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Current calls for prison abolition have been met with major public resistance. It is time for movements for prison abolition to engage with these questions: How have contemporary people of the United States come to accept mass incarceration and the prison industrial complex, and, what is the impact? Using an ethical framework informed by Martin Buber's I-It and I-Thou and Dr. Martin Luther King Jr.'s ethical demands for integration, this thesis shows that the prison industrial complex is harmful to members of the free public by preventing our ability to recognize the full humanity of those sent behind bars, and therefore ourselves. Our system of mass incarceration relies upon the willingness of the society to first objectify criminals in order to rationalize their dehumanization through incarceration. By internalizing the practice of dehumanizing others, our humanity is objectified and our best moral self is compromised to ensure the prison industrial complex continues. The abolitionist movement must gain this insight in order to effectively address the fundamental ethical issue of prisons and also to connect the free victims to a dominating system of dehumanization, the prison industrial complex.

The Cage Has Two Sides: An Ethical Perspective of Prison Abolition

by
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APPROVED:

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I understand that my thesis will become part of the permanent collection of Oregon

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reader upon request.

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Christopher Lenn, Author

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DEDICATION

This work is dedicated to those who hope for a future where we'll create

justice and the willingness to earn forgiveness for the errors of our past.

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Chapter One- Introduction

The United States' increasing dependency on the use of the prison as the primary tool of criminal punishment over the last 40 years has created the greatest incarcerated population per capita in comparison to other nations (Warren, 5). The rise in imprisonment has created a complex system known as the prison industrial complex, a network of political, economic, and social institutions and interests that all have a stake in the continuation of the prison system and its increasing population. Today, some social justice advocates call for a change in the criminal justice system that ends massive spending of public funds, privatization, and the stark racial disparities within the prison system.

The most notable of these critiques calls for the abolition of the prison industrial complex because it is the tool by which America continues its racial bias particularly against African Americans. Angela Davis and Michelle Alexander are the most represented and successful at sending their message to the general public through community organizing with groups like Critical Resistance and popular literature in books and mainstream news sources. The racial justice perspective, while the most prevalent, is not the only popular perspective against the prison industrial complex.

As an issue of socio-economic class, Christian Parenti, in his book, *Lockdown America*, discusses the primary purpose of the prison system as a necessary function of capitalist economies that must warehouse surplus workers in the current job market.

In another perspective, philosopher Jason Mallory concludes that current and former prisoners constitutes an oppressed social class, an oppression that must be eradicated just like other forms of oppression. Notwithstanding the different injustices committed by the prison industrial complex that these views stress, they do follow a similar framework. The attention to race, socio-economic class, and prisoner oppression all direct the reader to analyze the basic problem of the prison industrial complex as being inside the prison, a wrong by the system on a selection of the population who are called criminals. To this end, these arguments have aimed to educate a public, who is not familiar with these realities, in order to inform public opinion and hopefully move towards prison reform or abolition.

While prison critiques and abolitionist literature have provided complex and critical arguments against the prison industrial complex, they have failed, for the most part, to gather much mainstream support. The prison abolitionist arguments and objectives tend to be dismissed as too idealistic, dangerous, unnatural, or even ridiculous. If abolitionists are truly going to begin to impact social change then they *must* connect with the public audience resistant to acknowledge the extent to which the criminal justice system is harmful. Furthermore, it behooves abolitionists to understand possible reasons underlying public resistance.

Even though incarcerated populations have risen up and created change within the realities of prisons walls (always remember Attica), most abolitionists agree that the massive and sweeping changes needed to dismantle the prison industrial complex require a partnership across the bars with the free public. Up to this point, prison

criticisms have yet to address and incorporate the impact of mass incarceration on free citizens. Failure to acknowledge this impact disregards the degree to which the prison industrial complex shapes our collective consciousness about crime and treatment of those we call "criminals." This is important because it helps to explain how our role in the prison system's continuation through democratic support (i.e. voting "yes" on ballot measures to increase sentencing lengths) and our cognitive reliance (an inability to recognize other alternatives) on imprisonment may be understood as a result of the presence of mass incarceration itself.

Many writers who contribute to the literature behind the prison abolitionist movement often question why the public has been complicit in the growing presence of the prison industrial complex. They question how is it possible that so many millions of our brothers and sisters can be sent to cages without there being any massive public resistance? What can abolitionists do to ignite social action by the free public to address changes to the criminal justice system?

Abolitionists, up to this point, have failed to take these questions seriously. In this thesis, I provide an ethical analysis of the prison industrial complex that explores how the existence of such a massive system of punishment has a particularly unique impact on those members of society who are not currently or formerly incarcerated. This impact will be addressed in two ways: first, I aim to show that support for the system of mass incarceration by the public leads to an internalization of the dehumanization that is caused by the mass warehousing of millions of people through incarceration. Second, I will explain how this internalization leads to a decreased

moral capacity to recognize the humanity of those incarcerated and therefore, ourselves. An ethical analysis also helps to elucidate and connect the existing prison critiques by exploring racism and classism through an ethical framework. The ability to understand the shared harm to all members of society caused by the prison system may help bring abolition to the forefront of public consciousness. The main question surrounding the use of prisons stops being about how we treat members of our society based on skin color or wealth but rather, how do treat one another as full human beings?

If the goal of prison critique is to manifest in some form of positive public action, or a change of hearts and minds, then we need to be able to connect the public to the issue so that they may recognize their own interests in it. For many people, there is distant or nonexistent concern for prisons and prisoners. Generally, prisons and punishment are pushed to periphery of public acknowledgement. Most prisons are constructed in rural areas away from view or awareness. We tend to treat prisons as a fixed and unchangeable fact of social life, and therefore neglect to evaluate their existence. If abolitionists fail to add mass incarceration's harm on the public to the purpose of the movement, then the existing critiques of prisons will continue to be ineffective for sweeping social change. Organizers for abolition need to meet people where they are right now.

Unfortunately, where most people are right now has been formed by the existence and increasing use of the prison as a response to legally declared social disturbances. Incarceration is generally understood as a logical and preferred response

to crime control and punishment. However, once we are aware that we have neglected to critically examine our own perception of the prison, and study the critiques of prisons, we then have an opportunity to assess our reliance on the use of prisons.

To begin this assessment, I will first present the existing literature that has informed prison abolitionist movements. In Chapter two, I will review literature written by Angela Davis, Michelle Alexander, Christian Parenti, Philip J. Wood, and Jason Mallory that represent the common approaches to critiquing the prison industrial complex. The breadth of their combined criticisms is expansive and analyzes the prison industrial complex in the following ways: 1) as a an example of structural racism; 2) as an integral social institution to create and sustain a racial underclass; 3) as a necessary component of capitalism; and 4) as a system of oppression for currently and formerly incarcerated individuals.

Angela Davis is one of the most referenced modern writers on prison abolition. Her book *Are Prisons Obsolete?* not only explains the genealogy of prisons in the United States, but pushes her readers to question the unexamined existence of prisons in modern society. Using an argument by analogy, Davis compares prisons to all practices that are inherently racist, such as slavery, segregation, and lynching, and concludes that they must also be abolished. Building from the foundational work of Angela Davis, Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, argues that the prison industrial complex, and the war on drugs, combine to form a social mechanism for creating a permanent underclass of African American citizens that can be legally discriminated against based on their

felony status. Next, I will discuss Christian Parenti's *Lockdown America*, and also

Parenti and Philip J. Wood's work in *Capitalist Punishment*. Parenti and Wood

analyze the growth in the American prison system as an effect of the country's

ideological political and financial shifts to highly militarized police practices in

response to social and economic crises of the mid-twentieth century. The effect of

these shifts in practices has been an increased use and dependence on imprisonment

as the warehousing of undesirable citizens and workers who contribute little to the

legal market economy. Lastly, I will discuss Jason Mallory, who has written on the

prison system's relation to philosophies of oppression, globalization, anti-democratic

values, and free world privilege. Mallory explores, to a great extent, how structural

conceptions of oppression can be used in analyzing the experiences of current and

formerly incarcerated individuals.

      In Chapter three, I will demonstrate how we can use tools of ethical analysis

to improve upon these existing prison critiques and promote social and political

progress for prison abolition movements. Drawing on the moral theories from Martin

Buber and Dr. Martin Luther King Jr., I will argue that an ethical harm is experienced

by the free public as a result of the prison industrial complex. Martin Buber's theory

of I-It and I-Thou illustrates how the entirety of mass incarceration relies on the

public's willingness to objectify those who commit crimes. Buber's theory will

demonstrate how the public is ethically bound in relation to their treatment of

prisoners and reduces the public's capacity to be fully human. I then demonstrate how

the practice of mass incarceration moves beyond identity politics and actually rests at

odds with the fundamental ethical demands for a free and just society as described by Dr. Martin Luther King Jr. Following this, I will address the need for abolitionists to adopt a more inclusive vision of social justice and conclude with a call for political organizing around this broader vision.

In Chapter four, I will summarize my argument in this thesis and expand further on its importance to abolitionist movements. By developing this ethical analysis of the prison industrial complex, the existing critiques can be collected under one framework of analysis and can foster collaboration across an inclusive view of social justice. Finally, I will close by responding to potential criticisms. For example, I will defend against arguments from advocates for racial justice who believe the framework of the ethical analysis is an example of colorblind argumentation and, second, respond to those who might confuse this thesis with existing arguments for systems of restorative justice.

For a better understanding of this thesis it will be important to clarify some terms that have not yet been previously defined. Though only some of the authors reviewed will identify themselves as a prison abolitionists, someone who seeks the eradication of the prison system and the need for it, I will refer to all the works reviewed here as "abolitionist literature" because their perspectives have informed prison abolition. I will use the terms "free citizenry," "free public," or "public" generally interchangeably to account for those people in society who have no history of incarceration. (I, however, make no real substantive claim that people who are not incarcerated are completely free.) Similarly, I will use terms such as "current prisoner"

and "former prisoner" to speak to those labeled as criminals to acknowledge how a prison experience continues to impact one's life beyond prison walls.

Throughout this thesis, I will assume that the critiques from the abolitionists that I will reference are in fact valid and complementary assessments of the prison industrial complex. My intent in this thesis is to help connect these separate arguments by reframing them as a cohesive moral argument that help us to understand how the ethical impact of the prison industrial complex on "free" populations inhibits our willingness to redress the injustices caused by our criminal justice system.

Chapter 2 - Literature Review

Abolition and reform movements have developed hand in hand with the development of prisons themselves in the United States. Today, the social and historical context of the war on drugs, privatization, the civil rights movement, and mass incarceration shape the arguments from these movements. I will examine representative arguments from the many contemporary frameworks that shape prison abolition literature in order to provide a foundation for understanding how abolitionists approach problems caused by the prison industrial complex. Following a review of the available literature, I will fill in the gaps in these analyses by demonstrating how the given arguments, and their corresponding solutions, are each essentially connected through an ethical framework that has consequences for all in society.

The subject matter of this literature review, while focused on addressing injustices caused by the prison industrial complex, arises from a diversity of perspectives. To date, the most critical abolitionist critiques come from advocates for racial justice. The work of Angela Davis and Michelle Alexander will be reviewed here to address how race, and racism in particular, is used to structure the prison industrial complex. Then I will review works from a socio-economic perspective, Christian Parenti and Philip J. Wood will address how the basic economic system, "law and order" politics of the post-civil rights movement, and paramilitary police enforcement in the United States causes the country to rely on the use of prisons.

Finally, moving towards a philosophical perspective, Jason Mallory contributes an analysis that concludes that current and former prisoners qualify as an oppressed social group that must be liberated.

You could understand the breadth of abolition literature in terms of means and ends. The ends of each perspective is the same, the eradication of prisons, but the means of achieving this differs based on the perspective. It is of little or no use here trying to conclude which perspective is the right one, each speaks to a feature of a very dynamic system. However, it is worth considering what the works have in common in order to elucidate how their work may be connected, how groups can advance a shared common goal, and why, despite the diversity of perspectives that bring forth abolition, the public still is resistant.

By analyzing the available literature through the work of Martin Buber and Dr. Martin Luther King, it can be shown how the prison industrial complex is harmful, albeit in different ways, to members of the public. It inhibits our ability to recognize the full humanity of those whom we send behind bars, and therefore ourselves, thus ultimately limiting the extent to which abolitionists can energize the public to support an end to mass incarceration.

Racial Justice Perspectives: Angela Davis' *Are Prisons Obsolete?*

The perspective from racial justice advocates on prison abolition are unquestionably the most well known and referenced on the subject matter. The availability of statistics certainly works to provide evidence for claims of racial bias within the criminal justice system. For example, black males have a 32 percent

chance of being incarcerated in their lifetime while white males have a 6 percent chance (The Sentencing Project). Available research indicates that although the majority of illegal drug users and dealers are white, three-fourths of those imprisoned for drug offenses are people of color (Mauer and King, 3).

Angela Davis's *Are Prisons Obsolete?* is considered to be one of the leading and most accessible works of prison criticism. She calls for the abolition of prisons because they are another example of a racist institution in the history of America. Her argument, which is presented almost as an allegory to slavery (and other prominent racist practices), questions her readers' unconscious dependence on prisons and the mostly unchallenged expansion of prisons over the past 40 years. Davis opens a door for her readers to think critically about the role of prisons as she explains the dynamic social forces that shape the prison industrial complex including racism, sexism, and capitalism.

Though it is difficult to imagine life without prisons, we must acknowledge that there are other institutions in our relatively recent history that people thought were indispensible and permanent social features. Davis asks her readers to recall that slavery, lynching, and segregation were accepted "facts of life." She writes, "It should be remembered that the ancestors of many of today's most ardent liberals could not have imagined life without slavery, life without lynching, or life without segregation" (Davis, 24). If, she argues, we can agree that racist institutions ought not exist in the United States, and we can demonstrate that the prisons are a racist institution, then we are effectively able to argue for the abolition of prisons.

Are prisons inherently racist? The use of incarceration as punishment in the United States goes as far back as the Revolutionary War. However, Davis illustrates how the criminal justice system of the South began to transform its laws following the abolition of slavery. The passing of the Thirteenth Amendment brought forth two distinct issues for blacks in the South: it abolished involuntary servitude and slavery, however, an exemption was made (and still exists) which holds that slavery or involuntary servitude can serve as a punishment for a crime.

The Thirteenth Amendment ended the Slave Codes of the South, which effectively precluded slaves from all human and civil rights. However, the amendment also led to the creation of new laws to serve the white population in their hopes of continued control of black labor. The newly adopted Black Codes "proscribed a range of actions—such as vagrancy, absence from work, breach of job contracts, the possession of firearms, and insulting gestures or acts—that were criminalized only when the person charged was black" (28). Now that former slaves could be duly convicted, they could now be legally sentenced right back to an existence of penal servitude. In addition, the development of the convict lease-system, which created labor contracts between private business and prisons, in many ways reestablished the system of slavery by renting out former slaves, now imprisoned, to work on the many plantations that once utilized slave labor.

Even practices of prisons themselves in the South following the Civil War started to resemble that of slave treatment as the population grew disproportionately black. It was observed that, "Whipping, was the preeminent form of punishment

under slavery; and the lash, along with the chain, became the very emblem of servitude for slaves and prisoners" (Mancini in Davis, 31). Thus, a newly freed black man could arrive late to work one day and then find himself a slave again. In both prisons and slavery, subjects are subordinate to an authority, dependent on others for basic human needs, such as food and clothing, confined to fix living quarters, and forced to work (Hirsch, 71). It was found that shortly following emancipation, prisons in the South changed to host an overwhelming majority of black convicts (Curtin in Davis, 29).

As the black population began to populate the prisons of the South in large numbers, the popular perception became that freed black slaves were predisposed to committing crimes (Curtin in Davis, 29). By 1883, Frederick Douglas had written about the South's tendency to "impute crime to color," whereby white members of society frequently associated criminality with dark skin color. This tendency, Davis believes, continues to be a part of our national sentiment and fuels our allowance of, for example, practices like racial profiling. Deployment of police suspicion towards drug dealers and terrorist suspects based on race has lead to major increases in arrests and is integral to existence of mass incarceration beginning in the twentieth century.

Understood in this way, historical race relations have helped to construct the current practices of the criminal justice system. As mentioned above, racial profiling is one example of a police tactic that uses race as a guiding factor in deployment of suspicion or arrest. Another example of "imputing crime to color" arises from the almost exclusive increase in drug-related arrests for people of color when research

indicates that members of white communities are the most likely to use illegal drugs throughout their lifetimes (Oliver, 2003). Police would be at least as, or more, successful in finding drugs if they chose to search suburban communities, however, the war on drugs seems almost intentionally waged in the urban landscape.

An abolitionist perspective, as embodied in Davis's solutions, suggests that the ultimate approach is sweeping economic and social justice. It is difficult, indeed, to establish reforms to the system without perpetuating its use. Rather, the abolitionist goal is to make a society that does not require prisons at all. Davis suggests we revitalize our education, health care system, and mental health care system and move away from punitive forms of justice to restorative (108).

In changing the social landscape, prison abolitionists argue for a dynamic approach to so-called criminality. For example, there should be less punishment and more recovery and medical treatment for those suffering from drug additions or mental and emotional illnesses (108). In its expanded use, the prison industrial complex has engulfed the funding for these programs and has made criminals from those who suffer some form of clinical condition. In another effort, abolitionists push us to question laws without direct human victims, including possession of illegal drugs and sex work. Of final, but great importance, is to end the criminalizing of communities, what Douglas wrote as "impute crime to color," whereby people are sent to prison based largely on the racially-biased views of one's ethnic community, rather than the act itself. Ultimately, an improved network of social welfare and a

change in cultural values that reduces negative social biases supports the obsolescence of prisons.

Davis's book *Are Prisons Obsolete?* Is arguably today's most prominent writing on the topic of prison abolition. Her work pushes her readers into a place of critical thought where the prison system can be analyzed as a socially constructed institution rather than a matter of fact, a natural aspect of life. This gives abolition movements their true power—anything that can be constructed by society can therefore be deconstructed. We therefore have the power, and responsibility, to choose the institutions that shape our world and influence our values.

Racial Justice Perspectives: Michelle Alexander's *The New Jim Crow*

Following Davis, Michelle Alexander's work exposes the purpose of the prison industrial complex as a mechanism for social control of the African American population in order to create a racial caste system where black has come to mean criminal. Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* can be thought of as a more contemporary political analysis of the current racial injustices at the root of mass incarceration. The book, she says, is written for people like her—people who care deeply about racial justice.

The New Jim Crow begins with the story of Jarvious Cotton, an African American man on parole, who cannot vote due to his felony conviction. The Cottons have a family history of disenfranchisement as far back as Jarvious's great-grandfather, who was killed by the Ku Klux Klan for attempting to vote. Jarvious's grandfather's attempt to vote was impeded by Klan intimidation and his father was

blocked by poll taxes and literacy tests. For every new generation, Alexander writes, it is a new tactic to achieve the same goal—denying African Americans full citizenship.

Today, the high percentage of black men who face legal discrimination in employment, housing, education, public assistance, jury duty, face this fate as a result of a felony conviction. Alexander writes,

> What has changed since the collapse of Jim Crow has less to do with the basic structure of society than with the language we use to justify it…Today, it is perfectly legal to discriminate against criminals in nearly all the ways that it once was legal to discriminate against African Americans…We have not ended racial caste in America; we have merely redesigned it. (2)

Alexander is suggesting here that discrimination based on felony status is only a veil for continuing practices based on racism. The use of something other than race as reason for subjugation and control arises out of the necessity from the historical path of this country's racial politics.

Following the Civil Rights Act of 1964, it was no longer socially or legally permissible to use race as grounds for discrimination. If people wanted to discriminate against African Americans, they would have had to develop new ways in order to make it possible. The solution from social and political powers, therefore, was to reconstruct the language of race, particularly the categories of "black" and "African American," to incorporate popular notions of crime and criminality. The point was to make it so that politicians, law enforcement, and the media could make it seem that they were addressing problems related to crime rather than issues of race.

This sentiment grew whereby it was becoming politically and socially precarious to even mention race. As the language of the politicians and media began to settle as the norm, civilians also internalized the new criminal symbolism tied to being black or African American. The power of the association with race and illegal behavior is exemplified in a 1995 study where ninety-five percent of participants pictured a black man when asked to envision a drug user (Burnston, 19). (In 1995, it is estimated that African Americans constituted 15 percent of drug users (103).) For Alexander, " mass incarceration defines the meaning of blackness in America: black people, especially black men are criminals. This is what it means to be black" (192).

The mention of race and color as a means to exert power therefore has given way to a new form in the era of colorblindness. According to Alexander, a politic of colorblindness means that there is a widespread belief that race no longer matters because new words, words more "politically correct," have replaced the language of racial identities. The political consequence of which means that it is generally more difficult to detect, or make a compelling public argument, that race is in fact having an impact on our social reality.

Beyond the unconscious and conscious bias that racial justice advocates criticize across our major social institutions, Alexander found that racial control is structural to the system of criminal justice in the time of colorblindness. She writes, "I came to see that mass incarceration in the United States had, in fact, emerged as a stunningly comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow" (4).

The means by which to accomplish this came through the political rise, and media sensationalizing, of the war on drugs, beginning in the 1970s. To the general public, the mainstream story is as follows: In response to the growing violence in inner-cities caused by the expansion and gravity of the crack-cocaine market, policy and police must increase to prevent the destruction of urban minority communities. The problem with this story, according to Alexander, is that it is simply wrong (5). At the time the drug war was declared, illegal drug used was down and inner cities did not have a problem with violence as it related to crack-cocaine. It was following the declaration that crack ever became a problem. Media efforts, even bolstered by the 1980s administration of Ronald Reagan, promoted images of crime and minority communities along side stories of "crack whores," "crack dealer," and "crack babies," and thus the public image of drugs became young black and brown men (5).

Mainstream white American culture sees the massive increase in people of color being incarcerated from a distance. Rationalization for this practice is bolstered by common understanding of the social sciences that impute crime to the unfortunate consequences of poverty, low education, non-nuclear family structure, and limited employment opportunities. All issues linked with non-white racial identities (4).

The war on drugs, its subsequent policies and implementation, are indicative of a racial bias that is as old as the white colonization of America. African Americans are statistically no more likely to sell or use drugs but somehow, for example, in 2000, African Americans made up 80-90% of all drug offenders sent to prison in seven different states (96). Policies that rely on "police discretion" to "stop and frisk", or

pull over people that are deemed "suspicious", subjects people of color to a history of unconscious and conscious racial bias. Because of the history of racial bias and the public consensus, built by political and media outlets, that drug crime was committed by black and brown men, it was inevitable that the outcomes of the drug war would be racially biased (104).

Though it is not by the same name as Jim Crow, mass incarceration effectively creates a racial caste system by moving (certain) people of color into a permanent status as second-class citizens. A racial caste, as defined by Alexander, "denotes a stigmatized racial group locked into an inferior position by law and custom" (12). Mass incarceration refers to "not only the criminal justice system, but also the larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison" (13). The purpose of mass incarceration, however, is the same as Jim Crow insofar as it serves to inhibit the advancement of African Americans into mainstream culture. Mass incarceration and its purpose of racialized social control continues the history of American social institutions that have served the same purpose.

In America, mass incarceration has taken the place of explicitly racialized social practices and control despite our strong history of activist resistance to discrimination and victories for civil rights. How, following the Civil Rights Act of 1964, does mass incarceration continue to exist and even expand today? The problem, according to Alexander, is that despite the victories of the past, we still have not forged a new or transformative social consensus about race due to the shame of our

country's past. She writes, "a new social consensus must be forged about race and the role of race in defining the basic structure of our society, if we hope to ever abolish the New Jim Crow" (15).

Outright racial bigotry and violence continue to be part of American culture but it is not, according to Alexander, the prevailing mechanism for racialized social control. Whereas the public generally has an idea of what racism looks like—segregated building or Ku Klux Klan gatherings—colorblind racism functions incognito behind the title of "criminal" in our current system of racial caste. It is here where Alexander believes that the current system of racial caste differs from its previous incarnations. The system of mass incarceration and its creation of racial caste under the disguise of colorblind politics represents a peculiar problem for racial justice advocates—they need to convince the public that this is actually an issue of race.

Because mass incarceration does not appear to be intentionally racist, the public is susceptible to the "denial" about racial injustice that a politic of colorblindness allows. A denial that allows for:

> Hundreds of thousands of people of color are swept into this system and released every year, yet we rationalize the systematic discrimination and exclusion and turn a blind eye to the suffering. Our collective denial is not merely an inconvenient fact; it is a major stumbling block to public understanding of the role of race in our society, and it sharply limits the opportunities for truly transformative collective action. (211)

Defeating the public's denial and ending the war on drugs will not, however, undo the ongoing influences that create institutional system of racial caste. Alexander writes, "All of the needed reforms have less to do with failed policy than a deeply

flawed public consensus, one that is indifferent, at best, to the experience of poor

people of color" (221). To emphasize this point, she quotes Martin Luther King Jr.,

"We're trying to win the right to vote and we have to focus the attention of the world

on that. We can't do that making legal cases. We have to make the case in the court of

public opinion" (221).

From this point on in her final chapter, she includes the perspectives of King

and calls for the transformation of public consensus about race. Just as King believed

that it was not only bad policy but also immoral values that contributed to the

subjugation of African Americans in the history of the United States, so too

Alexander believes can be found at the root of mass incarceration. She writes,

> Drug crime in this country is understood to be black and brown, and it is
> because drug crime is racially defined in the public consciousness that the
> electorate has not cared much about what happens to drug criminals—at least
> not in the way they would have cared if the criminals were understood to be
> white. (222)

Without transforming the foundational value that influence the public consensus that

creates racial bias, a system of racial caste will continue to manifest in ways that the

social context allow. She writes, "[A] new system of racialized social control will

emerge—one that we cannot foresee, just as the current system of mass incarceration

was not predicted by anyone thirty years ago. No task is more urgent for racial justice

advocates today than ensuring that America's current racial caste system is its last"

(245).

For Alexander, this means moving beyond colorblindness and advocating

color consciousness. We need to talk about race honestly and openly. She writes,

"People must come to understand the racial history and origins of mass incarceration—the many ways our conscious and unconscious biases have distorted our judgments over the years about what is fair, appropriate, and constructive when responding to drug crime" (225). Finally, Alexander writes,

> [W]e must admit, out loud, that it was because of race that we didn't care much about what happened to "those people" and imagined the worst possible things about them. The fact that our lack of care and concern may have been, at times, unintentional or unconscious does not mitigate our crime—if we refuse, when given the chance, to make amends. (225)

Alexander warns that any race-neutral approach to dismantling the current racial caste system is to be avoided. As an example, she provides the current context of high spending on incarceration to be valid grounds by which advocates can, in a race-neutral way, mitigate the effects on people of color. She argues that the sheer scale of mass incarceration and the hundreds of thousands of workers dependent on their corrections' jobs would never yield a debate that only consisted of costs. Somehow or somewhere along the lines, "the public debate would inevitably turn to race, even if no one explicitly talked about it," in terms of racially charged language, values, and morals (226-227).

Alexander believes that the politic of colorblindness is at the root of the problem with our current public consensus about race. She writes,

> Seeing race is not the problem. Refusing to care for the people we see is the problem… We should not hope for a colorblind society but instead a world in which we can see each other fully, learn from each other, and do what we can to respond to each other with love. (231)

Though whites, generally speaking, benefit from the system of racial caste there are still poor whites who become "collateral damage" to mass incarceration to ensure the

façade of colorblindness. Despite their suffering, whites nonetheless need to be willing to give up their unearned racial privileges that come as a result of black and brown social control.

Like the wisdom King intended to impart on the Poor People's Movement in the late 1960s, Alexander calls on the shift from civil rights to human rights and the realization of a revolutionary movement of values. As she closes her final chapter in the spirit of the philosophy from King with her call for advocacy for the millions of African Americans who have been denied their basic human rights, she writes, "The significance of this cannot be overstated, for the failure to acknowledge the human dignity of all persons has lurked at the root of every racial caste system" (246).

For Alexander, an awareness of race, previously left out in a colorblind perspective, requires the public to confront the racial realities of mass incarceration. In one example, she cites that the public is less resistant, or indifferent, to the drug war because drug crime is defined as black and brown. Had the majority of those incarcerated been white, the public would have shown more care and attention (222). In another example, while explaining color consciousness, Alexander says the public needs to confront the idea that it was because of the races of those being incarcerated that we "didn't care much about what happened to 'those people' and imagined the worst possible things about them" (225).

While each of these examples calls upon the public to confront the realities of race intentionally, Alexander is calling upon the public to do much more: she is asking them to care. Confronting race alone, while leaving the values that influence

one's biases untouched, does not necessitate a change in beliefs about race. Color consciousness advocacy may lead to the awareness of one's biases about race but it does not in itself pack any moral force or particular reason to alter one's biases.

By her second to last page of *The New Jim Crow*, Alexander actually does reach a point in her argument that moves it from racial to ethical. Despite writing, "The significance of this cannot be overstated, for the failure to acknowledge the human dignity of all persons has lurked at the root of every racial caste system," Alexander does only assert this and fails to account the importance of the "acknowledgement of human dignity" in her characterization of the problem of mass incarceration (246).

In defense of *The New Jim Crow*, Alexander is explicitly clear in her beginning chapters that her work is meant to specifically draw our attention to the problem of race, especially for African American men, as it relates to mass incarceration and the war on drugs. As she mentions in the preface, Alexander is writing to the people who care deeply about racial justice, those who are unaware of the impact mass incarceration has for people of color, and those behind bars. While I believe that comprehensiveness of her focus on race is warranted given the state of mass incarceration, I also believe that the narrow focus undoes the force of her final points regarding mass incarceration as a human rights issue.

Socio-Economic Perspectives: Christian Parenti and Philip J. Wood

According to Christian Parenti, the 1960s and 1970s in America presented dual social and economic crises that are at the root of today's aggressive policing,

excessive sentencing, and massive prison population. Similar to Alexander's

perspective, Parenti believes the prevalence of incarceration is a method for social

control. However, he calls mass incarceration a "society-wide class struggle" more

reminiscent of Marxist theory rather than Alexander's New Jim Crow (36, *Capitalist*

Punishment). The social movements of the 1960s and 1970s lead mass public

resistance to the status quo, civil and women's rights movement targeted America's

prevailing racism and sexism, and anti-war movements sought an end to America's

external military occupation in Vietnam. Following this, an economic stagnation

caused the administration of Ronald Reagan to spearhead "corrective" industrial

restructuring by prioritizing business profit maximization through economic

deregulation and decreased taxes. The effects of these "Reaganomics" policies

created an increase in business profits, plunging of employee wages, and a surge in

poverty rates resulting in increased unemployment especially among low-skilled and

low-educated workers.

     To examine this perspective, I will first discuss how the social crises,

rebellions against the government, lead to a conservative backlash of super-policing

and the rise of "law and order" and "tough on crime" political rhetoric. Policing is the

foundation by which the realities of incarceration can be carried out.

     History lessons today will show us the sit-ins, protests, and marches in the

name of justice and peace that came into conflict with state authorities who deployed

force, dogs, and water hoses in order to break the masses. It all appears that the police

and other authorities of the state were well prepared to bulwark the uprisings of the

social movements. While this image may seem consistent with the police we know today, Parenti tells us that police at that time were woefully under-trained and unorganized. He writes, "In 1965, *only four* states mandated police training; more than twenty states did not even have *minimum* education and literacy requirements for their recruits" (15, *Lockdown America*). There was no centralized mechanism for "sharing intelligence" across states, let alone local departments. The fragmented coordination of policing during these times worked towards the benefit of rebellion movements in complicating the status quo and achieving their victories. Parenti writes, "If the job of the police was to maintain order, they were failing" (5).

Though policing had not been considered a federal issue at this time, then President Johnson, amidst a failing overseas war, sought to bolster efforts to control and maintain order internally. Among his actions, which have laid the foundation for America's current super-policing efforts and drug laws, Johnson moved drug regulation and enforcement away from the Treasury and Food and Drug Administration and moved it to the Justice Department. Additionally, Johnson called on Congress to create a "super agency" to bolster collaboration between the federal government and local policing. What came from this call was an agency called the Law Enforcement Assistance Administration (LEAA), which allocated billions of dollars to "reshape, retool, and rationalize" the police forces of America. This included providing local police departments with military-level weaponry, advanced communication technology, and "special training" (6, LA). These two moves can be considered the beginning of a relationship to which we today have become fully

acclimated: federal and local authority working in tandem on issues particularly related to the interest of the federal government. Of most importance to this conversation is the agenda for a federal war on drugs, which is primarily locally implemented through the financial influence and support of the federal government.

As policing, crime, and law and order became of increasing interest to the federal government, so too they became relevant to the arena of federal politics and elections. The strategy developed by right-wing conservative politicians, also know as the "southern strategy," began to transform the meaning of criminality to include expressions of "deviance" and "resistance." Politicians employed the imagery and fear of "destabilization" caused by civil rights and anti-war demonstrators to turn traditional notions of activism and free expression into criminality. Philip J. Wood explains this in another way, "The symbolic goal of this strategy was to present political challenge to the status quo as evidence of a complete social breakdown by means to a rhetorical politics that associated the new left and the civil rights movement with crime and moral decay" (23). Though it is called the "southern strategy," supposedly indicative of the racial and class structures prevalent in the south, politicians found this strategy welcome in the north where racism was more "closeted."

Here, we reach a connection with Davis and Alexander where crime has been imputed to color, where color is understood has being potentially destabilizing to the status quo. It is also around this time when Wood writes, "[A] host of questions of social policy—taxes, welfare and welfare "dependency", crime and policing, prison

construction, individual rights versus social responsibility, affirmative action, drug enforcement, public housing—came to be seen in racialized terms" (23). We begin to see the political landscape as a whole turning rhetorically color-coded and increasingly protective of law and order, discipline, and personal responsibility (25).

In the current economy, the state's main concern is to maintain the public's participation in the market process. However, capitalism, Parenti writes, "always creates surplus populations, needs surplus populations, yet faces the threat of political, aesthetic, or cultural disruption from those populations. Prisons and criminal justice are about managing these irreconcilable contradictions" (239, LA). Thus, it can be understood that the economic path pursued by the political leaders, one that eased or erased regulation on business and gutted social services and infrastructure, created an unwanted population of poor, low-skilled, low-educated, mostly people of color that the new system needed to find a way to suppress—the result was incarceration or the threat of incarceration. As Parenti says, "The 'rabble' needed controlling and criminal justice repression was the tool for the job; the war on drugs was its justification" (36, CP). As our economy continued to globalize moving industrial jobs away from inner cities, the ongoing lack of social services coming to inner-cities created impoverished communities with few avenues of legitimate or mainstream opportunities.

Thus it became part of the economic strategy of the 1980s to create an underclass and then render them powerless, through incarceration or threats of incarceration, to alter the system that was oppressing them. The purpose then of the prison and the criminal justice system during this time, according to Parenti, was to

terrorize the poor and keep those communities, which may have organized against the pro-business government, under increased police occupation and thus immobilized.

Any national destabilization or stagnation of markets in what was meant to be an economic policy that "lifted all boats," had to be justified without questioning the dominant structure of the market. People with political power could not allow the dominant discourse to get to criticisms of the capitalist structure itself. Therefore, they needed to invent scapegoats. Politicians needed to go on record claiming a negative economic impact that the so-called rabble inflicted on the "average American," meaning white and middle class. Thus, the Latino immigrants were stealing the good American jobs, black women abusing welfare were weighing-down the tax system, and endemic black criminality would spread to suburban neighborhoods. Eventually, with all this evangelizing, the public would then demand for something to actually be done to address these growing concerns. Here rises the move to mandatory minimum sentencing and the unforgiving three-strikes laws, where three felony convictions locks someone in prison for a minimum of 25 years to life.

Parenti's recommendation for reforming criminal justice is simple: "we need less" (242, LA). He continues, "[W]e need less policing, less incarceration, shorter sentences, less surveillance, fewer laws governing individual behaviors, and less obsessive discussion of ever lurid crime, less prohibition, and less puritanical concern with 'freaks' and 'deviants'" (242, LA). If a person is of no threat to public safety, such as people who are picked up by the police for shoplifting or prostitution, then

that person should be not placed in prison. This alone would contribute to a reduction in prison admittance by hundreds of thousands (242).

In order to make any of this possible, Parenti says that we need more "popular resistance" and "economic justice" (243, LA). At the end of *Lockdown America*, he encourages his readers to look at the activists, such as Families Against Mandatory Minimums (FAMM) and the youth organizing walkouts to support more school funding. These groups have been championing prison reform despite the silence of mainstream news and politics. These are the people, Parenti writes, "who [are] pointing the way out, the way forward, and away from the waste, terror, and abuse of America's criminal justice lockdown" (244, LA).

The narratives from Parenti and Wood bring literature on the rise of mass incarceration out from behind prison walls and into the arena of mainstream politics. "The criminal justice crackdown, and its *attendant culture of fear*, absorbs the dangerous classes without politically or economically empowering them" (241, emphasis mine, LA). The realities of what the increasing policing, sentencing, and exploding population numbers have brought us to were only possible with the "consent", in some way or another, with the majority of the public through "democratic" means. As the fear of drug crime increasingly became part of the national political landscape, and not to mention thoroughly lucrative for local police departments, it created a new public consciousness around drugs and crime. Fueled by federal interests and the value of entertainment in shows like COPS and Law and

Order, the eventuality of a public that is "tough on crime" was inevitable (Alexander, 58).

Parenti and Wood, by drawing our attention to the political and economic strategies that we supported in order to make this "lockdown" possible, bring us face to face with our role on the outside of prison walls: our mostly quiet acceptance of the "culture of fear." Parenti's *Lockdown America* adds to this thesis in particular by promoting the awareness of the extent to which America has allowed itself to become controlled by police and the threat of carceral deprivation. Mass incarceration, is a social and political phenomenon that requires the public's active and or passive involvement.

Philosophical Perspective: The Prison Creates an Oppressed Class

For Jason Mallory, a social and political philosopher, prisons and prisoners currently have intersecting purposes: economic, in the form of job creation, profit making, and manufacturing; political, for politicians as a means of maintaining office; and psychologically, by creating a social and ethical separation between good and bad citizens; and by sufficing the superficial political requirements to address crime without actually addressing the structural causes of criminal behavior (178).

Mallory explores whether incarcerated populations qualify as an oppressed group different than other socially acknowledged oppressed groups, i.e. racial and ethnic minorities, women, LGBTQ communities, etc. Utilizing three analyses of oppression by Marilyn Frye, Kenneth Clatterbaugh, and Ann E. Cudd, Mallory

concludes that both incarcerated and formerly incarcerated populations qualify as oppressed groups.

Mallory writes that, for Frye, those who are oppressed can be characterized by a life experience "confined and shaped by forces and barriers which are not accidental, but are systematically related to each other in such a way as to catch one between and among them and restrict or penalize in any direction" (Frye in Mallory, 179). When oppression is considered in this way as restriction, both physically and psychologically, it seems quick to conclude that prisoners are in fact oppressed. However, this conclusion, while part of Mallory's argument, is much more complex than, for example, the obvious immobilization coming from encagement. Once in prison, and even beyond, a person's options and opportunities for social support are reduced as a result of a felony conviction. Whether it is the denial of financial aid, or Pell grants when inside prison, or later possible ineligibility for public housing, voting, some professional licenses, or employment, a felony label decreases access to social services available to the public at large. As demonstrated by the variance in policies across countries, the marginalization and stigmatization of current and former prisoners indicates that the U.S. is extremely unique it its unnecessary systematic discrimination of former prisoners. For example, the United States in the only country in the world that permits permanent disenfranchisement for people with felony convictions (Project Vote).

Adding to this analysis, Mallory discusses Kenneth Clatterbaugh's model of oppression as the "systematic dehumanization of an identifiable human group" (182).

Citing the lack of privacy, the normalization of sexual assault, and physical confinement, Mallory concludes that prisoners suffice the requirement for systematic dehumanization. First, due to the panopticism (a prison model designed by Jeremy Bentham where prisoners are always visible to a central monitoring tower) of prisons they, for the most part, lack any form of privacy for the most basic of human functions. Forced to shower and defecate, or urinate, among others and figures of authority, violate the safety for one's most private acts. Second, sexual assault, especially for prisoners who are female, is normalized as a part of standard practice within prisons walls. Unnecessary cavity searches or strip searches where one is forced into different poses, are extremely degrading and all part of the "normal" functions of prison procedures for both men and women (183). Finally, in quoting Malcolm X during his time in prison, "Any person who claims to have deep feeling for other human beings should think a long, long time before he votes to have other men kept behind bars—caged…I've talked with numerous former convicts…But in every case, he will tell you that he can't forget those bars (Malcolm X, 184)." The bars of the cell, a cage, are the ultimate sign that one has been reduced from personhood to mere animal. Mallory adds,

> Prisoners are, like most people… apt to experience deep revulsion and degradation by being forced to live in what amounts to a human cage. The inherently dehumanizing nature of a caged, captive existence would partly explain one former's prisoner's disturbing recollection of inmate screaming repeatedly, 'I am not an animal!' (184).

As dehumanization and degradation seem to be integrated features of prisons physical and procedurally, Mallory concludes by explaining that any major discussion on the

removal of the dehumanizing features of prisons will ultimately lead to questions

regarding the legitimacy of the prison itself.

Finally, Mallory address the model of oppression by Ann E. Cudd who

describes four necessary conditions to constitute an oppressed group:

1. The harm condition: There is a harm that comes out of an institutional practice;
2. The social group condition: The harm is perpetrated through a social institution or practice on a social group whose identity exists apart from the oppressive harm in (1);
3. The privilege condition: There is another social group that benefits from the institutional practice in (1);
4. The coercion condition: There is unjustified coercion or force that brings about the harm. (Cudd in Mallory, 184-185)

Already satisfied with this exploration of condition 1, Mallory explores the shared

identity of "felon" (or "ex-felon") and "offender" (or "ex-offender"), as constitutive

of the requirements for condition 2. Especially, in the United States where

punishment continues beyond one's sentence, Mallory believes that the social

categories or "criminal" or "felon" constitute an independent source of harm different

than "prisoner." The creation of a privilege class that benefits from the harm done in

prisons brings to the surface questions about the existence of an unconscious "free

world privilege" (185). In similar vein to Peggy McIntosh's article *White Privilege:*

Unpacking the Invisible Knapsack (1988), where she discusses the ways in which

white members of society have unearned privileged that they are encouraged not to

notice, thereby inhibiting their ability to recognize their own role in racist acts,

Mallory constructs a list of privileges afforded to those outside prison walls

including: the ability to have some degree of physical privacy, compensated with at

least minimum wage for work, ability to contact family and friends, partial access to education, hold public office, serve on jury, and own a firearm (186). In addition, he is sure to note that these privileges are not shared equally among all adults given the existence of other forms of oppression. However, despite the complexity of the structures of privilege and oppression in the "free world", these privileges can be argued as being denied to those with a current or former prison status and generally available to those without.

The final, and most complicated, condition requires that unjustified force brings about harm to the group (192). With all due attention and respect to the safety of authority to swiftly manage and control those who pose a direct and immediate threat to other lives, the overwhelming amount of people forced into prison for non-violent crimes leaves room for reasonable criticism regarding the efficacy and overuse of prisons for less dangerous crimes (192-193). Lacking alternatives for criminal responses in the form of drug rehabilitation or mediation between offenders and victims, Mallory believes the general use of prisons, and thus the subjugation of those convicted across a variety of crimes, including victimless and drug-related, constitutes an unjustified punitive response in certain cases.

By concluding that currently and formerly incarcerated populations constitute oppressed groups, Mallory holds that the current progressive philosophical discourse surrounding prisons must move beyond reformists notions of prisoners' rights and the ethics of capital punishment to a critical analysis of the prison itself. He writes,

> If prisoners and ex-prisoners are not only harmed but indeed oppressed, then continuing to employ a reformist discourse tacitly informed by liberal

individualist assumptions not only fails to capture the harsh reality of mass incarceration but also implicitly bolsters the dominant social order by failing to interrogate the most rudimentary structures of U.S. society that benefit from and encourage prisoner oppression. (199)

Reformative policy, while improving the conditions of prisons still only bolsters the prison's continued existence. In order to actually eradicate prisoner oppression, Mallory concludes that it will only occur through long-term abolitionist solutions that radically transform the economic, political, and cultural institutions.

[Reformist goals] will not, however, by themselves necessarily alter the fundamental priorities of a sociopolitical, economic system based upon maximizing private profits for a small privileged class and that is invested in maintaining systems of oppression, including against the prisoners classes, that divide and weaken the collective power of the people. (200)

Mallory draws on the words of Dr. Martin Luther King Jr. to address how oppression harms society as a whole, "Injustice anywhere is a threat to justice everywhere…Whatever affects one directly, affects all indirectly" (King in Mallory, 201). He writes, "The injustices happening now to current and former prisoners, and their families and communities, are indeed having tangible repercussions for everyone, even those seemingly far removed from the prison crisis" (201). For Mallory, every new prison built is an example of a new school or hospital being postponed; each person leaving prison likely represents another survivor of sexual violence; and another person eager to vote and denied due to a felony-conviction is the continued deterioration of democracy. Even beyond these circumstances lies a deeply imbedded fear among those with "free world privilege" that a prison sentence and a continued life of government repression is only one bad decision away (202).

<u>Conclusion</u>

An understanding of the prison industrial complex from these perspectives informs a dark view of modern America's practices of punishment and criminal justice. Each has contributed greatly to growing resistance to the use of prisons as the primary form of criminal punishment. To briefly recapture the main points of abolition: first, the true purpose of the prison is distinct from the popular public consensus. From Davis, Alexander, and Parenti we have learned that the prison industrial complex is not a crime control mechanism but rather a form of social control and warehouse for those populations most dispossessed, namely poor and people of color communities. Second, abolitionists argue against the common association of cause and effect manifested in crime rates creating prison populations. The increase in prison populations cannot be accounted for by changes in crime trends; rather, it has been criminal policy and political changes, supported by the public through democratic means that has prioritized imprisonment and creates the time of mass incarceration.

Each of these authors has contributed greatly to my understanding of prison abolition and also my criticisms of the movement. Angela Davis supplies an historical framework of the prison, as a punishment system, in the United States. Not only does this include how historic race relations continue to impact criminal justice policy but also reminds us that use of prisons is historically contextual and not necessarily of social necessity. As a socially constructed system, we have the means to deconstruct and create a more effective system. Michelle Alexander challenges the popular

notions of criminal justice and imprisonment that describe them as methods for crime control and the assurance of public safety. Rather, the criminal justice system provides a unique method for the social control of poor and people of color communities and uses imprisonment as a means for their discrimination. Christian Parenti and Philip J. Wood expand the argument against the prison industrial complex to include the authoritarian political and pro-business economic shifts that led to hyper-criminalization and mass imprisonment. This is important to an understanding of mass incarceration because it provides context for the cultural environment from which highly punitive practices arise. Furthermore, by examining the politics that have shaped the new era of criminal justice, their analyses bring out the role the public has had in accepting tough on crime rhetoric and voting for tougher crime policies. Finally, Jason Mallory brings prison criticism into political philosophy in order to examine prisons as tools of oppression and prisoners as oppressed. This presents as a significant change in the framing of our understanding of prisoners from wrongdoers to victims of a dominating system of punishment.

Together, these perspectives collectively inform many critiques of prison practices and calls for prison abolition. The problem, as mentioned previously, is the overwhelming resistance that still exists in mainstream culture to abolitionist viewpoints. This resistance seems congruent in a world where we have accepted, as Davis points out, prisons as an "inevitable feature of our social lives" (9). However, without breaking this boundary with the general public and mainstream political discussion, abolition is on the verge of being an unmoving movement.

By focusing most attention on carceral injustice being confined within prison walls, by the treatment or racial and/or class disparities, abolitionists have failed to question seriously how mass incarceration and the current prison system impact the public. This is of significance because policy changes, enacted by elected officials or public referendums, are primarily responsible for the growth in the prison population. In the years during the expansion of the prison industrial complex, the values of mainstream culture have become attuned to mass incarceration and aggressive "tough on crime" policies of the late twentieth century. If abolitionists hope to get the public to question the use of incarceration then it seems worthwhile to consider what impact our engulfment in the prison industrial complex has on common beliefs about prisons and prisoners.

In the following chapter, I describe an argument for prison abolition that utilizes an ethical framework. My aim is to describe the problem of the prison industrial complex as fundamentally an ethical issue. When understood as a matter of ethics, the problem of mass incarceration has consequences for both the incarcerated and the public. Human beings who are incarcerated, of all races, genders, and classes, are dehumanized by the fundamental practices of the prisons system, including encagement, deprivation, and the loss of freedom. However, what this practice ultimately requires is the public's willingness to objectify and dehumanize, through incarceration, those of a particular status. The willingness to engage (or support) the prison industrial complex has important ethical implications for public's moral

capacity and helps to explain how, despite powerful claims by abolitionists, there continues to be resistance.

I discuss works from Martin Buber and Dr. Martin Luther King Jr. that will establish ethics as relational and the ethical demands for freedom. These perspectives support my addition to prison abolitionist literature: the prison industrial complex is harmful to members of the free public by preventing our ability to recognize the full humanity of those sent behind bars, and therefore ourselves. Our system of mass incarceration relies upon the willingness of the society to first objectify criminals in order to rationalize their dehumanization through incarceration. By internalizing the practice of dehumanizing others, our humanity, best moral selves and full potential, is compromised to ensure the prison industrial complex continues. The public and those incarcerated become reduced to objects in a greater social system rather than full beings in the human community. The abolitionist movement must gain this insight in order to effectively address the fundamental issue of prisons and also to connect with the free victims of the dominating system of dehumanization.

Chapter 3- The Public Impact of Mass Incarceration and its Importance

In this chapter, I defend the position that the arguments for abolition currently fail to recognize the greater moral impact on the free public that the prison industrial complex imposes. The consequence on free publics is the internalization of the dehumanization that is caused by the mass warehousing of people in society through our current use of incarceration. This leads to an inability to recognize the humanity of those incarcerated and therefore, ourselves. I argue that failing to understand the moral component of mass incarceration limits the extent to which abolitionists can successfully motivate the free public to confront the widespread injustices of the prison industrial complex.

In order to demonstrate this point, I reframe the problem of mass incarceration as an ethical matter complementary to the aforementioned issues of race and class. To illustrate this, I describe an ethical framework to analyze the problem of mass incarceration. Beginning with Martin Buber's theory of I-It and I-Thou, I will describe how the entirety of mass incarceration relies on our willingness to objectify those who commit crimes. This insight is expanded upon with the work of Lani Roberts who applies Buber's work to an analysis of oppression and the creation of social hierarchies that are utilized as a way to dehumanize those who we call criminals (42). An analysis of Buber and Roberts together culminates in an understanding that our behavior and perceptions of others is inextricably linked to own humanity.

I then demonstrate how the practice of mass incarceration moves beyond identity politics and actually rests at odds with the fundamental ethical demands for a free and just society as described by Dr. Martin Luther King Jr. Following this, I will reach out primarily to those at the forefront of abolition, specifically racial justice advocates such as Angela Davis and Michelle Alexander, to adopt a more inclusive vision of social justice. Finally, I conclude this chapter with a call for political organizing around this broader vision.

Ethics as Relational: Martin Buber's I-It and I-Thou

The world of humans[1], according to Martin Buber, "is two-fold and exists in accordance" with the "primary words": I-It and I-Thou (19). The I-It perspective occurs when we select a particular characteristic of a person as if it stands in for a person's entire being (Roberts, 45). Such an example of this can be found in our previous discussions regarding the prejudicial role that a criminal identity can play in one's access to employment, housing, or the ability to vote. Or, in other examples regarding discrimination where someone is not selected for a job, promotion, or school based on gender identity, race, age, ability, etc. Conversely, I-Thou is the relation and meeting between whole, unique beings:

> Thus, human being is not He or She, bounded from every other He and She, a specific point in space and time within the net of the world; nor is he a nature able to be experienced and described, a loose bundle of named qualities. But with no neighbor, and the whole in himself, he is Thou and fills the heavens. (23)

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[1] The word human is used to replace the original gendered terminology used by Buber in which he utilizes the term man. This adjustment does not interfere with the meaning of his work and demonstrates the inclusivity of his philosophy.

Said another way, human beings are far greater than the sum of their parts.

Though they appear the same, the "I" in each I-It and I-Thou are as different as the I and the Thou. For there are only two primary words, I-It and I-Thou, and the meaning of "I" is different in each primary word. By treating another as an It we treat ourselves as Its, objects, and conversely by meeting someone as my Thou, I become a Thou, a fully unique human being. This is important to Buber's theory because our use of I-It or I-Thou indicates our perspective of the world. He writes, "When a primary word is spoken the speaker enters the word and takes his stand in it" (20). At this very basic level, Buber posits that we either process a world filled by objects or of Thous, unique beings. We render ourselves objects or Thous because we stand in relation, bound to our own perspective of the world. Thus, in this way we can understand that my treatment of another has a reciprocal effect on me that cannot be separated from my original treatment of her or him; therefore, ethical behavior towards human beings is understood as relational in this thesis.

Buber did not limit I-It or I-Thou to our experiences or relations with human beings. World of relations can exist in the sphere of nature, humanity, and spirit (21-22). However, it is only in the sphere of humanity that the Thou can be both given and received (22). In a world of I-It, human beings become a race of objects, objects that are to be useful, functional, and experienced. Here, things can be arranged in order and coordinated into categories for understanding. In learning to regard others in this way, in terms of usefulness and function, we look for others to regard us in this way. Buber writes, "He sees beings around him, indeed, as machines capable of

various achievements, which must be taken into account and utilized…In this way, too, he sees himself" (71). This way of regarding the world limits the self by remaining an It only capable of experiencing other Its.

Buber's insight can best be illustrated in a reflection of Frederick Douglass, an escaped African slave in the United States, after visiting his former master Captain Auld. Thinking of Auld, he writes, "Your mind must have become darkened, your heart hardened, you consciousness seared and petrified, or you would have long since thrown off the accursed load and sought relief at the hands of a sin-forgiving God" (Bella, 90). For Buber, "the primary word I-It can never be spoken with the whole being" (19). Therefore, Captain Auld had to maintain the perspective of I-It in order to treat Douglass as a slave, something less than fully human. For Auld had a purpose for Douglass, he was a tool and provided some form of utility. In doing so, Auld reduces himself also to an It, an object identity as a slaveholder, rather than a full person, a Thou. Lani Roberts, a scholar on Buber, complements this sentiment when she says, "[I don't think] Our own humanity can possibly be separated from the humanity we show others…what Buber says is unless you treat others as a full human person, you don't get to be one yourself" (Roberts, Podcast). This pushes us to move beyond recognizing the harm that slavery imposed on slaves themselves. Even Douglass, a former slave, wanted others to recognize that slave owners, and even slavery supporters and bystanders, were victims of slavery, albeit in different ways. Their full humanity, as a Thou, was limited to ensure the system of slavery continued for the social and economic benefit of the powerful classes.

The harm imposed on slaves is readily understood in their mistreatment. Douglass's insight about Auld suggests that this ill treatment of others reciprocates itself on the agent by forming, or deforming, character and personality. This insight is described by Buber's perspective that we stand in relation when we enter I-It or I-Thou. For Buber, Auld entered in I-It when with Douglass. The impact on Auld is the requirement to maintain an objectified identity as a slaveholder. In falsely believing that this identity is what constitutes him as a person, Auld reinforces and supports the world of I-It and regards his being as a machine that provides some function.

Conversely, for Buber, I-Thou is the present meeting of whole beings in exclusive relation. It occurs when we meet another and something or someone ceases to be a bundle of qualities but is rather the uniting of all these things into uniqueness. "Just as a melody is not made up of notes…they must be tugged and dragged till their unity has been scattered into these many pieces" (24). In mutual relation, Buber says rests the "cradle of Real Life" where we regard and become Thou through that which is real, dynamic, and present, not objective (24).

As a world becomes increasing centered on I-It, humanity's power to enter into full relations of I-Thou with others decreases (52), thereby the robbing a person of the reality of one's own self (54). Societies made of objects experience a world that is severed and alienated from the self and others. A society of I-It becomes something of an organized mass, using the authority of institutions to arrange us by category, rather than a human community centered on mutuality and relation. Buber's suggestion is to destroy the barriers that separate us.

Roberts continues further in her work "One Oppression or Many?" to apply Buber's theory of I-Thou to discuss the unifying structure to the different manifestations of oppression, "the institutionalized dominance of one part of humanity by another," based on race, gender, sexual orientation, religion, etc. (41). Roberts concludes that it is only in the world of I-It that we are able to reduce human beings from their whole status to create a hierarchy of objects. In doing so, we can devalue those at the bottom of the hierarchy in order to justify their inhumane treatment. A world of I-Thou would logically defy the creation of a hierarchy, better-than or worse-than system, because it is impossible to rank unique beings (46). It should be noted that in the Buber's work, he acknowledges the fact that we do continually reduce other beings into Its in order to experience or learn about them; we must however live with the acknowledgement and awareness that we are all whole beings. Fortunately for us, Roberts writes that, "This way of regarding others is readily attainable," ostensibly by dismantling the hierarchy (46).

Insofar that we have the ability to describe the practice of mass incarceration as creating a world of I-It then we can identify how the public is harmed in this reciprocal manner. We find that the same kind of hierarchy can be drawn with those who have been convicted of crimes when their criminal status is used to objectify them. We reduce those who have committed crimes to being their conviction rather than a human person who has done such acts. People who become killers, rapists, thieves, drug dealers, thugs, and sex offenders are ultimately judged in all other aspects of life based on their given label. Once the label is applied, the criterion is met

to reduce someone from full personhood and into an object to be controlled through imprisonment.

By excluding all other aspects of their identity, such as being a parent, sibling, or even a student, we legitimize the ability of the state to hold them captive and deprive them of freedom because that is what is deserving of a criminal identity. They are subject to inhumane treatment and living conditions that ultimately diminish their overall quality of life. A prison sentence influences a person in a multitude of ways by increasing lifelong health problems (Belluck), decreasing opportunities for employment after incarceration, and damaging personal relationships (Travis). More attention to the freedoms we refuse prisoners will be provided in the next section.

The logic that allows the use one aspect of identity as a means to give or deny value is what lies beneath the system of segregation and other manifestations of oppression within the U.S. This rationality instills that particular beings are less human than others and therefore need not be treated with dignity and respect. For example, segregation, as a system of organizing human beings, relied on a hierarchy of racial identity. It required that we extract one's racial identity out from the whole in order to determine where one could physically live, sit, learn, work, etc. Those categorized as black found themselves at the bottom of the hierarchy where they were devalued, in comparison to whites, and were denied access to the best services and opportunities.

The practice of mistreating prisoners is simplified when we consider the identities of those who are disproportionately send to prison. Because African

American and poor communities already dwell in the low levels of existing social hierarchies, it is that much easier to for the public to rationalize and accept their ill treatment within prison. In any case, inclusive of race and/or class, it is important to note that the social hierarchy is formed by the ability to transform people into Its, objects, for comparison and evaluation. It is in the very process of ranking, which is repeatable across various aspects of human identity, that people are dehumanized from whole unique beings. This helps to express the problem of the "isms", the practices of ranking unique identities for the purposes of advantaging some at the expense of others.

By allowing ourselves as a nation to accept and promote the use of the prison industrial complex, we sustain a world of I-It and participate in the dehumanizing and maiming of dignity of millions of people who are incarcerated. To put the expansiveness of the prison system into context, there are many more African American adults incarcerated than who were enslaved by 1850 (Alexander, 175).

We are bound in relation by the way we treat others and therefore our objectifying of others means the objectification of ourselves and the diminishing of our humanity. We come to believe that serving a specific function, such as acting as a "law-abiding citizen," constitutes our value as persons. The problem here being that what is a "law-abiding citizen" is an object identity, created by an amalgamation of state laws and cultural norms. Additionally, as analyzed by the abolition literature, this kind of identity is also formed through our history of racial and class bias. We concern ourselves with meeting the criteria and assert the criteria back onto others in

order to subject those who fail to meet its standards to incarceration. Our lives are kept busy with conforming or asserting standards rather than examining why and how the criteria came to be and what purpose the identity serves. We form, or deform, human character to ascribe certain basic human freedoms when we meet certain criteria rather than by virtue of personhood. Thus, for humanity today as it was for Captain Auld, the impact on the public manifests as a moral corruption by inhibiting our ability to value others as full human persons which allows dehumanizing systems, like the prison industrial complex, to subsist.

Dr. Martin Luther King Jr.'s Ethical Demands

For some, more explanation of the dehumanization process that comes as a result of one's incarceration may be required. To demonstrate this idea, I turn to Dr. Martin Luther King Jr.'s ethical arguments for the continued struggle for an integrated society beyond the victories for desegregation in the South. In his speech, "The Ethical Demands for Integration," King identifies three principles that provide reason for an integrated democratic society: 1) sacredness of human persons, 2) life is freedom, and 3) the unity of the human community.

According to King, whether through Biblical, philosophical reference, or appeals to the Declaration of Independence, America celebrates the individual value and humanity of our citizens. "Deeply rooted in our political and religious heritage is the conviction that every man is an heir to a legacy of dignity and worth" (118). To treat someone as less than fully human, as was practice for the South during

segregation, is to fail to acknowledge her or his sacredness. It is to reduce them from Thou to It and likewise, yourself if you so act in that manner.

As mentioned above, the identification of someone with the crime itself is a way to reduce someone of full personhood and into an object to be controlled. Once identified, we use this label to direct a person's life into a complex system of state or federal corrections to confine a person for a given period of time and reduce them to a PID (Prison Identification Number). Despite the fact that people who we consider criminal are usually law-abiding citizens, who respect the law in a way similar to people who avoid criminal behavior, we rely on a single action to dictate a convicted person's future (Papachristos).

For King, the forced segregation of African Americans in the South was indistinguishable from the loss of freedom, and therefore, life. He writes, "The very character of the life of man demands freedom" (119). Because segregation is not merely the denial of access to physical spaces but also opportunity and resources, King associates the denial of freedom to the denial of life itself.

King has three conditions for freedom. First is the capacity to deliberate and weigh alternative options. The mental capacity of humans generally makes the first condition readily attainable. A decision can be as simple as deciding a meal and as complex as choosing a career path or political candidate. The second condition of freedom requires the ability to express that decision within an action. So not only do I decide what to make for dinner, but I also have the opportunity to make it a reality. It is important to note here that freedom is not unbounded but is capped with what King

refers to as "destiny." Despite the fact that I'd like to make a Moonpie from real pieces of the moon, I am bounded by my inability to leave earth. Limited options need not necessarily hinder my full expression of freedom. The final condition of freedom is expressed in the responsibility for the consequences of an action. King considers this to be an obligation of any person to be held accountable for any action made with the conditions of freedom.

Associating King's specific conditions for the freedom to the prison industrial complex is not an exact match to segregation, but it is applicable. For condition one, the capacity to deliberate, even abolitionists will agree that in certain cases when a person poses such a threat to society or to her/himself that the person must be contained with or against her or his will. Captivity should be considered as a last resort and limited in duration. However, this capacity for deliberation is not just hindered by criminal law and within prison walls. Social stigmatization and the collateral consequences that are of federal or state legality hinder the full participation of those with felony convictions after completing their criminal sentence are explained in Alexander's New Jim Crow and Mallory's review of oppression. While a person is sentenced through criminal law for the crime committed, those with certain felony convictions can face lifelong disenfranchisement, prohibitions from professional licenses, drivers licenses, jury duty, the holding of government office, residency restrictions, and from certain social services, including public housing or food stamps. These legal restrictions, the collateral consequences of criminal

punishment, function in many ways like former segregation practices by inhibiting

full participation in society and full development of choices.

The fact that prisons do not provide freedom is generally agreed as part of the

purpose of prisons as a mechanism for punishment. Criminals are thought to no

longer deserve freedom after violating the law. Furthermore, it could be argued that

King's final condition actually supports the use of prisons for those who choose to

commit crime. The complex issue is generally whether incarceration is understood as

just desserts for the crime committed. (I will address this notion of just desserts as a

criticism of this position in the following chapter.) Deserving or not, that prisoners

and former prisoners are denied freedom should not be a fact of life that is taken

lightly in the context of King (or Buber).

Finally for King, an integrated democratic society rests on the recognition that

all of humanity is interrelated. Far from being separate beings based on race or gender,

we are in fact more alike than we different. We are constituted, survive, and grow in

the mutual cooperation of our communities to work together as social creatures. King

writes, "The universe is so structured that things do not quite work out rightly if men

are not diligent in their concern for others. The self cannot be a self without other

selves. I cannot reach my fulfillment without thou" (122).

By this logic, deserving or not, people who are criminally punished are taken

from the community which results in an effect on the greater population. There are

millions who have been incarcerated, many for non-violent offenses who could have

been contributing members of society, or at least a friend to someone. We have no

way of knowing the exact impact a single person has on a community but a sentence

to prison diminishes their potential and thus our own as individuals and a nation.

When we consider all persons, free and incarcerated, to be of equal intrinsic worth

who are entitled to the self-directed freedom by evidence of sheer personhood then

the conditions of the prison industrial complex undermine King's three values for an

integrated and just society. Using King's logic, to deprive someone of freedom is to

reduce that person to a mere animal state. If that is done then we have violated the

intrinsic value of that person. The denial of freedom means to be denied life.

Evidence that the prison industrial complex and practice of mass incarceration

harms our interrelated human community is difficult to discern but could be

understood in a number of ways: we could consider the increasing amount of money

that has been directed away from education and towards the expanding criminal

justice system as indicating a disinvestment in educated citizens and responsible

leaders for the future. This is of major concern for many supporters of criminal

behavior prevention policies. There is also a parallel here to King's disappointment in

the federal government to fund war efforts in Vietnam instead of investing in

promising domestic poverty programs (635). Speaking in 1967, King said,

> There were experiments, hopes, new beginnings. Then came the buildup in
> Vietnam and I watched the [poverty] program broken and eviscerated…I
> knew that America would never invest the necessary funds or energies in
> rehabilitation of its poor so long as adventures like Vietnam continued. (635)

Or, we can reference again the remarks of Frederick Douglass on the victimization

the system of slavery caused for both slaves and non-slaves and apply them to our

understanding of today's prison system.

Douglass once described slavery as the "mighty current of life," where the sustainability of the system required the participation of most peoples to adopt its practices and principles. David Bella characterizes the willingness to accept such a system of brutality and humiliation as reinforced by a "self-referencing" loop that creates "good reasons" for one's behavior and participation (89). For Bella, as influenced by Douglass, if the people come to accept slaves as inferior then their enslavement is justified (88). It is self-referencing because their enslavement simultaneously creates the inferior status of slaves. Therefore, within this system, non-slaves become conditioned through conventional reason and practice to accept the inferior nature of slaves and to treat them as mere property while those enslaved internalized their inferior status (89). All of this, over time, reinforces similar behavioral and thought patterns for generations of salves and non-slaves.

The system's result, characterized by Douglass and Bella can be,

'Destructive and deadly' reinforcing 'ignorance and depravity (Douglass's words) and yet, within them, ordinary people, like you and I, can act out behaviors that sustain the system; each of us will appear to have good reasons for our own behaviors. Within such a system, none of us will perceive ourselves to be "destructive and deadly"; none of us see ourselves as supporting 'ignorance and depravity.' (89)

It can be difficult for those participating to realize these behavioral loops because such major social institutions shape our most fundamental worldviews (92). Part of the reason that this self-referencing behavioral loop was able to stay intact for so long was due to the barriers it created between slave and non-slave populations. Much of the same is true today for prisoners and the free public.

Prison walls do serve to keep some in but their greatest impact is in keeping others out. For Bella, "By limiting discourse, the system prevented its own exposure, thus leading people to go along, allowing the system to continue" (92). In this way, the physical prison itself is the manifestation for the protection and maintenance of it's own existence. The free public is prevented from the acquiring true knowledge about those incarcerated that would enable the undermining of such a self-referencing system. Our separation in the system makes relating with each other nearly impossible. Therefore, the public supports a punishment system based on brutality, humiliation, and captivity while maintaining to hold good intentions of public and community safety and the ability to ignore claims to the counter. An example of the prison self-referencing system is displayed in Figure 1 as a loop in the following section.

In my own experience as a student taking class inside prison walls through a prison-exchange program, it has been revealing to hear many students comment that they were amazed to find out "how real" people incarcerated were after spending time with them. We were given the opportunity to know them as academics, fathers, brothers, uncles, mechanics, artists, writers, poets, and rappers; they were all whole beings, full of histories and stories, with no less value than us. This is the kind of realization that can form when the barrier is broken. A system of corrections and criminal accountability that recognizes the full humanity of offenders is not impossible; we need only the willingness to value each other as persons and be creative.

<u>Institutionalizing I-It</u>

       Combining the perspectives from Buber and King on modes of being (I-It or I-Thou), freedom, and community, the prison industrial complex stands out as an institutionalization of dehumanization and objectification. Like slavery and segregation before, the prison industrial complex relies on and reinforces an I-It mode of being. At the root of all of these institutions has been the turning of people into objects in order to arrange and separate, specifically for the purpose of devaluing or rationalizing unjust treatment. Although there are many ways that recognizing a particular characteristic of someone might be important, such as in specialized health care, however societies should not be centered around I-It.

       I-It is, on it's own, not a problematic feature of human life. It is in fact required for human beings in order to gain aspects of knowledge or facts. It is how we are able to learn our history and address our current social instructions. The problem is remaining in I-It whereby it becomes pathological and inescapable. It inhibits the possibility to relating to others or ourselves as anything other than objects. The example of the doctor-patient relationship represents an interesting analogy where some patients expect to develop a close relationship with their doctor and receive holistic health care while others would rather be simply treated for a particular illness. The same can be said of how doctors' perceive their role as physicians. Are they there to care for the entire being or just one aspect? In many cases, health promotion might be most successful when both the holistic and the specific are combined. This requires a balance of I-It and I-Thou.

Like the system of slavery, the prison industrial complex relies on a world of I-It that is pathological rather than situational and inhibits the possibility of I-Thou. Both those incarcerated and not incarcerated are objectified to inhabit roles that support the systems' persistence. Even though the free public might believe they are advantaged by this system, their sense of self is confined to object roles such as "law-abiding" or "moral" that fit into the greater structure of the prison industrial complex and other larger social institutions. The prison industrial complex is an interconnected system of political, economic, and social institutions and interests that reinforce the very barriers to human relations that Buber tells us ought to be destroyed if we are to fully engage ourselves and others.

Beyond the physical walls that the prison relies upon in order to maintain structure, the prison industrial complex creates a mental or spiritual barrier that is difficult to both see and to challenge. The extent to which the prison system has become an increasingly relied upon functional institution in our society demonstrates its presence in the collective consciousness. As Davis has already expressed, we have come to believe that the prison is a natural part of social existence. We are taught and we are teaching others that it is permissible, and sometimes morally righteous, to strip someone of personhood. Increasingly, those people we strip of personhood are incarcerated for non-violent crimes and are branded felons for the rest of their lives. If we allow ourselves as a society to implement and support a mechanism for the dehumanization of one percent of the adult population, then it stands to reason that many unjust acts and practices could follow.

By teaching, I do not mean intentional curriculum on punishment of criminals is a standard lesson taught in school. What I mean requires further explanation and looks more like the self-referencing behavioral loops Bella uses to describe the slave system above. Most people will reason that criminals deserve punishment based on prevalent cultural thought patterns rather than being told directly how to feel about criminality. Like the system of slavery, the prison system sustains itself by creating a self-referencing loop, a common thought pattern in society, which reinforces its existence and function in society. Below is an adaptation of Bella's slave system loop to the prison system. It should be noted that this is only a model, a simplification of the complex reality. It serves only to demonstrate how common thought patterns about criminals and prisons lead a believer to accept self-referencing, or circular, claims about prisons. To understand the model, start from any section, follow the arrow and say "therefore," and if you go backwards, say "because." What you will find is that no matter where you start, you will end up back in the same place with a claim that has many premises and conclusions.
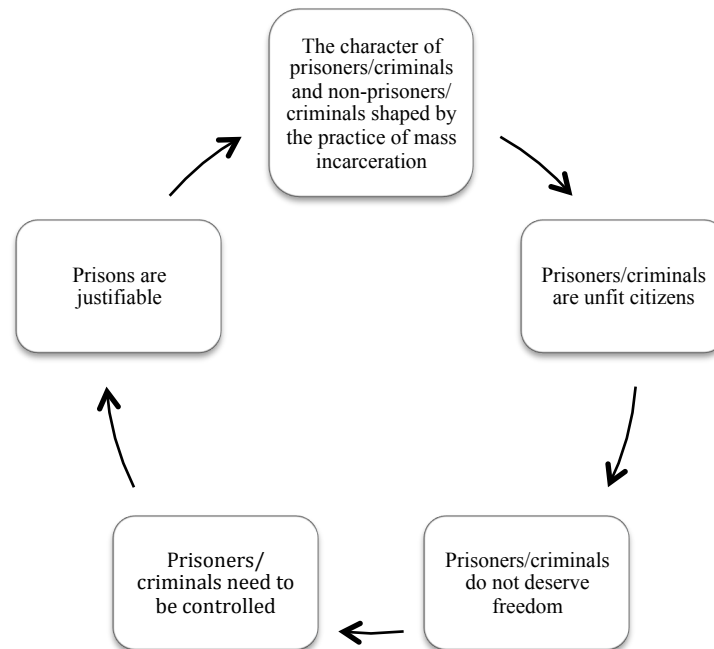
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           ┌─────────────────┐
           │ The character of │
           │ prisoners/criminals │
           │ and non-prisoners/ │
           │ criminals shaped by │
           │ the practice of mass │
           │  incarceration   │
           └─────────────────┘
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Figure 1. Self-Referencing Prisons/Prisoner Loop Adaptation of Bella's Slave System

The danger, as mentioned by Bella above, of getting caught in this self-referencing loop is the appearance and acceptance of having "good reasons" for the belief in the loop's claims. Because this is the prevalent thought pattern, its use is mostly unchecked and politically acceptable. Therefore, most people have little reason to challenge the thought pattern. The same problem arises here as it did in the slave system whereby being caught in the system we reinforce the harm and objectification needed by the prison system. It is only by transcending the thought pattern that we are able to examine it critically—this is why prison abolitionists are perceived as radical. Abolition exposes the prevalent thought pattern as harmful, destructive, and in need of revision.

Address to Racial Advocacy

The culmination of the foregoing claims aims to reconstitute the issue of mass incarceration as foundationally ethical. It is not the intent of this thesis to argue that the abolitionist arguments that extend from racial justice advocates are necessarily immoral or wrong to prioritize one aspect of identity. In fact, as mentioned above, it is the perspective of Buber that informs us that we do constantly shift in and out of a state of I-It where we gain knowledge and experience eachother. Furthermore, there is no argument in this thesis with the statistics or conclusions of the racial justice advocates reviewed in this work. Nor is there argument that denies that communities of color have borne the majority of the suffering caused by mass incarceration. With the arguments from perspectives on racial justice, this thesis merely hopes to complicate the matters by exploring how an ethical argument incorporates various levels of identity and to expand racial justice's resistance to mass incarceration.

For now, however, focusing arguments for prison abolition as a matter of racial justice raises a particularly significant question: If the current prison population of 2.3 million people were racially representative of the U.S. population, would racial justice advocates still pursue the abolition of prisons? I cannot know this answer of all abolitionists for sure but I am inclined to believe that those who believe in the pursuit of justice would continue to abhor the extent to which our society oversees the caging of 2.3 million people, regardless or inclusive of their race, gender, class, ability, sexual orientation. This suggests to me that this issue of mass incarceration is not

only a race issue but is in fact a larger ethical issue whereby we have systematized the loss of freedom and personhood for millions of people.

If we can solve the issue of the racial bias and the prison system's creative response is to use incarceration to control people based on another identity like sexual orientation, what have we gained? This is not unrealistic in a world where in 2010 some 80 countries had laws criminalizing same-sex consensual relationships (The Economist). This matter is far too important to relegate to identity politics. The analysis from Roberts, in explaining the consequential impact of Buber's theory I-It and I-Thou, demonstrates the structural flexibility for oppression to work across groups. There is no unique *structure* that differentiates racial oppression from other oppression; each manifestation of oppression follows from the creation of a hierarchy of objects (Its) or identities. It is only by dismantling the system that makes such ranking possible that we can actually end the dehumanization process.

Focused attention to the prisoners themselves shields the broader impact that mass incarceration and prison industrial complex has on society at large. While it is absolutely important to keep attention on the safety and living conditions within prisons, we need not separate those realities from the current public sentiment about prisons and prisoners. This is why Dostoyevsky wrote, "The degree of civilization in a society can be judged by entering its prisons" (1861). If we are failing behind bars, there is strong reason to question our total social and ethical health.

Intersectional Advocacy

Intersectional advocacy was the ultimate and lasting insight from Dr. Martin Luther King Jr. in the years just before his assassination in 1968. King lost some credibility with parts of black and white communities as he continued broader advocacy for justice in the United States later in the 1960s. On April 4, 1967 he spoke out against the war in Vietnam. While this was not the first time he had declared opposition to the war, this was the first time he connected it to the civil rights movement. Here is where I believe a rich history began in this country where "intersectional" or "multi-layered" social justice advocacy was developed. In his speech, "A Time to Break the Silence," he argues that the main social problems in America, militarism (Vietnam specifically), racism, and materialism, result from a spiritual sickness that was (is) present in America.

That sickness King references, the "malady within the American spirit," was our primacy of being a "thing-oriented" society rather than a "person-orientated" society (240). At the time, King thought America's role internationally was increasingly one of suppression in order to protect political and financial interests that supplied the privileges and materials for Americans. Of course, once the resources arrived in America, they were unequally distributed based on social standing.

The only way out of this sickness that King could imagine was a "radical revolution of values." There was something absolutely sick and unbalanced in the country such that it required total transformation of the way in which society was constituted. "When machines and computers, profit motives, and property rights are

considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered" (240). If budgets are any indication of priority, it should be noted that in 2009, correction's spending was the fastest growing budget item and defense spending in the 2011 budget was the largest and equal to that of Social Security (Moore; Carter and Cox).

As all life is interrelated, King connected seemingly unrelated issues and found their similarity—each relied on the reduction of people to things. In addition to King's work in the civil rights movement, it should also be noted that his late work in the Poor People's Campaign to advance economic justice and standard housing drew intense public criticism. Just the day before he was killed, King was organizing with Memphis Sanitation African American workers who went on strike. King indicated that he was deeply saddened by people who doubted the association of civil rights and Vietnam opposition. He writes, "[They] have not really known me, my commitment or my calling. Indeed their questions suggest that they do not know the world in which they live" (232).

This approach of connecting social justice issues is increasingly common today, especially within the queer rights movement. As a population that spans gender, race, religion, etc., queer activists have demonstrated an ability to be impressively dynamic in their approach to justice work. For example, the National Gay and Lesbian Task Force (NGLTF) and the Queers for Economic Justice (QEJ) work at national and local levels to organize around the intersections of racial and economic justice issues in addition and/or relation to LGBTQ issues.

King advocates for a response to social injustice that addresses the core problem which propagates the symptoms. In similar regard, the structure of oppression described by Roberts indicates its ability to manifest a hierarchy for different aspects of identity. Without confronting the logic that makes hierarchy possible we are in danger that oppression will continue in another manifested form. It is time for a transformational revolution in the way in which we see one another, and ourselves, as human beings.

The time is increasingly critical to redress our spiritual malady and thing-orientation as incarceration and military spending has gone nowhere but up since the year King was assassinated. Advocacy against mass incarceration needs to be interconnected, responsive, and flexible to the results of this national sickness that has thrived here for at least forty years. Today, as evidence by this thesis, we see the division of groups attempting to do similar work resulting in diminished success. Furthermore, we are in the midst of another war of aggression overseas and an increasingly punitive corrections system. Building resistance to this system will require that advocacy is successful in distributing the message that mass incarceration is not protecting the public, but rather, sacrificing its humanity and potential in order to divide and control.

Organizing the Public Against Mass Incarceration and Political Liberation

There is a basic premise in the fundamentals of direct-action organizing that recognizes self-interest, understood broadly, as the basis for any person to commit to a social action or movement (Bobo, et al). "The word 'interest' comes from the Latin

inter esse, which means 'to be among,' self-interest then is the finding of oneself among many (9). Self-interest can be comprised of one's material needs for food, shelter, and clothing and also her or his emotional needs for respect, acceptance, and belonging. The key for organizing then is to find out what individuals need or want based on self-interest and help them to develop collective ways of attaining it (10).

Up to this point, only a few have begun to recognize that advocacy against prisons is within their own moral self-interest. Many are more ready to admit that the government wastes resources on the prison industrial complex with little evidence that prisons reduce crime. The monetary argument is more a matter of prudence and efficiency rather than an ethical claim so it is not of major significance here. Part of the reason that mainstream white America has been reluctant or hesitant to approach the issue of mass incarceration is because they feel extremely removed from its, mostly indirect, negative effects. This is much different in poor communities of color where, according to a study by Lynch and Sabol (2004), as many as one in five men from the community were incarcerated.

The "problem of prisoners" has been understood by many unassociated with the criminal justice system to be a matter of control rather than an issue of human relations. It is quite telling that the prisoners of the Attica uprising and other disenfranchised populations, like the Memphis sanitation workers in 1968, make similar proclamations in their protestations: "I am a man." Indeed, when the public does not even recognize the humanity of these populations, how can we expect the public to advocate for their human rights?

According to Iris Marion Young, "Only by listening to the voices of differently situated groups can a potential movement united for the sake of meeting people's needs have a clear sense of what those needs are" (2006, 17). This is the method by which problems that seem distant become near and most importantly, the problems become real.

There comes a time when the reiteration of the facts and figures of the demographics of prisons will lose its shock value. For the most part, people have come to accept as a matter of truth that prisons will simply always be racially biased. The work we need to do right now is not merely information dissemination but the strength and capacity to resist a system of dehumanization and division. Suzanne Pharr writes, "Public education, linked with action, is imperative. Our work is developing people, not just ideas—people who are strong, knowledgeable, and courageous enough to take on the work for economic and social justice" (89). As a matter of human relations, the mainstream public is so very disconnected from the pain and suffering of the people within prisons and the people who care for them on the outside. There needs to be a connection and there needs to be collaboration across prisoners, abolitionist groups, and the general public in order to spark, ignite, and raise the spirit that we must address this systematic harm that destroys our collective potential and health as a society.

Strategies for organizing are constituted by the current historical context in which the organizing is taking place. Over the past forty years it can be described, as it has by Pharr, as a time where we've seen the political Right maneuver from the

margins to the center of major political agenda-setting. The advancement of the political Right (which is not limited to Republican politicians), those "whose goal is the merger of church and state and the creation of a government ruled by officials who claim divine authority from a Christian god," has brought forth political division and domination. Coincidently, the rise of the Right coincides with the rise of mass incarceration.

The political Right, the elite, have maneuvered their way to power with the help of the general population. Despite our weakening democratic strength, politicians still need to appeal to mass voters in order to access office. The Right was strategic by "placing wedges along the existing societal faultlines of race, class, gender, and sexuality and expanding them into larger divisions" (11). The point here is to strategize around people's prejudices in order to turn them against each other and distract them from the rising authoritarian control of government and the economy.

Though Pharr does not explicitly mention mass incarceration in her work, the division of criminal and free populations was also exacerbated as the Right spearheaded increasing punitive criminal sanctions in the latter half of the 20th century. With the Right's attention to religion and strong Christian moral convictions, notions of criminality and civil disobedience began to be associated with immorality. Furthermore, offenders as a whole are the only ones, as discussed in chapter 2, that society is allowed to legally discriminate against. In fact, discrimination and generally hostility toward offender populations, purported as "tough on crime politics," continues to be a celebrated and rewarded political position.

The rise and domination of the Right protects its status against those populations that, if unified and organized would pose a threat, by dividing them across identity, political, and economic lines. Building on this, Pharr also expresses that we have been taken over by a "mean-spiritedness" caused by "talk radio and television, the rhetoric of cynical politicians, and the embittered disillusionment of people whose hopes and dreams and been destroyed and whose lives feel threatened" (90). This aggressive political environment leaves people of the country feeling disconnected, hopeless, protective of themselves and those close to them, and distrusting of outsiders. As much as we need to counteract the political damage that the Right has wreaked, there is as much "soul" work and the development of our feelings of being intensely connected to our humanity and others that needs to be nurtured (90).

Attention to Pharr's examination of the recent political climate highlights the fact that none of the injustices that have been considered in this work exist in a vacuum or can be exclusively understood as separate injustices. With the rise of mass incarceration we have also experienced decreases in the social safety net, such as the 1996 federal welfare reforms that reduced the eligibility for recipients that has shown no evidence of reducing poverty (Marger, 169). Also, Americans are facing the dwindling protection of the Bill of Rights such as the recent Supreme Court approval for law enforcement to strip search detainees for any crime (Liptak). Indeed, Pharr is addressing the impact of the Right and how it has transformed our political, moral,

emotional, and mental landscape, from which, many of these injustices have been

born.

Similar to King, Pharr stresses a type of "revolution of values" which calls for

organizers of oppressed people of the country to affirm a politics of liberation rather

than domination. She writes,

> The work of liberation politics is to change hearts and minds, develop
> empathy with sympathy for other people, and help each other discover how
> we are inextricably linked together for our common good and our survival on
> this planet. (88)

In addition,

> It may be that our most important political work is figuring out how to make
> the full human connection, how to engage our hearts as well as our minds,
> how to heal the injuries we have suffered, how to do the organizing that
> transforms people as well as institutions. (95)

This work requires that we help individuals reach their greatest potential, foster

individual freedom and mutual responsibility, share power among each other, see

cultural differences as "life-enhancing," and finally, treat everyone as a valued whole

person (88-89).

The continued struggle with any identity-based organizing is that it usually

requires its members to prioritize a single aspect of a their identity in order for a

group to unite and identify its purpose. Identity-based groups benefit by creating

community from shared experiences. However, very often, attention to only one

aspect of identity, race, sexuality, or gender, can lead to the exclusion or minimizing

of the other aspects of oppression group members face. This can lead to group

division and ultimately undermine reaching the goal of social justice. Examples of

such divisions include black feminist and queer people of color movements in response to the white-identity focus (or assumption) of powerful feminist and queer organizations. Strictly imposing identity-based cohesion also limits participation from allies, sympathetic to the cause, who would rather not appear as intruders.

If the goal of abolition is the realization of economic and social justice for all, then that is the issue that we ought to organize around. By transforming abolitionist messaging to become inclusive of all aspects of identity and truly engage with realization that we are all harmed, we may discover new allies to dismantle the prison industrial complex than we could have imagined otherwise. An invitation for all to participate in the creation of their own liberation is the required strength to reduce the injustices stemming from politics of division.

As true as it was in 1968 as it is today, there is an inextricable link across many of the social injustices we face today. To place attention on one over another divides advocates from working collaboratively and undermines the pursuit of justice. Abolitionists, by addressing the full moral impact that incarceration entails on free populations will help build a network of support and allies willing to act in the self-interest of themselves and the rest of society.

Policy Solutions for Prison Abolitionists

This thesis advocates that the current prison industrial complex should be abolished because it is an immoral institution. Is abolition, then, only a movement that works in the negative or does it also provide solutions? The answer is both. We must recall the extent to which the prison industrial complex has formed to create an

unprecedented prison population that requires us now to negate or undo some of its practices and effects. However, abolitionist perspectives also provide the force to suggest alternatives that promote public safety while protecting and fostering the human community.

Davis, Alexander, Parenti and increasingly many others have called for an end to America's war on drugs. In 2004, 55% of all federal inmates and 21% of all state inmates were incarcerated for drug related crimes (Harrison and Beck). This can mean the decriminalization, the removal of the criminal laws, associated with drug crime. It can also mean the dethroning of drugs as "public enemy number one" by federal and local law enforcement. This includes dismantling policies that create a finacial incentive for tackling drug crime such as the Comprehensive Crime Control Act (CCCA) of 1984 that expands the abilities of law enforcement to seize, and keep, property and cash from those convicted, or even accused, of drug crime in civil or criminal court (Parenti, 50). The scaling back of police efforts and support for decriminalization is a suggestion by Parenti who says, "[W]e need less policing, less incarceration, shorter sentences, less surveillance, fewer laws governing individual behaviors, and less obsessive discussion of ever lurid crime, less prohibition, and less puritanical concern with 'freaks' and 'deviants'" (242). Other aspects of criminal law that ought to be reconsidered are crimes where there is no direct harm to a victim, including property crimes and voluntary sex work. In these cases, sanctions might still be present but imprisonment would only be an option in the most extreme cases. Almost by definition, the prison industrial complex expands much further beyond

corrections and criminal punishment to include the economic and political interest

dependent upon its existence and expansion. There is much for abolition to do to

negate these effects and also to provide the creative effort to address harmful

criminality that exists in society.

If the prison industrial complex is an immoral institution, what can abolition

provide that creates a more humane system? It seems that the first steps to the ends of

abolition involve reducing the reliance on physical prisons whereby millions of

Americans remain encaged and massive amounts of public funds are spent. An

important first step in abolition would require that we as a society bring up the

question of what we mean by the word "criminal." Abolition would aim to reduce the

wide array of acts that fall under notions of "criminality" thereby refocusing criminal

justice on violent offenses and major threats to public safety. Therefore, we have

much development to do outside the arena of criminal justice. Two areas of support

that abolitionists identify is the building of accessible mental health and drug

treatment centers in order to prevent harms that stem from these clinical matters.

An alternative vision for "corrections" might include the expansion of

community programs through electronic monitoring and intense supervision. This

approach, when applied to low-risk and non-violent offenders offers the opportunity

to provide "prosocial" structure to reduce criminal behavior in the future while also

providing the supervision so that others may feel safe. The term "prosocial" is used in

communities surrounding reentry to describe behaviors and activities which foster

healthy personal and community relationships. Electronic monitoring is currently

used throughout the country for a variety of offenders and different types of offenses to varying degrees of supervision. A person's supervision might require them to be at home between the hours of 9PM and 7AM while others may only be allowed to go to certain destinations like home, school/work, and the grocery store.

Very importantly, electronic monitoring allows people who have been convicted of crimes, who are not dangers to others, the ability to restructure their lives and maintain work and personal relationships. The entire processes of rehabilitation and reintegration are simultaneously embedded in the criminal sanction of electronic monitoring itself. The ability to remain in the community reflects King's conditions for freedom, or life, more so than incarceration. Someone on electronic monitor, or intense supervision, is not forced to relinquish all relational, professional, and or education obligations. She or he is given the opportunity to create and maintain a more structured prosocial life. Additionally, there would be a great reduction in costs when moving away from physical prisons. While the annual cost of a prisoner is roughly $29,000 (Petersilia, 499), a large study completed in Florida in 2007 on electronic monitoring found that the annual costs were about $3,270 (US DOJ).

Abolitionist values support the recognition of the full humanity of all help to direct policy options to ensure that laws are created and applied humanely. Electronic monitoring is a promising alternative to incarceration that seeks safety for all while recognizing and protecting whole persons. There are, however, limitations to electronic monitoring and intense supervision that will be addressed in the following chapter.

<u>Conclusion</u>

As I believe, and hope to have demonstrated here, the underlying ethical issue of the prison industrial complex is the widespread loss of freedom and the maiming of dignity perpetuated by encaging human beings. When we consider that we are bound to the same humanity by which we are willing to treat others, mass incarceration has a much greater moral impact that requires the attention of abolitionists. If the public is conditioned to treating criminals as less than human then it stands to reason that the public will be, at large, unwilling to recognize the value or "Thou-ness" of those incarcerated. As a result, the free public accepts an objectified version of itself, concerned with the maintenance of object identity rather than the capacity to relate as a Thou, a full person.

The ethical perspective arises from the prevalent discourse in prison abolition, which aim particularly towards racial and class justice, to pursue a broader vision of social justice. By examining hierarchies based on dehumanization and restrictive thought patterns that must exist in order to create and maintain a punishment system like the prison industrial complex, the ethical perspective cannot ignore the mutual harm that prisoners and non-prisoners experience. It is important to acknowledge and address the harm of non-prisoners because it is their support of the prison industrial complex that maintains the system and therefore the suffering of prisoners. Failure to acknowledge this role reduces the public's willingness to be responsible and thus forfeits the opportunity to challenge the prison system.

From an ethical perspective for prison abolition, the goal is to develop free citizens to declare not only "We want justice for prisoners" but rather, "We refuse to live in a society that maintains order, and the quality of life for some, based on the dehumanization of other members of our society." The point is to transcend, break the thought pattern, that allows for society to devalue anyone on the basis of identity or status. In short, one of the goals of this thesis is to inform prison abolitionists that they need to be even more radical.

Chapter 4- The Cage Has Two Sides

Wherever a cage exists, it is there to divide. Creating two spaces, both restrictive and prohibitive in their own way. Up to this moment in history, prison abolitionist movements have provided an immense amount of critical analysis and narrative to bring voice to the injustice that is mass incarceration. Without this level of critique, many more people of the world would be ignorant to the extent to which the criminal justice system in the United States is well short of equality, fairness, and justice.

The fact remains, however, that the movement has not incorporated all the aspects of injustice committed by the practice of mass incarceration. This thesis serves to fill the gap in abolitionist arguments that fail to account for the larger social reasons for why and how a public could allow such a massive system of dehumanization to exist. The ethical analysis provided here demonstrates how a social system based on injustice requires all members of society to take a role in it. By adopting the dominant thought pattern to incarcerate, we are bound in relation our willingness to encage, dehumanize, and objectify millions of fellow citizens including ourselves. The result is a resistance to the calls for abolition, a call to seek justice for those who we have dehumanized.

In order to break this resistance, we need to transcend the thought pattern that enforces the belief that prisoners and criminals are somehow less than full human beings by engaging in true relations of I-Thou. The public needs to recognize this fact

before there is the possibility to advocate for justice. Facing this fact will be difficult for the public. Treating prisoners as less than human has also prevented us from knowing our full human selves. We reduce others, and therefore reduce ourselves. We have accepted dominant thought patterns without critical analysis. We are protective of our "free" role in society, even though that role depends on others' control and captivity. What is to be gained by our transcendence is the realization that all peoples are harmed by mass incarceration and that there must be better, more just, ways of living together has a nation.

Just as King received immense criticism for believing there was something sick with the American spirit, so too, I believe these sort of thesis will face criticism from many angles. Here, I will respond to three criticisms that I anticipate from three different sources, abolitionists, advocates for restorative justice, and retributivists. The first criticism rises directly from within the abolitionist movement by Michelle Alexander on the importance of speaking purposefully about race, rather than political colorblindness, in discussions on criminal justice. Secondly, with attention the successes of South Africa's Truth and Reconciliation Commission many can wonder how the ethical view of prison abolition differs from models for restorative justice. The last criticism I will directly respond to comes from a general retributivist point of view of "just desserts," which holds that by allowing someone to be held responsible for their actions, we value that person's freedom of choice. Whereby, criminal punishment directly reflects a commitment to holding everyone accountable

for her or his actions. Here, I will also respond to King's final condition for freedom

that is expressed by our ability to be responsible for the consequences of our actions.

One of the Michelle Alexander's most powerful points in *The New Jim Crow*

is her analysis on the current climate for discussing race in the United States. Post

civil rights movement, attitudes of colorblindness, a widespread belief that race no

longer matters, began to craft new language that was understood as more "politically

correct," to replace the language of racial identities. The use of old language about

race, such as "black (or negro) youth," became risky and new language emerged to

symbolize the meaning of blackness without having to directly speak its word. The

political consequence of which means that it is generally more difficult to detect, or

make a compelling public argument, that race is in fact having an impact on our

social reality. This is of great importance to Alexander because she believes that it

has been only through the politics of colorblindness that the racial injustices of the

criminal justice system can be challenged as "not about race" (228). She writes, "I

came to see that mass incarceration in the United States had, in fact, emerged as a

stunningly comprehensive and well-disguised system of racialized social control that

functions in a manner strikingly similar to Jim Crow" (4). A potential criticism of

ethical perspective for prison abolition is that it appears to be functioning under the

realm of the politics of colorblindness by not directly addressing the extent the

criminal justice system has targeted people of color. She writes, "The prevailing caste

system cannot be successfully dismantled with a purely race-neutral approach" (226).

I do not believe that Alexander would understand the ethical perspective as a "purely race-neutral approach" but I could understand how some might. In response to this criticism, there should be some clarification on terminology that is generally used by ethicists. The central idea for ethicists regards how we create and apply value. In many ways, the use of the term "value" by ethicists is parallel to how as "race" is used by racial justice advocates. When Alexander says, "People of good will have been unwilling to see black and brown men, in their humanness, as entitled to the same care, compassion, and concern that would be extended to one's friends, neighbors, or loved ones," she is in many ways describing how it seems as if darker skin color makes one of less value (229). As with the previously mentioned analysis of social hierarchy from Roberts, social oppression is only possible when we reduce people to objects in order to create a hierarchy where those at the top are valued more than those at the bottom. The practice of racism, then, arises when the hierarchy is particularly designed to value and devalue based on racial identity. The racial disparities in prison actually reflect the existing social hierarchy that devalues those with darker skin. It is no surprise from the ethical point of view, then, that those who we already devalue in society would be the ones we are most likely to dehumanize (further) through incarceration.

While the ethical perspective accepts that race is the particular social factor by which mass incarceration has been designed and maintained, the practice of devaluing and dehumanizing is not exclusive to the criminal justice system. It exists around us all the time in other forms of oppression. Therefore, understanding how it is possible

to form these hierarchies ultimately requires us to look at our social context more broadly. Therefore, an understanding of how race, class, gender, sexual orientation, and other forms of social oppression interact is foundational to informing the ethical perspective of prison abolition. It aims to be an inclusive, rather than exclusive, critique of how the existence of social hierarchies broadly create and sustain the prison system.

In many ways, the philosophical foundations for the ethical perspective of prison abolition are aligned with the philosophical foundations for restorative justice. Following the fall of apartheid in country of South Africa in the 1990s, the people there were faced with a decision on how to move forward as a nation after such oppression existed. The famous work of Desmond Tutu, chair of South Africa's Truth and Reconciliation Commission, is grounded in the philosophy of Ubuntu, which speaks to the unity of the human community, "My humanity is caught up, is inextricably bound up, in yours" (Tutu, 31). More so than revenge, the point was that the people of the nation needed healing. This way of reasoning is very similar philosophy of Martin Buber's I-It and I-Thou that grounds the ethical critique of mass incarceration. Though abolition and restorative justice are in many ways aligned, the primary issue is that restorative justice does not equate to prison abolition and does not address how drug policy is responsible for most of the increases to our prison population.

It is important to note the differences between the current state of incarceration in the United States and of what occurred in South Africa. The Truth

and Reconciliation Commission was brought about to address the egregious crimes against humanity, especially the killing, that had occurred. While comparisons can be made, given what we know about continued racial discrimination and inequality in this country, it is imperative to understand that the root causes of prison population increases are the result of the war on drugs. In these drug cases there is usually no victim in order for reconciliation to be made. Therefore, adopting a strategy for restorative justice does not necessarily end mass incarceration or address the millions of people within the criminal justice system for victimless crimes.

Most abolitionists do advocate that the United States adopt a restorative justice model, rather than retributive, within (or for) the criminal justice system. This approach to justice humanizes the process of addressing crime by including both the victim and offender in order to heal relationships and agree on a consequence or solution. This takes the focus away from "crimes against the state" and recognizes crime done to actual people. Together, restorative justice and abolition can mightly transform the criminal justice system but they are not one and the same.

Lastly, I will respond to the retributivist perspective and the reasoning that those who commit crimes should be responsible for their actions by receiving criminal and/or civil punishment. In this perspective, prisons hold an integral role for preserving the laws of society and ensuring just desserts. Similarly, this response also addresses King's final condition for freedom that requires responsibility for one's actions. Just desserts is generally why law recognizes different degrees for the same crime; first-degree murder is understood as more damaging and therefore more

strictly punished than third-degree murder. Retributive logic of just desserts can be traced back to many sources, including Hammurabi's notion of "eye for an eye, tooth for a tooth." More recently, Immanuel Kant addresses retributivism thoroughly in his work *The Metaphysics of Morals* holding that laws should penalize criminals through a coercive element that acts as a hindrance to freedom (Kant, 57-58). This perspective follows from Kant's basic framework for discerning moral action, the categorical imperative. It requires us to only act in ways we would will a universal law that everyone must follow. Retribution provides two important features for Kant, one, it holds people responsible for their actions by recognizing their autonomy as a rational being, and two, it ensures equality of punishment by punishing identical crimes in the same way. From a contemporary retributivist point of view, the punishment of criminals through the use of prisons is morally responsible to preserve our common laws and hold criminals accountable.

In response, there are distinct but connected issues that complicate applying a simple version of retribution to the prison industrial complex. First, from the ethical perspective for prison abolition it is foundational to recognize the Thou, the full humanity of another. In many ways, retribution relies on taking one aspect of a person's identity, or one action she or he has done, in order to construct the entire being and determine her or his life course. Turning a woman into merely a thief makes it possible to incarcerate her. Increasingly, this felony conviction becomes part of one's identity after incarceration and can serve as a barrier to housing, employment, jury duty, voting, and many further consequences. Rather than punishing one part of a

person's identity or behavior, abolitionists would recommend working with someone as a whole person to help redirect a healthy life away from crime. This can be understood as an approach that "builds up" rather than tears down.

Second, though many hold a retributivist perspective, and believe the prison system follows this ideology, there are many ways that legal punishments do not follow through as completely retributivist. For example, the increasing use of prisons means that most felonies have a consequence of prison stay. A person sentenced for a felony drug conviction and another convicted for felony child molestation meet the same conditions of punishment. The only difference is that there may be a longer sentence for one or the other. Far from Hammurabi's "eye for an eye," the increasing use of prisons today equates to "prison for just about anything." Therefore, people who become branded as felons span a wide range of crimes but are still susceptible to the same forms of punishment and receive the same label. If punishment were truly retributive, it would be more individualized to reflect specific criminal offenses.

Third, it is reasonable to question whether the foundational theory on retribution by Kant is applicable to the prison industrial complex as we know it today. It is of significant importance to this criticism whether today's criminal justice system reflects two of Kant's features of retribution: the valuing of autonomy and equity in punishment. Both of these features can be responded to in the same way. As mentioned above, retributivists hold that we respect people's autonomy by holding them responsible for their actions. If this is the case, then we should find that all people should received the same punishment for the same crime. However, for

identical crimes, African American youth are six times more likely to be incarcerated than white youth (Alexander, 115). Is it the case that the criminal justice system just holds African Americans "more responsible" for their crimes?

Lastly, the ethical perspective for abolition's view of the complex notion of just desserts is informed by the political construction of the war on drugs and racial disparities in prison. Legal crime only exists because laws exist. Laws reflect the interests of those who create them. Mass incarceration is spearheaded by the drug war, it is therefore important to acknowledge how politics, not moral grounding, has shaped how the criminal justice system functions today. As mentioned throughout this thesis, the prison today aims at the social control of the devalued people or "surplus workers" of our society. Drug crime policy aims for economic and political gain not the correction of immoral behavior. Therefore the ethical perspective rejects the notion that those imprisoned for drug crimes are deserving of a punishment that only exists so that others may benefit.

In many ways, today's common notion of retribution does not reflect Kant's complex attention to equity and respect for autonomy. Nor does the United States' use of prison as the primary form of punishment have much historical precedence in the retributivist tradition. Given the way our prison system has transformed since the beginning of the war on drugs, I do not think one can say one way or another how Kant would react to the prison industrial complex. Therefore, there is room for continued conversation about the Kantian approach to retribution and the ethical

perspective on abolition to seek further understanding on respecting autonomy and ensuring equity.

Theoretical and Policy Limitations

Even though King recognized that his ethical demands for integration were not enforceable by law, he was unwilling to stop the civil rights movement at anything short of an integrated society. The ethical demands, he writes, "concern inner attitudes, genuine person-to-person relations, and expressions of compassion which law books cannot regulate and jails cannot rectify. Such obligations are met by one's commitment to an inner law, written on the heart" (123). Similarly, like much of what has been mentioned in this thesis, the willingness for the public to engage with their full moral selves cannot be written into law. Despite this truth, the message to transformation values in order to end institutions of dehumanization, which affect all in society, is still the message worth sending as it addresses the core of injustice.

Furthermore, policy recommendations from abolition perspectives, such as the aforementioned use of electronic monitoring or intense supervision are not without their limitations. These alternatives would not be useful for cases related to domestic violence where a perpetrator must be removed from (usually) his home in order to ensure the safety of others. Options for electronic monitoring also seem to be limited in cases where an offender has no home and is homeless. Furthermore, crimes where there is a direct and immediate physical threat to the self or others could not be ameliorated by the use of community-based methods. In these cases, abolitionists do generally agree that some form of coercion must be used in order to restrain the

individual and protect others. Of course, one of the aims of abolition is to prevent many of these harms through the development of more accessible mental health and drug treatment facilities.

There is no complete answer for the question, "What replaces the prison?" There is consensus among abolitionists and others concerned with our prison population that a diversity of approaches, which reflect the diversity of crime and offenders, is necessary to address crime in our society. This may include decriminalization of drugs like marijuana and sex work, adopting more restorative justice practices in cases related to direct harm to victims, and implementing more community solutions like electronic monitoring.

Adopting an abolitionist perspective can be understood as the first step in dismantling what we know to be an unjust system. Taking a different perspective than the mainstream allows for the opportunity to critically examine our current criminal justice system and imagine alternatives. Some suggestions from this thesis and the reviewed literature are only some of the possibilities. Probably some of the most transformative policies are beyond our current imagination but we cannot afford to give up on the search to find them.

Conclusion

This kind of ethical approach to understanding the prison industrial complex brings forth ideas on how societies come to adopt knowledge and value systems. Beyond philosophy, the questions posed in this thesis may be also explored in the areas of psychology and sociology. Furthermore, it may be of particular interest to

examine any possible ethical or theoretical connections that can be drawn with how we devalue prisoners with how we devalue the lives of non-human animals and the environment. These great questions are, unfortunately, beyond the scope of this thesis.

With all that has been addressed throughout this thesis, all of its thoughts are still a work in progress. It has only been six years since I began analyzing and studying the prison industrial complex. In that time I have found most aspects of social justice cross through prison walls: racism, classism, sexism, heterosexism, and disenfranchisement. I now believe it to be one of the true nexuses of evil in our time. There is a considerable amount of life force, energy, and spirit that we have already lost meeting the demands of the prison industrial complex. However, what can be constructed can be deconstructed. And while we may not have the opportunity to gain back what we have lost, we can transcend our current traditions and create a new way. It is time for every one of us to break out of our cages and see what we can do.

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