

DOING TIME: THE BLACK EXPERIENCE OF PRISONS IN “ARE  
PRISONS OBSOLETE?”

A Thesis

by

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## ABSTRACT

This thesis analyzes the political, social, legal and metaphysical aspects of the “black experience of incarceration” through Angela Davis’s controversial work, *Are Prisons Obsolete?* (2010). By concentrating on the ‘nature of experience’ within and ‘the will behind’ the American prison system I explore the complex networks of power and intent that define the American justice system. I attempt to make sense of the historical and contemporary experience of black people as a community within American prisons, using the three Marxian corollaries of space, time, and labor. Each category has to be placed both as a cornerstone of the justice system in particular and also as features of the class and racial politics of America as a whole. By looking at the nexuses of the physical world that is space and time, with the cultural, like labor and power, this thesis attempts to bridge the hidden philosophical impetus of the present times with subtle historical influences of yesterday.

## DEDICATION

To my parents Sima and Subhas Bose

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## CHAPTER I

### INTRODUCTION

The prison sentence is colloquially known as ‘doing time’. But that is time without the experiences of life, life without life itself. As a technology of control, the prison system is replete with ideological and conceptual acts of "bad faith" that makes it more a technology of oppression rather than an instrument of justice. By claiming to separate the “anti-social”, the “fallen” and the “unworthy” of community life, the modern penitentiary, as Angela Davis so clearly points out has broad associations to penitence and the absolution from Christian sin<sup>1</sup>. Penitence stands upon hopes of the return of a more innocent and a reformed human from the experience, not a convict but a “productive member of society” as the popular phrase goes. So when, we turn our attention to the damning statistics that in America “two-thirds of prisoners will reoffend within three years of leaving prison, often with a more serious and violent offense”<sup>2</sup>, then it apparently does not return to us a person rendered harmless to ‘others’ and ‘self’ but a brutalized individual who has lost touch with the human in themselves. By design the prison and the geography it occupies in the United states of America are then completely in opposition to the professed aims of an ideal penitentiary. The main reason for this incongruent aim and result is existence of “bad

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<sup>1</sup>Davis, Angela Y. Are Prisons Obsolete? An Open Media Book. New York: Seven Stories, 2010. 8 May 2010. Web. Mar.-Apr. 2014. Location 208.

<sup>2</sup> Gilligan, James. "Punishment Fails. Rehabilitation Works." The New York Times. The New York Times, 19 Dec. 2012. Web. 24 May 2015.

faith” that cannot reconcile the Foucauldian impetus of “subtle influences” on the soul that “disciplines”<sup>3</sup> to the unconscious desire or intention of the American “people” to exact revenge upon the “body” of the prisoner, by branding him or her with the experience of harsh prisons. An experience that brutalizes and leaves in its wake an angrier and more dangerous person. One has only to look at the Spartan metallic prison cells in most American prisons with nothing of the creature comforts that the modern man has taken for granted, with not even the adequate privacy for the daily ‘call of nature’, and decide for oneself what kind of “rehabilitation” can occur under those harsh realities that dehumanizes the individuals who have already tasted the inhuman.

The system of justice and incarceration developed in different countries according to their material and social situations but on the whole it is a technology of control and exclusion that separates the “convict” from the world of life. But, if all technology can be understood as method or process to project human intention into reality through the metaphysical notion of “design as choice”<sup>4</sup> then the American prison and justice system in particular is a distorted reflection of the prejudice and ambivalent intentions of the American people. I hope to establish that it is the US state system in part that chooses to oppress racial minorities and enslave them for both the need for their labor and to exclude them from the resources of general

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<sup>3</sup> Foucault Michel “Generalized punishment”, *Discipline and Punish: The Birth of the Prison*, Vintage Books, New York, NY, 1979.

<sup>4</sup> Franssen, Maarten. "Philosophy of Technology." *Stanford University*. Stanford University, 20 Feb. 2009. Web. 24 May 2015.

society. By controlling populations and groups that are undesirable due to their 'discontent' or their capacity for 'resistance' and removing them from public and social spaces the 'prisons' as geospatial regimes cannot only express control over physical space but the experience of time, by controlling the access to space where the perception of 'time' unfolds.

In this paper I will analyze the "black experience of incarceration" in one of Angela Davis's more controversial works, *Are Prisons Obsolete?* (2010) specifically concentrating on the 'nature of experience' within and 'the will behind' the American prison system. I attempt to make sense of the historical and contemporary experience of black people as a community within American prisons, using the three Marxian corollaries of space, time, and labor. Each category has to be placed both as a cornerstone and as a feature of the racial politics of America as a whole. It is my argument that the black experience of incarceration can be ordered, and better understood within this schema. Despite the rather publicized "death of the author" with the publication of Roland Barthes essay in 1967, in my opinion the author is still the creator of the text in some fashion. Whereas Barthes will have us believe that she is nothing more than a "scriptor", one who brings together influences from varied "centers of culture"<sup>5</sup> even in that -conjuncture, it is through her eyes that the world sees the text.

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<sup>5</sup> Barthes, Roland, and Stephen Heath. *Image, Music, Text*. New York: Hill and Wang, 1977. Print.



The solitary, contemplative creature then becomes a multiplicity rather than a unity, for her various facets manifest in her writing. The public self of the author is after all part of a people, a membership with a history that is fraught with significant challenges and possibilities. For in the practices of the modern reading public and the literate public sphere the author who is “read” is shaped and shapes the opinions of the general public. Seldom have authors in this context had the personal courage to go and face the line between the ‘word’ and the ‘world’. But there are a very few who do, one of them being Angela Davis author, political activist and theoretician extraordinaire. In truth, she is more a collective than a singular person - she is the black woman rising.

Part of the revolutionary old guard of the 1970’s, Davis has championed her political commitment with a conviction that few would today express. She has had the dubious honor of having both been an Assistant Professor of Philosophy at UCLA and featured on the F.B.I.’s *Top Ten Most Wanted Fugitive List* the same year<sup>6</sup>, a rare feat that is yet to be rivaled. The later accomplishment was possible due to her sincere and committed association with the radical politics of the counterculture and the Black Panther Movement of her day<sup>7</sup>. Her scholarship in a way is a result of this ideological choice to confront the burning issues of her times in both

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<sup>6</sup> Aptheker, Bettina. *The Morning Breaks: The Trial of Angela Davis*. 2nd ed. Vol. 1. New York: International, 1975. Print.

<sup>7</sup> Davis, Angela Y. *Angela Davis--an Autobiography*. New York: Random House, 1974. Print.

‘word’ and ‘deed’ without this guiding ‘politics’ her scholarship would be but an empty shell.

The need for using a Marxist paradigm to address mostly an issue of identity and subjective experience might be contested, but such questioning might end when we consider that Federal Prison Industries is a wholly owned corporate subsidiary of the American Federal Government that uses penal labor from all institutions in the Federal Bureau of Prisons (BOP) to make products and render services<sup>8</sup> for the American consumer. It is a corporation, a company, and a profit-maximizing entity in charge of dispensing the just punishment that a people meet out to transgressors. Can it really be trusted to do so? Can the pursuit of justice be balanced with the quest for profit and cheap labor? Yet the fact that in states like California following severe overcrowding of jails early release of prisoners is regular can be difficult to be reconciled with the present view of the “for profit” prisons. As a snapshot of the situation we can consider that “ In LA County male inmates are released after 10% of their sentences”<sup>9</sup> , but at the same time we have to keep in mind Private Prison Companies ( a genuine ethical and political oxymoron) have a combined yearly revenue of 3.3 Billion Dollars<sup>10</sup> that is a very significant figure not to be ignored. It seems a unique neoliberal disinvestment drive is taking

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"Mission Statement." *UNICOR Online*. N.p., n.d. Web. 07 May 2014.

<sup>9</sup> St. John, Paige. "Early Jail Releases Have Surged since California's Prison Realignment." *Los Angeles Times*. Los Angeles Times, 16 Mar. 2014. Web. 25 May 2015.

<sup>10</sup> Coen, Michael. "How For-profit Prisons Have Become the Biggest Lobby No One Is Talking about." *Washington Post*. The Washington Post, 28 Apr. 2015. Web. 24 May 2015.

place in the prison arena, as the state is letting go of its traditional prison housing activities, and the private prisons are cashing in on lucrative inventory<sup>11</sup>. Also, the overall Federal prison population has doubled between the years of 2000 and 2010, largely due to an aggressive lobbying campaign for tougher sentencing like California's "Three Strike Law" by the Private Prison Industry.

An intimate look at the workings of the Private Prison Industry will provide us with a set of the rather alarming view of treating human beings as property. A small extract from the 2014 Annual Report of the Corrections Corporation of America, will remind us of the Dickensian English Workhouses, where the indigent and the marginalized struggled to 'produce' and 'survive' within a system that is increasingly becoming a model for the present American one. The CCA Report reads:

The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws.<sup>12</sup>

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<sup>11</sup> ^Coen, Michael. May 2015.

<sup>12</sup> ^Coen, Michael. May 2015.

Interestingly the laws that are more targeted by these firms for tougher legislative action are drug and immigration offenses which have historically been deployed more against people of color.

Besides the structural aspects of today's system of incarceration, the experiential aspect of it is also of paramount importance. What does the individual think behind closed steel doors, in a dank, dark and claustrophobic cell? How does he or she experience the world from inside the razor wire? The prison becomes then a particular way of being in the world, especially when one's identity as a black individual has brought one to the place. For example in the wake of the much flaunted "War on Drugs" African Americans are disproportionately arrested, convicted and incarcerated for drug charges.<sup>13</sup> So in the end the Black experience in prisons has to do with as much the cold logic of economics as the raw hatred and fear of miscegenation, which runs like a dark seam through American history.

Structurally the paper is divided into six different sections, each devoted to one significant aspect of the study. I begin the paper with a general overview of the major concepts in *Are Prisons Obsolete?* Rather than a summary, it is teasing out of the primary concerns of Davis's work in the context of the social and historical data Davis uses. By looking at her work in comparison with other sources of information on the black experience of justice and incarceration, I critique the way she situates the

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<sup>13</sup> Fellner, Jamie. "Race, Drugs, and Law Enforcement in the United States." *Race, Drugs, and Law Enforcement in the United States*. Stanford Law and Policy Review, 19 June 2009. Web. 24 May 2015.

modern American prison system as a descendant of the more barbaric institution of historical slavery.

The second section of the paper titled *Nature of the Prison* looks at the experiential nature of the prisons in America. In this section, the prison system is understood as explained by Davis but also through the ideas of the contemporary phenomenological philosopher Mathew Soteriou. His theories of perception and time raise the possibility that the technology of the prison system is one that deprives the prisoners of a vital sensorium, thereby affecting the perception of sensory time. In the following section, *The Will Behind Prisons*, I proceed from the question of the nature of the American prison to the ‘will’ that expresses that nature. Deborah Tollefsen and Michael Bartman<sup>14</sup> explain the nature of societal institutions including prisons as an expression of the “collective intention” of a people and look at the institution-building process as a manifestation of a Heideggerian ‘popular –eros’.<sup>15</sup>

In the fourth Section, *Dark Places*, I explore Davis’s ideas of the geographic nature of imprisonment and explain it as a part of a “black geography,” an association of places in the history of black people that connects their suffering with structures of suppression and power. The section seeks to find continuity from the

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<sup>14</sup> Tollefsen, Deborah. "A Dynamic Theory of Shared Intention and the Phenomenology of Joint Action." Ed. Sara Rachel Chant. *From Individual to Collective Intentionality: New Essays*. 1st ed. Vol. 1. Oxford: Oxford U, 2014. 14+. Print

<sup>15</sup> Heidegger, Martin, Gregory Fried, and Richard Polt. "The Politics of the Seminar." Introduction. *Nature, History, State: 1933-1934*. 1st ed. Vol. 1. London: Bloomsbury, 2013. 6-12. Print.

holds of slave ships to the solitary cells of the modern Supermax prisons. There I look at the idea of the mass incarceration of black populations as a 'geographic segregation' allowing for better control of captive labor and to arrest possible challenges to the "powers that be". By depriving marginal people of access to the majority of the geographical space of the nation possibilities of political and social alliances lessened so is diminished the threat of mass discontent.

In the fifth section, *Dark Times*, I explore the connection Davis makes between the industrial nature of the concept of time in the modern American penal system with the practice of understanding labor through the "clock time" of capitalism. In trying to explain the artificial constriction of space in prisons as an attempt to "capture time." I approach the same concepts using both the Marxian concept of labor-time and the philosophical concept of space-time. The sixth section looks at the notion of labor, and is titled *Dark labor*; I attempt at situating the Marxist concept of labor in a body politic of blackness and try to understand it as a category of Emile Durkheim's Mechanical and Organic Solidarity. Lastly, I conclude by taking stock of the preceding analysis to arrive at a more nuanced understanding of the theoretical and sociological issues that presently inexorably connect black communities with prisons.

## CHAPTER II

### ARE PRISONS OBSOLETE? SOME INTRIGUING CONCEPTS

Davis's short but seminal book *Are Prisons Obsolete?* (2003) is based on the philosophy, history and politics of the US prison system. In the work Davis manages to show us along a line of relatively overt relationships between slavery, labor abuses, wage theft, racism and gender-based exploitation that have been built into the very structures of American society and the system of incarceration that historically serves it.

These relationships are not accidental, but are a persistent set of forces that influence "governance and policy" throughout history and are an integral part of the framework that constitutes and guides the nation-state of the United States. As cultural forces they are rooted in the historical American experience, tacitly signaled and indicated at by collective omissions in the modern understanding of the history of the nation. The causes of historical material and social inequality between the marginalized black communities and those of other races on the more mainstream of society largely remains hidden as the mainstream media discussions about crime and racial minorities, disregard the systemic racial violence of the state towards the unprecedented number of colored people falling afoul of the law. Davis's book addresses these gaps and urges us to confront all those dark places and dark times in our collective consciousness.

Davis connects the development of the penitentiary system in England and its gradual acceptance in America to the narrative of the rise of the United States as a nation with the world's highest rate of incarceration. The national average of 716 persons in prison per 100,000 people of the national population ensures that the US has nearly doubled the rate of imprisonment as its cold war rival the Russian Federation.<sup>16</sup> A notable date for the present state of prison affairs was 1871 when a Virginia court ruling declared in the precedent-setting *Ruffin v. Commonwealth* case that all inmates of U.S. prisons were "slaves of the state."<sup>17</sup> This lets us know how colonial and even feudal power structures have been reflected in the modern US penal practice, where they have become ossified by overuse into either the rituals or the means of the American Prison System.

As the America Declaration of Independence explicitly states that "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with some unalienable Rights" to return to the idea of an individual who is less equal and by that less human is to reinforce the principles that caused the Civil War. The 1871 Virginia ruling is return to these very ideas of inequality and inhumanity that prompted the Confederate states to rebel against the Union exactly ten years ago in 1861, the court decision and it's intellectual impetuous can be called as an acute and severe regression to the egalitarian values of the

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<sup>16</sup> Walmsley, Roy, ed. "World Prison Population List ( Tenth Edition)." *World Prison Population List*. International Center for Prison Studies, n.d. Web. 10 May 2014

<sup>17</sup> Wright, P. "Slaves of the State." *Journal of Prisoners on Prisons* 6.2 (1995): 17-20. *National Criminal Justice Reference Service*. Web. 7 May 2014.



American Republic. Immortalized in the claims of the “Corner Stone” Speech where Alexander H. Stephens the Confederate interim Vice President unambiguously stated “ the negro is not equal to the white man”, and the Virginia ruling says the “convict” is not equal to the “free man”<sup>18</sup>. But when people of color are over-represented in the penal system it is not too much of a leap to look at the Virginia ruling from the lenses of the Cornerstone speech. The issue and legal implications of the overrepresentation of people of color in prisons is an important issue in Davis’s work as I later explain.

Spread over six short chapters, Davis’s book succinctly places before us a multifaceted critique of the system of incarceration and criminal justice that has inequality as its very bedrock. She makes her point by drawing our attention to these damaging statistics, that one in four black men are either in prison or on parole, and that more than 25% of the African-American community in the USA is behind bars.<sup>19</sup> In a rather disturbing passage, Davis says, “ [men of the] black, Latino and Native American communities have a greater chance of going to prison than of getting a decent education.”<sup>20</sup> An astute observation that is substantiated by the analysis of the *Population Reference Bureau*, which places the 2010 number of black male

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<sup>18</sup> Doyle, Don Harrison. *The Cause of All Nations: An International History of the American Civil War*. New York: Basic, 2014. Print.

<sup>19</sup> Davis, Angela Y. *Are Prisons Obsolete? an Open Media Book*. New York: Seven Stories, 2010. 8 May 2010. Web. Mar.-Apr. 2014.

<sup>20</sup> ^ Davis, 2010. Location - 49

incarcerations at 3074 per 100,000 people which is more than six times the figure for white men.<sup>21</sup>

Davis' book focuses on three very basic themes. First, she describes how racial attitudes influence the process and experience of prisons; secondly she describes how labor works in the system; and lastly she discusses how gender sculpts the process of prison practices in modern day America. The proofs that Davis brings to elucidate her points are compelling facts of the jail system. While discussing the issue of labor, Davis compares modern U.S. prisons to American slave plantations and adds that the current neoliberal prison system is an altered version of it.<sup>22</sup> Davis also places before us a prison scenario where women are substantially marginalized and are forced to undergo humiliating strip searches at the hands of male guards, and systematically denied their reproductive rights (access to sanitary products, healthcare relating to sexual health),<sup>23</sup> a view endorsed by contemporary sociological scholarship.<sup>24</sup> According to the American Journal of Public Health, today a significant number of female inmates in the American prison system are pregnant;<sup>25</sup> the state by written policy (sometimes unconstitutional) abuses the right of the

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<sup>21</sup> Tsai, Tyjen Tsai, and Paola Scommegna. "U.S. Has World's Highest Incarceration Rate." *Population Reference Bureau*. PRB Publications, n.d. Web. 10 May 2014

<sup>22</sup> ^ Davis, 2010, location - 71

<sup>23</sup> ^Davis, 2010, location – 84

<sup>24</sup> Beck, Allen J., Marcus Berzofsky, and Rachel Caspar. *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012*. Rep. no. NCJ 241399. Washington: Bureau of Justice Statistics, 2013. Print.

<sup>25</sup> Clarke, Jennifer. G., and Megan R. Herbert. "Reproductive Health Care and Family Planning Needs Among Incarcerated Women." *American Public Health Association* -. N.p., n.d. Web. 7 May 2014.

women to proper health care and children's right to be shielded from violence. It is a common practice in most American prisons to force pregnant women to wear oppressive and heavy belly chains<sup>26</sup> and to separate the mother and child after twenty-four hours of birth. Sometimes prisons even deny immediate and life-saving medical care to a child born within their walls.

The central argument of Davis's book is that as a technology of correction and crime control, the prison has failed radically by increasing the number of people behind bars without any noticeable social benefit and, for this reason, the whole system needs to be abolished.<sup>27</sup> Though this can be interpreted as rather radical and extreme reaction to the failures of an institution that has existed since the rise of the organized state, the incredulity of Davis's position also has to be weighed against the incomparable harm that the Prison does by just existing. Davis situates her argument within the tradition of the abolitionist politics of American history, equating her project with the struggle to end slavery. To understand Davis's position on the problem of incarceration in 21<sup>st</sup> century America, we have to study the portrayal and understanding of the 'black experience of imprisonment' in her work. And a potent method of such a study is looking at how the experience of blackness becomes part of the metaphor that places the chain gangs of antebellum history as direct ancestors of today's Supermax prisons. These twin phenomena vastly separated in historical time

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<sup>26</sup> Fernandes, Deepa, and Mae Ryan. "Pregnant In Prison | 89.3 KPCC." *Pregnant In Prison: KPCC's Series on Childcare in California Prisons*. N.p., n.d. Web. 10 May 2014.

<sup>27</sup> Davis, 2010, Location - 1371

are tied together by the supply of free labor as provided by the 'convict lease system' of Post-Civil War American South and the cheap prison labor of today's corporate-run prisons.

Davis being a former inmate herself has a personal understanding of the deprivation by the regimes of control within the penal practice, and can be considered to be both believable and faithful. The possibility that Davis's account of the prison system is biased towards her ideological positions cannot be entirely dismissed. While her identity as a black female within the system of incarceration serves as an excellent point of entry into the issues of gender and the prison system in America, the same also opens her up to the charge of partisanship and axe-grinding.

To understand Davis's view we have to consider that Angela Davis was born to middle-class parents in a segregated Alabama still under the abject tyranny of the Jim Crow Laws. For in choosing to erect boundaries and excluding the colored population of the South off almost all political, social and cultural institutions of any importance it was possible to actually deny them the rights clearly accorded to them in the constitution.<sup>28</sup> To establish the tone of the place and times, we need but one look at some acts in the *Alabama Racial Law Code*, which unbelievably read- "Buses: All passenger stations in this state operated by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white

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<sup>28</sup> The Southern "Black Codes" of 1865-66." Southern Black Codes. Constitutional Rights Foundation, n.d. Web. 24 May 2015.

and colored races.”<sup>29</sup> The code on Restaurants stipulates that “It shall be unlawful to conduct a restaurant or other place for the serving of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectually separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment.”<sup>30</sup> Born into this time of tremendous racial repression *it* is understandable that Davis views the whole American “establishment” as one that is racially biased against African-Americans and other people of color. Davis’s political initiation was further helped by the fact that, her parents were both deeply political people. Angela’s mother Sallye Davis was in a leadership position with the Southern Negro Congress. A political group that fought for the rights of the black people in the south, the Southern Negro Congress was an organization with broad communist sympathies, which might have colored Angela’s political opinions further.

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<sup>29</sup> "Examples of Jim Crow Laws - October 1960 - Civil Rights - A Jackson Sun Special Report." *Examples of Jim Crow Laws - October 1960 - Civil Rights - A Jackson Sun Special Report*. School of Education Ferris University, n.d. Web. 07 May 2014.

<sup>30</sup> ^ Examples of Jim Crow Laws

## CHAPTER III

### NATURE OF THE PRISON

In order to better place the experience of the black people within the incarceration system of the United States, it is better first to ask questions about the nature of the prison itself and the experience it accords its inmates. Davis places the history of the American penitentiary within the history of the justice system that existed in eighteenth<sup>th</sup>-Century England<sup>31</sup> in particular and Europe in general. Historically the force behind the changes in the methods and technologies of incarceration has been an alteration in the temper, scope, and intention of the law of the land. Michel Foucault in his *Discipline and Punish: The Birth of the Prison* locates the changes from physical destruction or torture of the “condemned” body by the sovereign to a more “Gentle Way in Punishment” as a possibility -

that it provided a support for a confrontation between the violence of the king and the violence of the people. It was as if the sovereign power did not see, in this emulation of atrocity, a challenge that it itself threw down and which might one day be taken up [by the people] <sup>32</sup>

Davis locates the intellectual temper of 18<sup>th</sup> Century prison discourse as under the influence of Protestant theologians and social critics like John Howard (1726 – 1790),

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<sup>31</sup> Davis, 2010, Location – 528

<sup>32</sup> Foucault Michel “Generalized punishment”, *Discipline and Punish: The Birth of the Prison*, Vintage Books, New York, NY, 1979. pp. 73-82.

and utilitarian philosopher Jeremy Bentham (1748 to 1832). It was Howard who first connected the idea of imprisonment to the religious act of penitence, self-renewal and self-reform facilitating a return to society, in his very influential *The State of Prisons*(1777). And Bentham is to be credited with the concept of the “Panopticon,” that ideological, technological and architectural enterprise that allowed a prison society to exist based on the incomplete knowledge of the prisoner about when he was being watched and the complete knowledge of the warden and guard about the prisoner and his or her whereabouts. Foucault explains the functioning of the technology of the “Panopticon” as the internalization of normative discourses by individuals under the threat of an unending surveillance by the “powers that be.”

According to Davis, it is the conjunction of these two ideas of ‘penitence’ and the ‘Panopticon’ that give birth to the modern prison system in England and was later adopted in the USA. The Walnut Street Prison of Pennsylvania based on total isolation of inmates was to serve as the basic model for the design of the prisons in America and became known as the Pennsylvania system. In 1826, the Eastern State Penitentiary of Pittsburgh proved to be the first ‘Panopticon prison’ in the USA, thereby ushering incarceration into the modern age.<sup>33</sup> But the factor that is not explicitly stated in Davis’s work but is no doubt present is the idea of the kind of experience such an institution as the ‘prison’ offers the inmate. Loosely, Davis invokes the notion of experience of incarceration by quoting from Charles Dickens’s

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<sup>33</sup> Davis, 2010, Location – 548

(1812 - 1870) *American Notes*, where Dickens is of the opinion that due to the solitary nature of the Eastern State institution individuals must pass “diseased” into the society from its midst. This diseased nature can be attributed to what Foucault calls the internal workings of the penitentiary on the subtle ground of the human soul itself rather than the body. In this technology Foucault finds a striking similarity across nations and cultures; he writes:

Between this apparatus of punishment proposed by the Flemish, English and American models, between these `reformatories' and all the punishments imagined by the reformers, one might establish the points of convergence and the disparities. ...In the first instance, there is a difference in the temporal direction of punishment. The `reformatories' were mechanisms directed towards the future; they too were intended not to efface a crime, but to prevent its repetition<sup>34</sup>

So the central question then becomes what kind of influence the experience of prisons has on individuals. Toward this understanding, we can find clues in the design of the modern American prison with its various bureaucratic gradations. These separations again bring us to the idea of boundaries that separate the ‘less violent’ from the ‘more violent’ and so on as the differences range from the “ Minimum Security” to the infamous “Supermax” prison, the entire design of the prison is to take away from the

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<sup>34</sup> Foucault Michel “Generalized punishment”, *Discipline and Punish: The Birth of the Prison*, Vintage Books, New York, NY, 1979. pp. 73-82.



individual both the freedom of movement of space and the experiential flow of the self in 'time'.

What are the typical images that come to mind when we think of prisons? Dark, crowded, violent, dirty, and airless, such a place is not habitable. Moreover, the experience of such a place without the full range of sensory stimuli is bound to affect the inmates in some way. The sensation of life is acquired by the sense organs; despite it not being what might be called an absolute certainty of knowledge it is the primary mode of all organisms to know about life. The Warwick philosopher Matthew Soteriou calls these forms of knowledge the source and cause of "the manifest image of sensory consciousness"<sup>35</sup>; they allow the mind to measure and perceive 'time.' That means changing the nature of the sensations available to an individual can alter their perception of time. For example, time seems to be longer when we sit in a darkened room because it is the changing stimulus on our sensory organs that allow us to 'intuitively' understand the length and stretch of time. It is in the nature of prisons to take away these sensations from an individual.

This sort of sensory deprivation is indeed a part of the technology of punishment and control in the American prison, a case made abundantly clear by the continued use of the sometimes deemed unconstitutional "Nutraloaf,"<sup>36</sup> an artificial

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<sup>35</sup> Soteriou, Matthew. "The Manifest Image of Sensory Consciousness." *The Mind's Construction: The Ontology of Mind and Mental Action*. 1st ed. Vol. 1. Oxford: Oxford U, 2013. 9-27. Print.

<sup>36</sup> Greenwood, Arin. "Can Prison Food Be Unconstitutionally Bad?" *Slate Magazine*. N.p., n.d. Web. 11 May. 2014.

nutritional product made specially tasteless and flavorless by various industrial processes to render the experience of prison more lifeless to inmates. This brown product often called "the loaf" connects today's prison practices to the religious penitentiary of the 1700's, where mortification of the self with a bread and water diet was part of the regime of contrition and penitence. The shared quality of these chronologically distinct places is the need to deprive the inmate of the experiences of life. So if the nature of the history and technology of American prisons is deprivation then what about the will behind that nature? Is it then a "will" that is merciless and subtle in its understanding of the technologies of deprivation and exclusion?

## CHAPTER IV

### THE WILL BEHIND THE PRISONS

So, if the historic nature of the American prison is deprivation, then the will that gives birth to it comes into question. It is now accepted as a sort of political common sense in the western societies in the wake of about a century of democratic practice that institutions within a free and fair society come forth by the ‘will of the people.’<sup>37</sup> A process not very far from the mythic “eros” that according to Heidegger unites the individuals of a people to their state, which serves as the “Being of the people.”<sup>38</sup> This allows us to consider the possibility then that public and private institutions in society are but manifestations of that mystic being of the people through the state.

Then through the political tool of representative democracy in America, the collective will and more importantly the “collective intention” of the American people manifests itself in universities, banks, armies and prisons; the institutions and their ways reflect the ‘desire’ of “We the people.” Unlike the organizations of animals and insects,<sup>39</sup> the organization of man in general and American society, in particular, is through a rational political model. Deborah Tollefsen in her intriguing essay on ‘joint action’ invokes Michael E. Bradman’s schema of a robust rational

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<sup>37</sup> Isakhan, Benjamin, and Stephen Stockwell. "Introduction." Introduction. *The Edinburgh Companion to the History of Democracy*. 1st ed. Vol. 1. Edinburgh: Edinburgh UP, 2012. 4-12. Print.

<sup>38</sup> Heidegger, Martin, Gregory Fried, and Richard Polt. "The Politics of the Seminar." Introduction. *Nature, History, State: 1933-1934*. 1st ed. Vol. 1. London: Bloomsbury, 2013. 6-12. Print.

<sup>39</sup> ^ Heidegger, Martin. 2013

collective intention through a process that is more than a mere summative account of shared intention.<sup>40</sup> According to Tollefsen, shared social agency is dynamic; it evolves over time through rational and organic choices and as mutual understanding of each other's intentions in a group or society.<sup>41</sup> In this, she uses the Bratman model of collective decision-making: -

1.        a. I intend that we J.  
          b. You intend that we J.
2.        I intend that J by and because of 1a and 1b and meshing of sub-plans of 1a and 1b, you intend likewise.
3.        1 and 2 are common knowledge between us. (Bratman, 1993)

An elaborate system of decision-making for joint action emerges before us then that depends upon understanding of collective and individual beliefs, rationalities. Most importantly common knowledge is those particular lived facts of life that are acknowledged by all in a given society. However, people within a representative society are not wholly rational individuals but rather are a part of multiple and

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<sup>40</sup> Tollefsen, Deborah. "A Dynamic Theory of Shared Intention and the Phenomenology of Joint Action." Ed. Sara Rachel Chant. *From Individual to Collective Intentionality: New Essays*. 1st ed. Vol. 1. Oxford: Oxford U, 2014. 14+. Print.

<sup>41</sup> ^ Tollefsen, Deborah. ( 2014)

fractured identities catered to by the modes of mass communication. Thereby, the possibility of such a nuanced understanding is lost, and with the emergence of frictions in a society the chance of dissonant emotions to dominate the process of joint actions is both probable and high. Such a system is then prone to error due to misinterpretation, fear and prejudice, all three qualities that define the American penal system historically. So the “will of the people” is reflected in what can only be described as monstrous ways.

We cannot understand the phenomenon by blaming the nature of the people at large but see it as a byproduct of a broken and unequal system. It is here that what Jacques Rousseau (1712 – 1778) -- the proponent of the theory of “General Will” -- said about the nature of the fallibility of the democratic process that becomes necessary for its eventual perfection. In his epoch-making *The Social Contract* (1762) Rousseau states “Our will is always for our good, but we do not always see what that is; the people are never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad.”<sup>42</sup>

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<sup>42</sup> Rousseau, Jacques. "WHETHER THE GENERAL WILL IS FALLIBLE." Trans. G. D.H. Cole. *The Social Contract*. Austin: Constitution Society, 1994. *Rousseau: Social Contract by Jean-Jacques Rousseau 1762*. Marxists.org. Web. 10 May 2014.

## CHAPTER V

### DARK PLACES: DAVIS AND BLACK GEOGRAPHY

There are dark places in history. Dark as, within the hold of first British Slave Ship *The Jesus of Lubeck* headed for the Americas, under the shade of the plantation vegetation waiting for the whip, on southern buses sitting on the colored side, in seven-year-long sentences in the solitary, in inner city housings where the great depression persists for ages<sup>43</sup> - these are all dark places. This is the black geography, a set of locations where suffering and pain and in the end unmitigated courage reside, for indeed has Nietzsche said “Out of life's school of war: What does not destroy me, makes me stronger.”<sup>44</sup>

“Black Geography” is a concept brought forward by the Gender Scholar and Geographer Katherine McKittrick,<sup>45</sup> who analyzes the geographical and spatial dimensions of the politics of race and race relations. It is a concept that will be important to us in explaining the geographical facet of incarceration of black people in America. Angela Davis in her Introduction to *Are Prisons Obsolete?* makes use of the curious case of the state of California, which has seen the equal number of increase in prisons in the past decade as in the previous hundred years. She informs

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<sup>43</sup> Plumer, Brad. "These Ten Charts Show the Black-white Economic Gap Hasn't Budged in 50 Years." *Washington Post*. The Washington Post, 28 Aug. 2013. Web. 08 May 2014

<sup>44</sup> Nietzsche, Freidrich. "Nietzsche: Twilight of the Idols." *Nietzsche: Twilight of the Idols*. N.p., n.d. Web. 07 May 2014.

<sup>45</sup> McKittrick, Katherine. "On Plantations, Prisons, And A Black Sense Of Place." *Social & Cultural Geography* 12.8 (2011): 947-963. *Academic Search Complete*. Web. 8 May 2014.

us that about thirty-three state prisons dot the California landscape. In trying to make us acknowledge the enormity of the problem, she invokes the geographer Ruth Gilmore who explains the prevalence and such quick proliferation of the prison system as due to - “a response to surpluses of capital, land, labor, and state capacity.” The words of Gilmore become more poignant because 75% of the population of these thirty-three Californian prisons are African Americans or other marginal groups,<sup>46</sup> with about 27% of the black population of the state behind bars,<sup>47</sup> -- a rather threatening statistic.

To this statistic add what Gilmore also has to say about the land that these prisons are situated on; that these areas were formerly irrigated agricultural land that lost their value and were used to provide a non-polluting industry, which is the prison industry. This “resettling” of rural land by prisoners and prisons was undertaken in the hope that the “industry” would also bring in some income for the rural communities where these prisons are located.

This is a convoluted neo-colonial practice that uses the systemic incarceration of minority communities and deprived individuals as a basis for economic activity. But, as Emil Durkheim (1858 – 1917) would explain to us, such practices should never be a source of any economic activity; specifically because of

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<sup>46</sup> Grattet, Ryken, and Joseph Hayes. "CALIFORNIA'S CHANGING PRISON POPULATION." *Www.ppic.org*. Public Policy Institute of California, June 2013. Web. May 2014.

<sup>47</sup> "Overrepresentation of Blacks in California." *Www.prisonpolicy.org*. Prison Policy Initiative, n.d. Web. June 2014.

the dubious legal nature of the rights that the prison system accords to its denizens.<sup>48</sup> So if the legal character of the labor provided in the prisons are both ambiguous and possibly not fair, it brings us closer to the following question: what kind of ideologies do these technological and geographic entities project?

Davis writes about the ideological implications of the geography of prisons as “The prison, therefore, functions ideologically as an abstract site into which undesirables are deposited.” However, are prisons at all abstract and have a neutral relation to political and ethical categories? If a country that has only five percent of the population on the planet manages to dish out the largest amount of life sentences in the world,<sup>49</sup> and even to people who are not legal adults,<sup>50</sup> then the acts are neither ideologically abstract nor neutral. This form of incarceration is a form of a terrible political crime that imprisons a greater number of peoples of all minority communities but mostly underprivileged black individuals in the USA. Moreover, the system manages to place them behind razor wire, in overcrowded prison wards and behind guard towers. It is segregation on an industrial scale; its incipient logic is to deprive black people of the physical space of the country and crowd them into areas that are easier to control.<sup>51</sup>

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<sup>48</sup> Poggi, Gianfranco. *Durkheim*. Oxford: Oxford UP, 2000. Print.

<sup>49</sup> Moore, Solomon. "Study Finds Record Number of Inmates Serving Life." *The New York Times*. The New York Times, 22 July 2009. Web. 08 May 2014.

<sup>50</sup> "Juvenile Life Without Parole." *Amnesty International USA*. N.p., n.d. Web. 08 May 2014.

<sup>51</sup> Nellis, Ashley. "Throwing Away the Key: The Expansion of Life Without Parole Sentences in the United States." *www.sentencingproject.org*. Sentencing Project, n.d. Web. 07 May 2014.



The present day prisons of America are results of the racial structures that allow inequality and entitlement to existing as a norm. A tacitly organized social system allows a particular class of people to live in urban centers but without necessary infrastructure beyond what is needed to serve elites; blacks and other marginal people are therefore pushed off into prisons run in rural areas. This is geographic apartheid and had this not been very quietly hidden away under the guise of law and order, these systems would be read for what they are: technologies of political and economic control.

Of what kind of ideological entanglement of the racial categories does this geography remind us? Something that places strict and brutalizing regimes of power upon a predominantly colored population, the majority of them who are blacks, in a rural setting? If you are reminded of a Slave Plantation, then you will not be wrong. For in effect that is what these huge prison-industrial complexes operate as; they are intra-country warehouses used to hold populations that pose a political challenge to the existing structures of government. They are slave camps for the modern era, where the undesirables of society are kept apart. That is why Katherine McKittrick calls the prisons an integral part of a black geography where a *Power Geometry*<sup>52</sup> is at play; that is, the power relations that define a space not only lead to the compression of time, but also control the flow of populations inside and around an individual domain. What can then be so effectively controlled other than a prison with modern

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<sup>52</sup> McKittrick, Katherine. "On Plantations, Prisons, And A Black Sense Of Place." *Social & Cultural Geography* 12.8 (2011): 947-963. *Academic Search Complete*. Web. 8 May 2014.

technologies of containment? It is a step ahead from the Foucauldian Panopticon.<sup>53</sup> Not happy with ensuring internalization of the rules of control into the jail subject, ‘the powers that be’ force problem populations, in an orderly manner, into a well-controlled technological system.

As I have stated above, the other only thing that foreshadows the racial dynamics of the modern US penal system is the old slave institutions of the South. But a more accurate equivalent of the present penal system would be the penal colonies set up in a rural south by the erstwhile slave-owning communities to retain control of the labor force, which was primarily composed of freed slaves. As Davis studies this phenomenon in great detail in her chapter on “Slavery, Civil Rights, and Abolitionist Perspectives towards Prisons,” she explains the complex social, legal and ultimately fascist mechanics.

The criminality of the ex-slave was what many would call a convenient belief, for it allowed the Southern White masters to use the new "Convict Leasing System" to create the vast networks of public infrastructure needed to keep up with the reconstruction work after the Civil War and to compete with the more advanced north without engaging in outright competitive capitalist practices.<sup>54</sup> Thus, many of the public buildings and massive urban sanitation projects were built with this newly

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<sup>53</sup> Foucault, Michel. Introduction. *Discipline and Punish: The Birth of the Prison*. New York: Vintage, 1995. I-X. Print.

<sup>54</sup> Daniel Gaido, (2013) The American Path of Bourgeois Development Revisited. *Science & Society* 77:, pages 227-252.

acquired form of slave labor. As the amount of material damage to the urban and rural infrastructure of the eleven original slave-owning Confederate states was catastrophic, it is understandable that a tacit and unspoken movement towards a regressive legal regime that upheld the claims of the Confederacy and yet helped in material growth would be supported by many of the former Confederate states following the 1865 agricultural labor difficulties<sup>55</sup>.

Davis locates herself within this black geography and writes “It is extremely unsettling to think of modern, industrialized urban areas as having been originally produced under the racist labor conditions of penal servitude that are often described by historians as even worse than slavery.” The worse than slavery part is also pretty quickly explained if we consider that earlier the African American were the “Chattel Property” of the elite while now they were just expendable contracted penal-labor, even worse than the earlier condition. So geographically, this places us again with a unique perspective. That is, once the urban renewal following the terrible infrastructural devastation of the Civil War from 1864 was over, and the public generally was free to enjoy these assets, the elites yet again created a system by which the descendants of the very same community that provided the slave labor are carted away from it and again imprisoned. It is quite easy to observe this process as we first

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<sup>55</sup> <http://www.crf-usa.org/brown-v-board-50th-anniversary/southern-black-codes.html>

see the arrival of the Black Codes in the Confederate states in 1865<sup>56</sup> which would later proliferate into the Jim Crow Regimes of the south.

The *Convict Lease System* was not the last of the regimes of oppression that black people had to face. For the racial discrimination system itself created structures that pushed the former convicts into work areas that were both unsafe and remote. Davis draws an example from her native Alabama [:] "Many ex-prisoners became miners because Alabama used prison labor extensively in its coal mines. By 1888 all of Alabama's able male prisoners were leased to two major mining companies"<sup>57</sup>; that is from dark holds of prison ships to the darkness of the coal mines, the black experience is marked with these dark geographies.

The geographic exclusion of Black people is nothing new; it has been a force in American history from the days of abolition. But as an active force that restricted the existence of the "black people" in a free and open society, the rise of the racial violence and exclusionism can be traced to the days of the Truman presidency. In response to the first tentative steps towards integration made by the Truman administration, the American South saw a dangerous rise in racial violence in counterpoint with the *Shelley V. Kraemer* decision in 1948 that allowed the sale of all real estate irrespective of the ethnic identity of the contracting parties. A representative case noted by Norman and Emily Rosenberg is the burning of an

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<sup>56</sup> The Southern "Black Codes" of 1865-66." Southern Black Codes. Constitutional Rights Foundation, n.d. Web. 24 May 2015.

<sup>57</sup> Angela Davis. 2010. Location- 397

apartment complex by a 5000 high white mob in Cicero, Illinois to stop a black couple from occupying an apartment.<sup>58</sup>

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<sup>58</sup> Rosenberg, Norman L., and Emily S. Rosenberg. "POSTWAR READJUSTMENTS, 1946-1953." *In Our times*. Englewood Cliffs, NJ: Prentice-Hall, 1982. 34-37. Print.

## CHAPTER VI

### DARK TIMES

Time is a quantity measured in units, and about its use in the penitentiary Davis points out something that is very illuminating. The modern system of incarceration and punishment is based upon that division of the modern calendar and division of time, that allows for a more efficient quantification of human labor for the purposes of industrial production and management. She writes in her Chapter *Imprisonment and reform*: -

The computability of state punishment in terms of time—days, months, years—resonates with the role of labor-time as the basis for computing the value of capitalist commodities. Marxist theorists of punishment have noted that precisely the historical period during which the commodity form arose is the era during which penitentiary sentences emerged as the primary form of punishment.<sup>59</sup>

But besides the Marxist reading of the "doing time" concept as one that deprives an individual of their laboring days, there is a more experiential way to view it. That is, prisons are technological mechanisms that force people to 'do time' largely because the jail is a geographical boundary to capture time. They manage to make subservient the linear dimension of human life within a domain of abject existence. The prison does not only incarcerate the human body; it incarcerates its experience in

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<sup>59</sup> ^ Angela Davis, Location 504

time. The prisoners' body is trapped in a geographical unit that warps space and keeps it suspended in time. And if the body of that individual is black then this takes on a very new meaning; as a person is removed from general time he or she is also withdrawn from the unfolding of his or her community in time. By depriving the black community of the young who could effect change, the powers they are stymying any significant challenge against them.

Besides the dimension that engages time with the essence of Black identity as the unfolding logic of the people, there is also the question of the black self which has its individual "biological-time" stolen by the powers that be. By being stolen I mean denied the free agency of the prisoner over his or her time; the state thus in fact disbars the individual from using the time duration of the imprisonment for personal, family or community betterment. Some of that time is utilized by the regimes of control for the production of goods and services for the market, and the rest is destroyed behind the soul-crushing bars of the prison.

## CHAPTER VII

### DARK LABOR

The Geography of space and time are united by another Marxist category, and that is labor. Though "labor" as conceived of in the political economy of Europe. Of course in the economic thought of Marx it is an economic category that does not have any racial identity,<sup>60</sup> but the way Davis constructs the categories of labor especially in the context of the black experience of slavery makes the possibility of a "black labor" apparent. Davis uses the work of the historian Adam J. Hirsch in exploring the similarities between prisoner experiences and slavery; about this issue Davis says:-

Like Southern slaves, prison inmates followed a daily routine specified by their superiors. Both institutions reduced their subjects to dependence on others for the supply of basic human services such as food and shelter. Both isolated their subjects from the general population by confining them to a fixed habitat. And both frequently coerced their subjects to work, often for longer hours and for less compensation than free laborers.<sup>61</sup>

In trying to see the parallels between today's penal system and the system of chattel slavery in the South, we have to look at the ideas of Durkheim's concept of the

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<sup>60</sup> Marx, Karl. "Marxists Internet Archive." *Marxists Internet Archive*. Marxists Internet Archive, n.d. Web. 06 May 2014.

<sup>61</sup> ^ Angela Davis, Location 282



economic and legal constitution of society. Durkheim speaks of two different forms of solidarity, namely (a) Mechanical and (b) Organic solidarity.<sup>62</sup> In customary Durkheimian fashion, the terms themselves have a very contradictory nature. Thus Mechanical Solidarity is what he associates with the pre-modern and less specialized forms of labor, where one individual is quickly replaced by another one, like the identical cogs of a machine, a very accurate view of the nature of the organization found in slave plantations and prisons. The second concept is that of Organic Solidarity, that is an extremely specialized form of society where the value of one is so high because there are services and labor that only the individual can provide to the community, much like a specialized organ of a human body.

Both of these forms of social organization have their concomitant states of law; under Mechanical forms of Solidarity, law which is the reflection of the “collective conscience” of the people has only retributive forms of justice, where individuals are punished and have no significant rights even over their labor. But with the presence of Organic Solidarity in a society, there should be a state of law that sees to the presence of not retributive but restorative justice or where even during the prison term the individual does not lose the rights and abilities to have and negotiate contracts. But in practice in the American prison system it is impossible for American prisoners to get out of an unfavorable labor contract as all able bodied

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<sup>62</sup> Miller, Seumas. "Social Institutions." *Stanford University*. Stanford University, 04 Jan. 2007. Web. 07 May 2014.

sentenced prisoners in federal prisons are required to work according to a 1993 Senate report by the United States General Accounting Office.

The typical wages of labor depend everywhere upon the contract usually made between those which? two parties, whose interests are by no means the same. The workmen desire to get as much, the masters to give as little as possible. The former are disposed of to combine to raise their wages, the latter to lower the wages of labor. Here the opinion of one of the founding fathers of modern classical economics sheds some light on the process of the tension between labor and capital. Adam Smith (1723 – 1790) writes in his canonical *An Inquiry into the Nature and Causes of the Wealth of Nations* ( 1776):

The masters, being fewer in number, can combine much more easily, and the law, besides, authorizes or at least does not prohibit their combinations, while it prohibits those of the workmen. We have no acts of parliament against combining to lower the price of work; but many against combining to raise it. In all such disputes, the masters can hold out much longer. A landlord, a farmer, a master manufacturer, a merchant, though they did not employ a single workman, could live a year or two upon the stocks that they have already acquired. Many workmen could not subsist a week, few could subsist a month, and scarce any a

year without employment. In the long run, the workman may be as necessary to his master as his master is to him, but the necessity is not so immediate.”<sup>63</sup>

With prisons, they [laborers] will never be required as the labor force becomes both captive and replaceable. Inside the prisons there exists the world where the prisoners are each replaceable with the other, a hoard of disposable laboring bodies warehoused to support the itinerant capital of globalization. A clear insight into the political economy of prison labor can be afforded by the fact that the average pay for non-industrial work for US prisoners, on the whole, is 0.93\$<sup>64</sup> that is less than the “dollar a day” poverty line set up by World Bank 1990. Even the highest minimum wage offered by the UNICOR is 1.15 \$ per hour which is relatively close to the global poverty line and completely below the national 7.25 \$ minimum wage. The free legal agency in bargaining and constituting contracts allows for the legal basis of fair practice in any economic endeavour. In the absence of such, it can be then very correctly called nothing more than wage theft. Moreover, one can hardly seriously argue that theft is under any circumstance an acceptable form of the engine of economic growth as the California legislatures have had their people believe.

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<sup>63</sup>Smith, Adam. "An Inquiry into the Nature and Causes of the Wealth of Nations." *Smith: Wealth of Nations, Book I, Chapters 8-9*. Library of Economics and Liberty, n.d. Web. 10 May 2014.

<sup>64</sup> "Section III: The Prison Economy." *Section 3 The Prison Economy*. Prison Policy Initiative, n.d. Web. 27 May 2015.

The private prison industrial complex behaves like an erstwhile slave owner in dealing with black labor. Though many Marxist thinkers will protest such formulation, we have only to consider the fact that labor is produced from the individual body and the body can be the site of a racial identity that makes the existence of a unique ‘black experience ‘in’ labor possible.

About the general economic nature of the prison Davis has a very straightforward Marxist understanding that is it is a site of a captive labor force and at the same time it generates profits for the corporate class, which helps control the prison industry. She writes about it persuasively: -

The prison has become a black hole into which the detritus of contemporary capitalism is deposited. Mass imprisonment generates profits as it devours social wealth, and thus it tends to reproduce the very conditions that lead people to prison.<sup>65</sup>

She speaks of a world where the instrumentality of “profit” and “power” allows for only a certain set of individuals who are “consumers” and “masters” to enjoy their freedom and “biological time”; the rest are banished to a fate of incarceration and deprivation.

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<sup>65</sup> Davis, Angela. 2010. Location- 594

## CHAPTER VIII

### CONCLUSION

The ‘black experience of incarceration’ is then two things at the same time; it is both an economic and political crime. Moreover, to view it as only as one and not the other is a major failure. From the days of slavery to the days of Black Codes and Jim Crow Laws, to the present day, racially biased systems and technologies of justice and incarceration what is clear is that the economic, political and ritual domination of the black people is in the interest of certain elites. But their need for such unmitigated power over black people as a whole has always been met with stiff resistance and now when income inequality is again rampant and people have dared to state that “black lives matter,” it is pertinent to ask the question that Angela Davis posed in front of Soledad prison in 1970, “What does it mean to be a criminal in this society?”<sup>66</sup>

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<sup>66</sup> *Free Angela Davis and All Political Prisoners*. Dir. Shola Lynch. Perf. Angela Davis and Eisa Davis. Codeblack Entertainment, 2012.

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