

The New Jim Crow



INTRODUCTION

BRIEF BIOGRAPHY OF MICHELLE ALEXANDER

Michelle Alexander attended Vanderbilt University and Stanford Law School, and as a civil rights lawyer, she served as director of the Racial Justice Project of the American Civil Liberties Union (ACLU). During her time working for the ACLU, her opinions about the criminal justice system underwent a major shift; while she had initially believed that incremental reform could eventually lead to a fair criminal justice system, she began to suspect that a more radical change to the entire system was necessary. In 2005, she used a Soros Justice Fellowship to support work on *The New Jim Crow*. Upon its release, the book became a huge success, winning five awards and spending a year on *The New York Times* bestseller list. Alexander continues to campaign for criminal justice reform. Having held a joint appointment at the Kirwan Institute for the Study of Race and Ethnicity and the Moritz College of Law at The Ohio State University, in 2016 Alexander announced she was “walking away from the law,” resigning from Ohio State in order to take a position as Visiting Professor at Union Theological Seminary.

HISTORICAL CONTEXT

In 1971, President Richard Nixon announced a “war on drugs,” dramatically increasing federal funding for anti-drug efforts and instituting new policies such as no-knock searches and mandatory minimum sentencing. President Ronald Reagan escalated these efforts, pouring even more money into federal drug control agencies while vastly expanding the power and incentive of the police in tackling drug crime. At the same time, Reagan’s administration deployed propaganda in order to whip up public hysteria about the threat of crack cocaine, deliberately linking this threat to negative African-American stereotypes such as the dangerous black male criminal and the irresponsible “welfare queen.” The War on Drugs was further expanded and made more aggressive by President Bill Clinton, who combined “tough on crime” efforts with major cuts to public assistance. While Alexander notes that there was widespread hope that this approach would end with the election of Barack Obama, the country’s first black president, in reality this did not take place. Obama further increased federal spending on anti-drug policy and occasionally took up the same “tough on crime” rhetoric as his predecessors. During his presidency, the issues of mass incarceration and police brutality received increased attention in the public eye, with many racial justice advocates criticizing Obama’s lack of progressive action on the issue.

RELATED LITERARY WORKS

In the introduction to the book, Cornel West argues that Alexander is writing in the tradition of “intellectual freedom fighters” including Marian Wright Edelman, Loïc Wacquant, and Angela Davis. Alexander herself cites the work of Wacquant, W.E.B. Du Bois, Martin Luther King, James Baldwin, and many other African-American intellectuals in order to support her argument that American history has been dominated by racist systems of social control. *The New Jim Crow* is the most well-known of a number of recent books covering the topic of mass incarceration, including Christian Parenti’s *Lockdown America*, Angela Davis’ *Are Prisons Obsolete?*, and Ruth Wilson Gilmore’s *Golden Gulag*.

KEY FACTS

- **Full Title:** *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*
- **When Written:** 2005-2010
- **When Published:** 2010
- **Literary Period:** Contemporary nonfiction, 21st century African American criticism
- **Genre:** Sociopolitical nonfiction
- **Setting:** United States, focusing mostly on 1980-present

EXTRA CREDIT

Justice and faith. Having resigned from the Ohio State law faculty to take a position at Union Theological Seminary, Alexander will co-teach a course entitled “Spirit of Justice: Towards an Interfaith Theology of Liberation.”

An act of protest. During the confirmation of hearing of Attorney General Jeff Sessions in January 2017, one protester in the courtroom could be seen reading *The New Jim Crow*.



PLOT SUMMARY

The book begins with a Foreword by Cornel West, who argues that it will prove indispensable to the fight against racial justice in the contemporary moment and that it embodies “the spirit of Martin Luther King, Jr.” West critiques the political climate that has flourished under President Barack Obama, arguing that despite the apparent signs of racial progress, the United States is still a deeply divided, unequal, and unjust society. He urges the reader to reject the language of “colorblindness” and instead embrace the fight for justice. In the Preface, Michelle Alexander notes that the book was not “written for everyone,”

but hopes that it will inform and inspire those who are not yet fully aware of the problem of mass incarceration, as well as provide solace to those who are currently incarcerated.

The Introduction begins with Alexander's comparison between an incarcerated African-American man today and the man's ancestors who, like him, were denied basic rights as a result of slavery and Jim Crow, respectively. Alexander explains that ten years ago, she was suspicious of the claim that mass incarceration was a "new Jim Crow," but that while working on racial justice advocacy at the American Civil Liberties Union she came to change her mind. Rather than a neutral system suffering from a problem of racial bias, mass incarceration is inherently a system of "racialized social control" distinctly similar to Jim Crow.

Although it might seem alarming to claim that the **War on Drugs** is a racist conspiracy, there are certainly many conspiratorial aspects to its history—including the fact that it was started during a period in which drug crime was actually on the decline. Alexander criticizes the lack of action against mass incarceration, which she suspects was partially facilitated by the election of Barack Obama. According to Alexander, Obama's victory distracted people from the fact that "a human rights nightmare is taking place on our watch."

In Chapter One, Alexander examines the history of racial caste systems in America, arguing that the cycle of different systems of racist control prove that racism is "adaptable" and will change to suit a particular era. During the colonial period, black people were brought to America as cheap labor and placed at the bottom of the racial caste system created by slavery. This system was eventually replaced by Jim Crow, which, although it looked different from slavery, operated according to the same principles of monitoring, regulating, and suppressing black people. When the civil rights movement tore down Jim Crow, it seemed sadly inevitable that another racist system of control would emerge in its place. This system took the form of the War on Drugs, which used the crack epidemic as an excuse to aggressively police and incarcerate an enormous number of poor people of color. Although the War on Drugs gained much of its momentum under President Ronald Reagan in the 1980s, it survived beyond Reagan's presidency and was further escalated by Bill Clinton in the 1990s.

Chapter Two describes the criminal justice system through a step-by-step analysis of the process of being arrested, charged, and incarcerated for a drug offense. Alexander argues that a key part of the War on Drugs has been allowing the police to operate with very little oversight. A series of major court cases have given the police free reign to stop people at random, and it is now all but impossible for civil rights litigators to challenge discriminatory police practices such as "stop and frisk." Meanwhile, the police have been made even more powerful by the federal government's decision to outfit drug units in full military gear, to deploy SWAT teams on drug busts, and to allow

police departments to seize the assets of anyone who is merely suspected of being involved in drug crime. This last policy has served as a massive incentive for police aggression in the War on Drugs, and many police departments across the country are now primarily funded by assets seized during drug investigations.

Alexander moves on to describe the many injustices that have plagued courtrooms since the War on Drugs began, including the fact that many people never meet their lawyers and are pressured into accepting plea bargains, often without fully understanding their rights or the consequences of this decision. She adds that mandatory minimum sentences have led to people being locked away for years and even decades for minor infractions, including first time offenses.

In Chapter Three Alexander examines the racial discrimination embedded within the criminal justice system. She points out that in some states, 80-90% of those sent to prison on drug charges are African American. This enormous discrepancy cannot be blamed either on black culture or "old-fashioned," deliberate racism. Rather, much of the racial injustice of mass incarceration can in fact be attributed to unconscious bias. This is made worse by laws that may appear to be race-neutral on the surface, but in fact operate in deeply racist ways; this includes the one hundred-to-one ratio in sentencing recommendations for crack versus powder cocaine. Whereas there is little substantial difference between the two forms of cocaine, crack is more closely associated with black people—and carries sentences a hundred times longer than powder cocaine, which is generally associated with wealthy whites. Meanwhile, black people are often barred from serving on juries as a result of bizarre (yet ostensibly race-neutral) rules, meaning that many African Americans are tried by all-white juries.

In Chapter Four, Alexander considers the stigma associated with being a convicted felon in today's world. She argues that when defendants are offered plea deals that do not include prison time, they will likely not be aware of how much their lives will be affected by being classed as criminals and relegated to the "undercaste" of American society. Felons are constantly given the impression that they are not wanted within mainstream society, and must navigate an impossible maze of rules, restrictions, fines, and fees in order to avoid being sent immediately back to jail. In many states, convicted felons are denied the right to receive public assistance and vote. Many jobs require applicants to state whether or not they have a criminal record, which makes it all-but-impossible for many felons to find legal employment. Even if they are able to secure a job, many of the recently incarcerated owe the state so much in fees that their entire paycheck is seized in order to pay these debts. As a result, many end up homeless and driven to crime once again.

Alexander argues that, contrary to the views of many people,

poor people of color simply want to live ordinary, safe, and healthy lives, but do not have the opportunities or resources to make this happen for themselves. While some people blame gangsta rap culture on the high rates of violence and drug use in African-American communities, research has shown that it is in fact poverty and lack of job opportunities that drives people to crime.

In Chapter Five, Alexander examines moments in which prominent figures in the media, politics, and popular culture have asked the question: “Where have all the black men gone?”. She finds it odd that, despite the ubiquity of this question, nobody gives the honest answer that a large percentage of them are in prison. Alexander argues that in order to address the problem of mass incarceration, we must become more honest about the fact that it is taking place.

Alexander reviews the many similarities between Jim Crow and mass incarceration. Both were created in order to redirect the anger of working-class whites away from economic issues and toward the scapegoat of people of color. Both systems racially segregate people to the point of creating two separate worlds, and both depend on legal and political disenfranchisement in order to survive. Crucially, both systems also heavily depend on the association between black people and criminality. Having reviewed these similarities, Alexander moves on to note some major differences between Jim Crow and mass incarceration. The most important of these is the fact that where Jim Crow was overtly racist, mass incarceration is—on the surface—race-neutral. As a result, there has not been an inter-class solidarity movement among African Americans working to end mass incarceration in the same way there was in the case of Jim Crow. In fact, some African-American leaders have in fact voiced support for the “tough on crime” approach that has created and sustained mass incarceration. This has created divisions in the African-American community as well as among racial justice advocates in general, which Alexander urges must be solved in order for there to be any hope of achieving justice.

In the sixth and final chapter, Alexander argues that people have been living in a state of “collective denial” over the issue of mass incarceration. She is particularly critical of the silence on the issue among civil rights lawyers, who we would expect to have more awareness about it than the general public. Alexander points out that mass incarceration is a notably different problem than the racial justice issues over which civil rights lawyers have successfully taken action in the past. Whereas in the 1950s litigators were keen to use “respectable” figures such as Rosa Parks as the face of their campaigns, it is difficult to find convicted felons who will be deemed “respectable” among the general public. Because of this dilemma, civil rights lawyers have tended to focus on issues such as affirmative action, which affect middle-class, wealthy, “innocent” black people rather than the poor and incarcerated. Alexander admits that she does not have a concrete vision for

addressing mass incarceration, but that she hopes she will inspire others to develop detailed plans. She argues that it is vital not to get caught up in small, individual instances of reform but rather to focus on dismantling the entire system. She stresses the importance of attacking private investment in prisons, ending racial profiling, demilitarizing the police force, legalizing marijuana and perhaps other drugs, eradicating drug forfeiture laws, and—perhaps most important of all—winning in “the court of public opinion.”

Alexander suggests that, in contrast to the dominant view of the civil rights community, it might be necessary to end affirmative action in order to achieve true racial justice. She explains that Americans have been placated by the presence of “cosmetic racial diversity,” which has distracted from the reality of stark racial injustice. She invokes the revolutionary vision of Martin Luther King, who stressed that America will never be a fair or equal country until poor people of all races are no longer oppressed. Alexander then includes a quotation from James Baldwin’s letter to his nephew published in [The Fire Next Time](#). In the letter, Baldwin urges his nephew to remain strong and promises that the fight for justice can be won. The book ends with Baldwin’s statement: “We cannot be free until they are free.”



CHARACTERS

Barack Obama – Born in 1961 in Honolulu, Hawaii, Barack Obama was the 44th President of the United States. In 2008 he made history by being elected the first African-American president in the nation’s history. In *The New Jim Crow*, Alexander describes the excitement that surrounded his election, particularly among African Americans, civil rights lawyers, and racial justice advocates. For many, however, this excitement turned to disappointment during Obama’s two-term presidency. Rather than instituting the change that many people hoped he would, Obama mostly continued the “tough on crime” approach advanced by his predecessors. Alexander also discusses the possibility that Obama’s election hindered the fight for racial justice simply by helping to convince people that racism is no longer a major issue in America. She argues that Obama fits into a broader trend of “black exceptionalism,” whereby the success of a select few black people is taken as evidence that no further action needs to be taken to fight racial oppression and injustice. Obama himself advanced this impression by sometimes using rhetoric that blamed poor and incarcerated African Americans for their own predicament, rather than addressing the structural inequality that continues to shape American society.

Martin Luther King, Jr. – Dr. Martin Luther King, Jr. was a minister and activist who is undoubtedly the most well-known figure to emerge from the Civil Rights Movement. Born in 1929 and assassinated in 1968, King’s messages of love, cooperation,

altruism, and justice are frequently invoked by individuals across the political spectrum. This has led some contemporary racial justice activists—including Alexander—to point out that, particularly in the years leading up to his death, King’s vision was far more revolutionary than many people today seem to want to admit. Alexander argues that, rather than simply wanting a “colorblind,” racially harmonious world, King wished to radically restructure American society in order to bring justice to its poorest and most marginalized members.

Ronald Reagan – Ronald Reagan was a well-known actor who in 1980 was elected the 40th President of the United States, after having first served as Governor of California. A Republican, Reagan instituted an economic policy based on reducing taxes, regulation, and government spending (nicknamed “Reaganomics”). Although President Richard Nixon was the first to use the phrase “**War on Drugs**” and initiate some of its key policies, it is Reagan who is most closely associated with the drug war. Although conventional wisdom holds that Reagan ramped up anti-drug efforts in response to the crack epidemic, in *The New Jim Crow* Alexander suggests that the drug war actually preceded the rise in popularity of crack, and that the Reagan administration in fact deliberately increased public hysteria about the threat of crack in order to build support for militant policing and mass incarceration. Reagan’s political legacy is controversial; highly popular among conservatives, he is also widely associated with civil rights infringements, a steep decline in social welfare, and the reversal of racial progress.

Bill Clinton – Born in Arkansas in 1946, Bill Clinton was elected in 1992 as the 42nd President of the United States. A Democrat, Clinton is largely associated with centrist policies that sought to fuel economic growth and increase global stability. In *The New Jim Crow*, Alexander focuses on Clinton’s controversial welfare reform efforts and escalation of the **War on Drugs**. Alexander argues that Clinton is responsible for increasing the suffering of poor, black, and/or incarcerated people by draining support for social welfare and exaggerating the cruelty of the “tough” approach to criminal justice.

unjust. Alexander argues that both Jim Crow and mass incarceration are versions of “legalized discrimination,” and that we therefore cannot assume that the law is always just. Similarly, the police operate in a way that often terrorizes rather than helps the communities they are theoretically supposed to protect. Alexander states that “few legal rules meaningfully constrain the police in the **War on Drugs**.” The police therefore operate above the confines of justice, even when they are not technically violating the law. Alexander also details the ways in which corruption and injustice influence the courts, pointing out that defendants often do not receive adequate legal representation and are pressured to plead guilty due to mandatory sentencing laws. Overall, she shows that the phrase “criminal justice system” is deeply ironic, as there is nothing “just” about the way in which this system operates.

Alexander also shows how justice is warped by society’s definition of criminality. She argues that mass incarceration is the result of “changes in our laws... not increases in crime,” pointing out that an enormous number of people currently incarcerated are convicted of minor nonviolent drug offenses. They do not pose a major threat to society and—considering that a large percentage of the American population has consumed drugs—their involvement with drugs does not make them exceptional among the general population. (Indeed, Alexander points out that contrary to popular opinion, the War on Drugs has had little effect on putting drug “kingpins” behind bars, but has rather targeted low-level dealers and consumers of drugs.) On the other hand, a disproportionate percentage of the incarcerated population are black and Latino, despite people of all races consuming drugs at very similar levels. Thus the definition of what it means to be a criminal is connected to race in such a way that suggests that the American justice system is not only racially biased, but intrinsically racist on a deep and damning level.

Alexander is keen to point out that the gains made during the civil rights movement began with grassroots activism before emerging into legal victories. She argues that as the momentum of the era came to be associated with Supreme Court rulings, the passing of the Civil Rights Act, and other legal changes, people began to trust that racial justice could be achieved through legal means. In hindsight, this was a mistake, as we remain in an era in which legalized discrimination is deeply embedded in the criminal justice system. Whereas in the past civil rights activists could rely on using sympathetic figures (such as Rosa Parks) in order to garner support for legal changes, the stigma against criminals is so powerful that it is difficult to persuade people that mass incarceration is unjust. Alexander emphasizes that, because we cannot rely on the law being just, we must hold the law accountable to our own sense of justice, rather than the other way around.



THEMES

In LitCharts literature guides, each theme gets its own color-coded icon. These icons make it easy to track where the themes occur most prominently throughout the work. If you don’t have a color printer, you can still use the icons to track themes in black and white.



JUSTICE VS. THE LAW

The book emphasizes that although Jim Crow laws were legal (and indeed an intrinsic part of the Southern legal system), they were also deeply



THE ILLUSION OF PROGRESS

Throughout the book, Alexander argues against the commonly-held view that there has been significant progress in racial equality since the Jim Crow era.

She particularly focuses on the significance of Barack Obama's presidency, which many people take as evidence that America has entered a "post-racial" era in which racism is no longer a powerful barrier to people of color achieving success. However, Alexander argues that there is "no inconsistency" between the election of Obama and the continuation of a racial caste system in the form of a "new Jim Crow." This is because Obama represents a different racial caste from the African Americans incarcerated in prison. Moreover, Obama's status as an "exceptional" black person in fact helps to maintain the racist systems of anti-black police brutality and mass incarceration by disguising the fact that racism is still a powerful force in everyday American life. Only by exposing the illusion of the "post-racial" era will there ever be hope of the racial caste system being eliminated.

Alexander is also critical of the extent to which Obama himself is complicit in the post-racial narrative of the contemporary moment. She notes that Obama has repeated the same rhetoric used by white conservatives blaming African-American communities for the problems they face without acknowledging the roots of these problems in the legacy of slavery, economic deprivation, and Jim Crow.

Further, Alexander criticizes the way in which civil rights leaders and organizations have neglected the issue of mass incarceration. She argues that even as these leaders work diligently in order to avoid reversing the "progress" that has been made since the Civil Rights Act was passed, many ignore or underplay the problems within the criminal justice system.

Alexander compares the current illusion of progress to other moments in American history, such as the period that followed the Emancipation Proclamation. Although the abolition of slavery theoretically freed African Americans who had previously been held captive, for many freed slaves the years following Emancipation were not substantially different from the experience of slavery. Economic oppression, violent terror such as lynching, and the "legalized discrimination" of Jim Crow meant that black people were still living under a regime of terror and suppression that meant they were never able to experience freedom at all. Alexander argues that African Americans have remained oppressed by cyclical systems of control that seem to die, but are in fact always revived in a new form. Mass incarceration is thus not only "the new Jim Crow," but arguably in some senses the new slavery as well.



RACIAL CASTES, STEREOTYPES, AND HIERARCHIES

One of the book's central arguments is that "we

have not ended racial caste in America; we have simply redesigned it." By "caste," Alexander highlights not only the grouping of people into racial categories but also the fact that certain races are "locked into an inferior position by law and custom." By using the language of racial castes, which refers not only to skin color but also class position, Alexander emphasizes the way in which race and racism are deeply intertwined. Race is not a neutral system of differentiation, but an oppressive and violent hierarchy that deems some people less equal—arguably less "human"—than others. Alexander explains that this ideology allowed Thomas Jefferson to state in the Declaration of Independence that "All men are created equal" even while slavery was still legal, as Jefferson and many other white Americans at the time did not consider African Americans to be people.

Alexander shows how mass incarceration has created a particular racial caste: that of the African-American "criminal." This idea refers to the way in which poor black people (and, in many cases, wealthy black people as well) are assumed to be guilty of criminal activity even when there is no evidence to indicate that this is the case. The policy of "Stop and Frisk" demonstrates the way in which this racial caste functions; through this policy, police are empowered with the ability to search anyone, even if they have no reason to suspect they are guilty of a crime. Evidence shows that police disproportionately search young Latino and African-American males, suggesting that police associate Latino and African-American men with criminality. This is similar to the way in which cultural stereotypes such as the "welfare queen" and "crack baby" associate poor African Americans with crime. Importantly, individuals do not have to have any personal association with drugs or crime in order to be associated with this "criminal" racial caste. Rather, they are pushed into this caste simply by the color of their skin.

However, the book is not only concerned with the way in which non-criminals are mistaken for criminals because of racism; it also seeks to change the way that criminals themselves are perceived and treated. Alexander argues: "Criminals, it turns out, are the one social group in America we have permission to hate. In 'colorblind' America, criminals are the new whipping boys." Although there is evidence that many people who are either not guilty or barely guilty of serious crimes are incarcerated, it is also true that many incarcerated people *have* committed serious crimes. However, Alexander argues that this is not a reasonable excuse for the unjust and cruel way in which they are treated. The stigma of crime does not change the fact that criminals are people with human rights, and much of *The New Jim Crow* is dedicated to exposing the way in which these rights are violated in America.

Alexander also provides convincing evidence of all the ways in which poor African Americans are disproportionately forced to turn to criminality in order to survive. She provides examples of

vulnerable individuals—such as single mothers or children in the foster care system—who, because of lack of resources and opportunities, have no option except to turn to crime in order to survive. By framing her argument in the context of the legacy of slavery, Alexander shows how African-American populations are particularly vulnerable to being caught in the criminal justice system through no fault of their own.



VIOLENCE, SURVEILLANCE, AND SOCIAL CONTROL

The New Jim Crow aims to radically reverse the reader's understanding of the relationship between

the criminal justice system and violence. Whereas we are usually taught to believe that prisons and police keep people safe from violence, Alexander argues that prisons and police are in fact tools through which the state inflicts violence on people in order to control them. While she concedes that many people find it absurd that society could be safer and less violent without prisons, this was a widely-held view among criminologists only a few decades ago, and is becoming increasingly accepted in the present day.

Alexander emphasizes that many poor African Americans face a life that is inescapably violent. Although the criminal justice system places blame on individuals for being caught with weapons or involved in violent crime, this fails to take into account the pervasive violence that such individuals likely face every day. Furthermore, the notion of self-defence is often applied inconsistently to white and black Americans. Whereas many white people—and particularly conservatives—are staunchly in favor of protecting the right to bear arms, many of these same people will support a “tough” approach on crime that imprisons black people for weapon ownership. This hypocrisy is evidence of the way that racist ideology obscures the extent to which black people can be victims of violence as much as perpetrators, much as white people can be perpetrators and not only victims.

Mandatory sentencing and the increased length of sentences provide evidence that the motivation behind mass incarceration is to control the population, rather than keep the rest of society safe from danger. Alexander adds that even if people are released from prison, they are then further observed and controlled through the systems of probation and parole. Seen from this angle, the prison system appears to be closer to an excuse to spy on people than a legitimate social program.

Indeed, Alexander emphasizes the way in which black people have been under disproportionate and extreme forms of surveillance since the slavery era. Although some of the methods of this surveillance have changed, its function remains the same—to suppress the African-American population, creating a dynamic in which the state (and often individual

white people) has the ability to control black people's everyday actions.

Alexander argues that if the criminal justice system's main role was to make society a better place, then it wouldn't be so difficult for former prisoners to transition into ordinary, productive citizens. Instead, criminal convictions often leave people unable to vote, get a job, secure housing, receive food stamps, and so on. Alexander therefore concludes that the true function of the criminal justice system is to control the population and continue the oppression of certain racial castes, particularly poor African Americans.



MYTH, DISHONESTY, AND CONSPIRACY

In the introduction to the book, Alexander admits that when she first encountered the argument that mass incarceration was a continuation of slavery and Jim Crow, it sounded like a conspiracy theory that would hinder rather than help the fight for racial justice. However, in the ten years following that first encounter, her opinion shifted drastically. The book shows that the phenomenon of mass incarceration is indeed something of a white supremacist conspiracy. The myths upon which this conspiracy is based are so deeply entrenched in society that even Alexander herself—an African-American lawyer and civil rights advocate dedicated to advancing racial justice—spent much of her career believing they were legitimate.

There are countless examples of myths and lies that comprise the conspiracy of mass incarceration. The use of race-neutral rhetoric to discuss the criminal justice system is dangerously dishonest considering the extent to which mass incarceration disproportionately affects black and Latino communities. Furthermore, language such as “law and order” is used to disguise mass incarceration as a positive and necessary social policy, rather than a brutal means of oppressing and controlling black people. Alexander argues that the claim that the Civil Rights Movement was supposedly a threat to “law and order” proves that law and order was in fact a kind of code for white supremacy. Meanwhile, another myth holds that crime is fostered by black *culture*, rather than poverty, lack of opportunities, and social alienation. Although this myth has existed since black people were first brought to America, it took off in the 1970s in a way that laid foundations for the **War on Drugs**. The War on Drugs in turn misconstrued facts about the problems of drugs and crime, exaggerating the threat they posed and disproportionately blaming them on African-American communities. Furthermore, Reagan's government deliberately utilized propaganda in order to perpetuate these myths and increase support for the “tough” approach to drugs and crime.

In many ways, *The New Jim Crow* functions as a kind of antidote to the myth, dishonesty, and conspiracy on which mass

incarceration is based. Whereas the myths Alexander cites have their basis in prejudice rather than reality, Alexander herself uses a range of scholarly methods—including archival evidence, statistical analysis, and anecdotes—in order to prove her points. The amount of evidence contained within the book hints at the difficulty of undoing the myths that prop up the system of mass incarceration. Even as Alexander provides overwhelming evidence of the injustice present within contemporary American society, the myths and dishonesty that produce this injustice may well endure as the more powerful force.



SYMBOLS

Symbols appear in **teal text** throughout the Summary and Analysis sections of this LitChart.



THE WAR ON DRUGS

In addition to having symbolic meaning, the War on Drugs is simply the central topic of the book. The first time the phrase was used in a political context was in 1971, by President Richard Nixon. Although there has been a long history of federal anti-drug legislation in the United States—including under Nixon’s administration—the phrase War on Drugs is most closely associated with the anti-drug efforts of President Ronald Reagan. Reagan oversaw the militarization of the police, the institution of mandatory minimum sentences, and massive increases in federal funding to combat drug crime. The Reagan administration is also now known to have deliberately produced propaganda in order to promote racist stereotypes such as the “crack baby” and “welfare queen.” However, the War on Drugs did not subside after Reagan left office. In Alexander’s words, President Bill Clinton “escalated the drug war beyond what conservatives had imagined possible,” and funding for anti-drug policing increased further under President Obama. Although the Obama administration rejected the use of the phrase “War on Drugs,” its policies did not reflect this shift away from war rhetoric.

As well as being an actual set of policies, the War on Drugs is also a metaphor that brings together many of the most charged racial, economic, and political issues of our era. Many people consider the idea of conducting a “war” on drug abuse to be common sense, part of a “tough on crime” approach that will ultimately make society healthier and safer. However, Alexander digs deeper into what has motivated the government’s single-minded attack on drug abuse, suggesting that it may be guided less by social welfare than a desire to police, control, and suppress poor people of color. Indeed, the word “drugs” as it is used in “War of Drugs” is something of a misnomer. Alcohol, cigarettes, caffeine, LSD, and powder

cocaine are all examples of drugs that have not been targeted with nearly the same level of aggression as drugs associated with African Americans—particularly crack cocaine. The overall impression provided by the book is that the War on Drugs more closely resembles an assault on the freedom and liberty of poor black and Latino Americans than a productive program for social wellbeing.



QUOTES

Note: all page numbers for the quotes below refer to the New Press edition of *The New Jim Crow* published in 2012.

Introduction Quotes

☞ Once you're labeled a felon, the old forms of discrimination—employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service—are suddenly legal. As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow. We have not ended racial caste in America; we have merely redesigned it.

Related Themes:     


Page Number: 2

Explanation and Analysis

Alexander has explained that there is a strong continuity between the experiences of convicted felons today and African Americans during Jim Crow. She notes that many African-American felons have their rights and freedoms infringed upon in almost the exact same manner as their grandparents did in the South during the early-to-mid 20th century. In this passage, she introduces the full scope of this “legalized discrimination.” Rights that we often think of as universal are, in contemporary America, denied to a large percentage of the population. Rather than being an effective way of preventing crime, the criminal justice system is thus in fact a deeply unfair system of control that arbitrarily relegates millions of people—mostly poor people of color—to an “underclass” subjected to intimidation, surveillance, and violence.

●● In some states, black men have been admitted to prison on drug charges at rates twenty to fifty times greater than those of white men. And in major cities wracked by the drug war, as many as 80 percent of young African American men now have criminal records and are thus subject to legalized discrimination for the rest of their lives. These young men are part of a growing undercaste, permanently locked up and locked out of mainstream society.

Related Themes:   

Related Symbols: 

Page Number: 7

Explanation and Analysis

Alexander has explained that as a result of the War on Drugs, the number of prisoners in American has ballooned to an enormous size, outstripping that of every other country in the world. Arguably even more horrifying than the number of people locked up in America, however, is the racial makeup of the incarcerated population. As she explains in this passage, African-American populations have been devastatingly impacted by the War on Drugs. The racial injustice caused by the War on Drugs is so severe that, as Alexander notes, it has created a whole new racial caste system in America. By “undercaste,” Alexander describes not only the second-class status but also the profound stigma attached to having a criminal record.

●● For me, the new caste system is now as obvious as my own face in the mirror. Like an optical illusion—one in which the embedded image is impossible to see until its outline is identified—the new caste system lurks invisibly within the maze of rationalizations we have developed for persistent racial inequality. It is possible—quite easy, in fact—never to see the embedded reality. Only after years of working on criminal justice reform did my own focus finally shift, and then the rigid caste system slowly came into view. Eventually it became obvious. Now it seems odd that I could not see it before.

Related Themes:   

Page Number: 12

Explanation and Analysis

Alexander has noted that earlier in her career, she was suspicious of the claim made by some activists that the War

on Drugs was a kind of “new Jim Crow,” a deliberate way of oppressing African Americans and other people of color. However, during her time working as the director of the Racial Justice Project at the American Civil Liberties Union, her opinion changed. In this passage, she explains that although the brutal reality of mass incarceration now seems “obvious,” she understands how other people remain ignorant of it—particularly those who do not work in law or racial justice advocacy professionally.

The “maze of rationalizations” to which Alexander refers describes the officially “race-neutral” policies that constitute the system of mass incarceration, along with the insistence that American society is no longer racist but in fact “colorblind.” While it might be tempting to believe the promise of these rationalizations, doing so inhibits any chance of achieving real justice.

Chapter 1 Quotes

●● The concept of race is a relatively recent development. Only in the past few centuries, owing largely to European imperialism, have the world's people been classified along racial lines. Here, in America, the idea of race emerged as a means of reconciling chattel slavery—as well as the extermination of American Indians—with the ideals of freedom preached by whites in the new colonies.

Related Themes:   

Page Number: 23

Explanation and Analysis

Alexander has argued that ever since the first settlers arrived in America, the country has been defined by successive systems of racialized social control. The first of these systems was slavery, followed by Jim Crow, followed by mass incarceration. She begins the next section of the chapter by arguing that “the concept of race,” rather than being a natural, obvious fact, is in fact a relatively recent invention. This contradicts commonly-held views of race that see it as being entirely related to ethnic origin or skin color.

As Alexander shows, however, the idea of race is in fact more like a tool which is used to place people into categories. During slavery, the ethnic origins of slaves were mixed up and deliberately “forgotten.” Systematic rape of enslaved women by white men meant that some slaves were in fact very light-skinned, with enough white heritage to have entirely European features such as blond hair and

blue eyes. Race was thus less a descriptive system of people's ethnicity or features and more an organization system used to judge who "counted" as a full person entitled to rights and freedoms.

It may be impossible to overstate the significance of race in defining the basic structure of American society. The structure and content of the original Constitution was based largely on the effort to preserve a racial caste system--slavery--while at the same time affording political and economic rights to whites, especially propertied whites.

Related Themes:   

Page Number: 25

Explanation and Analysis

Alexander has explained how the American racial system developed during slavery, along with the significant impact of slavery in shaping American society overall. She points out that slavery existed before democracy in America, and in this passage argues that the Constitution aimed to solidify the "racial caste system" instituted through slavery. This perspective contradicts what most Americans are taught to believe about the Constitution, which is more often framed as a document enshrining the values of democracy, equality, and freedom for all. However, as Alexander reminds the reader, these promises were in fact limited to a very small percentage of the overall American population. Women, people of color, and poor people were not included in the Constitution's promises or protections.

Under the terms of our country's founding document, slaves were defined as three fifths of a man, not a real, whole human being. Upon this racist fiction rests the entire structure of American democracy.

Related Themes:    

Page Number: 26

Explanation and Analysis

Alexander has argued that, rather than ensuring liberty and equality for all, the Constitution in fact only aimed to protect white property owners, and was actually designed to preserve the racial caste system introduced by slavery. In

this passage, she reminds the reader that the Constitution stated that a slave only counted as three fifths of a person. Alexander stresses that rather than being a historical anomaly, this "racist fiction" has significantly shaped the subsequent development of American society into the present. As she will argue throughout the book, the American political and legal system in many ways still functions as if black people--and especially poor black people--do not have the same rights as other members of the American population.

Genuine equality for black people, King reasoned, demanded a radical restructuring of society, one that would address the needs of the black and white poor throughout the country. Shortly before his assassination, he envisioned bringing to Washington, D.C. thousands of the nation's disadvantaged, in an interracial alliance that embraced rural and ghetto blacks, Appalachian whites, Mexican Americans, Puerto Ricans, and Native Americans, to demand jobs and income--the right to live. In a speech delivered in 1968, King acknowledged there had been some progress for blacks since the passage of the Civil Rights Act of 1964, but insisted that the current challenges required even greater resolve and that the entire nation must be transformed for economic justice to be more than a dream for poor people of all colors.

Related Characters: Martin Luther King, Jr.

Related Themes:    

Page Number: 39

Explanation and Analysis

Alexander has described the legal wins achieved during the civil rights movement, which she claims constituted "undeniable" progress. Yet while civil rights victories helped to end Jim Crow segregation, they fell significantly short of reaching racial justice. In this passage, Alexander describes the vision of Martin Luther King, Jr. for an "interracial alliance" that would work to achieve justice for poor people of all races. Alexander's words highlight an aspect of King's work that is often overlooked in contemporary references to his legacy.

While many people today emphasize King's commitment to nonviolent interracial organizing, few include the crucial addendum that King wanted this to be in service of the "radical restructuring of our society." Although King was assassinated before he could turn this vision into reality,

Alexander argues it is now time to pick up where he left off and institute the radical change described here.

During Clinton's tenure, Washington slashed funding for public housing by \$17 billion (a reduction of 61 percent) and boosted corrections by \$19 billion (an increase of 171 percent), "effectively making the construction of prisons the nation's main housing program for the urban poor."

Related Characters: Bill Clinton

Related Themes:    

Page Number: 57


Explanation and Analysis

Alexander has described how President Bill Clinton was determined to appear more "tough on crime" than any of his predecessors or Republican peers. As a result, he not only dramatically increased support for the War on Drugs but took the same "tough" approach to public assistance, significantly cutting welfare. In this passage, Alexander describes the horrifying result of these twin actions by arguing that prisons became the new "housing program" for poor communities of color. While this statement may seem unbelievable, the statistics Alexander cites throughout the book provide evidence that it is valid. In this light, the "tough on crime" approach of Clinton and other politicians looks like little more than merciless neglect and cruelty.

Chapter 2 Quotes

Few legal rules meaningfully constrain the police in the War on Drugs. This may sound like an overstatement, but upon examination it proves accurate. The absence of significant constraints on the exercise of police discretion is a key feature of the drug war's design. It has made the roundup of millions of Americans for nonviolent drug offenses relatively easy.

Related Themes:   

Related Symbols: 

Page Number: 61

Explanation and Analysis

In Chapter Two, Alexander provides an illustration of the War on Drugs through describing each step of the process

of being arrested, tried, convicted, incarcerated, and released on a drug charge. She begins by explaining the police's role in the drug war, stating that a defining aspect of this role is the lack of regulation and restraint. In this passage, she suggests that this lack of restraint is vital to the horrifying "success" of anti-drug policy. The discretion given to the police has allowed a massive number of people to be funneled into the criminal justice system, where—as Alexander describes in the rest of the chapter—there is then little hope of escape.

Anyone driving more than a few blocks is likely to commit a traffic violation of some kind, such as failing to track properly between lanes, failing to stop at

precisely the correct distance behind a crosswalk, failing to pause for precisely the right amount of time at a stop sign, or failing to use a turn signal at the appropriate distance from an intersection. Allowing the police to use minor traffic violations as a pretext for baseless drug investigations would permit them to single out anyone for a drug investigation without any evidence of illegal drug activity whatsoever. That kind of arbitrary police conduct is precisely what the Fourth Amendment was intended to prohibit.

Related Themes:   

Page Number: 67-68

Explanation and Analysis

Alexander has described the practice of using traffic violations as a pretext for stopping and searching people at random for drugs. In some cases, traffic stops are used in order to circumvent charges of racial profiling. In this passage, she explains the logical absurdity of using traffic violations as a pretext for drug searches, arguing that this makes any driver vulnerable to being stopped by the police; in this sense, there is no real difference between traffic stops and racial profiling.

Alexander's words also emphasize one of the book's most important themes: the arbitrary nature of criminality. Whereas we might ordinarily think of "criminals" as an entirely separate and distinct group of people who choose to break the law, this passage disproves this assumption. Everyone breaks the law at some point, even if it is through an act as ordinary as a minor traffic violation. The fact that it is disproportionately young, poor men of color who are then funneled into the criminal justice system and labeled "felons" is evidence of a profound injustice at the heart of

American society.

●● As legal scholar David Cole has observed, “in practice, the drug-courier profile is a scattershot hodgepodge of traits and characteristics so expansive that it potentially justifies stopping anybody and everybody.” The profile can include traveling with luggage, traveling without luggage, driving an expensive car, driving a car that needs repairs, driving with out-of-state license plates, driving a rental car, driving with “mismatched occupants,” acting too calm, acting too nervous, dressing casually, wearing expensive clothing or jewelry, being one of the first to deplane, being one of the last to deplane, deplaning in the middle, paying for a ticket in cash, using large-denomination currency, using small-denomination currency, traveling alone, traveling with a companion, and so on.

Related Themes:    

Page Number: 71

Explanation and Analysis

Alexander has described the policy of stop and frisk, whereby the police stop and search a massive number of people and thereby increase the likelihood of finding individuals carrying drugs. She moves on to describe the use of drug courier “profiles,” which she notes are “notoriously unreliable.” In this passage, she explains that this unreliability is based in the fact that the profiles contain so many behaviors—many of which are commonplace, vague, or contradictory—that they could be used to describe pretty much anyone.

Of course, the dangerous consequences of this is that it allows for more racial profiling to take place. If police are looking for someone “traveling with luggage” who is “wearing expensive clothing” and “using large-denomination currency,” they are not going to stop a wealthy white grandmother dressed in designer clothes. Instead, they will likely seek out young black and brown men who by their skin color, rather than behavior, are automatically deemed “suspicious.”

●● Property or cash could be seized based on mere suspicion of illegal drug activity, and the seizure could occur without notice or hearing, upon an ex parte showing of mere probable cause to believe that the property had somehow been “involved” in a crime. The probable cause showing could be based on nothing more than hearsay, innuendo, or even the paid, self-serving testimony of someone with interests clearly adverse to the property owner.

Related Themes:   

Page Number: 79

Explanation and Analysis

Alexander has introduced another deeply unjust facet of the War on Drugs: the ability of the police to seize the assets of anyone accused of being involved in a drug crime. As she explains in this passage, the seizure of property is not limited to convicted criminals—which would be unfair enough already—but extends to anyone who happens to find themselves the target of gossip, a deliberate smear, or unfounded suspicion. Again, this gives the police free reign to ruin the lives of anyone they happen to deem suspicious. And due to the well-documented problem of racial bias among police officers, those who fall victim to drug forfeiture laws tend to be poor people of color who have little chance to protest their fate.

Chapter 3 Quotes

●● It is the genius of the new system of control that it can always be defended on nonracial grounds, given the rarity of a noose or a racial slur in connection with any particular criminal case. Moreover, because blacks and whites are almost never similarly situated (given extreme racial segregation in housing and disparate life experiences), trying to “control for race” in an effort to evaluate whether the mass incarceration of people of color is really about race or something else—anything else—is difficult.

Related Themes:   

Page Number: 103

Explanation and Analysis

Alexander has noted that many people are skeptical of the notion that the War on Drugs could racially discriminate on the scale that she describes. She adds that people are often keen to find a nonracial explanation for the phenomenon of mass incarceration even after they are confronted with

statistics revealing the disproportionate amount of people of color caught up in the prison system.

However, in this passage she clarifies that this is precisely what is so “genius” about mass incarceration; on the surface it appears entirely race-neutral, and thus anyone wishing to explain that it is not in fact racist will be able to do so with ease. Meanwhile, those who—like Alexander herself—seek to provide evidence of the racial injustice that is rife within the system find themselves confronted with a structure that has been skillfully designed to avoid all accusations of racial discrimination.

Chapter 4 Quotes

☛ Today a criminal freed from prison has scarcely more rights, and arguably less respect, than a freed slave or a black person living “free” in Mississippi at the height of Jim Crow. Those released from prison on parole can be stopped and searched by the police for any reason—or no reason at all—and returned to prison for the most minor of infractions, such as failing to attend a meeting with a parole officer. Even when released from the system’s formal control, the stigma of criminality lingers. Police supervision, monitoring, and harassment are facts of life not only for all those labeled criminals, but for all those who “look like” criminals. Lynch mobs may be long gone, but the threat of police violence is ever present. A wrong move or sudden gesture could mean massive retaliation by the police.

Related Themes:     

Page Number: 141



Explanation and Analysis

Alexander has jumped back in time to describe the precarious position of free black people living in the North while slavery was still legal in the South. Every day, these individuals risked being kidnapped and dragged back into the slave system that still thrived in the Southern states. In this passage, she compares the situation of these people with people today who have been released from prison only to live at the mercy of constant surveillance and intimidation on the part of the state.

Whereas we might assume that being released from prison constitutes a moment of triumph and freedom, Alexander argues that it is simply the beginning of a new stage of aggressive monitoring and harassment. While this is certainly trying on an immediate, practical level, Alexander’s words also evoke the extent to which it harms people

psychologically. Living under the constant “threat of police violence” can have a profound effect on people’s emotional wellbeing, further inhibiting their ability to act as ordinary members of society.

☛ The churning of African Americans in and out of prisons today is hardly surprising, given the strong message that is sent to them that they are not wanted in mainstream society.



Related Themes:  

Page Number: 143

Explanation and Analysis

Alexander has described all of the ways in which the post-prison period is made difficult for the formerly incarcerated—so difficult that many people, finding themselves unable to survive, simply end up back in prison. In this passage, she argues that this cycle of prison and parole is “hardly surprising,” as it fits within overall trends of African Americans being made to feel rejected from the rest of society. Indeed, Alexander provides ample evidence of the ways in which black people—and convicted felons in particular—are given no opportunities to improve themselves and make positive contributions to the country at large. It is thus no wonder that so many people find themselves caught in cycles of crime and incarceration—for many, there is literally no other choice.

☛ No other country in the world disenfranchises people who are released from prison in a manner even remotely resembling the United States. In fact, the United Nations Human Rights Committee has charged that U.S. disenfranchisement policies are discriminatory and violate international law.

Related Themes:  

Page Number: 158

Explanation and Analysis

Alexander has explained that where prisoners in other countries are allowed (and even, in some cases, encouraged) to vote, no prisoner in the United States is entitled to vote, with many continuing to be disenfranchised even after they are released. To emphasize how unusual and unjust this is,

Alexander notes that the United Nations Human Rights Committee has actually pointed out that this mass disenfranchisement violates international law. While the United States often frames itself as the most free and democratic nation in the world, Alexander's words tell a different story. In reality, the United States so heavily curbs the rights and freedoms of its own citizens that it does not even meet the minimum standards outlined by the international community.

☞ One need not be formally convicted in a court of law to be subject to this shame and stigma. As long as you "look like" or "seem like" a criminal, you are treated with the same suspicion and contempt, not just by police, security guards, or hall monitors at your school, but also by the woman who crosses the street to avoid you and by the store employees who follow you through the aisles, eager to catch you in the act of being the "criminalblackman"—the archetypal figure who justifies the New Jim Crow.

Related Themes:    

Page Number: 162

Explanation and Analysis

Alexander has explained that for Americans who do not have firsthand experience of the criminal justice system, it can be hard to understand just how much social stigma is attached to the status of "convicted felon." In this passage she argues that this stigma is so powerful—and so closely tied to race—that even people who have no history of criminality at all are swept into the negative stereotype of "criminalblackman." This point helps illustrate why mass incarceration has had such a potent effect on African-American communities; even those who, despite the odds, manage to avoid seeing the inside of a prison cell are implicated in the shame associated with incarceration. Furthermore, Alexander's words suggest that when so many people are treated like criminals despite their innocence, this fuels a culture in which criminality feels inescapable.

☞ Poor people of color, like other Americans—indeed like nearly everyone around the world—want safe streets, peaceful communities, healthy families, good jobs, and meaningful opportunities to contribute to society. The notion that ghetto families do not, in fact, want those things, and instead are perfectly content to live in crime-ridden communities, feeling no shame or regret about the fate of their young men is, quite simply, racist.

Related Themes:    

Page Number: 170

Explanation and Analysis

Alexander has examined the racist stereotype that poor black people "feel no shame" and *choose* to live lives dominated by drugs, violence, and criminality. In reality, she counters, people are simply driven to these choices because they have so few alternatives. It is a racist conspiracy to argue that the roots of criminality lie in black culture or black people's choice, particularly when academic research has proven time and time again that poverty and lack of job opportunities are what drive people to drugs and crime. Yet despite the overwhelming scholarly consensus on this matter, politicians, the media, and public opinion still favors the view that drugs and crime are a matter of personal choice and responsibility.

Chapter 5 Quotes

☞ The clock has been turned back on racial progress in America, though scarcely anyone seems to notice. All eyes are fixed on people like Barack Obama and Oprah Winfrey, who have defied the odds and risen to power, fame, and fortune.

Related Themes:   

Page Number: 180

Explanation and Analysis

Alexander has argued that racial justice in the United States is in a dire state, but that people have hardly noticed due to sustained media attention on black "success stories." Famous and successful black people make it seem as if racism is a thing of the past, when in fact they are simply masking growing inequity, discrimination, and racist violence. Alexander's words also suggest that to a certain extent, figures like Obama and Winfrey are complicit in this spectacular distraction. After all, if they used their positions

in order to continuously amplify the voices of those who have been left worse off, then the American public might not be so ignorant of the plight of the most marginalized members of society.

●● In ghetto communities, nearly everyone is either directly or indirectly subject to the new caste system. The system serves to redefine the terms of the relationship of poor people of color and their communities to mainstream, white society, ensuring their subordinate and marginal status. The criminal and civil sanctions that were once reserved for a tiny minority are now used to control and oppress a racially defined majority in many communities, and the systematic manner in which the control is achieved reflects not just a difference in scale. The nature of the criminal justice system has changed. It is no longer concerned primarily with the prevention and punishment of crime, but rather with the management and control of the dispossessed. Prior drug wars were ancillary to the prevailing caste system. This time the drug war is the system of control.

Related Themes:     

Page Number: 188

Explanation and Analysis

Alexander has explained that while “racial minorities have always been overrepresented” in the criminal justice system, in the past there were still few enough people incarcerated in general that this did not have a major overall impact on society. This has all changed, however, with the system of mass incarceration. Here Alexander explains how a system theoretically designed to control and rehabilitate only a small sliver of the overall population has now been instituted on a mass scale, such that millions of people who have personally never committed a crime still find that their lives are being controlled by the system of criminal punishment.

In doing so, she highlights the absurdity of the fact that huge sections of the American population have had their rights and freedoms stripped away entirely. If this had taken place in another country, it is likely that Americans would be the first to denounce it as a massive violation of human rights; as it stands, the majority of the population has remained silent.

●● Who is more blameworthy: the young black kid who hustles on the street corner, selling weed to help his momma pay the rent? Or the college kid who deals drugs out of his dorm room so that he'll have cash to finance his spring break? Who should we fear? The kid in the 'hood who joined a gang and now carries a gun for security, because his neighborhood is frightening and unsafe? Or the suburban high school student who has a drinking problem but keeps getting behind the wheel?

Related Themes:   

Page Number: 216

Explanation and Analysis

Alexander has critiqued the tendency to create a binary divide between criminals and non-criminals, pointing out that everyone makes mistakes and that almost everyone at some point breaks the law. In this passage, she emphasizes the arbitrary nature of “criminality,” suggesting that who we define as a criminal has much more to do with who a person is—and particularly with the color of their skin—than what they have actually done. While overt racism is generally now seen as unacceptable in America, taking a harsh, unforgiving attitude toward criminals has arguably served as a veil for racist sentiment. Furthermore, Alexander’s words suggest we ought to be taking an even harsher view of those people who commit criminal activity despite having the advantages of white privilege and wealth, rather than those driven to criminality out of desperation.

Chapter 6 Quotes

●● Colorblindness, though widely touted as the solution, is actually the problem... colorblindness has proved catastrophic for African Americans.

Related Themes:   

Page Number: 240

Explanation and Analysis

Alexander has criticized the reluctance of many Americans to discuss race openly, mentioning research that has shown that discussing race makes some white people so uncomfortable that they choose not to have friends of color in order to avoid it. She argues that while we have been taught that not mentioning race is a sign or tool of racial justice, in fact it is the opposite. Without an honest conversation about race, injustice has flourished. African

Americans who attempt to describe the prejudice and discrimination they encounter are accused of obsessing over race simply because they dare to mention it. According to Alexander, America is still governed by a racial caste

system that remains in place because nobody will discuss the fact that it is there. In order to achieve racial justice, then, people must admit that they are not in fact “colorblind.”



SUMMARY AND ANALYSIS

The color-coded icons under each analysis entry make it easy to track where the themes occur most prominently throughout the work. Each icon corresponds to one of the themes explained in the Themes section of this LitChart.

FOREWORD

Cornel West begins the foreword by stating that *The New Jim Crow* will prove to be hugely important to the fight for social and political justice in the present era. He argues that Michelle Alexander writes in a tradition of “intellectual freedom fighters” that includes Marian Wright Edelman, Angela Davis, and Glenn Loury, and that *The New Jim Crow* embodies “the spirit of Martin Luther King Jr.” The book was written during Obama’s presidency, and although this period saw some progress, it also involved a heightening of the problems of mass incarceration and economic inequality.

The beginning of the foreword demonstrates that there is a long tradition of African American activists using knowledge and writing in the fight for racial justice. The importance of knowledge is increased in the context of mass incarceration because of the fact that prisoners are deliberately secluded and hidden from society. Thus many people who do not personally know someone in prison may not be aware of the full extent of the problem.



West argues that the “discourse of colorblindness” does not constitute evidence that racism is over, but rather is used to disguise the fact that racism still exists. *The New Jim Crow* contradicts this denial of racism and criticizes people’s “failure to care, really care across color lines.” West concludes that the book will cause an “awakening” in which people will come to truly care for each other, and will help lead to a “revolution” in which ordinary people regain power.

West’s use of the phrase “discourse of colorblindness” refers to the social trend of claiming not to notice race. In the view of West and others, this claim to be “colorblind” is dishonest and unhelpful to the fight for racial justice. Rather than pretending we don’t see color, we should instead care equally about people of all colors.



PREFACE

Alexander claims that *The New Jim Crow* was not “written for everyone,” but rather specifically addresses those who care about ending racial inequality but don’t fully understand mass incarceration and how it disproportionately affects people of color. It is also written for those who have been trying to persuade others about the problems of mass incarceration, but need evidence to help make their case. Alexander concludes that the book is also written for those who are incarcerated, assuring them that they “are not forgotten.”

It may seem strange that Alexander limits the intended audience of her book to three somewhat narrow groups. However, this specification actually has an important persuasive function. By addressing the book to people who care about racial justice, she implies that people who object to the book’s premise and claims perhaps do not care about racial justice (even if they assume otherwise).



INTRODUCTION

Alexander introduces a person called Jarvius Cotton, who—like generations of his family before him—cannot vote. Each generation was prevented from voting for a different reason; first slavery, then the Ku Klux Klan, then poll taxes and literacy tests, then, in Jarvius' case, because he “has been labeled a felon” and is on parole. Alexander argues that Jarvius' story shows that as much as America has changed in the past two centuries, it has also remained the same. Racism still inhibits black people's access to the vote, housing, employment, and other resources. Although Jim Crow has technically ended, its fundamental effects on society have remained, and in this sense Jim Crow still exists today—albeit in a different form.

Alexander admits that ten years ago she would have refuted the central argument of *The New Jim Crow*: that a racial caste system and “New Jim Crow” currently exist in the United States. Although she was thrilled by Barack Obama's election in the 2008, at the time she is writing she feels much less hopeful about racial justice. Inspired by the legal victories of the Civil Rights era, Alexander attended law school hoping to fight for racial justice through working as a civil rights lawyer. At the time, she was unaware of the “new system” of Jim Crow—despite the fact that her life was devoted to justice and the law.

While serving as the Director of the ACLU's Racial Justice Project, Alexander encountered a flyer that read “The Drug War is the New Jim Crow” made by a small radical organization. At the time, Alexander felt that the claim was overblown and would hinder rather than help the fight for racial justice. When she began working at the ACLU, Alexander believed that the criminal justice system had a problem with racial bias; by the time she left, however, she had come to feel sympathetic with the radical leaflet she'd seen years before. It had become increasingly clear that mass incarceration was not so much a system with racial biases as a tool of “racialized social control” much like Jim Crow.

Conventional understandings of the criminal justice system would emphasize the way in which Jarvius Cotton is different from the generations of his family that came before him. Unlike they were—“innocent” but still deprived of rights and resources—Jarvius is a criminal and thus theoretically deserves to be denied these rights. However, by mentioning the historical factors that prohibited black people from voting, Alexander emphasizes that black people have always been treated as criminals in America.



Alexander tells the story of her own developing understanding of mass incarceration in order to emphasize that it is not surprising if people do not initially understand or agree with her argument. Even as a lawyer dedicated to racial justice, Alexander did not understand the connection between mass incarceration and Jim Crow, largely because this connection is deliberately concealed by the illusion of progress.



The distinction between a system with racial bias and a system of “racialized social control” may sound subtle; however, it is crucially important. If the criminal justice system simply had a problem with bias, this problem could be resolved by the work of lawyers dedicated to advancing racial justice, like Alexander. However, if the whole system was designed to oppress and control people of color, it is less likely that this system could be reformed from within.



Alexander argues that people who have been incarcerated tend to easily understand the connection between mass incarceration and Jim Crow. Those who do not have first-hand experience of the criminal justice system often believe that increases in crime result from a lack of opportunities and resources, but would be unlikely to believe that the **War on Drugs** is a “racist conspiracy to put blacks back in their place.” This is partly because most people believe that the War on Drugs was devised as a response to the crack cocaine epidemic; however, the reality is that Reagan announced the initiative before crack was really a problem. When crack did emerge as a major social issue, the Reagan administration used propaganda in order to heighten hysteria over the threat it posed.

Due to the strange chronology in which the **War on Drugs** unfolded, some people grew suspicious that the whole crack epidemic—as well as the oppressive response from the government—were part of a conspiracy designed to eradicate black people. While this may seem outlandish, the CIA has in fact admitted that the American government played a role in encouraging the flow of drugs from Nicaragua to the USA during the last decades of the 20th century.

Largely because of the **War on Drugs**, the American prison population has ballooned from 300,000 to 2 million people in the last 30 years, making it the country with the highest rate of incarceration in the world. The United States also incarcerates racial minorities at higher rates than any other country. While people of all races statistically consume drugs at the same rates, the War on Drugs has had an enormously disproportionate impact on black and Latino men.

Contrary to popular assumption, the **War on Drugs** began during a time in which drug crime was actually decreasing. Alexander argues that the lack of correspondence between crime rates and punishment helps to prove that the American government uses mass incarceration as “a system of social control unparalleled in world history.” This is especially strange considering that most researchers argue that prisons are an ineffective method of decreasing crime. In the 1970s, many criminologists and other experts argued in favor of gradually eliminating prisons; since that time, however, the American prison population has increased fivefold.

Throughout the book, Alexander shows that while people who have not been incarcerated are easily misled about the nature of the criminal justice system, those who have personal experience of prison tend to intuitively understand the ways in which “criminal justice” is really a method of social control. While stereotypes about felons suggest that they are more likely to be unintelligent, uneducated, and dishonest, in reality it is people on the outside who are more easily lulled into a false understanding of the criminal justice system.



Alexander is hardly a conspiracy theorist, but she does show that much of what we might at first consider conspiracy has roots in both historical and present realities. While it is difficult to prove that the actions of the American government are racially motivated, the evidence Alexander presents is certainly suspicious.



To a great extent, the simplest statistics about mass incarceration speak for themselves. The fact that the United States has a higher rate of incarceration than even authoritarian regimes such as China and Iran indicates that the criminal justice system is indeed being used as a method of social control.



Rather than responding to the research of scholars and others with expertise in the criminal justice system, the American government has continued to pursue policies that are widely known to inhibit, rather than promote social welfare. Once again, this suggests that—particularly when it comes to racial minority populations—the government is more interested in controlling and suppressing people than ensuring their wellbeing.



If current incarceration rates continue, one in three African-American men will be incarcerated during his lifetime. However, despite the enormous impact of mass incarceration on black communities, over the last 20 years civil rights advocates have largely neglected to confront the topic of prisons, instead focusing on other issues. African-American politicians also often fail to properly address mass incarceration. Although activism in favor of criminal justice reform has taken place, at the time Alexander is writing there is still “no broad-based movement brewing to end mass incarceration.” Alexander argues that this is as “absurd” as if the Civil Rights Movement had not focused on Jim Crow as its main object of attack.

Alexander claims that now that she has seen the truth of the new racial caste system, it is impossible for her to “unsee” it. At the same time, she remembers how difficult it was for her to understand it in the first place, and thus admits that she expects people to react to *The New Jim Crow* with suspicion. She suggests it might help to think of the criminal justice system as “a gateway into a much larger system of racial stigmatization and permanent marginalization.” This larger system—mass incarceration—includes social phenomena that are not as visually obvious as physical prisons, but that still prevent people from participating as full citizens in society. Alexander admits that many readers will be unfamiliar with seeing race discussed so frankly, but that it is crucially important to acknowledge the fact that so many African Americans are currently legally prevented from achieving social mobility.

Alexander argues that the election of Barack Obama makes it seem as if there is no racial caste system in America anymore, but in fact Obama’s victory demonstrates how the caste system works. She notes that while there are certainly big differences between the original Jim Crow and mass incarceration, the similarities between them are too important not to consider. She urges racial justice advocates working in a legal context to pay attention to mass incarceration, claiming: “A human rights nightmare is taking place on our watch.” Alexander admits that there are many aspects of mass incarceration that she was not able to cover, but that the main purpose of *The New Jim Crow* is simply to begin a conversation about this issue.

Here Alexander hints at an important issue within the reaction to mass incarceration among African-American leaders (or lack thereof). Whereas black politicians and civil rights lawyers represent affluence, success, and respectability, black prisoners are at the very bottom of the social hierarchy, which Alexander characterizes as a racial caste system. Perhaps part of the reason why mass incarceration is a neglected issue is because black leaders and black prisoners often belong to different social classes.



While Alexander now understands the full extent of mass incarceration’s destructive impact on African Americans and the nation at large, she also remains aware of how much this reality is hidden from the public. Part of this deception is achieved by the fact that incarcerated people are literally locked away and hidden from public view. However, in this passage she explains how the social custom of not talking about race also helps keep the reality of mass incarceration hidden from people who do not have direct experience of it. In order to see the truth, people must not shy away from difficult conversations about America, race, and inequality.



Although she does not say so explicitly, in this passage Alexander creates the impression that those committed to racial justice who are fortunate enough to have the freedom, education, and resources to fight to end mass incarceration have an urgent responsibility to do so. While the racial caste system works on the assumption that “exceptional” black people like Obama can and should be able to gain power, this will not lead to progress unless these successful black people then advocate on behalf of those whose rights have been taken.



Alexander lays out the structure of the book. In Chapter 1, she explains “the history of racialized social control in the United States.” In Chapter 2, she focuses on how the **War on Drugs** came to exist and how it currently functions. Chapter 3 examines how the criminal justice system, which should be “race-neutral,” works with extreme bias against African-American and Latino people. Chapter 4 shows how the racial caste system affects people’s lives after they are released from prison, and Chapter 5 exposes the similarities between Jim Crow and mass incarceration. In the final chapter, Alexander argues that ending mass incarceration must be an essential part of civil rights advocacy from now on.

In order to fully explain how mass incarceration works and why it is so unjust, Alexander covers an enormous amount of ground from the very beginning of the US to the present. This is necessary because, rather than being a single anomaly, mass incarceration is deeply connected to other forms of racial terror and injustice, and to the way American society functions in general—since its very founding.



CHAPTER 1: THE REBIRTH OF CASTE

It has long been acknowledged that the abolition of slavery in the United States did not actually make all African Americans free—let alone equal—and that it is thus “regrettable but predictable” that Jim Crow arose in slavery’s place. On the other hand, people tend to be highly resistant to the idea that a racial caste system exists in the present era, especially considering the success of famous African Americans such as Obama and Oprah Winfrey. However, American history proves that racism is “adaptable” and takes many forms depending on the social and political climate of a given era.

Here Alexander contradicts several key myths about American history. In many cases, Americans are taught to believe that the Emancipation Proclamation did make all African Americans free. However, scholars of American history point out that the official, legal freedom of black people was undermined by extreme poverty, slavery-like labor, the racially biased criminal justice system, and lynching and other racist violence.



Black people have been placed under systems of control ever since they were brought to the United States, but these systems of control have not always looked the same. Some people argue that each racial caste system is slightly better, less all-encompassing, and more livable than the one that came before it, but Alexander is not sure this is the case. Rather, she argues that “as the systems of control have developed, they have become perfected,” growing more and more difficult to oppose.

One of the biggest debates among scholars of American history is over whether or not there has been a substantial amount of progress in racial equality over time (even though all agree there is still a long way to go). Although it is commonly thought that life is much better for Americans of color now than it was in the past, Alexander questions if this is true.



Alexander argues that the “concept of race” has not been around longer than a few centuries, and that in America race was used to make sense of the fact that white settlers founded the country on the idea of freedom while simultaneously murdering and enslaving indigenous and African Americans. Black people were used as a source of cheap labor, and were placed at the bottom of the racial caste system. Plantation owners increased the transportation of large numbers of people directly from Africa, believing they would be less likely to revolt. In addition, they instituted a “racial bribe,” giving advantages to poor whites in order to dissuade them from forging alliances with African-American slaves.

In ordinary conversation, it is not common to talk about race as an invented concept with a specific (and rather short) history. However, Alexander’s discussion of race in terms of caste helps illuminate the extent to which “race” is not simply a fact but rather a historical, flexible, and ever-changing concept. Early in American history, the poorest white people were nearly as low as African Americans in the hierarchy of racial caste. It was only fears about revolt that led to a consolidated “white privilege” across income levels.



Thanks to pressure from the Southern states to uphold slavery, the Constitution was designed to ensure a weak federal government that wouldn't take power away from the states or interfere with property rights. The electoral college was also designed "with the interest of slaveholders in mind," and the Constitution stated that an enslaved individual only counted as 3/5 of a person. By the time of the Emancipation Proclamation, the racial caste system created by slavery was so deeply embedded within American society that even the end of slavery could not undo it. White supremacy was by this time "a kind of religion," allowing whites to claim that all people in America were equal while simultaneously supporting racial inequality and violence.

The end of the Civil War—and with it, slavery—constituted a crisis for white Southern society. Both rich and poor whites were enraged by the abolition of slavery and the Southern economy was left in chaos. The law and customs of the region were similarly in turmoil; it was unclear what rules would be left in the vacuum created by the abolition of slavery. The "black codes"—racist laws that foreshadowed Jim Crow—emerged into this vacuum, creating a climate in which black people were policed, terrorized, and forced to work in a way hardly dissimilar to the slavery era.

The black codes were abolished during Reconstruction, a period in which—despite being characterized by chaos and corruption—it seemed possible that the American racial caste system would be dismantled. For the first time in American history, all African-American men had basic civil rights, even if in many cases these rights were "largely symbolic." One of the most important omissions of the Fifteenth Amendment, however, was the lack of prohibition on using literacy tests, taxes, and other ploys to rob black people of their right to vote. Intense violence prevented many African Americans from exercising the civil rights they had been given. Meanwhile, increasing segregation paved the way for Jim Crow to take effect.

Reconstruction did not last long before a "swift and severe" backlash swept over the South. The Ku Klux Klan and other racist groups systematically terrorized black people while the federal government did little to intervene or ensure that the new civil rights laws were actually being carried out. Tens of thousands of black people were arrested for crimes such as minor debt (and quite frequently for no reason at all); once they were made convicts, these people were then considered "the slaves of the state"—and treated as such. Some states even established conflict labor farms. Southern whites were thus able to reestablish a system of control that placed them at the top of the racial caste hierarchy.

In this passage, Alexander shows that racism is not only built into the American legal system as it currently exists, but is a key component of the founding document of the laws of the nation: the Constitution. This supports Alexander's argument that piecemeal reform will not be enough to end racism in the criminal justice system, as racism is built into the system in a fundamental way. Rather than being an unfortunate by-product of American history, racism is at the heart of the history and culture of the country.



The abolition of slavery is often treated as a triumphant moment in American history, during which the country finally reached a turning point in its moral conscience and resolved to end the horrors of slavery forever. The reality, however, was that most Southern whites were desperate to find ways to keep profiting from the free labor of former slaves and ensure that the black population continued to be violently oppressed.



As this passage shows, even moments of apparent progress laid the groundwork for later racial discrimination and terror. While this appears to be a paradox if we believe that America has become gradually more racially progressive over time, Alexander emphasizes that many white people were determined to oppose racial equality at every step. Thus even hopeful periods such as Reconstruction faced a backlash so intense that the same system of racial control that began during slavery remained in place, even as specific laws and customs changed.



Although the era immediately following Reconstruction was defined by chaos and confusion, in hindsight it is clear that Southern whites were doing everything they could to institute a new system of racial hierarchy that would keep African Americans too impoverished and terrorized to access power and advantages within society. While in some ways this was achieved through haphazard means (such as spontaneous acts of racist violence), it was also systematically instituted through the prison system.



Alexander outlines three theories of American race relations that deviated from the “extreme racism” of white Southerners who longed for the age of slavery: liberalism, conservatism, and radicalism. Liberalism criticized the government for not fulfilling the promise of freedom and equality for all, and was unpopular in the South. Conservatism, on the other hand, appealed to Southerners who believed that liberals were pushing the agenda of racial progress too hastily, and that this would lead to backlash and chaos. Radicalism focused its critique on the corporations and wealthy elite who deliberately created a wedge between working-class white and black people, and was an appealing ideology to many African Americans. Radical Populists advocated integration and interracial solidarity, striving to overcome the enormous prejudice of many poor Southern whites. However, eventually the Populists came to believe that working alongside black people would forever inhibit their chances of gaining political power, and abandoned their racial solidarity.

Ultimately, conservatives won the day and instituted a new, stable, “permanent” policy of segregation and racial control: Jim Crow. Of course, this system did not turn out to be permanent at all, and by 1945 it was becoming clear that Jim Crow would not survive. The Great Migration, NAACP, World War Two, and Supreme Court rulings against segregation created momentum for racial progress, which—like Reconstruction—was met with a violent backlash. And although the positive impact of the Civil Rights Act of 1964 and Voting Rights Act of 1965 was “undeniable,” it was clear that without similar pushes for economic justice, most black people would remain trapped in the cycle of poverty. Martin Luther King, Jr. was particularly adamant that genuine racial equality would require a “radical restructuring of society” involving the redistribution of political and economic power to the “ignored underclass.”

The end of Jim Crow created a stigma to calling for segregation, and thus segregationists began advocating “law and order” instead, arguing that civil rights activism and even integration itself caused crime. However, this stance was not limited to whites and conservatives; some black leaders also condoned increased policing and harsh prison sentences. This helped legitimize conservative support for “tough on crime” policies, thereby creating a climate in which mass incarceration could flourish. Alexander explains that law and order rhetoric produced a major shift in the broader American political scheme by uniting anti-black voters behind a subliminally—rather than explicitly—racist platform. Meanwhile, Republicans (correctly) believed that simply the association between black people and the Democratic party would increase Republican power via a consolidated white racist voting base.

The three theories of race relations outlined in this passage highlight the extent to which racism defined Southern politics. Even the most progressive platform—that of the Populists—ultimately sacrificed black people on the grounds that fighting racial equality would automatically inhibit political success. This turn of events demonstrates the sustained success of the slaveholders’ policy of “racial bribes.” By this time, even radicals had given up hope that white workers in the South could be mobilized to work alongside black people in order to pursue common interests. What is particularly remarkable about this passage is the similarity between conversations about racial interests and political viability in the 19th century and the present day.



It might seem strange that Alexander describes the rise of Jim Crow before immediately jumping to its demise over the course of the civil rights movement in the mid-20th century. However, this decision highlights the fact that—rather than being a unique system of racialized social control—Jim Crow was in fact only one loop in the cycle of racist control systems that began with slavery. Although Jim Crow uniquely fit the demands of its era, it was not a unique system. Without the substantial change advocated by Martin Luther King and other activists, the end of Jim Crow simply paved the way for a new system to take its place.



Many people argue that the relative lack of explicitly racist rhetoric in the present is an indication that racism is no longer a powerful force in society. However, in this passage Alexander shows that this lack of explicit racism in fact helps to fuel a racist agenda. While this may initially seem counterintuitive, it makes sense when viewed in the context of the cycle of racial social control that Alexander has described. As both anti-slavery activism and the civil rights movement demonstrate, there has always been some level of opposition to explicit racism in the US. On the other hand, people are far less likely to oppose systems governed by implicit, “secret” racism.



The late 1960s and 70s were defined by two theories of race relations. Conservatives argued that poverty was caused by (black) culture, which supposedly led people into cycles of unemployment, drug use, and crime; liberals maintained faith that state social programs such as the War on Poverty could successfully solve racial inequality. Between the 1960s and the election of 1980, a “conservative revolution” took place within the Republican party; the “**war on drugs**” originally proposed by Nixon later became a centerpiece of Reagan’s campaign and presidency. Reagan drastically expanded federal law enforcement agencies with astonishing speed at the same time as structural changes to the economy took a particularly harsh toll on urban black communities, leaving “African Americans trapped in ghettos.” In communities suffering from a major lack of legal job opportunities, the use of crack cocaine blossomed.

Alexander stresses that crack had an apocalyptic effect on black communities, and that her critique of the **War on Drugs** does not intend to belittle this devastation. However, she emphasizes that where other countries confronted similar crises by legalizing drugs and increasing funding for treatment programs, American conservatives utilized the crack epidemic as an excuse to wage war on black people. Reagan’s administration deliberately fueled public hysteria over crack, encouraging the association between the drug and black culture. Important to this move was the distinction between crack and powder cocaine; although there is little substantial difference between the substances, punishment for the possession and sale of crack—disproportionately linked to poor black communities—is far harsher than for powder cocaine, which tends to be associated with wealthy whites.

Although a few lone voices suggested that crack was being used as a “scapegoat” for all of society’s problems, overall the anti-drug legislation of the 1980s met little opposition as it was being passed. As a result, harsh punishments for even the most minor drug charges continued to escalate. Mandatory minimum sentences of five years became common even for first-time offenders. The **War on Drugs** achieved enormous public support, and President George Bush, Sr. picked up where his predecessor, Reagan, left off. The public continued to panic about a drug crisis that was mostly the product of media sensationalism, and even progressives were hesitant to criticize anti-drug policies.

At this point in the chapter, it is increasingly clear that although the extreme social control of African Americans was not deliberately planned and executed by any single force, in some ways it might as well have been. A range of factors including backlash to civil rights legislation, white fears about black activism and culture, economic inequality, segregation, and a rightward, “tough on crime” turn in the Republican party all conspired to create an environment in which mass incarceration seems practically destined to have arisen.



Mass incarceration is often framed as an inevitable—if regrettable—phenomenon that was nonetheless the only responsible reaction to the crack epidemic. In this passage, Alexander shows that even though crack represented a very real problem, mass incarceration was far from the only possible response. Instead of aiding vulnerable communities that had already been devastated by the impact of crack by providing legal job opportunities and addiction treatment, the government rubbed salt in the existing wound by adding police brutality and mass incarceration to communities that were already in chaos.



Alexander’s history of this period highlights the extent to which politicians and the media conspired to create an impression of society that was patently untrue. Rather than earnestly attempting to solve the nation’s problems—particularly those afflicting the most vulnerable members of society—journalists and politicians stoked fear, misinformation, and prejudice. The effects of all this myth-making were devastatingly real; the success of anti-drug rhetoric imprisoned thousands who would otherwise be free.



Criticism of mass incarceration gained momentum in the 1990s. In 1991 an organization called the Sentencing Project reported that a quarter of young black men were “under the control of the criminal justice system.” On the other hand, both Republicans and Democrats—including newly-elected President Bill Clinton—continued to advocate a “tough on crime” approach. Clinton helped to pass the federal “three strikes and you’re out” law, thereby increasing the prison population at an unprecedented rate. Not only that, he adopted the same “tough” approach to social services, significantly cutting welfare while increasing the total spending of the federal government *and* banning anyone with a criminal record from accessing benefits such as public housing. 90% of those incarcerated on the new drug charges were black or Latino; “the New Jim Crow was born.”

In hindsight, it can be difficult to understand how little opposition there was to a system that imprisoned and effectively enslaved a huge proportion of the African-American population (along with huge numbers of Latinos). As Alexander demonstrates, however, part of the masterfulness of the New Jim Crow was the skill with which mass incarceration was presented as a bipartisan, uncontroversial, common sense initiative. Any opponent of mass incarceration would find themselves (supposedly) supporting drugs and crime—a death sentence for any political career.



CHAPTER 2: THE LOCKDOWN

Alexander argues that the impression of the criminal justice system created within popular culture is profoundly misleading, “the modern-day equivalent of old films portraying happy slaves.” In reality, actual trials rarely take place, many of the accused never meet their attorneys, and innocent people are often pressured to plead guilty. In Chapter Two, she focuses on the **War on Drugs** because the contemporary American criminal justice system has been defined by anti-drug policies. 31 million people have been arrested for drug offenses since the war began; the number of people in prison on drug offenses today has risen 1,100% since 1980.

In order for mass incarceration to survive, it is important that the general public have a very different idea of policing and prisons than what is actually the reality. Although we might not ordinarily think of TV shows such as “Law and Order: Special Victims Unit” as propaganda, Alexander’s explanation of the difference between the fiction and reality of the criminal justice system shows that these TV shows have a propaganda-like effect.



Alexander begins by challenging important myths about the **War on Drugs**. Firstly, she argues that the war does not target “kingpins” (those who control and profit most from the drug trade). Neither does the drug war mainly target “dangerous” substances; 80% of the growth in drug arrests since 1980 are for marijuana possession. In later chapters, Alexander shows how the drug war specifically targets people of color, but in Chapter Two her focus is simply on how the war manages to incarcerate such a large percentage of the American population.

The question of whether the most illicit substances (such as cocaine and heroin) pose a significant enough threat to society to warrant illegalization—or indeed whether making these substances illegal does more harm than good—remains the subject of an ongoing global debate. However, this debate is not even particularly relevant to the drug war, given that most drug arrests are for marijuana.



Alexander argues that the **War on Drugs** has allowed the police to operate without legal “restraints.” The Supreme Court has consistently ruled as if a “drug exception” is written into the Constitution, such that association with drugs disqualifies people from basic rights ranging from voting to housing to privacy. In other words, the drug war totally contradicts America’s status as a country defined by civil rights and liberties for all. Alexander emphasizes that “anyone, virtually anywhere, for any reason” can legally have their rights violated under anti-drug policies.

In later chapters, Alexander shows that not everyone is likely to have their rights violated through their implication with drug possession; in this part of the book, however, she seeks to show that everyone can. It is striking that in a country so characterized by the notion of freedom, there exists extensive legislation allowing the state to curb people’s most basic rights and liberties.



In the past, police were forbidden from stopping and searching people without a warrant; this was thought to be “a basic Fourth Amendment principle.” This changed with the introduction of “stop and frisk” in 1968. Alexander highlights one particular challenge that followed in the wake of the stop and frisk ruling: *Florida vs. Bostick*. Terrance Bostick was on a Greyhound bus and was searched at random by two police officers, who happened to find that he was carrying a pound of cocaine. The Florida Supreme Court ruled that the officers had acted in violation of the Fourth Amendment and that ordinary Americans should have the right to travel undisturbed. The US Supreme Court, however, overruled the decision on the grounds that a “reasonable person” in Bostick’s position would have felt free to refuse the police officer’s demands.

Alexander uses another example, of two men whom the police suspected (without evidence) of possessing drugs. These men, like Bostick, were African-American; the police stopped them on the pretext of a traffic violation, and found a bag of cocaine in the car. In their appeal, the men claimed that stopping people on the pretext of traffic offenses violates the Fourth Amendment. Alexander concurs, arguing that this makes everyone who gets behind the wheel liable to be searched by the police. However, the Supreme Court rejected the men’s appeal, upholding the right of the police to search anyone for any reason. Similar Supreme Court rulings have since further confirmed that the police are no longer constrained at all in their ability to search anyone for drugs.

After being unjustly stopped and searched by the police, few people expect to receive a fair trial, and many poor people and people of color rightly fear the consequences of demanding better treatment. However, although the courts seem confident of the police’s ability to detect drug offenders through some kind of “sixth sense,” in reality police are simply trained to stop and detain random people. Although the vast majority of random stops reveal no drugs, the sheer amount of people stopped by police means that the practice still produces a significant number of arrests and convictions. Officers use the stereotype of a “drug-courier profile” in order to identify people who are likely to be transporting drugs; the problem with this profile, however, is that it includes so many (contradictory) traits that it could apply to anyone.

The law regarding police, searches, and Fourth Amendment rights contains many mixed messages. On the one hand, the Fourth Amendment suggests that even people who have things to hide from the state (such as a pound of cocaine) still have the right to privacy. On the other hand, the drug war has become so far-reaching that the right to privacy has effectively been dismissed as less important than the anti-drug crusade. Finally, the idea that “reasonable” people have nothing to fear from refusing to comply with the police ignores the fact that even “reasonable” encounters with police often end in arrest or violence, especially when someone refuses to comply in any way.



Perhaps more than any other point in the book, this passage proves how arbitrary and unjust the law can be. As Alexander points out, pretty much everyone who drives a car will likely perform some sort of mild traffic violation—yet for some, this results in them being thrown in prison. Although she does not say so explicitly here, the difference between who is able to drive around without interruption and who lives in constant risk of being stopped by police is also defined largely by race.



From one perspective, the policy of stopping and searching people at random might seem justified. After all, if the person is innocent, they (theoretically) have nothing to worry about. However, Alexander’s previous discussion of Fourth Amendment rights indicates that as a society we all have much to lose from the policy of random police searches. Furthermore, it is useful to compare this policy to approaches taken to target other crimes. The police do not search people’s computers at random on the chance of finding child pornography—why are drugs different?



Having explained *how* police are able to arrest so many people on drug charges, Alexander moves on to the next question: why? She reiterates that at the beginning of the **War on Drugs**, drug abuse was neither a new nor particularly urgent problem; national rates of drug abuse were actually declining. Despite this, federal authorities chose to violate states' rights to handle their own drug policies and divert resources away from other crimes (such as violent assault, theft, and rape) by launching a nationwide drug war. The federal government encouraged support for the War on Drugs at the local level by offering enormous amounts of money, weaponry, and training to police units.

Thanks to this influx of money and weaponry, the **War on Drugs** quickly “went from being a political slogan to an actual war.” Before the drug war, SWAT teams were usually used only in extreme events such as hijackings or hostage situations; nowadays, they are most commonly used for no-knock searches of people’s homes for drugs. These searches are markedly aggressive, violent, and traumatic—particularly for children and other vulnerable people who happen to be home—and have killed people, including those totally innocent of drug charges. However, there has been little coverage of the militarization and increases in funding of the police.

To make matters worse, the federal government chose to incentivize police by allowing state and local authorities to keep most of the assets they seize from drug busts. This gave police and local authorities “a massive stake in the **War on Drugs**.” Furthermore, police were entitled to seize the cars, homes, and money of those who were simply suspected of being involved in drug crime, rather than only those who had been convicted. Few of those who had their property seized complained, in order to avoid being charged with a crime. Meanwhile, the wealthiest people arrested on drug charges—the kingpins—have enough money to easily buy their way out of jail time, whereas the lower-level dealers, users, and people in the wrong place at the wrong time fill the nation’s prisons.

Unsurprisingly, many police departments have now become dependent on drug money, and there are many known cases of police ignoring the requirement for search warrants and participating in illegal “shakedowns.” Although there have been attempts to prevent such abuse through legal reform, they have proven largely unsuccessful. This is partly because there are still myriad legal ways for the police to seize the property of innocent people, but mostly it’s because the profit incentive for police remains intact. Meanwhile, President Obama dramatically increased federal funding for anti-drug efforts, thereby further embedding the **War on Drugs** as a permanent component of the American political system.

While Alexander is careful to frame her argument such that it does not sound too conspiratorial, her account of the beginning of the War on Drugs certainly raises suspicions about the motivations of the federal government. If drug use was on the decline in the late '70s, why choose to attack it so viciously? Is drug use really so bad that it requires diverting resources away from violent crime and other major social problems? And why has anti-drug policy become a federal—rather than local—issue?



As Alexander points out in the beginning of the chapter, we are encouraged to think of police as righteous, well-intentioned individuals who do their best to protect the public from violence. However, thanks to changes in the way police are funded, trained, and militarized, this is far from the reality. For many people, the police are more closely associated with the threat of violence than protection from violence.



Alexander’s description of the incentives used to encourage police departments to aggressively pursue drug crime raises questions about what exactly the government is trying to eradicate. On the surface, the War on Drugs seems to target drugs in a straightforward manner (even if at the expense of other crimes such as murder and theft). On the other hand, the fact that kingpins usually go free suggests that drugs might not be the real target. Is the War on Drugs really just an excuse to take away the freedom and property of poor black and brown Americans?



Rather than an effective solution to tackling the problem of drug crime, the War on Drugs has become a self-fulfilling cycle. Despite the amount of money and resources already spent on tackling drugs, and despite how many people the drug war has put behind bars, President Obama still chose to hugely increase federal spending on anti-drug efforts. The deeply ironic fact that America’s police departments are funded by drug money proves that the drug war is a self-perpetuating machine.



After being arrested, few people have a chance of ever truly escaping the grip of the criminal justice system. Few receive adequate legal representation and many do not understand their rights. Children are particularly unlikely to request a lawyer, and in some states 90% of children are charged without one. Almost all drug cases do not go to trial but are resolved through plea bargaining, with many innocent people pressured to plead guilty, a phenomenon that “has increased exponentially since the advent of the **War on Drugs**” partly as a result of mandatory sentencing laws. Although the criminal justice system has always imprisoned innocent people, the scale at which this is currently taking place is unprecedented.

Before mandatory minimum sentencing laws, judges were sometimes lenient if the defendant faced issues of poverty, addiction, or abuse. However, mandatory minimum sentences mean that judges are rarely involved and could not exercise such leniency even if they wanted to. Unlike in the rest of the world, where sentences for selling drugs tend to be measured in months, in America it is common for these sentences to be decades long, and even first-time offenders are frequently sentenced to life in prison. Alexander provides examples of real people whose lives are destroyed by extraordinarily long sentences for minor crimes (which those sentenced were often barely involved with). She notes that even the conservative Supreme Court justice Anthony Kennedy—who was appointed by Reagan—has called mandatory minimum sentencing unnecessary and “unjust.”

Despite the problems caused by mandatory sentencing, mass incarceration would not be solved by decreasing the lengths of sentences. This is because of the stigma associated with “the prison label,” which makes felons who have finished their sentence “second-class citizens.” Because felons are barred from accessing public housing, welfare, and many kinds of employment, most end up back in prison. 68% of people released from prison end up back inside within three years, normally for violating one of the many rules of probation and parole. Unless mandatory sentences are eliminated, fewer people are convicted, and prisoners are supported in their reentry into society, mass incarceration will inevitably continue.

As this passage shows, the success of mass incarceration depends on the confusion and fear of those who find themselves caught up in the criminal justice system, whether they are innocent or not. Seeing how the police and prisons have affected their communities, many people feel so intimidated by the criminal justice system that they will accept whatever unjust treatment they receive, whether that involves not meeting their lawyer or accepting a plea bargain even if they are innocent.



Alexander’s descriptions of mandatory minimum sentencing laws emphasizes the fact that the American criminal justice system has all but completely done away with notions of mercy and nuance—at least when it comes to drug crime. Whereas the impression of criminal justice we receive from popular culture evokes long trials in which the defendant’s innocence is subjected to long, sophisticated debates, when it comes to those arrested for minor drug offenses, the courts seem almost entirely indifferent to whether or not the defendant is guilty and whether they receive a fair sentence.



Again, this passage raises questions about the purpose of the War on Drugs and of prisons in general. In other countries, prisons are treated as a last-resort method of keeping the public safe from dangerous people and rehabilitating those who have been driven to commit crimes. However, with so many people locked up for non-violent crimes and such high rates of readmission, America’s prison system seems to be more focused on creating a permanent “underclass” than helping society.



CHAPTER 3: THE COLOR OF JUSTICE

Alexander begins the chapter by recounting the stories of two young African-American parents who were wrongly implicated in a drug bust, and—although neither end up actually being sentenced to prison time—lose their homes, jobs, and children as a result. She emphasizes that these stories are not “accidental,” and that if they were taking place in middle-class white communities would result in public outrage. Yet in some states, 80-90% of those sent to prison on drug crimes are African-American. While the **War on Drugs** has also resulted in an increase in white people being sent to prison on drug charges, this increase is “dwarfed” by the rate at which African and Latino Americans are put behind bars.

The official explanation for the racial discrepancy in rates of incarceration is that black and Latino Americans simply commit more crime. However, studies have shown that people of all races tend to use drugs at the same rate, and that white youth are in fact more likely to deal drugs than their peers of other races. Although popular culture strongly links the sale of drugs to black communities, in fact people who use drugs statistically tend to buy them from people of their own race, no matter what race that may be.

The racial bias of the criminal justice system cannot be explained by “old-fashioned racism” either, as explicitly racist messages have become taboo within political discourse. Alexander emphasizes that the vast majority of those “under correctional control” are not actually in prison, but on probation or parole. And because mass incarceration—like the rest of American society—is now framed in “colorblind,” race-neutral terms, it can be difficult to prove that it is systematically racist. Alexander argues that part of this difficulty is simply due to people’s refusal to use “common sense” and overstep the glaringly obvious fact that an enormously disproportionate percentage of black and brown people are being locked up and relegated to a permanent “second-class status.”

Considering that many people believe that race is the central issue within mass incarceration, it might seem strange that Alexander waits until the third chapter of the book to explicitly explain how the criminal justice system operates in a racist manner. However, by presenting her argument in this order, she attempts to cut through the indifference that much of the American public feels toward those who are negatively affected by the War on Drugs—an indifference often produced by racial prejudice.



Once again, Alexander shows that popular culture has an enormous impact in misrepresenting the reality of drug use and criminality to the American population. Although the link between black people and drugs depicted in popular culture is hardly commissioned by the government, it still acts as a kind of unofficial propaganda for the War on Drugs.



Here Alexander further emphasizes her earlier point that “colorblind” language, rather than being evidence of the end of racism, is in fact used to cover up—and thereby sustain—racist systems. Like her analogy of an optical illusion (something difficult to see but impossible to “unsee”) in the Introduction, this passage suggests that it is all too easy for those who wish to ignore racism in the criminal justice system to do so. Meanwhile, those with enough “common sense” perceive that the criminal justice system is very obviously racist.



The deep racism of mass incarceration has been instituted through two broad steps: first, by giving law enforcement “extraordinary discretion” in who and how they approach, and second, by refusing to accept any charges of racism that do not identify a particular racist individual as the source of the problem. Alexander points out that anti-drug policy is particularly likely to be racially discriminatory because drugs are handled in a manner unlike any other crime. When an ordinary crime takes place, the victim (or someone acting on the victim’s behalf) alerts the authorities—the first step in the process of achieving justice. In the case of drugs, there isn’t a victim as such; both the buyer and seller of drugs have no incentive to call the police. Furthermore, most Americans of all races have violated drug laws at least once in their lives, and it would clearly be undesirable to put the majority of the population in prison.

Because drug activity is “consensual” and because so many people use drugs, the police must take a more “proactive approach” in order to prosecute people for drug crimes. Furthermore, police are aware that it would be impossible to arrest every American who uses drugs and that they must therefore make a decision about who to punish for the crime of drug use. Part of the reason why the burden has fallen so squarely on African Americans is because of the association between black culture and drugs that was deliberately created by the media and government during the Reagan years. As a result, ordinary Americans have internalized the racist association between black people and drugs even if they are not consciously racist.

The police are hardly immune from the same bias that has been instilled into the general public, and as a result are likely to act in a racially discriminatory fashion. As a result, advocates of racial justice have argued that the police should not be allowed to exercise so much discretion when it comes to stopping and searching people. However, this has so far been met with little success. Astonishingly, in *Whren vs. United States*, the Supreme Court ruled that “claims of racial bias could not be brought under the Fourth Amendment,” a ruling that fits into a larger trend of the Court making it virtually impossible to fight racial discrimination within the criminal justice system on constitutional grounds.

The rhetoric of being “tough on crime,” which—as Alexander has shown—is popular across the political spectrum, is usually a kind of code for supporting anti-drug efforts. However, this passage suggests that drugs are in fact a very different category of social issue from ordinary crimes such as theft, assault, and murder. Most Americans have tried drugs at least once, and many are indifferent to whether or not those around them consume drugs (as long as this doesn’t push their neighbors to commit further crimes, such as theft or assault). This then raises an important question: why are drugs illegal in the first place?



Some people refer to the prejudice that has emerged in the contemporary moment as “racism without racists.” This phrase evokes the unconscious bias and structural racism that Alexander describes in this passage. While there is little public support for overt racism, many ordinary people have been trained to associate African Americans with criminality and drugs. The problem is that, while “racism with racists” is easy to identify and denounce, the current system operates in such a way that no single person can really be charged with blame.



Research on the issue of unconscious bias is still fairly new. This is no doubt partly due to the fact that in the past overt racism was much more acceptable, and thus unconscious bias was a less important problem. When the Constitution was written, unconscious bias would hardly have been at the forefront of the Founding Fathers’ minds. However, instead of allowing the Constitution to be brought up-to-date with this new field of knowledge, the Supreme Court has so far denied its relevance to criminal justice.



Alexander examines the case *McCleskey vs. Kemp*, in which a black man facing death for shooting a white police officer, Warren McCleskey, protested his sentence on the grounds that racial bias in the criminal justice system violated the Fourteenth and Eight Amendments. Evidence for this claim was provided in the form of 2,000 Georgia homicide records, which showed that those who murdered white people were eleven times more likely to be sentenced to death than those who murdered black people. These statistics were “the strongest [evidence] ever presented to a court regarding race and criminal sentencing”; still, the court narrowly rejected McCleskey’s claim on the grounds that evidence of conscious bias was still required.

Alexander argues that *McCleskey* essentially demonstrated that “racial discrimination... was something that simply must be tolerated in the criminal justice system.” The reason the court provided for this, alarmingly, is that if McCleskey’s claim was taken to be valid, it would undermine “the principles that underlie our criminal justice system.” Alexander cites another case in which an 18-year-old black man with no criminal record was sentenced to ten years for the intent to sell crack cocaine. His lawyers protested the hundred-to-one difference in sentencing length for crack versus powder cocaine, arguing that it unfairly discriminates against black people (who are more likely to be convicted for crack). In the past, courts had rejected similar claims on account of the fact that Congress held that crack was more dangerous, also citing the precedent of *McCleskey vs. Kemp*. In this case, however, an African-American judge cited evidence of racial bias in the **War on Drugs**, and sentenced the young man as if the cocaine had been in powder form. This sentence was then reversed by the Court of Appeals.

Very few challenges to the racism of the criminal justice system have been made since *McCleskey vs. Kemp*, and none have been successful. Alexander moves on to describe the outsized power of prosecutors within the American justice system. She cites a case in which a group of lawyers sought to prove that although crack laws are fair and race-neutral on the surface, prosecutors enforce them in a racially discriminatory manner. The prosecutors in question refused to disclose their records, a decision that was upheld by the court. Therefore prosecutors remain protected from accusations of racial bias, even as studies consistently show that they statistically favor white defendants over non-whites. This discrepancy has shown to be especially severe in drug cases.

Alexander’s presentation of McCleskey vs. Kemp suggests that the Georgia court was aware of the way racial bias affects the criminal justice system; indeed, given the strength of the statistical evidence presented, it would be hard not to be. However, by insisting that evidence of “conscious bias” was necessary, the court effectively ruled that the consequences of racism do not matter. According to the court, the only time that racism can be targeted is when there is a particular individual or group to take the blame.



The second case Alexander cites might at first provide some level of hope for criminal justice reform. The African-American judge—aware of unconscious racial bias and the devastating impact this bias has had on people of color—attempted to combat the racial injustice in sentencing conventions. Increased knowledge about issues such as the lack of a substantial difference between crack and powder cocaine might begin to slow the terrible impact of mass incarceration. The eventual outcome, however, suggests that this is unlikely. It seems more likely that, as was argued by the Georgia court, racism is so embedded in the American criminal justice system that there would be no conceivable way to eliminate racism without dismantling the whole system.



As Alexander shows, there is a wealth of research to suggest that the criminal justice system is plagued by racial discrimination at every level. However, this evidence has made little impact on the way that the criminal justice system is actually run. Unfortunately, statistical data and expert analysis mean little in comparison to the ideas produced by media sensationalism and popular culture. While these myths have little foundation in reality, they have the biggest influence in shaping the way the country works.



Before 1860, no black person is known to have served on a jury in the United States; even after this point, it was legal for the courts to “strike” black citizens from juries, and Southern courts in particular systematically denied black people from serving. Today, African Americans are still frequently prohibited from serving on juries due to “peremptory strikes,” which, although they theoretically aim to make trials more fair, are “notoriously discriminatory” and often result in all-white juries. Black people are regularly dismissed from juries for all kinds of bizarre reasons— importantly, however, none ever mentions race.

Alexander argues that racial bias is at its most harmful within the police. Because police have so much discretion, they exercise an enormous influence over who gets swept up into the criminal justice system in the first place. The police choose to target black ghettos mostly because poor African Americans have little chance of retaliation, and intense police surveillance and aggression has a devastating effect on those communities. The irony of the **War on Drugs** is that as soon as one dealer is taken off the streets, he will almost immediately be replaced (often causing a spurt of territorial violence in his wake). The “tough on crime” rhetoric on which politicians have relied for decades is thus nothing more than meaningless “wartime propaganda.”

In 2002, a group of researchers in Seattle concluded that the decisions of the Seattle Police Department tended to be guided by (racist) cultural stereotypes, rather than citizen complaints or medical evidence of which drugs were causing the most harm to the community. The researchers concluded that the Seattle PD were operating according to “a racialized conception of the drug problem.” Although this research might theoretically be used by black and Latino claimants in the courts, it is highly unlikely that this would be a successful venture, as the legal system currently makes it so difficult to make claims of racial bias within the criminal justice system without evidence of consciously racist intent. While separate rules apply to suits for damages, this is largely irrelevant because neither the state nor the police can be sued for damages.

Alexander’s examination of racism in the criminal justice system shows how expertly this racism is concealed through commitment to the use of “race-neutral” language. Again, this emphasis on colorblindness depends on the idea that race neutrality is evidence of a lack of racism. However, Alexander’s account of the courts suggests that proactive action must be taken in order to eliminate racism in the criminal justice system.



Again, Alexander shows that whereas we are usually encouraged to think of the police as a source of protection from danger and violence, the reality is that in many communities, police are a major source of danger and violence. The police’s deliberate targeting of vulnerable black communities locks them into a continuous relationship of antagonism with those communities, which is only made worse by the ongoing devastation of the drug war—a war with seemingly no end in sight.



American society has reached a worrying point at which private individuals and corporations—which can be sued for damages—can be far more easily held accountable for racism than the state. This is especially troubling given the history of racism within the government and law that Alexander outlines in Chapter One. The state’s apparent lack of interest in research on racial bias in the criminal justice system is equally concerning. Overall, the image Alexander depicts is of a system that is being held accountable to no one.



Alexander argues that the “dirty little secret” of American police departments is that the Supreme Court have given them “license to discriminate” based on race. Although racial discrimination is still theoretically forbidden at other points in the criminal justice process, stopping people based on race is in fact perfectly legal—as long as race isn’t the only reason, but simply one “factor.” Numerous studies have shown that police disproportionately target people of color in random stops, despite the fact that whites are statistically more likely to be carrying drugs than non-whites. Racial profiling is thus not only unjust, but ineffective as a policing tactic. Furthermore, stop-and-frisk procedures have been widely described as intimidating and humiliating (not to mention dangerous, with numerous cases involving the assault or death of unarmed individuals by police).

Although there was a “wave” of cases challenging racial profiling in the 1990s, this was brought to a halt in 2001 by *Alexander vs. Sandoval*, which shut down the last “last remaining avenue available for challenging racial bias in the criminal justice system.” The precedent set by *Alexander* meant that as long as the state could argue that racial profiling was “necessary” to police work, it would be impossible to challenge. For now, the system of mass incarceration is entirely protected from accusations of racial bias—and hence from change.

CHAPTER 4: THE CRUEL HAND

Alexander jumps back to the summer of 1853, during which Frederick Douglass and other delegates attended the “National Colored Convention” in order to discuss the condition of African Americans and the problem of anti-black racism. Although Northern Emancipation had taken place, free black people still faced intense prejudice and were at constant risk of being kidnapped and sold into slavery in the South. Alexander argues that the position of freedmen in the 19th century is hardly different to that of felons freed from prison today. As in Douglass’s time, freed criminals face intense stigma, surveillance, and exclusion, and are constantly at risk of being sent back to prison or being harmed or killed by a police officer. Alexander concludes that felons “are the one social group in America we have permission to hate.”

Once again, the difference between the law as it is written and what takes place in reality can be stark. In the case of stop and frisk, allowing race to be “one factor” prevents racial profiling only in theory. In practice, this legal loophole has created a climate in which police aggressively target people of color while most whites are able to go about their lives without interruption. Similarly, the idea of being stopped and searched may not sound particularly terrible in the abstract. In reality, however, this experience has a devastating psychological impact, creating a climate of fear, distrust, and resentment.



Alexander paints a frustrating picture of the current state of civil rights litigation. It is not the case that people are simply unaware of the problem of mass incarceration, or do not have the motivation or resources to challenge it. Rather, there are individuals and organizations who have made repeated attempts to address racial bias in the system, only to be entirely shut down by the government.



It might at first seem absurd to argue that criminals today have about the same rights as black people in an era when slavery was still legal. However, as Alexander points out, the parallels are too compelling to ignore. In some ways, it is even more disturbing that the cruel, violent treatment of criminals today is built into the law of the nation. After all, if a free Northern black person in 1853 was kidnapped into slavery, he could at least have a glimmer of hope of appealing to the law to save him (however unlikely it was that this would actually work). Today, there is no such hope.



When a defendant is offered a plea deal, they are not told that admitting guilt will rob them of “two of the most fundamental rights in modern democracy”: the right to serve on a jury and the right to vote. Similarly, they are not told about the maze of rules they will be subject to as a convicted felon, nor about the stigma and permanent “second-class” status they will be marked by forever. Defendants are often unaware that, by accepting the plea deal, they will be excluding themselves from welfare, housing, job opportunities, and other basic rights. Although plea deals can initially seem appealing (especially if they involve little to no prison time), this is usually because the true nature of the deal has been hidden. Because courts have chosen not to classify these consequences as part of the “punishment” for criminal behavior, there is no legal requirement for them to inform defendants that they will happen.

Alexander argues that the disproportionate number of African Americans in prison fits into larger cultural messages that black people are “not wanted in mainstream society.” Offenders released from prison must navigate an almost impossible maze of rules and prohibitions in order to survive on the outside. Firstly, they must find a place to sleep—a difficult task when you are now excluded forever from public housing. Being unable to find housing often means people will lose custody of their children, who—as Alexander points out—are thus cruelly punished despite having committed no crime themselves. Although banning “criminals” from living in public housing might sound good in the abstract, in reality it is a highly discriminatory policy that, rather than solving social problems, simply makes them worse.

Access to public housing is one of the most important factors in ensuring that felons have a chance at remaining “drug- and crime-free” once they are released from prison; yet this fact has done nothing to change the policy of housing discrimination against felons. Similarly, ex-prisoners must find employment to meet the conditions of parole (not to mention in order to survive), yet it is still perfectly legal for private employers to discriminate against those with a criminal record. Once applicants have admitted that they are a felon, it is almost impossible to get an interview—especially considering that many will already have disadvantages to their profile, such as lack of education, a suspended driver’s license, and gaps in work experience. Black offenders face an especially strong stigma in the job application process due to the double impact of racial and criminal discrimination.

The New Jim Crow is filled with examples of legal rules designed to look innocent on the surface, but which actually conceal deeply sinister realities beneath. By simply listing all the consequences of being deemed a felon as not part of the “punishment,” the courts proceed with a massive lack of transparency that has a devastating impact on people’s lives. Even as a highly successful civil rights litigator and advocate for racial justice, it took Alexander ten years to fully come to terms with the realities of mass incarceration. What hope is there for the average person who has no specialized understanding of the law?



Here Alexander identifies one of the problems at the heart of the criminal justice system. Policies that sound appealing to the non-criminal population (in other words, the population who can vote) have a catastrophic impact on convicted felons and those around them (such as their children). A person with little experience of prisons might happily vote for the politician who promises them they will never have to live next to a felon. Yet this person has failed to consider what this policy will actually mean for the many families who end up homeless as a result.



The corrupt nature of the criminal justice system becomes most evident when one examines how difficult it is for those who wish to “play by the rules” to do so. Even the “perfect” offender who has the motivation and dedication to becoming a productive member of society will face near-insurmountable barriers at every turn. Again, if the purpose of prison is to rehabilitate criminals and help them to contribute productively to society, it is difficult to understand how the state expects them to do this, given the obstacles that face every offender trying to reintegrate themselves into ordinary life.



Alexander cites examples of grassroots initiatives aiming to combat the requirement that job applicants disclose their criminal history. However, she warns that there is a chance that black men will actually face *more* discrimination without the criminal record check due to the (often unconscious) association between black men and criminality. Although “flat bans” on hiring felons are in many cases illegal, research has shown that those with a criminal record face significant discrimination in the hiring process anyway. Even the fraction of ex-prisoners who are able to secure a stable, legal income are often crippled by the amount of debt they have incurred simply through being caught up in the criminal justice system. There are a whole host of “fees, costs, and fines” associated with being a felon, and thus many newly employed ex-prisoners must hand their entire paychecks over to the state, leaving nothing left for them to survive.

As a result of these debts, many newly released prisoners end up returning to jail. Even those who do their best to earn a living legally are often taken back to prison anyway. Alexander compares this situation to that of ex-slaves in the aftermath of Emancipation; saddled with “debts” they had no hope of paying, many people were re-enslaved by being thrown into prison or otherwise roped into forced labor. Additionally, Bill Clinton’s welfare reform legislation includes a clause stating that those who have been convicted of drug-related crimes are permanently prohibited from receiving federal welfare, such as food stamps. Although most states have “opted out” of this clause, thousands of people are still denied public assistance because of it.

Alexander points out that in most countries, people with a criminal record are allowed to vote, including while they are serving time in prison. The UN has even stated that America’s disenfranchisement of felons violates international law. In order to have their right to vote restored, felons must navigate a “bureaucratic maze” that often involves costly fees. Alexander cites the case of a Vietnam veteran denied the right to vote due to having served time for \$10 worth of marijuana, pointing out the absurdity of the fact that someone who served in the American military is denied the right to participate in democracy. Disenfranchised felons form such a significant voting bloc that, if felons were allowed to vote, American presidential elections (such as George W. Bush’s election in 2000) would have turned out differently. Even felons who are not technically barred from voting are often resistant to the idea due to the fact that it involves interaction with government authorities. This fear recalls the violent tactics used by the KKK in order to dissuade black people from voting in the 20th century.

The problems of the criminal justice system are so deeply intertwined with broader social issues that even well-intentioned attempts to counter its effects—such as efforts to eliminate the criminal record box on job applications—can backfire, leading to further discrimination against black men overall. This point demonstrates the extent to which black people in general have been linked to criminality in the public imagination. Eradicating the system of mass incarceration is thus a matter of urgent racial justice, as mass incarceration negatively impacts all people of color (along with many white people) in the US, not just those who are convicted of crimes.



As with criminality, we are used to thinking of debt as a simple, self-evident moral wrong. Theoretically, people with unpaid debts deserve to be punished. However, the reality is that debt is not so straightforward. Newly released criminals have no choice over whether or not to pay the fines and fees imposed on them by the state. Due to poverty and discrimination, they may well find it impossible to come up with the money to pay through legal means; yet if they are unable to pay, they are sent back to prison. Is this fair?



Alexander’s portrayal of the American political system suggests less a true democracy than a system in which the “right” kinds of citizens are allowed to contribute. While this in itself is problematic enough, considering it violates the very meaning of democracy, what is arguably even more disturbing is how closely the idea of the “right” kind of citizen is tied to race. Voter disenfranchisement among the non-criminal population has been proven to take place along racial lines. But whereas this is technically illegal, denying the right to vote of the prison population, which disproportionately consists of people of color, is protected by law. Yet while felons are denied the right to vote, how will there be any hope of this law changing?



Alexander admits that it is difficult for Americans who are outside the criminal justice system to even imagine what it would be like to be legally discriminated against in almost every aspect of their lives. She also emphasizes that rather than affecting criminals alone, the stigma of criminality impacts whole groups of people who have never seen the inside of a jail—particularly young black men. This stigma is so intense that it can be difficult to overcome. She quotes one African-American man who describes his felony conviction as “a mental punishment,” and a black minister who claims that “‘felony’ is the new N-word.” Yet the emotional pain and shame this stigma causes often goes unrecognized, due to the prejudice and apathy with which black people are so often viewed in America.

Studies show that, despite making criminality far more pervasive, mass incarceration has also increased the stigma associated with having a criminal conviction. This shame in turn isolates and divides people affected by incarceration, as they are likely to keep their experiences hidden from friends, family, and neighbors. People who might otherwise find comfort and strength in communities such as their church deny themselves this opportunity on account of their shame. Alexander compares lying about the status of incarcerated family members to the Jim Crow phenomenon of light-skinned black people cutting off darker relatives in order to “pass” as white. Shame over incarceration can contribute to the self-hatred instilled in people of color through living in a racist society. This in turn contributes to a “repression of public thought” and community.

Alexander argues that poor people of color simply want to live safe, healthy, productive lives, and that the idea that they seek out or are indifferent to criminality is a racist myth. Sometimes people will point to “gangsta rap” culture as evidence that criminality and violence are glorified within black communities. However, Alexander responds that it is a normal coping strategy for people to respond to stigmatization by “embracing their stigma,” much as LGBT people have done in the form of Pride parades. She concedes that there is a difference between embracing gay sexuality and embracing criminality, because the latter is doomed to be self-destructive. Nonetheless, it is hard to see what else young black men are supposed to do when all other options available to them are shut down.

The minister’s statement that “‘felony’ is the new N-word” emphasizes the public association between blackness and criminality, while also suggesting that disdain for felons demonstrates a lack of conscientiousness and sympathy. As Alexander emphasizes elsewhere in the book, everyone makes mistakes—and, more specifically, everyone breaks the law, even if only in a minor way. The shame attached to black felons is thus more often created less by what they’ve done than who they are—people who have never been treated as truly welcome in American society.



As Alexander shows, shame can cause people to act in a way that is ultimately destructive to their loved ones, their communities, and themselves. Although this behavior cannot directly be blamed on the government, it is nonetheless obvious that the state’s policy of mass incarceration sets off a cruel and harmful cycle within which society’s most vulnerable communities find themselves trapped. While it is possible for grassroots organization to tackle some of the stigma of incarceration, ultimately these efforts will be limited by the sense of shame imposed by society at large.



Alexander is not trying to argue that gangsta rap culture is beyond critique or that it doesn’t have some harmful effects. Rather, she is rejecting the (highly common) argument that gangsta rap is the root source of criminality within black culture, and hence the cause of mass incarceration. As her history of the American criminal justice system shows, black people have been criminalized for centuries before gangsta rap culture even existed. Mass incarceration would thus continue to exist even if a massive cultural shift took place within poor black communities.



Alexander argues that the “commodification of gangsta culture” and adoption of “black attitudes, cultures, and mores” in popular culture are the equivalent of modern-day minstrel shows, which—like the minstrel shows of the past—are designed to entertain white people while further stigmatizing African Americans. She imagines that in the future, historians will look back at gangsta rap with the same puzzled curiosity with which contemporary historians view black people who participated in and attended minstrel shows. On the other hand, not all hip hop artists fill their music with negative stereotypes about black culture. Alexander argues that the origins of rap lie in “the struggle for a positive identity among outcasts.”

Alexander speculates that when mass incarceration “collapses,” historians will find it baffling that “such an extraordinarily comprehensive system of racialized social control existed in the United States.” It will seem obvious to these scholars that the **War on Drugs** was merely a pretense used in order to repress and control people of color. Alexander notes that it is remarkable how many people manage to survive at all after time spent in prison, considering the obstacles mounted against them. The people struggling against those obstacles are “heroes” whose experiences are not only unacknowledged, but are even stigmatized within broader society. Alexander argues that if we truly want to aim for liberation, instead of shaming those caught up in the criminal justice system, we should “embrace” them.

CHAPTER 5: THE NEW JIM CROW

Alexander describes a Father’s Day in 2008 when then-Democratic presidential nominee Barack Obama gave a speech at a church in Chicago urging black men to “be better fathers.” Although this message has been advocated by several other famous black men, the mainstream media treated the speech as an astonishing event. Social research has shown that the idea that black men disproportionately “abandon” their families is false. However, criticisms of Obama’s speech generally failed to mention the fact that the stereotype of the absent black father is created by a very real phenomenon: mass incarceration. The question, “where have all the black men gone?” is asked frequently in contexts ranging from political debate to the pages of *Ebony* magazine, but few people ever provide the true answer, which is that they have gone to prison.

The question of whether gangsta rap is an empowering or degrading genre is contentious, often dividing people along generational lines. While Alexander is sympathetic to the reasons why rap is filled with imagery of criminality and violence, she cannot help but see parallels between this music and the minstrel shows of the past. Others criticize this view, suggesting that rap and minstrelsy have little in common and that hip hop can be a source of strength, rebellion, and power for young black people.



While Alexander is generally not particularly optimistic about the possibility of progress, she is confident that mass incarceration will eventually collapse. This belief is less founded on hope for positive change than by the precedent set by previous systems of racialized social control, including slavery and (the first) Jim Crow. As her book warns, though, there is a strong possibility that when mass incarceration ends, another racist system of control will emerge in its place. It is only by understanding the system of control that currently exists that there can be hope of ending the cycle forever.



Here Alexander frames mass incarceration as a nationwide secret, which everyone from politicians to journalists to ordinary people refuse to acknowledge. Even as people bring up the fact that a noticeable proportion of the black male population of the country is conspicuously missing, people are still too embarrassed or misinformed to admit that this is because these men are in prison. Of course, tackling mass incarceration is difficult when most people fail to even recognize that it is a problem. The problem is exacerbated by myths that blame black men themselves for “abandoning” their families and communities.



Alexander points out that more African Americans are in prison today than were enslaved in 1850. Yet most people do not notice this regression in racial equality because their attention is focused on exceptional black celebrities. Meanwhile, the media has helped to create mass public support for the **War on Drugs** through sensationalism and (racialized) stereotypes. Nowadays mass incarceration is such a normal part of the American political system that such propaganda isn't even necessary. Alexander also considers people's ability to deny phenomena taking place right before their eyes, which she claims involves a careful mix of "knowing and not knowing" at the same time. Although people might know that a disturbingly large percentage of black and Latino populations are incarcerated, it's easy to persuade ourselves that this is justified, or—because incarcerated people are by nature hidden from view—simply put it out of our minds.

In the 20th century, many otherwise compassionate white people chose to vote for Jim Crow, thereby lending their support to a racist structure of power much like the one that exists in the form of mass incarceration today. Because of this structure, racism can now operate without the conscious actions of individual racists. Alexander compares mass incarceration to "a birdcage with a locked door" in order to emphasize that it consists of multiple different structures that (both literally and metaphorically) imprison a portion of the population as the "underclass." Each wire of the cage individually can be reasoned away, but it is only when we step back from this "maze of rationalizations" that it becomes obvious how the system truly functions.

Alexander reviews the three stages of criminal punishment outlined in Chapter Two. The first stage involves an interaction with the racially-biased police system. The second is the conviction stage, during which defendants are pressured to plead guilty and are often given excessively long sentences due to mandatory minimum laws. The final stage can be thought of as "invisible punishment," when a prisoner reenters society under the label of "felon" and encounters a whole host of restrictions, sanctions, and discrimination as a result. The prisoner is now part of society's "undercaste" and will remain so for the rest of his life.

Up until this point, the book has not confronted the reader directly about their complicity in mass incarceration. Here, however, Alexander suggests that in years to come, people will wonder why those living during our era simply let mass incarceration take place without intervening (or, in many cases, while continuing to vote for politicians who institute "tough on crime" policies). Although the average person can hardly dismantle mass incarceration overnight, Alexander suggests that we all have a responsibility to do our part to end this system. After all, without public support mass incarceration could not have become institutionalized in the first place.



"The New Jim Crow" is filled with statistical examples, legal cases, and personal anecdotes that serve to support Alexander's overall arguments about mass incarceration. However, none of these pieces of evidence could convince anyone of the racist injustice of mass incarceration on its own; rather, they need to be examined together. The more details are added, the more horrifying the picture becomes. Yet for those who wish to deny that mass incarceration is unjust, it is all too easy to choose not to see the forest for the trees.



Alexander reminds the reader of the very different—yet equally harmful—stages of the incarceration process in order to emphasize how expansively cruel the system of mass incarceration is designed to be. Even if someone has a relatively better experience at one stage—perhaps by encountering a compassionate police officer or receiving a relatively light sentence—their luck is almost guaranteed to run out at the other stages.



Some people argue that although the brutality and racism of the criminal justice system is abhorrent, it is “nothing new,” and Alexander concedes that there is some validity to this point. As she herself has argued, many of the worst aspects of mass incarceration have their origins in slavery, chain gangs, racist trials, and Jim Crow. The key difference, however, is just how pervasive mass incarceration truly is. Rather than being *part* of a structure of racialized social control, mass incarceration is the structure. Alexander argues that another striking thing about mass incarceration is how closely it resembles the racist system of control that preceded it: (the original) Jim Crow. While she has outlined many of the similarities already, she proceeds to explicitly identify more now.

Both Jim Crow and mass incarceration were deliberately created to redirect working-class white people’s anger away from legitimate economic issues and toward the scapegoat of African Americans. Similarly, both systems operate through an elaborate system of legalized discrimination that creates “a parallel social universe.” At the centre of this discrimination is political disenfranchisement, which both systems depend on to survive. Related to this is the deliberate exclusion of black people from juries, along with Supreme Court rulings that prevent challenges to the racial bias of the legal system. Both systems also rely heavily on—and work to reinforce—racial segregation, further increasing this sense of two parallel universes and pushing the most marginalized communities deeper into poverty.

Alexander then moves on to a connection between Jim Crow and mass incarceration that she has not yet described in detail: the “symbolic production of race.” This phrase refers to the way that both Jim Crow and mass incarceration “produce” the racial caste that they then criminalize, control, and oppress. Alexander emphasizes that although the word “criminal” is theoretically race-neutral, mass incarceration has made criminality a racialized idea. Black men are associated with criminality whether or not they have committed a crime. This did not happen “organically,” but was a deliberate component of the **War on Drugs**. Thus even African-American children are linked to the stereotype of criminality; meanwhile, non-black criminals are symbolically “made black” by doing time in prison.

Alexander’s argument about the uniqueness of mass incarceration can be difficult to fully grasp, because she argues that mass incarceration is both new and not new at the same time. On the one hand, mass incarceration is a type of systematic racialized social control that can be grouped in the same category as slavery and Jim Crow. On the other hand, the current state of mass incarceration must be distinguished as unique within the history of incarceration in general, and viewed through the specific context of the War on Drugs.



Although Alexander has spent most of the book implicitly comparing mass incarceration to Jim Crow, it is only at this point that many readers will be struck by just how similar the two systems are. Of course, it might be that some readers identify a key difference between the populations Alexander is comparing. Even if we acknowledge that there are a disproportionate amount of people of color in the prison population, is it fair to argue that taking away the rights of black people is the same as taking them away from criminals? By this point in the book, Alexander suggests that yes—both are equally unjust.



Alexander’s description of the symbolic production of race may seem confusingly abstract and thus not tied to the real, physical way in which mass incarceration functions. However, the concept that she frames in theoretical terms here is in fact quite simple. By generating propaganda that created the stereotype of the black criminal, the government essentially gave itself an excuse to start incarcerating black people en masse. Furthermore, because this stereotype was so aggressively impressed upon the public, most people supported the policy of mass incarceration.



At the same time, Alexander is keen not to overstate the similarity between mass incarceration and Jim Crow. It is very important, for example, that the **War on Drugs** and mass incarceration are officially framed as race-neutral. The lack of explicit racism has “turned the black community against itself.” Whereas black people across different classes, education levels, and geographic regions joined together to fight against the explicitly racist policies of Jim Crow, this has not taken place in the case of mass incarceration. Similarly, the War on Drugs (mostly) contains a lack of “overt racial hostility.” Whereas overt racism was integral to Jim Crow, from the 1980s onward the general public generally disfavored explicit racist sentiment, and thus the drug war had to hide its racism in order to survive.

Alexander identifies another important difference: the fact that, while most whites did not suffer from Jim Crow, mass incarceration has had a direct, terrible impact on many white people. This does not mean white people are the intended targets of the **War on Drugs**; rather, they are “collateral damage.” Although the drug war has affected white people, if it had done so on the same scale that African Americans are currently being locked up it would cause national outrage. In order to emphasize this point, Alexander compares drug offenses to another (even more) dangerous social problem that arose to prominence in the 1980s: drunk driving. At the time, public pressure led to the institutionalization of mandatory minimum sentences for drunk driving—yet where for drugs these are in the region of 3-5 years, for drunk driving they tend to be 2-10 days. Alexander argues that this is because 78% of those arrested for drunk driving are white men.

Another difference between Jim Crow and mass incarceration is that where no reasonable African American supported Jim Crow, it is often claimed that many black people support “tough on crime” policies. Alexander suggests that these claims are often somewhat unfounded, and do not take into account the fact that African Americans would much prefer spending on resources such as education, health, and employment for their communities. Furthermore, even where some black people may indeed support “tough on crime” approaches, this rarely applies to drugs. Most poor African Americans understand that turning to the drug trade is usually the last resort of those who have no other employment opportunities.

Those who argue that mass incarceration is totally unlike Jim Crow often point to the lack of overt racism in today’s world as evidence that mass incarceration is a lot more just and less racist than Jim Crow. However, in this passage Alexander reverses this kind of thinking by suggesting that, paradoxically, the lack of explicit racism in some ways makes mass incarceration worse. Without an obviously racist message to oppose, African Americans have not united to fight mass incarceration in the same way that they did Jim Crow.



The role of white people caught up in the War on Drugs can be confusing. Throughout the book, Alexander scarcely mentions the white people who are sent to prison on drug charges. This may seem odd, as a large number of white people are currently being held in prison on drug crimes. However, as she makes clear in this passage, this was never the aim of the drug war. If mass incarceration locked up only people of color, it would look far too suspicious; instead, black and Latino people are incarcerated at exceedingly high rates, with some whites thrown in too. It could also be argued that the poorest whites do occupy a lower racial caste than their wealthier equivalents.



Alexander suggests that the average black person’s understanding of the problems of drugs, crime, and social welfare tend to fit more closely with the findings of researchers than the words of politicians or the media. This is simply because those living within black communities understand their social world better than those who receive their information from popular culture, sensationalist journalism, and inflammatory political rhetoric.



At the same time, there does exist an ongoing debate within African-American communities over the root causes of mass incarceration and whether black people themselves are at all to blame. Alexander points out that although black people can hardly be said to have “benefited” from Jim Crow, those who played by the rules were made marginally more safe by the system; some African Americans today distance themselves from criminals for the same reason. This is part of the broader phenomenon of “the politics of respectability,” which involves the elite sacrificing the rights of the poor and “undesirable” classes for their own advantage. In the past (such as during the development of the New Deal), the political class of African Americans has deliberately diverted resources away from the poorest black communities and toward more “respectable” recipients. Alexander argues that it is thus unsurprising that some black leaders today have also imitated “tough on crime” rhetoric.

The tough approach taken by some African-American leaders has meant that black youth are often expected to meet impossible expectations, and are then blamed when they fail to meet them. Alexander argues that in reality, nobody can be expected to make good choices all the time—particularly not young people who face poverty, violence, discrimination, and a lack of jobs and resources. While it’s a good idea to encourage everyone to act in a responsible and principled manner, Alexander urges that this does not work “as a liberation strategy.” Instead, we must focus on why so many people of color who made one or two minor mistakes now find themselves locked up in prison.

Alexander emphasizes that poor people of color are, in the words of the philosopher Tommie Shelby, “forced to make choices in an environment they did not choose.” These people deserve much better, and it is certainly within the realm of possibility to provide them with more. Since the 1960s, black people have been pushed into ghettos that in many cases have suffered total economic collapse. The “extreme marginalization” that poor black people now face is arguably even more dangerous than their exploitation as slaves, because at least when a population is exploited they are needed by society at large. When a population appears to be neither needed nor wanted, this opens the door for egregious human rights abuses.

As Alexander’s exploration shows, part of the success of mass incarceration has been maintaining a significant enough degree of racial ambiguity to cause divisions among African Americans. Again, if the criminal justice system was only locking up black prisoners, there would be little doubt over the need to perform a major intervention. Instead, however, the system of mass incarceration has gained some African-American supporters who believe that the “tough” approach may be what’s best for their communities. In reality, what is sold as toughness is in fact racist discrimination and brutality. Yet this fact is so carefully concealed that for a long time, even professional advocates of racial justice did not fully understand it.



Here Alexander suggests that the pressure put on black people in general—and black youth in particular—itself becomes a kind of myth about what is possible in contemporary America. While we would no doubt like to live in a meritocratic society in which everyone has a chance to succeed no matter what neighborhood they were born in or how much money they have, this is patently not the case. We must acknowledge that mass incarceration at times makes prison almost inescapable.



Although it might seem absurd to suggest that African Americans were safer as slaves than they are in our current world, history indicates that the statement might have some validity. The occasional protection and resources African-American slaves received was not given from a place of compassion, but rather because white people were invested in making a profit through slave labor. Now that many prisoners serve no obvious social “purpose,” it is hard to know who will protect them.



CHAPTER 6: THE FIRE THIS TIME

Alexander describes an event in September 2007 when African-American celebrities, activists, and young people gathered in Jena, Louisiana, to protest the fate of the “Jena 6”: six black teenagers charged with attempted murder of their white classmate. Reverend Al Sharpton declared: “We’ve gone from plantations to penitentiaries,” and statistics about mass incarceration were read aloud. The protest was a success; most of the charges were dropped. Yet Alexander can’t help but think of the parents of other young people who have been unjustly locked up with no attention from protesters or the media. She suggests that people only took note of the Jena 6 because of a hangman’s noose that had been hung up as a “prank” in the area—a sign of the “old-fashioned racism” of the past. Alexander argues that we need to learn to recognize and be enraged about less obvious examples of racism if we are to have any hope of tackling the racism of the present era.

Alexander argues that the “collective denial” of the general public over the issue of mass incarceration is somewhat understandable, given the widespread misinformation about the criminal justice system. She is less forgiving of the denial exhibited by civil rights advocates, who she suggests are neither ignorant of nor indifferent to the injustice of the **War on Drugs**, but have been swept along with the overall consensus of ignoring mass incarceration. Alexander corrects the popular misconception that “civil rights lawyers are the most important players in racial justice advocacy,” arguing that it is grassroots organizers who create the climate in which legal change can take place. The success of the civil rights movement meant that many racial justice organizations were overtaken with lawyers; although this helped to win cases, it risked making these organizations somewhat out of touch with changes taking place on the ground.

Alexander describes a sense of excitement about the possibility of a new movement launched by the case of the Jena 6. However, she also suggests that racial justice advocates are still stuck in old models of organizing that were suited to previous systems of racial social control. This is deeply problematic, as one of the main points of the book is that if we expect the “new Jim Crow” to resemble the old one too closely, we will miss the racist forces that are unique to the current era. The case of the Jena 6 also suggests that the public responds to visible, spectacular symbols of racism (such as the hangman’s noose) and less to more subtle—yet arguably more dangerous—issues.



Alexander’s critique of civil rights lawyers clearly emerges from her own experience. As someone who was once unaware of the full extent of mass incarceration and is now an expert on the topic, Alexander is in a unique position to analyze the neglect of the issue within the civil rights community. While she is somewhat sympathetic to the fact that civil rights lawyers are influenced by the opinion of the general public, she is keenly aware of the changes that need to be made to the landscape of anti-racist advocacy in order for justice to be achieved.



Alexander admits that the most successful policy for civil rights advocates thus far has been finding the most sympathetic, “respectable” figures—such as Rosa Parks—and using them as the public faces of legal campaigns. This method works less well in the context of mass incarceration, however, because few people “caught up in the criminal justice system have less than flawless backgrounds.” However, simply ignoring felons is hardly a good option either. Because the incarcerated population is not counted in censuses, the public tends to have an overly rosy picture of the economic status of African Americans, as a large percentage of the poorest black people are excluded from the data. This false impression is not helped by the fact that civil rights advocacy tends to focus on subsections of the black population such as “innocent doctors and lawyers stopped and searched on freeways” or “innocent middle-and-upper middle class black children” who risk losing their Ivy league admissions if affirmative action is eradicated.

Alexander admits that she won’t lay out a detailed plan for the best course of action, but rather hopes to inspire people to come up with their own solutions. She begins by arguing that isolated incidents of criminal justice reform are “futile” on their own; even if small victories are won, these will be subsumed under the overall system unless that system is changed at its core. One priority should be attacking private-sector investment in prisons, which can be highly lucrative. Alexander also stresses that the **War on Drugs** must end, an incredibly complex and daunting task. Dismantling the drug war would include the end of racial profiling, demilitarization of ordinary police forces, eradication of drug forfeiture laws, revocation of mandatory sentences, legalization of marijuana (and potentially other drugs), in addition to a great many other steps.

Alexander evokes the words of Martin Luther King, Jr., who claimed that winning in “the court of public opinion” was more important than any legal victory. Winning over public opinion will involve significantly changing popular conceptions about race, drugs, and crime. Such sweeping change should not come at the expense of ongoing efforts at reform; rather, the two tactics must be synthesized into one overall movement. At the same time, too much reform can risk legitimizing the very system it is supposed to erode. Alexander emphasizes that while a system of crime control is of course necessary, the system currently in operation is doing a poor job; indeed, some researchers have concluded that mass incarceration causes more crime than it prevents.

The decision to use “respectable” figures as the face for civil rights litigation is controversial, even as most people recognize that in the past it has hastened the advance of legal gains for African Americans. Critics of this tactic argue that it contributes to the overall problem of respectability politics—namely, the fact that poorer, less “respectable” African Americans are sacrificed in order for the better off to gain more advantages. As Alexander points out, it also helps to misrepresent the state of the African-American population as a whole to the public. If civil rights lawyers continue on this course, people will continue to be unaware that mass incarceration is a problem.



Depending on one’s perspective, Alexander’s insistence that the whole system must come apart may appear to be either deeply inspiring or hopelessly intimidating. Her argument also breaks with the convention of gaining civil rights justice one case at a time, a tactic which—whether or not it ultimately produces justice—at least appears more manageable. On the other hand, Alexander’s desire to eradicate mass incarceration is not simply an abstract proclamation for revolution, but rather an overarching plan involving many smaller steps.



Changing the tide of public opinion might seem like an impossibly daunting task. However, at this point it is helpful to consider the impact of The New Jim Crow itself. The book became a bestseller, won multiple awards, and has been added to high school and college syllabi across the country. The fact that the contribution of Alexander herself has already had such a big impact suggests that there is good reason to be hopeful about the possibility of reversing the average person’s opinion on drugs, crime, and mass incarceration.



Alexander mentions that projects such as Lifeline and Operation Ceasefire, which offer opportunities and resources to gang members if they promise to stop engaging in criminal activity, have proven successful. Another important step is to start talking about race “openly and honestly” in order to improve understandings of unconscious bias and other forms of racism fueling the **War on Drugs**. Alexander emphasizes that although it will be tempting to accept the “race-neutral” solutions to mass incarceration currently being offered, history teaches us that this will not work out well in the end. Although it may seem like a “colorblind” approach is the progressive way forward, ignoring race is the far more dangerous move. Alexander reminds the reader that Martin Luther King, Jr. argued that racial “blindness and indifference” actually plays a more powerful role in creating racial inequality than explicit hatred.

Alexander moves on to critique “cosmetic racial diversity,” which she argues has too often been made to stand in for genuine racial justice. It is easy for reforms to make systems look equal and fair when they are actually still deeply discriminatory; Alexander suggests that affirmative action is one such reform. Although she acknowledges that affirmative action has made a positive difference in many people’s lives, it has also legitimized the idea that American society is basically fair and meritocratic, rather than structured by a racial caste system, all while taking up disproportionate media attention. Alexander suspects that the civil rights community will be particularly hesitant to revise affirmative action, as it is the racial justice issue that is most likely to affect them directly. Unfortunately, watching black youth who grow up to become lawyers and even presidents risks distracting people from the horrific and racist brutality that remains at the heart of the American legal system today.

Alexander argues that including “people of color in power structures, particularly at the top, can paralyze reform efforts.” This refers both to the black and Latino police officers who are presented as evidence that the police in general aren’t racist, as well as to the highest office in the nation: the position of president. To some extent, the 2008 election was a hopeful moment in the fight against mass incarceration; Obama has openly discussed his own recreational drug use as a young man and at first seemed to be opposed to the **War on Drugs**. Obama’s Vice President Joe Biden, however, is “one of the Senate’s most strident drug warriors” who wrote the notorious Crime Bill of 1994. Obama then chose to increase funding for the drug war, surpassing the pace set by his Republican predecessor George W. Bush. Alexander suggests that black people have not been sufficiently proactive in critiquing Obama’s (hypocritical) support for the War on Drugs.

Here Alexander shows that while it would be tragic to avoid solving the problem of mass incarceration at all, perhaps even worse would be attempting to solve it in the wrong manner. Accepting “colorblind” fixes to certain aspects of the War on Drugs could end up legitimizing the drug war and further entrenching mass incarceration into a permanent fixture of society. Although Alexander is hopeful for change, she stresses that radical action will be needed in order to avoid simply recreating another system of racialized social control in place of mass incarceration.



In this passage, Alexander examines the way in which affirmative action has been used to manufacture a myth about racial progress—a myth partially authored by the very people who should be on the frontlines of the fight for racial equality. While affirmative action has produced a unique level of “cosmetic racial diversity” in America compared to other countries, the problem with this cosmetic diversity is that it does not seem to have led to any real change. In fact, Alexander suggests that cosmetic diversity may actually be inhibiting chances of actual racial progress. Thus although eliminating affirmative action would be risky, it also might be necessary in the broader fight for racial justice.



Obama’s presidency is often discussed in broad, symbolic terms, making it easy for people to brush aside the actual policies of his administration—many of which contradict the message of racial progress with which he is associated. Although Obama is both black and the most openly drug-friendly president in living memory, his presidency has not seen much positive change for those affected by mass incarceration; indeed, Alexander suggests that in many ways, the War on Drugs has actually gotten worse. The difficulty of reconciling this fact with Obama’s overall image highlights how politicians have persuaded the public into accepting mass incarceration.



Alexander cites an Oakland-based organization called “All of Us or None,” whose name evokes an anti-racist politics based on uplift of those who are most vulnerable. She argues that in the wake of Jim Crow, more attention should have been paid to developing an interracial solidarity movement that united people of color with working-class whites whose lives had been “rocked” by desegregation. Alexander urges that the time has come for everyone to give up their “racial bribes” and fight for those who have been forgotten, excluded, and left behind. She stresses that racial justice advocates must ensure that “America’s current racial caste system is its last.”

Alexander argues that in 1968, Martin Luther King, Jr. attempted to shift the civil rights movement into a “human rights movement” with “revolutionary potential.” Unfortunately, civil rights advocacy has made little progress beyond the point at which King left it when he was assassinated. In order to have a real chance at achieving justice, civil rights must center the humanity of every person, regardless of whether they are poor, black, and/or a felon. Alexander admits that when the voices of those caught up in the criminal justice system are finally amplified, they may be full of “rage.” Instead of being met with shame or fear, however, these voices should be met with “truth.”

Alexander finishes the book with a quote by James Baldwin, taken from the published letter Baldwin wrote to his nephew in 1962. In the letter, Baldwin curses the “innocence” of white America, which is itself a kind of crime. He tells his nephew to remain strong and be inspired by the resilience of the ancestors that came before him, and promises him that America can be made into “what it must become.” Finally, Baldwin asserts: “We cannot be free until they are free,” before wishing his nephew luck.

Throughout the book, Alexander identifies ways in which structures of power operate in order to separate disenfranchised people from one another. This happens when black elites turn against poor and incarcerated African Americans, and also when the white working-class cling to their racial privilege over the chance to work alongside people of color in similar economic situations. Alexander stresses that only by refusing these hierarchies can ordinary people achieve power.



The “revolutionary potential” Alexander mentions has been thought by many to be one of the key reasons why Martin Luther King was assassinated. In today’s world, King is often remembered as a peaceful figure, and is even—ironically—sometimes associated with the contemporary push for “colorblindness.” However, in the final years before his death King emphasized the necessity of a radical restructuring of society, not unlike the one Alexander proposes in this chapter.



The quotation from Baldwin draws into question what we mean when we speak of innocence and guilt. While these concepts are often thought of as having straightforward definitions, Baldwin’s letter suggests otherwise. Are the black men locked up in prison really guilty? Or is the guiltier party not America itself?





HOW TO CITE

To cite this LitChart:

MLA

Seresin, Indiana. "The New Jim Crow." *LitCharts*. LitCharts LLC, 20 Jan 2017. Web. 21 Apr 2020.

CHICAGO MANUAL

Seresin, Indiana. "The New Jim Crow." LitCharts LLC, January 20, 2017. Retrieved April 21, 2020. <https://www.litcharts.com/lit/the-new-jim-crow>.

To cite any of the quotes from *The New Jim Crow* covered in the Quotes section of this LitChart:

MLA

Alexander, Michelle. *The New Jim Crow*. New Press. 2012.

CHICAGO MANUAL

Alexander, Michelle. *The New Jim Crow*. New York: New Press. 2012.