

Michelle Alexander. *The New Jim Crow; Mass Incarceration in the Age of Colorblindness*. New York: The New Press (revised edition, 2012)

In her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* Michelle Alexander, associate professor of law at Ohio State University, shows that in our current day there is a new system of racial oppression; mass incarceration. Just to put things in perspective, the United States has the largest incarceration rate in the world, leaving highly oppressive regimes like Russia, China and Iran behind. She argues that mass incarceration, “the larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison” has emerged over the past decades and this development seems to specially aim at African-American who represent a disproportionately large amount of the incarcerated. To put it bluntly, the main question this book seems to deal with is ‘how come so many African-Americans are in jail?’. The main aim and object of her book is mainly the emerging of mass incarceration, but at the same time she shows a continuing development of black oppressing throughout the history of the United States. From slavery, based on pure exploitation, to Jim Crow, based on subordination to the mass incarceration, what according to her started by The War on Drugs thought of by president Reagan of the current day and that is based on marginalization. It shows a history of labelling groups of people according to a certain idea or concept and it shows how this causes a mass system of inclusion and exclusion putting the excluded at the margin of society.

In the first chapter Michelle Alexander gives a general overview of the different ways of oppressive race relations that were active in the United States. She gives a historical context and shows how through the history of the United States the law has been used to target blacks and privilege whites. What she is trying to establish here is to show the reader that the current mass incarceration that hits African-American disproportionately, is in a way history repeating itself. Every time when it seems that the position of the African-American progresses, a new way of (miss)using the law is invented to put them back. The root of it all is off course to be found in the era of slavery. Although she says that racial division was not a precondition of slavery it was the consequence of it and ‘once is was instituted it became detached from its initial function and acquired a social potency all its own’ (26). With slavery, the concept of ‘race’ was created and so came that after the death of slavery the idea of

race lived on. After slavery was defeated white Americans, and especially the elite, the plantation owners in the Southern part, were somewhat afraid of the times that came. After slavery, populist movements came up and tried to group together the old slaves and the poor white American to revolt against this elite. This is why the Jim Crow laws were invented, to separate the whites from the blacks and so through laws it was made sure that the African-Americans were still the inferior group. But with the rise of the Civil Rights Movement in the 60's and 70's 'straight forward racism' like Jim Crow became more and more impossible. This is one of the reasons the War on Drugs was invented. I deliberately say invented because at the time the war on drugs started only two percent of American people saw drugs as their primary concern. By 'using coded antiblack rhetoric' the War on Drugs was just another and new way to put a wedge between the coming together of white and black Americans and ones again oppressing large groups of African-Americans.

In the second chapter, 'The lockdown', Michelle Alexander focusses on *how*, through the War on Drugs, mass incarceration has developed in the way it did and how in a couple of decades the rate of imprisoned people grew from 300,000 to 2,500,000. The main focus of this chapter can be described as showing how it became legitimate to discriminate against the 'criminal', the 'felon'. In this chapter, you clearly see Alexander her position as legal scholar put to work. She shows us how it is possible that although there is no real difference in the use and selling of drugs between the different ethnic groups, that it still happened that a staggering 75% of the people who are imprisoned for drug related cases are Black or Latino. One of the main points is to show the erosion of the Fifth Amendment¹. The example she gives is the 1968 case of *Terry vs Ohio* which gave police the right to stop and frisk people without any clear evidence or probable cause. Around the concept of 'consent' Alexander shows how police misused their power and position. Consent means that you have the right to say no when police asks to search you or your vehicle but Alexander convincingly shows how in reality this plays out different and she shows how what should be

¹ The fifth amendment: 'No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.'

a question (may I search your vehicle) almost becomes a demand to search and why people are afraid to say no.

The third chapter 'The Color of Justice' is an extension of the second and shows 'how exactly does a formally colorblind criminal justice system achieve such racially discriminatory results?' (103). She gives the example of the 1989 case of *McClesky vs Kemp* through which made it possible for the police and prosecutor to consciously and unconsciously be racially biased because of the simple reason that it is as good as impossible to prove that someone was deliberately racially biased. And apart from this legal example Alexander shows how through discourse and media attention the African-American gets framed as the 'drug user', although it's clear that drug use is almost equal among the different ethnic groups in the United States. One of the interesting views Alexander gives is how drugs related crimes are in a way different from for example armed robberies. In the latter, there is a 'clear victim and perpetrator'. One is harmed and wants the other to be sentenced. With drug-related activities neither the purchaser nor the seller has the intention to contact law enforcement. This asks for a more proactive approach from the side of the police. And if you combine this with a racially biased discourse that was develop through the criminal justice system and the media in there 'War on Drugs' you get a better understanding on how and why so much African-Americans are target of this so-called war. Besides that, a discourse of mass incarceration was established. This discourse placed the 'criminal' in the middle of its ideological project and a set of so called code words like 'drug dealer', 'gangbanger', 'welfare queen', and 'thug' where pushed through political and media circles. This way the idea of the criminal by time became equated with young black male.

After this Alexander introduces the concept of 'the cruel hand' a term she got from Frederick Douglass. In this chapter, she shows us that the consequences of mass incarceration goes much further than people being imprisoned. It focusses on the label and concept of 'the felon'. As she argues the criminal justice system is even more about controlling then imprisoning. Because as she shows most people who got arrested for minor drugs incidents do not end up in jail but they take a plea deal. But what people don't realize is that although they don't end up in prison with a plea deal, they still are 'labelled' a felon. Apart from a possible fine, that can go up in to the thousands of dollars, people are being stripped from their basic right as American citizen. To name a few; federally-funded health care, welfare benefits, public housing, federal educational assistance, drivers license may be

automatically suspended, he/she may no longer qualify for certain employment and professional licenses, he/she will not be permitted to enlist in the military, possess a firearm, obtain a federal security clearance and even may lose the right to vote. Besides that, 'parolees' and 'probationers' can be stopped and searched by the police for no apparent reason and by the most minor offence can be put in jail. This is why Alexander argues that more than just a system of imprisonment, the criminal justice system is a tool of control used to include and exclude people and as she has argued these people are mainly African-American.

So up till this point Alexander gives a thorough and clear analysis. She has shown how and why people get labeled as 'criminal', 'felon', 'parolees' and 'probationers' and the consequences this has on people their lives and their rights and why she sees mass incarceration as a continuing of slavery and Jim Crow. At the end of the book she points her arrow at the Civil and Human Rights Movement. According to Alexander the situation of mass incarceration is an 'African-American issue'. She rejects the push toward colorblindness arguing that this idea also lived during slavery and Jim Crow and is also a vital part of this current system of criminal injustice. She makes an urgent call for a wider and collective movement alike the Civil Rights Movement of the 60's. She shows us how millions of people are being marginalized by the American justice system and rendered invisible through our collective negligence. This is way she thinks a collective movement is needed to put an end to this.

Although the object of the book is very hard and confronting, the book makes for a good read. Alexander knows how to compose all the stats and figures and all the secondary sources into a compelling narrative that almost reads like a page turner. Alexander wrote the book for people 'who care for racial injustice' and for those who are 'locked outside of mainstream society' and it can be argued that only the very stubborn can read this book and still defend that the criminal justice system is neutral. What is very compelling about this book is that you as a reader get engaged in the story. It raises all these ethical questions and you as a reader start relating yourself to the story. It makes you question what class division means in our time and age and how racial division is still very much alive. She takes us with her in this story that shows that how easily people nowadays are being labelled 'felon', 'parolee', 'probationer' or 'criminal' and the devastating consequences this has on people their lives. She shows us how the criminal justice system is used as a machine for inclusion

and exclusion and at the same time show us how and why African American are the ones who get hit the hardest by this system and why it takes a whole political movement if we ever want to put an end to this inhumane and devastating system.