its willingness to serve as custodian of the black urban sub-proletariat on behalf of white society. By the 1980s, the basic institutions on Chicago's South Side were (i) astringent and humiliating welfare programs, bolstered and replaced by "workfare" after 1996, which restricted access to the public aid rolls and pushed recipients into the low-wage labor market; (ii) decrepit public housing that subjected its tenants and the surrounding population to extraordinary levels of criminal insecurity, infrastructural blight, and official scorn; (iii) failing institutions of public health and education operating with resources, standards, and results typical of Third World countries; and (iv), not least, the police, the courts, probation officers, parole agents, and "snitches" recruited by the thousands to extend the mesh of state surveillance and capture deep into the hyperghetto.²⁷

Loss of the "buffering" function

As it deteriorated economically and organizationally, the ghetto also lost its capacity to buffer its residents from external forces. No longer Janus-faced, offering a sheltered space for collective sustenance and self-affirmation in the face of hostility and exclusion, it has devolved into a one-dimensional machinery for brutal relegation, a human warehouse for the segments of urban society deemed disreputable, derelict, and dangerous. And, with the conjoint contraction of the wage-labor market and the welfare state in the context of continued segregation, it has become saturated with economic, social, and physical insecurity. Social relations in the hyperghetto now have a distinctly carceral cast: fear and danger pervade public space; interpersonal relations are riven with suspicion and distrust, feeding mutual avoidance and retraction into one's private defended space; violence is the prevalent means for upholding respect, regulating encounters, and controlling territory; and relations with official authorities are suffused with animosity and diffidence—patterns familiar to students of social order in the contemporary U.S. prison.²⁸

Consider the state of public housing, as well as retirement homes, single-room occupancy hostels, homeless shelters, and other establishments for collective living, which now look and feel much like houses of detention. "Projects" have been fenced in, their perimeters placed under beefed-up security patrols and authoritarian controls, including identification-card checks, signing in, electronic monitoring, police infiltration, random searches, curfews, segregation, and head counts—techniques which, Jerome Miller points out, are "all familiar procedures of efficient prison management."²⁹ Over the past decade, the Chicago Housing Authority has deployed its own police force and even sought to institute its own "misdemeanor court" to try misbehaving tenants on the premises. As one elderly resident of a District of Columbia project under such quasi-penal supervision observed: "It's as though the children in here are being prepared for incarceration, so when they put them in a real lock-down situation, they'll be used to being hemmed in."³⁰

Public schools in the hyperghetto have similarly deteriorated to the point where they operate in the manner of institutions of confinement whose primary mission is not to educate but to ensure "custody and control"—to borrow the motto of many departments of corrections. Like the prison system, their recruitment is severely skewed along class and ethno-racial lines: 75 percent of the pupils in Chicago's public schools come from families living under the official poverty line and nine of every ten are black or Latino. Like inmates, these children are herded into decaying and overcrowded facilities that resemble fortresses, complete with razor wire on outside fences, bricked up windows, heavy locks on iron doors, metal detectors at the gates, and hallways patrolled by armed guards. Indeed, it appears that the main purpose of these schools is simply to "neutralize" youth by holding them under lock and key for the day. Certainly, it is hard to maintain that educating them is a priority when half of the city's high schools place in the bottom one percent on the American College Test, two thirds of the city's ghetto students fail to graduate, and those who do graduate read, on average, at an eighth-grade level.³¹ At any rate, the carceral atmosphere of schools and the constant presence of armed guards in uniform habituates the children of the hyperghetto to the demeanor, tactics, and interactive style of the correctional officers many of them are bound to encounter shortly after their school days are over.

"Ghettoization" of the prison

In the two decades following the climax of the Civil Rights movement, the racial and class backlash that reconfigured the city also ushered in a sweeping transformation in the purpose and social organization of the carceral system. In the past few decades, the explosive growth of the incarcerated population has led to rampant prison overcrowding; the rapid rise in the proportion of inmates serving long sentences, the spread of ethnically-based gangs, and a flood of young convicts and drug offenders deeply rooted in the informal economy and oppositional culture of the street, have combined to undermine the older "inmate society" depicted in the classic prison research of the postwar decades.³² The "Big House"—with its correctional ideal of melioristic treatment and community reintegration of inmates—gave way to a race-divided and violence-ridden "warehouse" geared solely to the physical sequestering of social rejects.

It is difficult to characterize the changes that have remade the American prison in the image of the ghetto over the past three decades, not only because American prisons are so diverse, but also because we have remarkably little on-the-ground data on social and cultural life inside the contemporary penitentiary. Nonetheless, one can provisionally single out five tendencies that fortify the convergence of ghetto and prison in the large (post)industrial states that have put the United States on the path to mass imprisonment.

The racial division of everything

The world of inmates used to be organized around a relatively stable set of positions and expectations defined primarily in terms of criminal status and prison conduct. In Gresham Sykes's classic account, we have "rats" and "center men" who betray the core value of solidarity among inmates by violating the ban on communication with custodians; "merchants" who peddle goods in the illicit economy of the establishment; "gorillas" who prey on weak inmates to acquire cigarettes, food, clothing, and deference; and "wolves," "punks," and "fags," who play out sexual scripts adopted behind bars.³³ This older order has now been replaced by a chaotic and conflictual setting wherein "racial division has primacy over all particular identities and influences all aspects of life."³⁴

The ethnic provenance or affiliation of the inmates determines their ward, tier, cell, and bunk-bed assignments; their access to food, telephone, television, visitation, and in-house programs; their associations and protections, which in turn determine the probability of being the victim or perpetrator of violence. Elective loyalty to inmates as a generic class, with the possibility of remaining non-aligned, has been superseded by forced and exclusive loyalty to one's "race" defined in rigid, caste-like manner, with no in-between and no position of neutrality—just as it is in the urban ghetto. And the central axis of stratification inside the "pen" has shifted from the vertical cleavage between prisoners and guards, (marked by prohibitions against "ratting on a con," "talking to a screw," or exploiting other inmates), to horizontal cleavages between black, Latino, and white prisoners (with Asians most often assimilated to whites and Middle Easterners given a choice of voluntary affiliation).

From "convict code" to "street code"

Along with racial division, the predatory culture of the street, centered on hypermasculine notions of honor, toughness, and coolness has transformed the social structure and culture of jails and prisons. The "convict code," rooted in solidarity among inmates and antagonism towards guards has been swamped by the "code of the street," with its ardent imperative of individual "respect" secured through the militant display and demonstrated readiness to mete out physical violence.³⁵ According to John Irwin, "the old 'hero' of the prison world—the 'right guy'—has been replaced by outlaws and gang members," who have "raised toughness and mercilessness to the top of prisoners' value systems."³⁶ Ethnically-based street gangs and "supergangs," such as the Disciples, El Rukn, Vice Lords, and Latin Kings in Illinois, the Mexican Mafia, Black Guerrilla Family, and Aryan Brotherhood in California, and the Netas in New York City, have taken over the illicit prison economy and destabilized the entire social system of inmates, forcing a shift from "doing your own time" to "doing gang time." They have even precipitated a thorough restructuring of the administration of large-scale prison systems, from Illinois to California to Texas.³⁷

These changes, together with the rising tide of drugs, have disrupted the old inmate structure of power and produced increased levels of interpersonal and group brutality. As Johnson writes, "what was once a repressive but comparatively safe 'Big House' is now often an unstable and violent social jungle" in which social intercourse is infected with the same disruption, aggression, and unpredictability as in the hyperghetto.³⁸

Purging the undesirables

The Big House of the postwar decades was animated by the idea that punishment should ultimately help resocialize inmates and thus reduce the probability of further offenses once they returned to society. This philosophy of rehabilitation was repudiated in the 1970s, and today's prison aims solely to neutralize offenders—and individuals thought to be likely to violate the law, such as parolees—both materially, by removing them physically into an institutional enclave, and symbolically, by drawing a hard and fast line between criminals and law-abiding citizens. The now-dominant "law and order" paradigm jettisons ideas of prevention and proportionality in favor of direct appeals to popular resentment through measures that dramatize the fear and loathing of crime, which is presented as the abhorrent conduct of defective individuals. The mission of today's prison is thus identical to that of the classical ghetto, whose *raison d'être* was precisely to quarantine a polluting group from the urban body.

The racialization of judicial stigma

The contemporary prison can be further likened to the ghetto in that the stigma of penal conviction has been prolonged, diffused, and re-framed in ways that assimilate it to an ethno-racial stigma— something permanently attached to the body of its bearer. In other liberal-democratic societies, the status dishonor and civic disabilities of being a prisoner are temporary and limited: they affect offenders while they are being processed by the criminal justice system and typically wear off shortly after the prisoner's release; to ensure this, laws and administrative rules set strict conditions and limits on the use and diffusion of criminal justice information.

Not so in the United States. Convicts here are subjected to ever-longer and broader post-detention techniques of social control and symbolic branding that durably set them apart from the rest of the population; the criminal files of individual inmates are readily accessible and actively disseminated by the authorities; and a pseudo-scientific discourse couched in genetic terminology and animalistic imagery pervades public representations of crime in the media, politics, and significant segments of scholarship.

All but two states require post-prison supervision of offenders and 80 percent of all persons released from state penitentiaries are freed under conditional or community release. The average term spent on parole has also increased steadily over the past two decades to surpass twenty-three months in 1996—nearly equal to the average prison term served of twenty-five months.³⁹ At the same time, parole services have become entirely focused on the administrative enforcement of safety and security, to the near-total neglect of job training, housing assistance, and substance abuse treatment, even though official records indicate that over three fourths of inmates suffer from psychotropic dependency. With fully 54 percent of offenders failing to complete their terms of parole in 1997 (compared to 27 percent in 1984), and parole violators making up a third of all persons admitted in state penitentiaries every year (two thirds in California), parole has become an appendage of the prison, and operates mainly to extend the social and symbolic incapacities of incarceration beyond its walls. Corrections administrations in many states have also put their entire inmate databases on-line, further stretching the perimeter of penal infamy by making it possible for anyone to find the "rap sheet" of prisoners on the web, and for employers and landlords to discriminate against ex-convicts with full legal impunity.⁴⁰ This general movement towards longer and more encompassing post-detention measures of criminal justice supervision finds an extreme instantiation in the management of sex offenders under the regime of "Megan's Laws" passed in 1996 by the federal and state governments. Reinforced by the systematic media (mis)representation of sex offenders as congenital perverts whose behavior cannot be prevented or corrected, these measures, which mandate registration and public notification of the presence of ex-sex offenders, send the unmistakable message, "once an offender, always an offender." They turn judicial stigma into a permanent blemish that will weigh on its bearer for life, much like the stain of "race" construed as a dishonoring form of denigrated ethnicity.

The resurgence and popularity of genetic pseudo-explanations of crime is another indicator of the bent towards the compulsive racialization of criminals. Thus a recent authoritative compendium on crime edited by James Q. Wilson and Joan Petersilia opens with two long chapters that review "Criminogenic Traits" and "Biomedical Factors in Crime." For Harvard psychologist Richard Herrnstein, serious crimes are not culturally or historically defined but "crimes that are wrong in themselves."⁴¹ While "it would be an overstatement to say 'once a criminal always a criminal'...it would be closer to the truth than to deny the evidence of a unifying and

long-enduring pattern of encounters with the law for most serious offenders." This pattern cannot be explained by "accidents, situations, and social forces," as these only "modulate the criminogenic factors" of low intelligence, antisocial personality, and male chromosomes. Herrnstein does not discuss ethno-racial differences in criminality, but it requires little effort to infer from his argument that the disproportionate incarceration of blacks must be caused in part by innate criminal propensities, given what he calls "a scientific consensus that criminal and antisocial behavior can have genetic roots."⁴²

Carceral recruitment and authority

Today's prison further resembles the ghetto for the simple reason that an overwhelming majority of its occupants originate from the racialized core of the country's major cities, and return there upon release—only to be soon caught again in police dragnets and sent away for ever-longer sojourns behind bars, in a self-perpetuating cycle of escalating socioeconomic marginality and legal incapacitation. Thus, in the late 1980s, three of every four inmates serving sentences in the entire state of New York came from seven black and Latino neighborhoods of New York City, which also happened to be the poorest areas of the city. Every year these segregated and dispossessed districts furnished a fresh contingent of 25,000-odd inmates, while 23,000 ex-convicts were discharged, most of them on parole, right back into these devastated areas. A conservative estimate, given a statewide felony recidivism rate of 47 percent, is that within a year, some 15,000 of them found their way back "upstate" and behind bars.⁴³ The fact that 46 percent of the inmates of New York state prisons issue from neighborhoods served by the sixteen worst public schools of the city ensures that their clientele will be duly replenished for years to come.

The contemporary prison system and the ghetto not only display a similarly skewed recruitment and composition in terms of class and caste. The prison also duplicates the authority structure characteristic of the ghetto in that it places a population of poor blacks under the direct supervision of whites—in this case, lower-class whites. In the communal ghetto of the postwar era, black residents chafed under the rule of white landlords, white employers, white unions, white social workers, and white policemen.⁴⁴ Likewise, at century's end, the convicts of New York City, Philadelphia, Baltimore, Cleveland, Detroit, and Chicago, who are overwhelmingly African-American, serve their sentences in establishments staffed by officers who are overwhelmingly white. In Illinois, for instance, two thirds of the state's 41,000 inmates are blacks who live under the watch of an 8,400-member uniformed force that is 84 percent white. In Michigan and Pennsylvania, 55 percent of prisoners are black but only 13 and 8 percent of guards, respectively, come from the Afro-American community. In Maryland, the correctional staff is 90 percent white and monitors an inmate population that is 80 percent black. With the proliferation of detention facilities in rural areas, the economic stability and social welfare of lower-class whites from the declining hinterland has come to hinge, perversely, on the continued socioeconomic marginality and penal restraint of ever-larger numbers of lower-class blacks from the urban core.

The convergent changes that have "prisonized" the ghetto and "ghettoized" the prison in the aftermath of the civil rights revolution suggest that the stupendous increasing over-representation of blacks behind bars does not stem simply from the discriminatory targeting of specific penal policies such as the War on Drugs, (as Michael Tonry suggests) or from the sheer destabilizing effects of the increased penetration of ghetto neighborhoods by the penal state, (as Jerome Miller argues).⁴⁵ These two factors are

clearly at work but they fail to capture the precise nature and full magnitude of the transformations that have interlocked the prison and the (hyper)ghetto into a single institutional mesh suited to fulfill anew the mission historically imparted to America's "peculiar institutions."

Thus, consider the timing of racial transition: with a lag of about a dozen years, the "blackening" of the carceral population has closely followed the demise of the Black Belt as a viable instrument of caste containment in the urban-industrial setting. A century earlier, David Oshinsky points out, the sudden penal repression of African Americans had helped to shore up "the walls of white supremacy as the South moved from an era of racial bondage to one of racial caste."⁴⁶ The thesis of a structural and functional linkage between ghetto and prison is also verified by the geographic patterning of racial disproportionality: outside of the South—which for obvious historical reasons requires a separate analysis—the black-white gap in incarceration is more pronounced and has increased faster in those states of the Midwest and Northeast that are the historic cradle of the Northern ghetto.⁴⁷ The intertwining of the urban Black Belt and the carceral system is further evidenced, and in turn abetted, by the fusion of ghetto and prison culture, as vividly expressed in the lyrics of "gangsta rap" singers and hip hop artists, in graffiti and tattooing, and in the dissemination, to the urban core and beyond, of language, dress, and interaction patterns innovated inside of jails and penitentiaries.

Making "race," shaping citizens

Slavery, Jim Crow, and the ghetto are each "race making" institutions: they do not simply process an independently-existing ethno-racial division; rather, each produces (or co-produces) this division (anew) out of inherited demarcations and disparities of group power and inscribes it at every epoch in a distinctive constellation of material and symbolic forms. All three have consistently racialized the arbitrary boundary that sets African Americans apart from all others in the United States by actively denying that boundary's cultural origin in history, and ascribing it instead to the fictitious necessity of biology.

The highly particular conception of "race" that America has invented, virtually unique in the world for its rigidity and social consequences, is a direct outcome of the momentous collision between slavery and democracy. The Jim Crow regime reworked the racialized boundary between the free and the enslaved into a rigid caste separation between "whites" and "Negros" (comprising all persons of known African ancestry, no matter how minimal), that infected every crevice of the postbellum social system in the South. The ghetto, in turn, imprinted this dichotomy onto the spatial and institutional schemas of the industrial metropolis. So much so that, in the wake of the "urban riots" of the sixties, "urban" and "black" became near-synonymous in policy making as well as everyday parlance. And the "crisis" of the city came to stand for the enduring contradiction between the individualistic and competitive tenor of American life, on the one hand, and the continued seclusion of African Americans from it, on the other.⁴⁸ Now, a fourth "peculiar institution"—joining the hyperghetto with the carceral system—is remolding the social meaning and significance of "race" in accordance with the dictates of neoliberalism. To be sure, the penal apparatus has long served as accessory to ethno-racial domination. But the role of the carceral institution today is different. For the first time in U.S. history, it is the primary apparatus for the social production of "race."

Perhaps the most important effect of this new system is that it revives and consolidates the centuries-old association of blackness with criminality

and devious violence. The massively disproportional incarceration of blacks supplies a powerful common-sense warrant for "using color as a proxy for dangerousness," to borrow the words of Randall Kennedy. In recent years, the courts have consistently authorized the police to employ race as "a negative signal of increased risk of criminality" and legal scholars have rushed to endorse it as "a rational adaptation to the demographics of crime," made salient and verified, as it were, by the blackening of the prison population.⁴⁹ The conflation of blackness and crime in collective representation and government policy (the other side of this equation being the conflation of blackness and welfare) thus re-activates "race" by giving a legitimate outlet to the expression of anti-black animus in the form of the public vituperation of criminals and prisoners.

A second major effect of the penalization of the "race question" has been to depoliticize it. Reframing problems of ethno-racial division as issues of law enforcement automatically delegitimizes any attempt at collective resistance and redress. Established organizations that speak for African Americans cannot directly confront the crisis of hyperincarceration for fear that this might reinforce the very conflation of blackness and crime in public perception that fuels the crisis. Thus the courteous silence of the NAACP, the Urban League, the Black Congressional Caucus, and black churches on the topic. By entombing poor blacks in the concrete walls of the prison, the penal state has effectively smothered and silenced sub-proletarian revolt.

By assuming a central role in the contemporary government of race and poverty—at the crossroads of the deregulated low-wage labor market, a revamped "welfare-workfare" apparatus designed to support casual employment, and the vestiges of the ghetto—the overgrown American carceral system has become a major engine of symbolic production in its own right. Just as bondage imposed "social death" on imported African captives and their descendants,⁵⁰ mass incarceration induces civic death for those it ensnares. Today's inmates are the targets of three forms of exclusion:

(i) Prisoners are denied access to valued cultural capital: At a time when university credentials are becoming a prerequisite for employment in the (semi-) protected sector of the labor market, inmates have been made ineligible for higher-education Pell Grants. The exclusion started with drug offenders in 1988, continued with convicts sentenced to death or lifelong imprisonment without the possibility of parole in 1992, and ended with all remaining state and federal prisoners in 1994. This expulsion was passed by Congress for the sole purpose of accentuating the symbolic divide between criminals and "law-abiding citizens" in spite of overwhelming evidence that prison educational programs drastically cut recidivism as well as help to maintain carceral order.

(ii) Prisoners are systematically excluded from social redistribution and public aid in an age when work insecurity makes access to such programs more vital than ever for those dwelling in the lower regions of the socio-economic hierarchy. Laws deny welfare payments, veterans benefits, and food stamps to anyone in detention for more than sixty days. The Work Opportunity and Personal Responsibility Act of 1996 further banishes most ex-convicts from Medicaid, public housing, Section 8 vouchers, and related forms of assistance.

(iii) Convicts are banned from political participation via "criminal disenfranchisement" practiced on a scale and with a vigor unimaginable in any other country. All but four states deny the vote to mentally competent adults held in detention facilities; thirty-nine states forbid convicts placed on

probation from exercising this political right; and thirty-two states also disenfranchise parolees. In fourteen states, ex-felons are barred from voting even when they are no longer under criminal justice supervision—for life in ten of these states. The result is that nearly 4 million Americans have temporarily or permanently lost the ability to cast a ballot, including 1.47 million who are not behind bars and another 1.39 million who served their sentences in full.⁵¹ A mere quarter century after acceding to full voting rights, one black man in seven nationwide is banned from the electoral booth through penal disenfranchisement and seven states permanently deny the vote to more than one fourth of their black male residents.

Through this triple exclusion, the prison and the criminal justice system contribute to the ongoing reconstruction of the "imagined community" of Americans around a polar opposition. On the one hand, stand praiseworthy "working families," implicitly white, suburban, and deserving; on the other hand, a despicable "underclass" of criminals, loafers, and leeches—by definition dark-skinned, undeserving, and personified by the dissolute teenage "welfare mother" and the dangerous street "gang banger." The former are exalted as the living incarnation of genuine American values: self-control, deferred gratification, subservience of life to labor. The latter is condemned as the loathsome embodiment of their abject desecration, the "dark side" of the "American dream" of affluence and opportunity for all, believed to flow from morality anchored in conjugality and work. And the line that divides them is increasingly being drawn, materially and symbolically, by the prison. *

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* This article is adapted from a book being completed, entitled *Deadly Symbiosis*.

1 An additional 68,000 black women were locked up, a number higher than the total carceral population of any one major western European country. Because males compose over 93 percent of the U.S. state and federal prison population and 89 percent of jail inmates, and because the disciplining of women from the lower class and caste continues to operate primarily through welfare and workfare, this article focuses solely on men. But a full-fledged analysis of the distinct causes and consequences of the astonishing growth in the imprisonment of black (and Hispanic) women is urgently needed, in part because the penal confinement of women has immensely deleterious effects on their children.

2 Steven R. Donziger, *The Real War on Crime: The Report of the National Criminal Justice Commission* (New York: Harper Perennial, 1996), 104–5; Marc Mauer, "Racial Disparities in Prison Getting Worse in the 1990s," in *Overcrowded Times* 8 (1997): 8–13.

3 For a more detailed examination, see Loïc Wacquant, "Crime et châtement en Amérique de Nixon à Clinton," *Archives de politique criminelle* 20 (Spring 1998): 123–38, and Alfred Blumstein, "U.S. Criminal Justice Conundrum: Rising Prison Populations and Stable Crime Rates," *Crime and Delinquency* 44 (1998): 127–35.

4 In this, I follow George Rusche: "Punishment must be understood as a social phenomenon freed from both its juristic concept and its social ends," that is, its official mission of crime control, so that it may be replaced in the complete system of strategies, including social policies, aimed at regulating the poor. But I do not follow Rusche in (i) postulating a direct link between brute economic forces and penal policy; (ii) reducing economic

forces to the sole state of the labor market, and still less the supply of labor; (iii) limiting the control function of the prison to lower classes, as distinct from other subordinate categories (ethnic or national, for instance); (iv) omitting the ramifying symbolic effects that the penal system exercises by drawing, dramatizing, and enforcing group boundaries. Indeed, in the case of black Americans, the symbolic function of the carceral system is paramount. See George Rusche, "Labor Market and Penal Sanction: Thoughts on the Sociology of Punishment," in *Punishment and Penal Discipline*, eds. Tony Platt and Paul Takagi (Berkeley, Calif.: Crime and Social Justice Associates, 1980), 11.

5 See Loïc Wacquant, *Les Prisons de la misère* (Paris: Editions Raisons d'agir, 1999). Translated as *Prisons of Poverty* (Minneapolis: University of Minnesota Press, forthcoming.)

6 See Avery F. Gordon, "Globalism and the Prison Industrial Complex: An Interview with Angela Davis," *Race and Class* 40 (1999): 145–57.

7 Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Anti-Poverty Policy* (Chicago: The University of Chicago Press, 2000).

8 This historical schema should not be read as an ineluctable forward march towards ethno-racial equality. Each new phase of racial domination entailed retrogression as well as progress. And, while it is true that there has been a kind of "civilizing" of racial domination (in Norbert Elias's sense of the term), it remains that each regime has to be evaluated in light of the institutional possibilities it harbors, not simply by contrast to its predecessor(s).

9 Orlando Patterson, *Slavery and Social Death* (Cambridge, Mass.: Harvard University Press, 1982), 334.

10 Joel Williamson, *A Rage for Order: Black-White Relations in the American South Since Emancipation* (New York: Oxford University Press, 1986), 15–27.

11 F. James Davis, *Who Is Black? One Nation's Definition* (University Park, Pa.: Pennsylvania State University Press, 1991), 41–2.

12 On the interaction of slavery and race across generations, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, Mass.: Harvard University Press, 1998).

13 C. Vann Woodward, *American Counterpoint: Slavery and Racism in the North-South Dialogue* (Boston: Little, Brown, 1971), 250–1.

14 William Julius Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions*, 2nd ed. (Chicago: The University of Chicago Press, 1980), 57–61.

15 Cited by Neil R. McMillen, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana, Ill.: University of Illinois Press, 1990), 240.

16 James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: The University of Chicago Press, 1989), 16–37. Ira Katznelson, *Black Men, White Cities: Race, Politics,*

and Migration in the United States, 1900–1930, and Britain, 1948–68 (Chicago: The University of Chicago Press, 1976), 83–5;

17 St. Clair Drake and Horace R. Cayton, *Black Metropolis: A Study of Negro Life in a Northern City* (New York: Harper and Row, 1962), 223–35; Wilson, *The Declining Significance of Race*, 71–6.

18 Drake and Cayton, *Black Metropolis*, 80.

19 See Loïc Wacquant, "Negative Social Capital: State Breakdown and Social Destitution in America's Urban Core," *The Netherlands Journal of the Built Environment* 13 (1998): 25–40.

20 A fuller discussion of the homologies between ghetto and prison as institutions of confinement for dishonored groups is in Loïc Wacquant, "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto," *Theoretical Criminology* 4 (2000): 382–5.

21 E. Franklin Frazier, *The Negro Family in the United States* (Chicago: The University of Chicago Press, 1932).

22 Drake and Cayton, *Black Metropolis*, 716–28.

23 Caroline Wolf Harlow, *Profile of Jail Inmates 1996* (Washington, D.C.: Bureau of Justice Statistics, 1998).

24 Jeremy Rifkin, *The End of Work: The Decline of the Global Labor Force and the Dawn of the Post-Market Era* (New York: JP Tarcher and Putnam, 1995), 79. Also see Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, N.J.: Princeton University Press, 1996), 125–52.

25 Drake and Cayton, *Black Metropolis*, 710–11, 650, 430–1, and 438–9, respectively.

26 Wacquant, "Negative Social Capital."

27 Jerome G. Miller, *Search and Destroy: African-American Males in the Criminal Justice System* (Cambridge: Cambridge University Press, 1997), 102–3.

28 On crime, see Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, Mass.: Harvard University Press, 1993); Lauren J. Krivo and Ruth D. Peterson, "Extremely Disadvantaged Neighborhoods and Urban Crime," *Social Forces* (December 1996); on the distorting effects of physical violence on social relations and everyday life, see Alex Kotlowitz, *There Are No Children Here: The Story of Two Boys Growing Up in the Other America* (New York: Anchor Books, 1991); LeAlan Jones and Lloyd Newman, *Our America: Life and Death on the South Side of Chicago* (New York: Washington Square Press, 1997); Loïc Wacquant, "Inside the Zone: The Social Art of the Hustler in the Black American Ghetto," *Theory, Culture, and Society* 15 (1998), 1–36; on prison culture, see Leo Carroll, *Hacks, Blacks, and Cons: Race Relations in a Maximum Security Prison* (Lexington, Mass.: Lexington Books, 1974); James B. Jacobs, *Stateville: The Penitentiary in Mass Society* (Chicago: The University of Chicago Press, 1977); John Irwin, *Prisons in Turmoil* (Boston: Little, Brown, 1980).

29 Miller, *Search and Destroy*, 101.

30 Cited in *Ibid.*, 101.

31 Chicago Tribune (Staff of the), *The Worst Schools in America* (Chicago: Contemporary Press, 1992), 12–3.

32 The essential works on this point are Irwin, *Prisons in Turmoil*; and Irwin, *The Felon*, new edition (Berkeley, Calif.: University of California Press, 1990).

33 Gresham M. Sykes, *The Society of Captives: A Study of a Maximum Security Prison* (Princeton, N.J.: Princeton University Press, 1958).

34 Irwin, *The Felon*, v; see also Leo Carroll, "Race, Ethnicity, and the Social Order of the Prison," in *The Pains of Imprisonment*, eds. Robert Johnson and Hans Toch (Beverly Hills, Calif.: Sage, 1982), 181–201; Robert Johnson, *Hard Time: Understanding and Reforming the Prison*, 2d ed. (Belmont, Calif.: Wadsworth Publishing, 1996); Victor Hassine, *Life Without Parole: Living in Prison Today*, 2d ed. (Boston: Roxbury Publications, 1999), 71–8.

35 On the "inmate code," see Gresham Sykes and Sheldon Messinger, "The Inmate Social System," in *Theoretical Studies in Social Organization of the Prison*, eds. Richard Cloward et al. (New York: Social Science Research Council, 1960), 6–10; on the "street code," see Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (New York: W.W. Norton & Company, 1998).

36 Irwin, *The Felon*, vii.

37 Jacobs, *Stateville*, 137–74; Irwin, *Prisons in Turmoil*, 186–92; Steve J. Martin and Sheldon Ekland-Olson, *Texas Prisons: The Walls Came Tumbling Down* (Austin, Tex.: Texas Monthly Press, 1987).

38 Johnson, *Hard Time*, 133.

39 Joan Petersilia, "Parole and Prisoner Reentry in the United States," in *Prisons: Crime and Justice*, eds. Michael Tonry and Joan Petersilia (Chicago: The University of Chicago Press, 1999).

40 Wacquant, *Les Prisons de la misère*, 76–7.

41 Richard J. Herrnstein, "Criminogenic Traits," in *Crime: Public Policies for Crime Control*, eds. James Q. Wilson and Joan Petersilia (San Francisco: ICS Press, 1995), 40, 41, 62, 56–7, 58.

42 Herrnstein, "Criminogenic Traits," 55, 62, 58.

43 Edwin Ellis, *The Non-Traditional Approach to Criminal Justice and Social Justice* (New York: Community Justice Center, 1993).

44 Kenneth B. Clark, *Dark Ghetto: Dilemmas of Social Power* (Middletown, Conn.: Wesleyan University Press, 1965).

45 Michael Tonry, *Malign Neglect: Race, Crime, and Punishment in America* (New York: Oxford University Press, 1995); Miller, Search and Destroy.

46 David M. Oshinsky, "Worse Than Slavery": Parchman Farm and the Ordeal of Jim Crow Justice (New York: Free Press, 1996), 57.

47 Mauer, "Racial Disparities."

48 Two indicators suffice to spotlight the enduring ostracization of African Americans in U.S. society. They are the only group to be "hypersegregated," with spatial isolation shifting from the macro-level of state and county to the micro-level of municipality and neighborhood so as to minimize contacts with whites throughout the century. See Massey and Denton, *American Apartheid*; also Massey and Zoltan L. Hajnal, "The Changing Geographic Structure of Black-White Segregation in the United States," *Social Science Quarterly* 76 (September 1995), 527–42. African Americans remain barred from exogamy to a degree unknown to any other community, notwithstanding the recent growth of so-called multiracial families, with fewer than 3 percent of black women marrying out compared to a majority of Hispanic and Asian women. See Kim DaCosta, "Remaking the Color Line: Social Bases and Implications of the Multiracial Movement" (Ph.D. diss., University of California, Berkeley, 2000).

49 Randall Kennedy, "Race, Law and Suspicion: Using Color as a Proxy for Dangerousness," *Race, Crime and the Law* (New York: Pantheon, 1997), 136, 143, 146.

50 Patterson, *Slavery and Social Death*.

51 Jamie Fellner and Marc Mauer, *Losing the Vote: The Impact of Felony Disenfranchisement in the United States* (Washington, D.C.: Human Rights Watch and The Sentencing Project, 1998).

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