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Globalism and the prison industrial complex

An Interview with Angela Davis conducted by Avery Gordon

Angela Davis

I'd like to begin by asking you to describe what is meant by the "prison industrial complex".

Almost two million people are currently locked up in the immense network of US prisons and jails. More than 70 per cent of the imprisoned population are people of colour. Approximately five million people – including those on probation and parole – are directly under the surveillance of the criminal justice system. Three decades ago, the imprisoned population was approximately one-eighth its current size. [...] According to Elliott Currie, "[t]he prison has become a looming presence in our society to an extent unparalleled in our history – or that of any other industrial democracy. Short of major wars, mass incarceration has been the most thoroughly implemented government social programme of our times."[1]

Penal infrastructures must be created to accommodate this rapidly swelling population of caged people. Goods and people must be provided to keep imprisoned populations alive. Sometimes these

populations must be kept busy and at other times - particularly in repressive super-maximum prisons and in Immigration and Naturalization Service (INS) detention centres – they must be deprived of virtually all meaningful activity. Vast numbers of handcuffed and shackled people are moved across state borders as they are transferred from one state or federal prison to another. All this work, which used to be the primary province of government, is now also performed by private corporations, whose links to government in the field of what is euphemistically called "corrections" reveal dangerous resonances with the military industrial complex. The dividends that accrue from investment in the punishment industry, like those that accrue from investment in weapons production, only amount to social destruction. Taking into account the structural similarities and profitability of business-government linkages in the realm of military production and public punishment, the expanding penal system can now be characterised as a "prison industrial complex".

That the prison industrial complex produces "social destruction" is an important point since it challenges the ubiquitous rhetoric of prisons as a necessary solution to what's now - after the US defeat of the "communist threat" – taken to be the major social problem facing the United States, and that is crime.

Imprisonment has become the response of first resort to far too many of the social problems that burden people ensconced in poverty. These problems are often veiled by being conveniently grouped together under the category "crime" and by the automatic attribution of criminal behaviour to people of colour, especially Black and Latino/a men and women. Homelessness, unemployment, drug addiction and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages. Prisons thus perform

a feat of magic. Or rather the people who continually vote in new prison bonds or tacitly assent to a proliferating network of prisons and jails, have been tricked into believing in the magic of imprisonment. But, as you've suggested elsewhere, prisons do not disappear problems, they disappear human beings and the practice of disappearing vast numbers of people from poor, immigrant and racially marginalised communities literally has become big business.

As prisons take up more and more space on the social landscape, other government programmes that have previously sought to respond to social needs are being squeezed out of existence. In fact, the dismantling of the welfare state and the growth of the prison industrial complex have taken place simultaneously and are intimately related to one another. In the process of implementing this prisonisation of the US social landscape, private capital has become enmeshed in the punishment industry in a variety of ways and, precisely because of their profit potential, prisons are becoming increasingly central to the US economy. If the notion of punishment as a source of potentially stupendous profits is disturbing by itself, then the strategic dependence on racist structures and ideologies to render mass punishment palatable and profitable is even more disturbing.

This political economy of prisons relies on racialised assumptions of criminality – such as images of Black welfare mothers reproducing criminal children – and on well-documented racist practices in arrest, conviction and sentencing patterns to deliver up bodies destined for profitable punishment. Coloured bodies are the main raw material in this vast experiment to disappear the major social problems of our time. Once the aura of magic is stripped away from the imprisonment solution, however, what is revealed is racism, class bias and the parasitic seduction of capitalist profit within a system that materially and morally impoverishes its

inhabitants, while it devours the social wealth needed to address the very problems that have led to spiralling numbers of prisoners.

You're suggesting, then, that the prison industrial complex accomplishes two interrelated vanishing acts. It disappears ever larger numbers of poor coloured people, especially women and youth, into the shadow society of the prison where they are expected to live behind, as you put it, "layer and upon layer of razor wire", in a literal state of social dispossession.[2] It also hides from public view the racialised capitalism that underwrites and drives the development of the prison industrial complex.

Yes. Let me try to connect these two dimensions. Because of the tendency to view it as an abstract site into which all manner of undesirables are deposited, the prison is a perfect site for the simultaneous production and concealment of racism. The abstract character of the public perception of prisons militates against an engagement with the real issues afflicting the communities from which prisoners are drawn in such disproportionate numbers. This is the ideological work that the prison performs; it relieves us of the responsibility of seriously engaging with the problems of late capitalism, of transnational capitalism. The naturalisation of Black and brown people as criminals also erects ideological barriers to an understanding of the connections between late-twentieth century structural racism and the globalisation of capital.

Would you elaborate on that connection?

The vast expansion of the power of capitalist corporations over the lives of people of colour and poor people in general has been accompanied by a waning anti-capitalist consciousness. As capital moves with ease across national borders, legitimised by recent trade and investment agreements such as NAFTA, GATT and MAI,

corporations close shop in the United States and transfer manufacturing operations to nations providing cheap labour pools. In fleeing organised labour in the US to avoid paying higher wages and benefits, they leave entire communities in shambles, consigning huge numbers of people to joblessness, leaving them prey to the drug trade, destroying the economic base of these communities and thus affecting the education system, social welfare - and turning the people who live in those communities into perfect candidates for prison. At the same time, they create an economic demand for prisons, which stimulates the economy, providing jobs in the correctional industry for people who often come from the very populations that are criminalised by this process. It is a horrifying and self-reproducing cycle.

This is a disturbing twist on the notion of dependency and an example of what Helen Quan, in the context of studying neo-imperialism in Brazil, has called "savage developmentalism".

It is more than a twist. Prisons themselves are becoming a source of cheap labour that attracts corporate capitalism in a way that parallels the attraction unorganised labour in Third World countries exerts. Let me read you a statement by Michael Lamar Powell, a prisoner in Capshaw, Alabama:

> I cannot go on strike, nor can I unionize. I am not covered by workers' compensation of the Fair Labour Standards Act. I agree to work late-night and weekend shifts. I do just what I am told, no matter what it is. I am hired and fired at will, and I am not even paid minimum wage: I earn one dollar a month. I cannot even voice grievances or complaints, except at the risk of incurring arbitrary discipline of some covert retaliation You need not worry about NAFTA or your jobs going to Mexico

> and other Third World countries. I will have at least five per cent of our jobs by the end of this decade. I am called prison labour. I am The New American Worker.[3]

This "new American worker" will be drawn from the ranks of a racialised population whose historical super-exploitation, from the era of slavery to the present, has been legitimised by racism. [...] Moreover, as Michael Powell so incisively reveals, there is a new dimension to the racism inherent in this process, which structurally links the super-exploitation of prison labour to the globalisation of capital. [...]

Although prison labour is hugely profitable for the companies that use it, the penal system as a whole does not produce wealth. It devours the social wealth that could be used to subsidise housing for the homeless, to meliorate public education for poor and racially marginalised communities, to open free drug rehabilitation programmes for people who wish to kick their habits, to create a national health care system, to expand programmes to combat HIV and to eradicate domestic abuse, and, in the process, to create well-paying jobs for the unemployed. This amounts to a massive redistribution of social wealth and resources. For example, government contracts to build prisons have played a major role in bolstering the construction industry and prison design has become a major business "opportunity" for architects. Technology developed for military use is marketed by companies like Westinghouse for use in law enforcement and punishment. Moreover, corporations that appear to be far removed from the business of punishment are intimately involved in the expansion of the prison industrial complex. For example, prison construction bonds are one of the many sources of profitable investment for leading financiers such as Merrill Lynch. [...]

I'd like to go back to a statement you made earlier that Black people and people of colour in general are the main human raw material with which the expansion of the prison industrial complex is being accomplished. In several articles and in your […] book, you've been excavating the racialised and gendered history of punishment and penality in the US and you've identified at least four systems of incarceration that link "confinement, punishment, and race": the reservation system, slavery, the mission system, and the internment camps of the second world war.[4] You've focused especially on the history of slavery and on people of African descent.[5] What are some of the main features of this history that you see as particularly important for understanding the prison crisis today?

Within the US – and increasingly in postcolonial Europe – the disproportionate presence of people of colour among incarcerated populations has acquired a self-evident character.[6] But, this commonplace is a result of a long history of exploitation and state repression. Historically, people of African descent consigned to slavery in the US were certainly not treated as rights-bearing individuals and therefore were not considered worthy of the moral re-education that was the announced philosophical goal of the penitentiary. Indeed, the slave system had its own forms of punishment, which remained primarily corporeal and of the sort that predated the emergence of incarceration as punishment.

Within the institution of slavery, itself a form of incarceration, racialised forms of punishment developed alongside the emergence of the prison system within, and as a negative affirmation of, the "free world", from which slavery was twice removed. Even if the forms of punishment inherent in and associated with slavery had been entirely revoked with the abolition of slavery, the persistent second-class citizenship status to which former slaves were relegated would have had an implicit impact on punishment

practices. However, an explicit linkage between slavery and punishment was written into the US Constitution precisely at the moment of the abolition of slavery. In fact, there was no reference to imprisonment in the Constitution until the passage of the Thirteenth Amendment declared chattel slavery unconstitutional. The Thirteenth Amendment read: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction". The abolition of slavery thus corresponded to the authorisation of slavery as punishment. In actual practice, both Emancipation and the authorisation of penal servitude combined to create an immense Black presence within southern prisons and to transform the character of punishment into a means of managing former slaves.

In constructing prisoners as human beings who deserved subjection to slavery, the Constitution allowed for a further, more elusive linkage of prison and slavery, namely the criminalisation of former slaves. This criminalisation process became evident in the rapid transformation of prison populations in the southern states, where a majority of Black Americans resided. Prior to Emancipation, prisoners were primarily white, but as Milifred Fierce pointed out, during the post Civil War period, the percentage of Black convicts in relation to white was often higher than 90 per cent.

The swift racial transformation of imprisoned southern populations was largely due to the passage of Black Codes which criminalised such behaviour as vagrancy, breach of job contracts, absence from work and insulting gestures or acts. Theft and escape, for example, long considered effective forms of resistance to slavery became defined as crimes. What during slavery had been the particular repressive power of the master became the far more devastating universal power of the state as Black people were divested of their

status as slaves in order to be accorded a new status as criminals. The criminal justice system, then, played a significant role in constructing the new social status of former slaves as human beings whose citizenship status was acknowledged precisely in order to be denied.

Southern prison populations not only became predominantly Black in the aftermath of slavery, penitentiaries were either replaced by convict leasing or they were restricted to white convicts. This racialisation of punishment practices determined that Black people were to be socially defined in large part by recreated conditions of slavery. In fact, as historian David Oshinsky has documented, convict leasing in institutions like Mississippi's Parchman Farm created conditions "worse than slavery".[7]

During the last three decades of the nineteenth century, southern criminal justice systems were profoundly transformed by their role as a totalitarian means of controlling Black labour in the post Emancipation era. Because so many of the particular crimes with which Black people were charged served more as pretexts than as causal factors for arrest, these punishment strategies were explicitly directed at Black communities and eventually informed the history of imprisonment outside the South as well.

And today?

Today the emergent prison industrial complex recalls the early efforts to create a profitable punishment based on the new supply of "free" Black male labourers in the aftermath of the Civil War. As Steven Donziger has argued: "the criminal justice system need[s] sufficient quantities of raw materials to guarantee long-term growth [...] In the criminal justice field, *the raw material is prisoners* [...] For the supply of prisoners to grow,

criminal justice policies must ensure a sufficient number of incarcerated Americans regardless of whether crime is rising or the incarceration is necessary."[8] Just as newly freed Black men, along with a significant number of Black women, constituted a virtually endless supply of raw material for the embryonic southern punishment industry (as well as providing much-needed labour for the economies of the southern states as they attempted to recover from the devastating impact of the Civil War) so, in the contemporary era, do unemployed Black men, along with increasing numbers of women, constitute an unending supply of raw material for the present day prison industrial complex. [...]

Let's move, then, by way of concluding, to discuss resistance to the prison industrial complex and the call for a new abolitionism. [...]

[...] In the US, the growth of the punishment industry occurs against the backdrop of a ubiquitous reluctance on the part of most people on the outside to engage in critical discussions about jails and prison beyond the oversimplified and fatally inaccurate equation of prison expansion with the elimination of crime. Media and law enforcement agencies collude to create an increasingly crime-saturated atmosphere in which those who are least likely to be victims of crime are the very individuals most vocally supportive of harsher sentencing practices and prison expansion as means of curtailing crime. In the public imagination, as fantastical notions of "the criminal" translate into fears of a Black male stranger who lurks in dark corners waiting to beat, rob, rape, or murder an unsuspecting victim, the resulting 'lock-'em-up-and-throw-away-the-key' attitude [...] renders more and more invisible those who are imprisoned. [...] The continued demonisation of welfare mothers, particularly Black single mothers, and the dismantling of programmes that assist poor women and their children, is carving out new gendered paths toward imprisonment.

Challenging the invisibility of incarcerated populations, and especially the hypervisibility of women prisoners who are twice marginalised - invisible in the "free world" by virtue of their incarceration and largely overlooked even by prison activists by virtue of their gender - is central to resisting the social dispossession wrought by the prison industrial complex. It is also necessary to expose that magic trick I mentioned earlier.

The great majority of people have been tricked into believing in the efficacy of imprisonment, even though the historical record clearly demonstrates that prisons do not work. They have never really worked and they never will. The economic and social factors that lead certain individuals to commit offences that are likely to land them in prison (as well as the criminalisation process itself, which dictates what segments of the population become the objects of the widespread fear of crime) go unaffected by the number of prisons that are built in the US each year. Systemic social problems such as poverty, homelessness, illiteracy and child abuse – each of which renders its victims more likely to become entangled in the penal system – require aggressive and innovative solutions that bear no relationship whatsoever to incarceration. Yet these simple and rather obvious realities are obscure to most people for whom penal institutions are remote. [...]

Is the aim of this critique ultimately the abolition of the prison system as we know it?

Yes. Raising the possibility of abolishing jails and prisons as the institutionalised and normalised means of addressing social problems in an era of migrating corporations, unemployment and homelessness and collapsing public services, from health care to education, can help to interrupt the current law-and-order

discourse that has such a grip on the collective imagination, facilitated as it is by deep and hidden influences of racism. [...]

A radical strategy to abolish jails and prisons as the normal way of dealing with the social problems of late capitalism is not a strategy for abstract abolition. It is designed to force a rethinking of the increasingly repressive role of the state during this era of late capitalism and to carve out a space for resistance.

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[1] Elliot Currie, *Crime and Punishment in America*, New York: Henry Holt and Company 1998, S. 21.

[2] See Angela Davis, "A World unto Itself: Multiple Invisibilities of Imprisonment", in Michael Jacobson-Hardy and John Edgar Wideman, *Behind the Razor Wire: Portrait of an American Prison System*, New York: New York University Press 1998.

[3] "Modern Slavery American Style", unpublished essay 1995.

[4] See Angela Davis, "Racialized Punishment and Prison Abolition", in Tommy Lott (ed.), *Blackwell Companion to African-American Philosophy*, London: Basil Blackwell 2006.

[5] See Angela Davis, "From the Prison of Slavery to the Slavery of Prison: Frederick Douglass and the Convict Lease System", in Bill Lawson and Frank Kirkland (eds.), *Frederick Douglass. A Critical Reader*, London: Basil Blackwell 1998; Angela Davis, "Race,

Gender and Prison History: From the Convict Lease System to the Supermax Prison", in Terry Krupers, Willie London and Don Sabo (eds.), *Confronting Prison Masculinities the Gendered Politics of Punishment*, Philadelphia: Temple University Press 2010.

[6] See Kum-Kum Bhavnani and Angela Davis, "Fighting for her Future Reflections on Human Rights and Women's Prisons in the Netherlands", *Social Identities*, Vol. 3, No. 1, 1997. On racism and the prison industrial complex in the US, see Angela Davis, "Masked Racism Reflections on the Prison Industrial Complex", *ColorLines Magazine*, Fall 1998; and Angela Davis, "Race and Criminalization – Black Americans and the Punishment Industry", in Wahneema Lubiano (ed.), *The House that Race Built Black Americans*, *US Terrain*, New York: Pantheon 1997.

[7] David Oshinsky, *"Worse than slavery": Parchman Farm and the Ordeal of Jim Crow Justice*, New York: The Free Press 1996.

[8] Steven Donziger (ed.), *The Real War on Crime: The Report of the National Criminal Justice Commission*, New York: Harper Perennial 1996, p. 87.