

## ***Freedom to Obey***

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“In the time of universal deceit – telling the truth is a revolutionary act.”  
-George Orwell

In the last few years, the criminal justice system in the United States, or as some would say the criminal (in)justice system, has come under immense scrutiny. The United States has one of the highest prison populations in the entire world. According to the International Center for Prison Studies, prison population in the country at 2, 217,000, clocks in over one million more incarcerated individuals than China (International Centre for Prison Studies, 2015). Prison population nationwide has also grown substantially over the past 50 years. In Florida, for instance, the incarcerated population increased from 21243 in 1978, to 63,866 in 1995 and to 103, 028 in 2013 (Mitchell, 2014). This surge in prison population is worrisome; research by think tanks, scholars and media attribute the escalation to mass incarceration and recidivism, further compounded by the War on Drugs and privatization of prisons.

The prison population is not the only problem. Research shows that the War on Drugs and the privatization of prisons resulted in increased incarceration rate, high recidivism and unfairly targeted lower income and African American communities (Bureau of Justice Statistics, 2015; Vera Institute of Justice Report, 2015). The War on Drugs policy, enacted by President Nixon in 1971 and implemented during the Reagan era, spiked up arrests. Data provided by PPI shows an estimated fifty percent of the federal prison population and seventeen percent of the state prison population included arrests for drug related offenses (Wagner and Sakala, 2014). The Bureau of Justice Statistics 2015 reports, as per a study in thirty states, three in four former prisoners are arrested within five years of their initial release from prison. Additionally, 67.8-percent of the former inmates tracked by Bureau of Justice were arrested for a new crime within three years, and 76.6-percent were arrested within five years (Bureau of Justice Statistics, 2015). New York Times reporter Timothy Williams claims that “jails across the country have become vast warehouses made up primarily of people too poor to post bail or too ill with mental health or drug problems to adequately care for themselves” (Williams, 2015). Additionally, the system is heavily focused on punishment and more prison time than rehabilitation. For instance, punishment for post-release drug related offenders, in states that require parole and probation, is more prison time even for minor parole violations (Wagner and Sakala, 2014). Consequently, the disadvantaged end up imprisoned instead of

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receiving the resources they need to overcome poverty, mental illness, or addiction.

Second, according to Michelle Alexander the enforcement of War on Drugs has resulted in systemic control of African American and Latino communities, similar to slavery and Jim Crow era, to maintain a capitalist driven system of power structure with whites at the top of the hierarchy (Alexander, 2011). In 2015, the Vera Institute of Justice, a nonprofit center for social justice policy and research, issued a report on incarceration that states that African Americans are incarcerated at four times the rate of white Americans and mental illness affects the prison population four to six times more than the general population (Vera Institute for Justice, 2015). Although ethnic minorities make up approximately 30-percent of the general population, they constitute 60-percent of the 2.4 million incarcerated individuals in the United States (The Sentencing Project, 2014). According to a 2003 Bureau of Justice Statistics study entitled “Prevalence of Imprisonment in the US Population, 1974-2001,” one in three black men are in prison at any given time compared to one in seventeen white men and one in six Latino men. One in eighteen black women are in prison compared to one in forty-five Latina women and one in one hundred and eleven white women.

Third, concurrent with the War on Drugs policy, a renewed effort to privatize prisons, initiated in the 1980's, contributed to high recidivism rates (Pelaez, 2014). Private prison agencies made contracts with government agencies to take over entire prisons to expand and profit from mass incarceration (Gottschalk, 2014; Whitlock, 2014; Issacs, 2014). This process focused on making a profit from prisons through a third party hired by a government organization (Palaiez, 2014; Gottchalk, 2014). Rules such as mandatory minimum laws, which contractually required ninety percent of beds filled in the private prisons, resulted in a profit oriented punishment system rather than rehabilitation. Since the first contract the government made with Corrections Corporations of America (CCA) in 1984, recidivism and mass incarceration have risen by more than five hundred percent (Issacs, 2014). A 2010 ACLU study noted the two largest prison corporations in the country- Corrections Corporations of America (CCA) and GEO group Inc. received nearly three billion years in revenue, and their top executives received annual compensation packages worth over three million dollars (ACLU, 2010).

Fourth, as prison populations grow per state, so does state spending on incarceration, which in turn reduces spending on other areas, including education and healthcare (Mitchell, 2014). Increased spending on prisons continues to be a burden to taxpayers and communities across states. The transfer of funds out of education and healthcare, the system intended to empower and heal us, and into incarceration is counterproductive to the cultivation of a healthy, high functioning society (Williams, 2015). This

reallocation of funds from education and healthcare into incarceration is a clear sign that something is amiss within our nation's justice system. It is an indication that our states are more interested in policing us than educating us and caring for our wellbeing.

The rise in incarceration and recidivism, fueled by the War on Drugs policy and privatization of prisons suggests what Johan Galtung defines as structural violence perpetrated by the state. Structural violence, unlike direct, physical violence, is the denial of opportunities and freedom through unequal power structures. Violence in this context is indirect and perpetrated through repression and denial of access to basic securities of life. Galtung claims "unequal life chances are the result of violence that is built into the structure and shows up as unequal distribution of power and unequal distribution of resources" (Galtung, 1969, p.171). Structural violence, like physical violence, hurts individuals physically, psychologically, and emotionally, and denies them the tools or capability to enjoy basic freedoms (Sen, 1993; Also, Robyns, 2005). Theories of structural violence and capability approach apply well to the War on Drugs and the privatization of the prison system, as these policies have resulted in mass incarceration of poor communities and high recidivism. They augmented a process of systematic victimization of disadvantaged individuals- deprived them of basic human rights, and then, punished and imprisoned them for failing where they were strategically driven to fail.

Following John Galtung's work, my paper argues that recidivism and mass incarceration are symptomatic of the United States being a carceral state. The state, instead of caring for its population, has become the perpetrator of violence against the working class, people of color and those that are drug addicted and mentally ill. This is a form of structural violence against the poor, especially minorities. Race is a function of class and as Wilson claims "racial conflict in the United States is masked class conflict" (Wilson, 2012). Slavery, for instance, was primarily an economic institution whose main goal was to garner wealth for those controlling the institution. Segregation by skin color was a convenient way to distinguish workers from the masters, and black slaves were bought and sold as units of economy as opposed to human beings. W.E.B. Dubois, one of the most preeminent African-American scholars on slavery, race, and class, argued that poor whites developed segregation due to their fear of competition from blacks. Poor whites gained social status by actively restraining blacks and aligning themselves with white slave-owners (Wilson, 2012). It was these poor whites who ultimately pushed for the passage of Jim Crow Laws and solidified stratification of class by race. A poor white person, therefore, has a higher-class status than a poor black person, due to the color of their skin (Peggy McIntosh, 1997).

Moreover, in contemporary culture, working class is synonymous with the ethnic minority; the image of the poor black has become a ubiquitous cultural

institution in and of itself. Though the image of the mammy and the cotton picker may have changed to that of the thug and the welfare queen, the underlying value of these cultural symbols, and that of working class and color individuals, remains the same. Borrowing from Kimberley Crenshaw's work on intersectionality, it can be argued that the intersection of race and class-based systems of oppression places individuals of color in a disenfranchised position (Crenshaw, 1989). The persistence of these cultural values and symbols and the persistence of race as a function of class are mechanisms of structural violence through which poor, brown and black bodies are policed and made victims of modern day enslavement within the prison system. It is a crime just to be poor and to be of color in the United States. In this context, my paper seeks to examine the nature of high recidivism in the United States, and its implications for working class, racial and ethnic minority individuals who are incarcerated. It argues for a shift from a culture of punishment to a criminal justice system focused on rehabilitation and building capabilities.

### **Theoretical framework: structural violence and capability approach**

"It is better to be violent, if there is violence in our hearts, than to put on the cloak of non-violence to cover impotence."

-Mohandas K. Gandhi

Structural violence theory has evolved out of Marxian and Weberian views on inequality and social stratification as sources of conflict in society (Turner, 2001). An important element in Galtung's theory is that restraint on human potential resulting from economic and political structures constitutes structural violence. Taking a macro-perspective, Galtung argues that structural inequalities in society and failure to remedy result in systemic violence against the disadvantaged. Galtung (1969) explains that resources are unfairly distributed but "above all the power to decide over the distribution of resources is unevenly distributed" (p. 171). White, upper-class persons, or how Marx would put it, "the owners of the means of production", usually decide who gets what in a capitalist society (Galtung, 1969, pp. 171). If an individual is poor and/or of color, chances are that this person won't have access to basic necessities such as medical services and education, which in turn makes them powerless. Inequality in resource distribution disproportionately impacts people of color due to historical disadvantages, which is essential in understanding why so many underprivileged people end up in prison and get stuck in the cycle of recidivism. The underpinning of structural violence is that structured inequalities produce suffering as much as direct violence does.

Galtung (1969) states that understanding the potential, the actual and the difference between the actual and potential is important to addressing structural violence (p.168). In applying this concept to the incidence of recidivism rates, one

could argue that the ‘actual’ is ex-offenders recidivating, the ‘potential’ is ex-offenders not returning to prison post-release, and the ‘difference’ is providing access to resources in prison and post-release to enable rehabilitation and decrease chances of recidivism. An important element of structural violence theory is that of “potential realizations.” By this, Galtung means individuals have a potential that can either be truncated or enhanced when the distance from the “actual” to the “potential” is increased as a result of avoidable circumstances, such as when structural violence is present (Galtung, 1969). An example of this is an individual receiving inadequate rehabilitation services during their time served due to the privatization of prisons.

Structural violence is connected to race and socioeconomic status. There is extensive literature on the application of structural violence theory and its connection to race and unequal access to resources in the area of health care (Burt, 2013). For example, compared to European American women, African American women are twice as likely to die from breast cancer due to low-grade medical services (Dorworth, 2001). Limited access to affordable preventive health care leads to less diagnosis among African American women, making them susceptible to higher cancer rates. Further, Paul Kivel provides several examples to demonstrate how racism operates in the health care system (Kivel, 2002). Kivel states that “over 20 years’ worth of studies show that people of color who arrive at a hospital while having a heart attack are significantly less likely to receive aspirin, beta-blocking drugs, clot-dissolving drugs, acute cardiac catheterization, angioplasty, or bypass surgery. Race, class, and gender clearly make a difference in how patients are diagnosed and treated” (Kivel, 2002, p. 207). As illustrated by these examples, access to health care is impinged by considerations of race, class and gender, which by Galtung’s definition could be seen as a form of structural violence.

Another example is the existence of structural violence in the education system in the U.S., specifically the school to prison pipeline which “predominantly affects the Latino and black communities, who are both victims of poverty and other signs of structural and cultural violence” (Carter, 2014). The lack of resources and adequate staff in inner city schools, as well as the zero-tolerance policies that result in kicking out black and Latino students from school for petty reasons, are some ways structural violence manifests itself in early education. Consequently, juveniles, instead of finishing school, are embracing a “street life” and ending up in prison.

Prison systems reflect a similar dynamic. For instance, in 2011, thirty-eight percent of people in state or federal prison were black, thirty-five percent were white and twenty-one percent were Hispanic. Depending on the offense, life after prison time for ex-offenders doesn’t usually change for the better. These individuals return to a life of poverty, this time with a criminal record that

prevents them from getting hired in most places, which eventually causes them to return to a life of crime and recidivate.

By using a capability approach as a lens, we can also evaluate and uncover the structural violence that exists in different policies for communities of color (Sen, 1993; Robeyns, 2005). Similar to Galtung, Amartya Sen, the political philosopher behind the Capabilities Approach Theory, examines specific components that lead to unequal life chances and capability. Sen delineates what he terms functionings, which are the makings of a valuable life (Sen, 1993). In order to live well, and be who they want to be, people need access to functionings such as “working, resting, being literate, being healthy, being part of a community, being respected, and so forth” (Robeyns, pg. 95, 2005). The core argument is that individuals can have material, mental, and social well-being only if they are provided the capability to do so (Robeyns, 2005).

The capabilities approach enables us to examine policies and institutions to determine if people are able to access basic freedoms and opportunities that allow them to live and function adequately and according to their own standards. It exposes the structural violence that exists in communities of color. For instance, a comparison of the capabilities in communities of color compared to life opportunities awarded to white privileged communities demonstrates that access to basic functionings such as food, water, sanitation, education, community engagement, and social interactions, among others, is unequal. Due to structural violence, communities of color are denied basic functionings and resources are distributed unequally favoring the upper class, the able bodied, the white, the English speakers, the U.S. born. Working class communities of color often live in segregated neighborhoods, without access to nutritious and quality foods. Green grocers, or corporate organic grocers such as Whole Foods or Trader Joes, fail to make money in working class neighborhoods where they know the families make little money, and therefore never take root in these communities. Instead, corner bodegas filled with long lasting tinned or packaged foods take precedence and make the most business out of their lotto tickets and deli items. Food deserts is just one of the many ways in which structural violence limits the capabilities of communities of color to live a healthy, valuable and holistic life.

Structural violence and the capabilities approach demonstrate the failure of our state to take care of its populations, especially those vulnerable. In the absence of denial of the basic freedoms essential to a decent life, communities are pushed towards violence contributing to mass incarceration and recidivism.

### **Mechanisms of structural violence: the criminalization of race and class**

Poor people, people of color – especially are much more likely to be found in prison than in institutions of higher education.

- Angela Davis

The criminalization of race and class in the United States is a major contributing factor to high recidivism rates and a primary mechanism of structural violence. Racism and the criminalization of poverty have historically formed the general fabric of our society today. According to Karl Marx, race and class are interconnected and do not function on their own (Bohmer, 1998). Marxist theory suggests that racism developed from the expansion of capitalism, which led to the slavery of millions of African people (Bohmer, 1998). Marx explains that African societies were easier to coerce into labor compared to other societies due to their lack of political and military power (Bohmer, 1998). The ideology of black inferiority stemmed from the “justification” of slavery (Bohmer, 1998). Here, Marx makes the distinction between black inferiority developing from slavery as opposed to being the cause of slavery and indicates that the enslavement of black people, and the negative value given to blackness, were functions of an economic system of power and control, first and foremost (Bohmer, 1998).

Malcolm X, in his 1964 speech proclaimed, “You can’t have capitalism without racism.” Both racism and capitalism, the system which maintains class stratifications in U.S. society, function from notions of that which is free and unfree, and that which is powerful and not powerful. Together, racism and capitalism aim to keep the same group of people in power: the rich and the white, where the rich are the white. Both racism and capitalism are systematically maintained and unconsciously dominate our global psyches. Their hallmark, and their evil, is how they oppress and dictate unknowingly in our imaginations. McIntosh says, “It seems to me that obliviousness about white advantage, like obliviousness about male advantage, is kept strongly inculturated in the United States so as to maintain the myth of meritocracy, the myth that democratic choice is equally available to all. Keeping most people unaware that freedom of confident action is there for just a small number of people props up those in power, and serves to keep power in the hands of the same groups that have most of it already” (McIntosh, 1997, p.299).

Those with class and race privilege fail to recognize the inequalities that exist within society because their privilege allows them to remain oblivious, but what they also fail to see is that their privilege, and their freedom, are contingent upon others being disadvantaged and unfree. Like race and class, one is a function of the other.

Racism and classism have grown exponentially as dominant oppressive forces since the groundwork of slavery when the United States was first formed. It is possible to trace the underlying patterns of these forces throughout various times, places, and phenomena. For example, historically, associations with black people were seen as criminal behavior. In the 1600’s if a white woman married a

black man she was whipped and put in jail (Rothenberg, 2013). Though the laws today aren't explicitly as extreme, the general philosophy behind them pervades our modern day society. A white person can walk down an empty street with confidence and no fear of being stopped by police. While a white, upper-class male might view a policeman as a friend and helper, a working class black male generally views a policeman as his enemy, and he remains afraid. This is predominantly due to the fact that people of color are constantly singled out due to their race, and as a result often experience unnecessary questioning, harassment and abuse when confronted by police.

Recent examples of police brutality and abuse of power as seen in the cases of Michael Brown and Eric Garner further elucidate racism in law. Both cases involved unarmed black men who were suspected of committing crimes and, without due cause or evidence, were killed by white male police officers. (Capehart, 2014; Goodman and Baker, 2014). Both cases show use of extreme violence against unarmed black men and lack of accountability for the deaths as the officers were granted immunity. These are two examples, and are symptomatic of a larger trend of racism. Across the country black men are targeted as criminals simply for living their lives and going about their day, and white men are getting away with murder under the false pretense of defense and justice. Racism has served a three-pronged sword: it criminalized black men, planted this imagery in our collective subconscious, and skewed reality enough to justify cold-blooded murder. Tim Wise says, "As long as white Americans stereotype people of color as violent, they will be blind to the warnings signs of violence in their own communities" (Wise, 2001). In this statement, Tim Wise is alluding to the fact that police officers often inflict crime upon innocent individuals whom they see as violent simply due to the color of their skin. Moreover, as long as communities continue to justify this form of policing through their own subconscious biases they will fail to see the real violence and the real perpetrator: the police, and more broadly, the system which empowers the police and profits off the casualties of racism and classism.

It is this broader system of oppression that has evolved the image of the black person as the corrupt, deplorable felon in our collective imaginations. Blackness symbolizes fear, deviant behavior, and crime, and when crime is up in society, "all that matters is to get rid of it" (Healey and O'Brien, 2007). This mindset is a major contributing factor to the growing number of Blacks and Latinos in prison. The belief, which states that people of color commit most crimes, is not only systemic and intentional, but it also justifies targeting them due to their race and sending them to prison. The punishment industry is a powerful institution that gets away with its structural racism, which is masked by the "assumed criminality" of black individuals (Healey and O'Brien, 2007). If society focuses solely on black crime and assumes that people of color are the



only ones committing crimes, they turn a blind eye to the system's hidden agenda, which is constantly designing new ways to punish not only people of color, but also people in poverty.

Classism serves as another systemic oppression, which justifies the large numbers of poor people who are sent to prison. There is a strong correlation between racism, poverty, mass incarceration and recidivism rates. People often hold the misconception that being poor means life must be easier and cheaper because of government assistance (Blow, 2015). The truth is that life is a constant struggle and extremely expensive for those who are economically disadvantaged both inside and outside of prison. There are families struggling to find jobs and those who are fortunate to have work available for them don't make enough income to change their situations (Blow, 2015). If being poor wasn't enough, America's system allows the wealthiest one percent of individuals to pay the lowest taxes. These individuals pay only 5.4 percent of their income compared to America's poorest, who have to pay 10.9 percent (Blow, 2015). Banking, for example, a seemingly mundane but common and taken for granted necessity of life, is in fact a privilege that is denied to low-income families and individuals (Blow, 2015). According to the National Community Reinvestment Coalition (2007) whose mission is to build capital in underprivileged neighborhoods, the number of banks located in working class neighborhoods is disproportionate to the number of banks available in wealthy neighborhoods (National Community Reinvestment Coalition, 2015, p. 3). Banks refuse opportunities for loans and savings accounts to individuals who don't have enough income because they consider them to be "risky borrowers" (Blow, 2015). This leaves disadvantaged individuals with barely any choices to create investments and save their money. They have to cash their checks in places that charge expensive service fees, leaving them with even less income than they already started with.

These are only some of the many ways low-income individuals struggle to live adequate lives. In order to cope with living in severe poverty, individuals have to go to great lengths just to eat and feed their families, and as a result they often take dangerous risks, break the law and end up in prison. All this destructive behavior usually leads to doing time in prison and it doesn't get any better in jail. Once these individuals become ex offenders, it becomes even more difficult to have a better life after they're released. They come out of jail even poorer because of all the court fees they have to pay as a result of being arrested, and many of these people can't afford the fees. If they fail to pay the court fines imposed by the legal system, they have to go back to prison. This is a major reason why recidivism rates are so high. In order to survive, a criminal lifestyle becomes the only way for many because the system is not designed for people of color or working class people to succeed. In fact, the system is designed so that working class people stay working class or eventually become incarcerated. In order to

cope with living in severe poverty, individuals have to go to great lengths just to eat and feed their families.

This destructive cycle usually starts at an early age. Solely living in low-income dangerous neighborhoods puts young people at risk of becoming violent and displaying aggressive behavior (Anderson, 1994). Some of the issues that arise have to do with the coexistence between the lives that these young people experience at home compared to the “street” life experienced in their neighborhoods (Anderson, 1994). Although there are many low-income individuals who get exposed to street culture from their inner city neighborhood, there are many young people whose lives are consumed by street culture. These young individuals grow up only knowing this type of lifestyle, which usually involves gangs, drugs and no respect for the police (Anderson, 1994). In “Code of the Streets”, Anderson explains that street life is really a way for people in inner cities to culturally adapt to a lack of trust in the criminal justice system (Anderson, 1994, p. 2). Communities living in low-income neighborhoods perceive the police as the enemy, catering to white privileged society and ignoring the lives of inner city citizens (Anderson, 1994). This mentality forces these individuals to feel like they have to take matters into their own hands and live by their own rules. Anderson explains that the minute police influence becomes non-existent and people feel like they have to protect their own safety, street culture emerges (Anderson, 1994, p.2). Guns and violence usually accompany street life as a result of street culture replacing police culture. Conveniently enough, this is when the police start to show up to make arrests. Clearly, this is a vicious cycle grown out of a community that feels disenfranchised and unprotected by the larger system.

The police aren’t the only ones punishing poor young people of color who learn and adopt violent street behavior in order to survive. The school to prison pipeline helps persecute young people of color by pushing them out of the school system and into the criminal justice system (Amurao, 2013). It is a system that is believed to systemically setback young students of color and push them into prison. According to “Suspension Stories”, the school to prison pipeline begins when school classrooms are overcrowded and when a school lacks resources and staff. This caused chaos and disorganization in the classroom and as a result these under-resourced schools adopt zero-tolerance policies which implement serious punishments irrespective of the situation (Tellington and Milinski, 2014). Many students who crave better learning environments where they could become successful feel helpless, and as a result give up on school entirely (Tellington and Milinski, 2014). Moreover, the schools that are equipped with adequate resources and staff often suspend and kick out young students of color for minor offenses instead of providing them with the counseling and social services they obviously need (Amurao, 2013). This leaves the students bitter and confused (Amurao,

2013). Many students in these positions eventually decide to drop out and fall into serious criminal behavior.

The inclination to violence springs from the circumstances of life among the ghetto poor--the lack of jobs that pay a living wage, the stigma of race, the fallout from rampant drug use and drug trafficking, and the resulting alienation and lack of hope for the future. While slavery may have been an overt form of oppression, the systematic segregation of poor people of color into these disenfranchised, violent, and unfairly policed communities is a covert form of oppression—it is structural violence. Angela Davis says, “Although government, corporations, and the dominant media try to represent racism as an unfortunate aberration of the past that has been relegated to the graveyard of U.S history, it continues to profoundly influence contemporary structures, attitudes, and behaviors” (Davis, 2003). Here, Angela Davis reveals that the forces inflicting structural violence upon poor communities of color through disenfranchisement and criminalization are societal institutions like the government, corporations, and media. These institutions run the society we live in today and continue to spread racist and classist messages and practices in such manipulative and sneaky ways that the general public often is unaware and those who are privileged by this system proclaim that racism and classism are things of the past. Understanding this truth can help expose how the prison system, a major societal institution that works hand in hand with the government, corporations, and the media, is interconnected with racism and classism and inflicts structural violence upon poor people of color. Angela Davis points out the importance of seeing the prison system through a racial lens in order to understand that prisons are obsolete and should be abolished (Davis, 2003). Even though the prison system seemingly isn’t seen by the majority as a racist institution, it would be wrong to ignore the parallels between race and class in and out of prison.

### **The War on Drugs**

Along with the criminalization of race and class, the War on Drugs is another form of structural violence and a major contributing factor to high recidivism rates. The War on Drugs was first introduced in 1971 by Richard Nixon but then grew to prominence in 1982 under Ronald Reagan. On the surface it was a campaign to attack crime, but in reality it was a covert anti-racist regime. Reagan’s campaign mainly focused on crime and welfare in addition to developing the federal government’s position on fighting crime. Fighting crime had always been the state and local enforcement’s responsibility but under Reagan the role of fighting crime swiftly moved into the hands of federal power (Alexander, 2010). After going back and forth trying to decide whether the federal government and the FBI should be involved in tackling street crime, the Justice Department made the decision to focus their attention to drug enforcement

instead of hunting down white-collar offenders (Alexander, 2010). President Reagan then made it official in October 1982 that it was time to declare a War on Drugs despite the lack of public awareness of any drug issues that were occurring at the time (Alexander, 2010). Immediately after Reagan's announcement, the budgets for federal law enforcement agencies rose significantly (Alexander, 2010). The shares for the anti-drug Department of Defense increased from \$33 million in 1981 to \$1,042 million in 1991 (Alexander, 2010). Throughout the same time, the DEA antidrug budget flourished from \$86 million to \$1,026 million, and the FBI anti-drug allocations rose from \$38 to \$181 million (Alexander, 2010). Contrary to the growth in budget for federal law enforcement agencies, there were significant budget cuts for drug treatment centers and the Department of Education. Clearly, the War on Drugs agenda was more about tackling race than dealing with drug addiction and drug prevention.

"The War on Drugs, which led to long prison sentences for drug offenders, is largely considered a massive failure that led to prison overcrowding without significantly changing U.S. drug abuse rates" (Engel, 2014). Since it first began, the War on Drugs has cost over \$1 trillion and has led to 45 million arrests (Eugene Jarecki, 2012). Michelle Alexander explains that the birth of "The New Jim Crow" was caused by the War on Drugs (Alexander, 2010, p. 72). She analyzes the parallels between Jim Crow, which were mandated racial segregation laws that lasted from the late 1800s through the mid 1900s, and the War on Drugs by considering how both systems targeted people of color and demoted them to second-class citizens (Alexander, 2010, p. 74-75). Shortly after Reagan announced his war on drugs agenda, crack became an epidemic overflowing inner city neighborhoods with people of color (Alexander, 2010). Crack addiction led to even more unemployment, homelessness and lack of access to education, as well as the mass incarceration of black and Latino individuals (Alexander, 2010). The legal system enforced harsher penalties on people who were charged with crack possessions compared to powder cocaine, and it was known at the time that crack was associated with being poor and black. The government had found another way to criminalize race and deprive black people of power. This is a perfect example of how the government and criminal justice system used structural violence against people of color.

Today, things haven't changed for the better. Structural violence against blacks and Latinos is more extensive than ever. The United States currently puts more people in prison than any other country in the world, which completely goes against what America supposedly stands for. The United States is supposed to be a "free country" with numerous job and life opportunities for all, and although this is the reality for many white privileged people, it isn't the reality for most blacks and Latinos. Schools are more segregated than ever before, even 50 years after *Brown vs. Board of Education*. "Even though the majority of illegal

drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been black or Latino” (Prison Culture, 2010). These are just a few examples of the structural violence that continues to persevere in American culture.

When it comes to recidivism rates, there are many systemic procedures and parole laws in place that certain states include in their criminal justice systems in order to keep offenders in prison for long periods of time as well as purposefully cause them to recidivate. Many of these laws have to do with nonviolent drug offenses (ACLU, 2013). According to the American Civil Liberties Union (2013), the highest number of prisoners serving life in prison without possibility of parole were from states such as Louisiana, Florida, Alabama, Mississippi, South Carolina and Oklahoma. These states use three strike rules mandatory minimum sentences, and other “habitual offender laws” which require a life without parole sentence for nonviolent offenses (ACLU, 2013). Legislators enacted the “three-strike rule” in the 90’s as a response to the rise of violent crime, in order to prevent future crimes from occurring (ACLU, 2013). It is a policy adopted by several states, which punishes individuals after their second or third offense by sentencing them to longer sentences or life without parole. According to the Bureau of Prisons, 79-percent of the 3,278 inmates who were serving life without parole were sentenced to die in jail for nonviolent drug offenses (ACLU, 2013). In the cases that were documented by the ACLU (2013), most of the prisoners serving life without parole were either first time drug offenders or nonviolent inmates who recidivated (ACLU, 2013). Most of these prisoners are black, poor individuals who never received a high school diploma (ACLU, 2013).

There are several issues that result from “tough on crime” drug policies. They are responsible for mass incarceration in the U.S, as well as ignoring the many offenders who commit drug related crimes due to drug addiction (ACLU, 2013). Interestingly enough, the supposed intention for harsher drug related penalties stemmed from the government’s concern about drug abuse and drug related crimes, yet it seems that there is more of a focus on criminalizing drug related behavior instead of rehabilitating the addicted individual.

### **The prison industrial complex**

The War on Drugs is a tool used by the prison industrial complex in order to criminalize drug addiction and impose harsher drug laws on non-violent drug offenses to keep people in prison longer and subsequently increasing profits for private prisons. Along with the war on drugs and the criminalization of race and class, the privatization of prisons is another form of structural violence that has dramatically increased recidivism rates in the United States. The prison industrial complex refers to the vast and rapid growth of the U.S. inmate

population as a result of the privatization of prisons, which is the transformation of prisons into for-profit corporations. It includes state and federal prisons, military prisons, county jails, and immigrant correctional facilities, which comprise the fastest growing division (Asia Pacific Economics Blog, 2014). The term is used to attribute the “extent to which prison building and operation began to attract vast amounts of capital from the construction industry to food and health care provision in a way that recalled the emergence of the military industrial complex” (Davis, 2003, p. 12). The private for profit prison industry is a multi billion dollar a year company according to Rashad Robinson, executive director for the Color of Change Committee (Asia Pacific Economics Blog, 2014). The Color of Change Committee is dedicated to educating shareholders about the horrible implications in our justice system as a result of investing in the private prison industry (Asia Pacific Economics Blog, 2014). Investing in the private for profit prison industry facilitates private companies who work with lobbyists to influence government officials in order to push for stricter laws that keep prisons filled and active (Asia Pacific Economics Blog, 2014). Their objective is to get shareholders to divest after exposing to them where their money is going.

Private prison companies aren’t the only ones benefiting from mass incarceration (Henderson, 2015). Food companies that supply prisons, such as Aramark Corporation, distribute food to about 600 prisons in North America and make millions of dollars a year doing so (Henderson, 2015). Aramark has paid the state of Michigan thousands of dollars in fines for meal shortages, unsanitary conditions and allowing the smuggling of illegal imports into prisons (Henderson, 2015). Healthcare companies such, as Corizon, provide terrible healthcare to prisoners while making 1.4 billion dollars a year (Henderson, 2015). In 2012, seven prisoners died in a Kentucky prison that had contracted Corizon as their main healthcare provider (Henderson, 2015). In addition to this, a male prisoner from Arizona went to one of the Corizon doctors on duty to get medical attention for his hepatitis C and was told they couldn’t help him (Henderson, 2015). All of these private companies are providing appalling, incompetent services to prisoners, while reaping profits. Their main concern is to make money and cut costs wherever possible, and as a result they aren’t providing their companies with caring professional staff. Instead these private companies are profiting at the cost of human lives.

The private for profit prison industry doesn’t merely include private companies who are advancing financially from incarceration. There are individuals who are cashing in as members of the prison industrial complex. Henri Wedell is one of those persons. He served on the board of directors for Corrections Corporation of America, which is one of the most invested groups in mass incarceration, and now owns more than 650, 000 CCA shares that are currently worth more than twenty-five million dollars (Downs, 2013). Another

key player who's exploiting the criminal justice system is George Zoley, the CEO of GEO Group, which is the second largest shareholder in the prison industrial complex (Downs, 2013). He guarantees investors that the incarceration rate will remain high in order to keep his profits high (Downs, 2013). The harsh reality is that the prison industrial complex is booming, and it's doing so despite anyone's anti-prison or prison reform beliefs. Top investment groups who provide 401(k) plans to American workers are also highly invested in the prison industry (Downs, 2013). This means that persons who have a 401(k) through their employment are also prison industry profiteers. "This is especially true for government employees like public school teachers because their retirement funds are some of the biggest investors in private prisons" (Downs, 2013).

Committing serious, violent crimes is no longer the only reason why people go to prison. Financial incentives outweigh any government concern in ensuring that our criminal justice system is being just. Since the private prison agenda is invested in benefiting from incarceration, they need to imprison as many people as possible, especially to make the billion dollar salaries they currently have. In order to do this, GEO Group Inc., and Corrections Corporations of America (CCA), the two major corporations devoted to making profits from incarceration, are creating contracts with different states that mandate prison bed quotas (Asia Pacific Economics Blog, 2014). According to these prison contracts, if 90-percent of all prison beds aren't filled, the states that are in contract with these prisons are obligated to pay the corporations for the empty beds (Flatow, 2013). These contracts put pressure on states to create stricter laws in order to prevent getting stuck paying a hefty tab, which in turn causes states to be completely ruthless and dedicated to keeping prison beds filled. States benefit from signing these contracts because of big tax breaks that private corporations promise to fulfill (Asia Pacific Economics Blog, 2014). This is just one of the many ways private companies interfere with the criminal justice system. The birth of the three-strikes laws in 13 states, which sentences offenders to life in prison after committing three felonies, helped establish twenty new federal prisons (Pelaiez, 2014). Instead of investing in rehabilitation and education, some states such as Texas and Arizona are committed to enforcing three strikes laws, as well as to the widespread use of solitary confinement (Gottschalk, 2014).

Once an individual becomes a part of the prison system, it becomes fairly easy to return to prison for new crimes or to recidivate because of technical parole violations, especially in those states that have prison contracts with private companies. States like California, for example, started to enforce minimum lengthy supervised parole, post release as part of their 2011 realignment agenda (Gottschalk, 2014). As a result, California had a large number of offenders who recidivated because of technical parole violations (Gottschalk, 2014). Gottschalk

highlights the importance of understanding how recidivism is defined in her book “Caught” (Gottschalk, 2014, p.115-133). She makes the distinction between individuals who recidivate for committing new crimes, from those who recidivate for committing violations relating to their existing crimes (Gottschalk, 2014, p. 115-133). Although it is essential to differentiate all the groups that contribute to recidivism rates, in addition to clearly defining the concept of recidivism, I believe it is more important to find ways to lower rates of recidivism by understanding these differences instead of focusing on the correct way to define recidivism. Addressing major social issues in the U.S. is long over due. Too many offenders who suffer from mental illness and addiction keep recidivating due to the lack of importance that American culture places on rehabilitation. It’s crucial to respond to the needs of those who are imprisoned instead of relying on prisons to get rid of the problems that exist. The following section will examine the negative implications that come along with making treatment and rehabilitations facilities private.

### **The treatment industrial complex**

The prison industrial complex has expanded dramatically to include private sectors in health care, food supply carriers, and as many private companies that used to be traditionally invested in caring and treating individuals in prisons (Issacs, 2014). Privatizing treatment facilities highly contributes to the profits of the prison industrial complex in several ways (Issacs, 2014). It allows private corporations to profit from positive efforts to lower recidivism and mass incarceration by exploiting alternatives in sentencing, parole and probation offered by state and federal levels (Issacs, 2014). Similar to the prison industrial complex, the treatment industrial complex is strategically spread out making profits from psychiatric facilities, prisoner mental health and medical facilities, drug and alcohol treatment centers, home confinement, and community corrections (Issacs, 2014).

Analogous to the prison industrial complex, privatizing treatment centers allows private companies to cut corners in order to increase their monetary gains. Some of those shortcuts include hiring inadequate staff members without the proper training, which in turn negatively reflects the care and professionalism offered to prisoners. Lack of proper care has led to the death of individuals, such as a hospital in South Florida State, where three died as a result from burning themselves with boiling hot water from the showers (Issacs, 2014). An investigation run by the New York Times to examine the problems occurring from privatizing halfway houses in New Jersey exposed the rampant violence, sexual abuse, and drug use that was taking place as a result of prioritizing profit gains (Issacs, 2014). This is the price to pay when money is a prioritized higher



than humanity. How far does the prison industrial complex have to go until society demands drastic change? Is prison abolition the answer?

### **Prison reform or prison abolition?**

Jails and prisons are designed to break human beings, to convert the population into specimen in a zoo – obedient to our keepers, but dangerous to each other.

- Angela Davis

Prison abolitionist Angela Davis imagines our criminal justice system to be free of prisons. She has been advocating for this since the 1970's prison movement, which is when the concept first emerged. The Attica prison riot of 1971 was the height of the Prisoners' Rights Movement. People were rioting and fighting for better living conditions and political rights for prisoners. The prison political climate of the 1970's segued into the reemergence of prisons in the 1980's as a result of "global capitalism" and the "dismantling of social services in the Global South" (Davis, 2014). Today, the for profit prison industry is booming and growing rapidly. Addressing the needs of prisoners as well as major social problems isn't on the government's agenda. Instead the U.S. relies on private prisons to get major tax cuts and to dismiss state responsibility in having to deal with the "racial stigmatization" and permanent marginalization" that emerged from prioritizing a capitalist culture (Alexander, 2010).

The U.S. government isn't the only system uninterested in improving its criminal justice system. "During the past twenty years, virtually every progressive, national civil rights organization in the country has mobilized and rallied in defense of affirmative action" (Alexander, 2010, p. 33). Alexander explains how civil right advocates prioritize affirmative action and education above all other issues and completely isolate mass incarceration, classifying it as a criminal justice issue (Alexander, 2010). Doing so has created what Alexander calls a "racial caste system" where offenders are the "underclass" members of a separate society who become perpetually isolated once they enter the legalized discriminatory world that is known as prison (Alexander, 2010, p.37).

It's hard to imagine Americans today completely immersing themselves in improving our criminal justice system, especially when the prison industrial complex has taken over and completely exploited it, and when they see themselves so differently from people in prison. The prison industrial complex has become a systemic leviathan, dismantling and profiting from incarceration in every way possible, and simultaneously recruiting as many private corporations and members along the way. Clearly the criminal justice system in the U.S. is in desperate need of transformation. Maybe prison abolition is the answer but the current profiteering and exploitation of the prison system doesn't allow this option to be considered.

Some countries are dedicated to prison reform, completely transforming what prison culture is like and serving as leading examples to the American criminal justice system. Halden, a prison in Norway, exemplifies qualities that “are so out of sync with the forms of imprisonment found in the United States that you could be forgiven for doubting whether Halden is a prison at all” (Benko, 2015). The philosophy at Halden is completely centered on rehabilitating the individual and ensuring that offenders reenter successfully (Benko, 2015). Norway doesn’t incorporate the death penalty or life sentences in its legal system, making the most severe sentence for most crimes twenty-one years in prison (Benko, 2015). Unlike the United States’ attitude towards dangerous members of society, Norway incorporates a “better in than out” manner for their most dangerous prisoners. If an individual has a severe mental illness that leaves them with violent uncontrollable impulses for example, why should they be treated badly and left in isolation for the rest of their life? In Norway, they make sure individuals with these circumstances are isolated from society but they don’t experience the abuse that many mentally ill prisoners deal with in U.S. prisons. One clear reason is because of Norway’s “social safety net”, which ensures education, health care and pensions to all citizens.

The social awareness and dedication to all persons in Norway is the same in and out of prison, which is a major difference compared to the attitudes toward incarceration and prisoners in general that the U.S. embraces. Another factor that significantly stands out when it comes to the prison system in Norway is their budget for prisoners. Norway spends an average of \$93,000 per inmate a year compared to the \$31,000 per year the U.S. spends on its inmates. These numbers are absurd when private corporations make millions or more from exploiting incarceration. These companies have more than enough to spend on better food, health care, and education and still make profits. Halden offers schooling, work hours, and therapy programs to all prisoners (Benko, 2015). In addition to this, correctional officers build relationships with offenders, so the abuse and condescending attitudes that correctional officers are known to practice are nonexistent.

## **Conclusion**

Money plays the largest part in determining the course of history.

- Karl Marx

The purpose of this paper was to examine factors such as criminalization of race and class, the war on drugs, and the privatization of the prison system in order to demonstrate how these factors have significantly contributed to the structurally violent carceral state that has emerged, creating a recidivism outbreak, which includes primarily poor people of color. By looking at each factor individually and using structural violence and capabilities approach as a

theoretical framework, I was able to further understand how race, class, and capitalism are interconnected, and how throughout history these economic institutions have been used to create statuses of power and oppression. Using the capability approach theory as a tool allowed me to see even further how people of color have been disadvantaged early on in history. I discovered that criminalization of race and class, the war on drugs, and the prison industrial complex have been working together to disempower the most underprivileged individuals in society and will continue to do so. They rely on each other to ensure that poor people of color don't have access to necessary functionalities like education and health care that would make them capable members in society. It is clear that access to resources is solely determined on race and class.

Drug addiction isn't understood or treated as a disease and the government's lack of responsibility to its citizens is clearly demonstrated when private companies take over this responsibility and profit from treatment, food, education, and medical services that the government should be providing to all individuals for free. The structural violence perpetuated against working class people of color systemically deprives these individuals of basic human rights and then punishes and imprisons them for failing where they were strategically driven to fail. It's much worse for people of color who are either addicted to drugs or who are mentally ill. Private psychiatric and treatment sectors who are supposed to provide medical attention and care to those prisoners who are ill, often let these offenders die in prison by ignoring them altogether. The distance between the actual and potential for people of color keeps increasing as the prison industrial complex continues to expand. The negative repercussions of privatizing prisons are inexcusable and inhumane. As a result of the massive increases in mass incarceration and recidivism across the U.S., the prison industrial complex has gained more ammunition to keep expanding. Private prison corporations rely on the constant increase in incarceration and recidivism rates. The more money these private corporations make, the more power they have to influence policy in ways that will keep the upper class, the able bodied, the white, the English speakers, the U.S. born empowered and able to succeed. It seems almost impossible to think of ways to lower incarceration and recidivism rates when powerful companies in charge of prisons are highly invested in doing the opposite.

Society's cultural, educational and social awareness has to grow stronger and it will get more challenging to do so if we keep allowing money and power to outweigh human worth. At first, the purpose of analyzing systemic factors that I saw as significant contributors to mass incarceration and recidivism was to hopefully realize its root causes and come up with solutions. After exploring penal reform and prison abolition, I realized the only way to empower the criminal justice system and really address major social problems that are

rampant in poor communities of color, is to consider prison abolition as a remedy. To many, this seems like an inconceivable solution to consider, especially when there are violent mentally ill prisoners who would be dangerous to society if they were free. This isn't an issue that will have a quick fix. We must explore ways to treat mentally and addicted individuals without jumping to a harsh prison sentence as a solution. Adopting attitudes about violent individuals and mentally ill persons similar to Norway's prison system seems like a good start. Taking the time to care for each and every life would lead us towards a real path of freedom, a concept that supposedly symbolizes the U.S. Freedom doesn't just apply to those behind bars; it should concern everyone who isn't free to speak their minds, fearing that they will be put away just for doing so. Seeing a new American culture emerge where all people are committed to social justice is worth fighting for. There are many conversations about prison reform and abolition taking place in today's America, but not enough voices are speaking up. Extensive literature has been written about prison reform but not enough about prison abolition. To accept any type of reform and solely designate structural problems in the carceral state isn't enough. Doing this implies that we are willing to accept the existence of prisons and their lengthy stay for years to come. If prisons are here to stay, they should only be maintained for those who violently threaten society because of a social or mental disorder. I hope to see more individuals with abolitionist mindsets, dedicated to undoing the carceral state.

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