

# TOWARD DÉTOURNEMENT OF THE NEW JIM CROW OR THE STRANGE CAREER OF THE NEW JIM CROW

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“The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws. For instance, any changes with respect to drugs and controlled substances or illegal immigration could affect the number of persons arrested, convicted, and sentenced, thereby potentially reducing demand for correctional facilities to house them.”

- Corrections Corporation of America, 2010 Annual Report<sup>1</sup>

## Introduction

Earlier this year I presented some critical observations on the widely acclaimed, best selling book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.<sup>2</sup> Since the publication of my analysis “Black Out: Michelle Alexander’s Operational Whitewash”<sup>3</sup> I have received a disproportionate amount of vehement feedback from progressives, as well as some very poignant questions and challenges from other scholars.<sup>4</sup> Among the challenges mounted by progressives, the most coherent have been those that acknowledge the obvious ineffectuality of the book, but nevertheless argue that *The New Jim Crow* retains a certain statistical or symbolic value. Indeed there is something to be said for Alexander’s work, which tells us, for example, that there are more black men in American prisons, on probation or parole today than were enslaved in 1850, and that “our system of mass incarceration functions more like a caste system than a system of crime prevention or control.”<sup>5,6</sup>

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<sup>1</sup> Corrections Corporation of America is America’s largest private prison operator and the nation’s “leading provider of correctional solutions to federal, state and local government.”

<sup>2</sup> Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, New York, NY: The New Press 2010.

<sup>3</sup> Osel, Joseph, D. “Black Out: Michelle Alexander’s Operational Whitewash,” *International Journal of Radical Critique* April 7, 2012, 1:1.

<sup>4</sup> Many have contended that *The New Jim Crow* is beyond criticism. Some have argued that *The New Jim Crow* does not merit criticism. Others contend that there is no place for a radical or progressive critique of a progressive text. Many semiliterate Americans assume that a critique of a progressive text must originate from a right wing position. Still others contend that *The New Jim Crow* amounts to a conspiracy theory. All of these contentions are false. As a point of observation, the most vehement criticisms of my initial analysis have come from those that in some way invoke the marginality of the author—her race, or the so-called “one-foot in one-foot out” “cultural hybrid.”

<sup>5</sup> Fresh Air (radio). “Legal Scholar: Jim Crow Still Exists in America,” *National Public Radio* 2012: <http://www.npr.org/2012/01/16/145175694/legal-scholar-jim-crow-still-exists-in-america>

<sup>6</sup> Toward a discussion of chattel slavery by other means, the 13<sup>th</sup> amendment to the United States Constitution reads: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

My critique of *The New Jim Crow*, like other advocates of social change and justice, is based on the contention that mass incarceration in the United States is a serious, catastrophic and telling problem, a problem that is deeply influenced by current political, economic and social arrangements, as well as by the nature of American history and society, and moreover by the general nature of power and humanity. Because of the seriousness of this situation in America, being misled by Alexander about the coordinates or context of the problem at hand would also be very serious. To put it another way, if the discourse of *The New Jim Crow* as presented by Alexander is misleading, then we ought to be enormously concerned with its proliferation among students and genuine advocates of social change and justice.

Contrary to its wide acclaim in the media, Greg Thomas, a Professor of Global Black Studies and hip-hop scholar, has written that there is “literally next to nothing to be learned from *The New Jim Crow*,” that original insight in the book is scarce, that it is “not for everyone” because “from cover to cover “everyone” except advocates of white and middle-class liberalism – in the imperial context of U.S. settler nationalism – are placed totally and completely beyond the pale.”<sup>7</sup> Moreover, according to Thomas’ methodical examination, *The New Jim Crow* successfully hides more insightful, radical, and fearless ideas from its unsuspecting readers—readers that lack, according to Alexander, the “facts and data to back up their claims.” While unfortunate, Thomas is entirely correct here. Paradoxically the most salient and affected voices on the topic at hand have been systematically purged from *The New Jim Crow* and its most important observations are in-fact not new, having already existed eloquently for decades.<sup>8</sup>

Previously, others critics have pointed out that Alexander, a professor of law at Ohio State University, is married to a federal prosecutor,<sup>9</sup> raising unsettling questions about the paradoxical relationship between the subject of her book and her own economic sustainability. What is more, this paradox between her scholarship and affluence points to the “classical format of bourgeois representation” where outstanding individuals or “notables” emerge as social leaders—leaders “composed of members of the ruling classes and allied strata, lawyers and sometimes bureaucrats.”<sup>10</sup> Discussing the consequences of this format of representation (consequences that the discourse of *The New Jim Crow* suffers), bell hooks has observed that “Citizens in the middle who live comfortable lives, luxurious lives in relation to the rest of the world, often fear that challenging classism will be their downfall, that simply by expressing concern for the poor they will end up like them, lacking the basic necessities of life. Defensively, they turn their backs on the poor and look to the rich for answers, convinced that the good life can exist only when there is material affluence.”<sup>11</sup>

As a point of clarity, it is my position that Alexander’s paradoxical personal considerations could be overlooked if it were not for the rather stark fact that they parallel and coincide with dozens of other contradictions rendered in the discourse of *The New Jim Crow*— and regrettably, quietly disseminated among the book’s many readers.

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<sup>7</sup> Thomas, Greg. “Why Some Like the New Jim Crow So Much,” *Vox Union* 2012. I agree with Thomas here at the level of statistical analysis and observation, however, I do find value in *The New Jim Crow* insofar as an analysis the text provides an advanced understanding of the depths and modes of ideological domination.

<sup>8</sup> Thomas cites dozens of excellent examples. To give a single accessible example see: Davis, Angela. “Masked Racism: Reflections on the Prison Industrial Complex,” *Colorlines* 1998: [http://womenandprison.org/prison-industrial-complex/view/masked\\_racism\\_reflections\\_on\\_the\\_prison\\_industrial\\_complex/](http://womenandprison.org/prison-industrial-complex/view/masked_racism_reflections_on_the_prison_industrial_complex/)

<sup>9</sup> Alexander makes this surprising admission herself in the acknowledgements the section of *The New Jim Crow*, noting that her husband “read and reread drafts” of the book.

<sup>10</sup> Therborn, Goran. *What Does the Ruling Class Do When it Rules?*, London, UK: Verso 2008, p. 187.

<sup>11</sup> hooks, bell. *Where We Stand: Class Matters*, New York, NY: Routledge 2000, p. 1-2.

## The Strange Career of The New Jim Crow

While these contradictions are abundant, for illustrative purposes it will here serve to discuss the three most flagrant and bizarre examples,<sup>12</sup> whose influence pervades throughout *The New Jim Crow*:

- 1) **Critical Systemic Immunity:** *The New Jim Crow* categorically and emphatically ignores the systemic violence endemic to our socioeconomic order despite the fact that an analysis of this violence provides the most fertile ground for discussions on modern American mass incarceration, oppression, repression, racism, and other related topics. Paradoxically, *The New Jim Crow* provides this order, which has had a disproportionately negative effect on black Americans—beginning with the Atlantic Slave Trade and continuing onward—with exclusive critical immunity. For example, *The New Jim Crow* offers no serious critique of the United States government or its most basic oppressive structures. It does not contain any serious questioning about the role and function of the judiciary, the police, or America’s elected officials.

Contrary to the shared reality of other works that address issues of racial justice, *The New Jim Crow* totally ignores the basic economic mechanisms of mass incarceration. Patricia Hill Collins writes, for example, that the problems facing black communities are “unlikely to be solved without highly developed theories,” and that “Comprehensive strategies for Black community development must deal with the embeddedness of African American communities in global structures of postcolonial racism, capitalism and male domination.”<sup>13</sup> In contrast, the text of *The New Jim Crow* does not even contain the word “capitalism.” Instead, it identifies America’s expanding prison system as a serious problem (for black Americans in particular), but describes this system in isolation from its central factors. That is, *The New Jim Crow* appears to be a protest against the dominant order, against the “caste system” of American imprisonment, but paints a picture of this situation that is wildly inaccurate, and therefore rather inadequate for addressing the problem of mass incarceration.

To be clear, then, *The New Jim Crow* is a book about a modern American “caste system”<sup>14</sup> without even a single reference to the modern economic paradigm. This fact should be—but given its wide acclaim apparently not—deeply disturbing to those who genuinely seek fundamental social change, decent standards of scholarship, advocacy and justice.<sup>15</sup>

- 2) **Black Out / Operational Whitewash:** In extension of this bizarre orientation and in further contradictive mode, *The New Jim Crow* refers to the continuation of a system of legalized discrimination while simultaneously, strangely and systematically excluding the most salient and affected voices on the topic at hand—voices that have been, in large

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<sup>12</sup> In this case the designation “bizarre” has been used to describe contradictions that are wildly unreasonable, preposterous, inappropriate, or generally inconsistent with the shared social reality of other literature on mass-incarceration in the United States.

<sup>13</sup> Collins, Patricia Hill. “Learning to Think for Ourselves” in *Malcolm X: In Our Own Image*; Wood, Joe. (ed.), New York, NY: Doubleday 1994, p. 81-82.

<sup>14</sup> “caste system” has been defined in numerous ways, although its definitions almost always imply economic considerations. For example: 1) “class structure - or the organization of classes into a hierarchy of dominance within a society;” 2) “a type of social structure which divides people on the basis of inherited social status;” 3) “a social structure in which classes are determined by heredity.”

<sup>15</sup> Paradoxically still, while mystifying and obscuring an analysis of capitalism and racism, the revised version of *The New Jim Crow* contains a forward by progressive Democratic Socialist and *Race Matters* author Cornel West.

part, strongly anti-capitalist. These super relevant voices, which have been rendered irrelevant according to Alexander's worldview, include the radical voices of America's black and brown inmates, all political prisoners and prison struggles, the strong voices of anti-oppression, anti-imperialism, anti-exploitation, the voices of revolt, rebellion, revolution, Black and Brown power.<sup>16</sup> Moreover, these excluded voices are part of the broader ahistorical trend in *The New Jim Crow*, which despite the topic of the book quietly denies the relevance of controversial American history, especially African American history, including its most significant leaders, texts, time periods, and philosophies.

While other advocates of racial and social justice have strongly agreed that, "Our struggle is also a struggle of memory against forgetting,"<sup>17</sup> the "colorblind" discourse of *The New Jim Crow* has been almost totally whitewashed, all while paradoxically proclaiming allegiance and dedication to the these same washed away subjects.

- 3) **The Counterrevolutionary Protest:** The operational quality of these stark contradictions, bizarre omissions, strange obfuscations, and subsequent maneuvers of concealment, have also been alluded to by Greg Thomas in his formerly cited essay "Why Some Like *The New Jim Crow* So Much." Noting that *The New Jim Crow* hides more radical and insightful ideas from its unsuspecting readers, Thomas rhetorically asks, "Why set up a basic conceptual framework that is so basically flawed?" In other words, what operational purpose does this flawed framework serve?

Before answering this question further it is incredibly important to understand that despite its severe limitations, in an extremely strange way *The New Jim Crow* is antagonistic toward the system of mass incarceration in the United States. This is to say that while *The New Jim Crow* misleads its readers, mystifying and obscuring the true coordinates of the problem and its potential solutions, it *appears* to be—or rather, Alexander *appears* to be—genuinely concerned and well intentioned.

That said, the contradictive operations in the conceptual framework of *The New Jim Crow* reveal a more comprehensive counterrevolutionary function, in addition to an especially sophisticated type of cognitive dissonance. As has been demonstrated, the particular omissions and critical immunizations in *The New Jim Crow* serve to limit the discursive consciousness of the potential revolutionary subject. This limitation, then, runs contrary to the actual needs of the subject(s) under consideration. As playwright Lorraine Hansberry has noted apropos white criticism of Black Power, "The condition of our people dictates what can only be called revolutionary attitudes."<sup>18</sup>

Like other well-meaning but fallacious texts, the discourse of *The New Jim Crow* strongly exemplifies the counterrevolutionary trend in which journalists and scholars comment on social problems in expurgated language in order to minimize any offense to their readers and maintain the stability, sustainability and comfort of their prospective audience. The fact here being that any truly revolutionary perspective on mass incarceration in the United States would never be lauded so heavily, nor would its assertions be so easily and quickly adopted by white liberals and progressives.

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<sup>16</sup> See my previously cited article "Black Out: Michelle Alexander's Operational Whitewash" for a partial list of these super relevant yet bizarrely omitted individuals, organizations, social movements, and subjects.

<sup>17</sup> As quoted in: hooks, bell. *Talking Back: Thinking Feminist, Thinking Black*, Cambridge, MA: South End Press 1989, p. 4.

<sup>18</sup> As quoted in: hooks, bell. *Yearning: Race Gender and Cultural Politics*, Boston, MA: South End Press 1990, p. 186.

For these reasons, and in connection to the text's critical systemic immunizations and bizarre omissions, I have previously written that *The New Jim Crow* contains "no acknowledgment that the likely champions of the text are the direct and continued benefactors of the "caste system" they so deplore." To put it in very simple terms, *The New Jim Crow* espouses a counterrevolutionary, self-serving position insofar as it omits all truly revolutionary stances from its discourse. This, then, is how we should read *The New Jim Crow*: as a protest which allows its readers to vent their outrage about the "caste system" of mass incarceration while simultaneously minimizing actual disruption of the system, personal responsibility and sacrifice—that is, maximizing personal comfort through counterrevolutionary protest—a protest whose actual operational function is to make sure nothing really changes.

### **Toward Détournement of The New Jim Crow**

In these three examples we have observed, among other things, that *The New Jim Crow* paradoxically excludes an analysis of mass incarceration's most central and defining factors, bars a discussion of the most relevant time periods, texts, and philosophies, excludes the most salient, affected and revolutionary voices (especially the voices of African Americans), and engages in a paradoxical counterrevolutionary protest that misleads readers about the context, causes and possible remedial methods of mass incarceration in the United States.

This information cannot be ignored and those seeking honest dialogue, change and justice should be extremely cautious about blindly adopting *The New Jim Crow* as their "new bible."<sup>19</sup> According to a historical and contextual analysis, *The New Jim Crow* offers us nothing new and in-fact promotes a false understanding of mass incarceration in the United States. Therefore, *The New Jim Crow* cannot assist advocates in gaining an accurate understanding of mass incarceration in the United States, nor can it help seekers of justice in analyzing their own complicity with and legitimization of the structures that they seek to dismantle. That said, while we certainly cannot put these indiscretions aside, nor excuse Alexander for seriously misleading us, it is nonetheless essential to explicitly note what is signified by Alexander's conventional presentation.

Over forty years ago in "The Search for New Forms" Kwame Ture (Stokely Carmichael) warned us that demands for social justice must be made without regard to their initial "respectability" "precisely because respectable demands have not been sufficient."<sup>20</sup> Contrary to Ture's suggestion, Alexander's work presents us with a truly catastrophic situation, but a "respectable" contextual framework, which at every turn obscures the true coordinates (and potential solutions) of mass incarceration. Likewise, according to Becker's "hierarchy of credibility," the *The New Jim Crow* occupies a top position<sup>21</sup>—that is, Alexander's fidelity to the "credible" (not to the authentic) causes her to further marginalize the already marginalized voices that have provided students and advocates with the most insightful and significant observations on social change and justice.

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<sup>19</sup> *The Strange Career of Jim Crow*, a book written by C. Vann Woodward and published in 1955, was famously called "the historical Bible of the civil rights movement" by Rev. Martin Luther King, Jr. Alexander's *The New Jim Crow* has been called "the secular bible for a new social movement" by moral philosopher and professor Cornel West, who wrote a forward to the revised edition of the book.

<sup>20</sup> Kwame, Ture., Hamilton, Charles, V. "The Search for New Forms," in *Black Power: The Politics of Liberation*, New York: NY: Vintage 1992, p. 166.

<sup>21</sup> According to Becker, sociologists and others who draw on "credible" official accounts (those with authority) are likely to present readers with an inadequate overall view of society through one-sided research, which tends to reinforce the parameters and mechanisms of the status quo.

In its current form *The New Jim Crow* embodies and points to a serious problem. One where advocates and scholars find themselves at the frontiers of our most critical and defining challenges, but permanently caught between the soft language of political correctness and the hard facts of reality. As we have seen, this problem produces very serious and very telling contradictions—contradictions that without critical analysis prevent us from meeting even the most basic imperatives of scholarship and justice. With that in mind, the enormous praise that surrounds *The New Jim Crow* should deeply concern all those with an interest in scholarship, social change and justice. We mustn't be presented or present ourselves with a false reality where America's expanding prison system—or its other oppressive constructs—are rendered in isolation from their central factors in order that we remain comfortable and undisturbed—or disturbed, but only cathartically.

In conclusion, given the subject of *The New Jim Crow* its discourse is an exceptional example of recuperation. Because of its wide dissemination and acclaim, in order to détour its further proliferation, delegitimize and supersede its false contextual framework, readers and would-be agents of social change and justice must move “toward détournement of *The New Jim Crow*,”—toward a discovery of “the strange career of the New Jim Crow”—that is, toward a “negation of the value of the previous organization of expression.”<sup>22,23</sup> By détourning the commercial misinformation and half-truths that were originally intended for the book's target audience it may be possible to salvage *The New Jim Crow* as an instructive category of race relations, producing a new version that would communicate messages antithetical to the contextual framework of the original, thus providing concerned minds with a more accurate understanding of mass incarceration in the United States—and—a powerful lens through which we could view the strange depths and modes of ideological domination and rhetorical schisms, which sustain societal problems even while challenging them.

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<sup>22</sup> “Détournement,” *Generation Online*: <http://generation-online.org/c/cdetournement.htm>

<sup>23</sup> Debord, Guy. “Methods of Détournement” in *Les Lèvres Nues* #8, May 1956.