NECROPOLITICS: THE RELIGIOUS SITUATION OF U.S. MASS INCARCERATION

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Dissertation

Submitted to the Faculty of the

Graduate School of Vanderbilt University

in partial fulfillment of the requirements

for the degree of

DOCTOR OF PHILOSOPHY

in

Religion

May, 2014

Nashville, Tennessee

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To Phyllis Ringer-Taylor, whose faith in me was unwavering, thank you for everything.

To Darryl Ringer and Rev. Dr. Hycel B. Taylor, whose life and presence are with me always.

To Kimberly Peeler-Ringer my dearest friend and companion who choose to join me in life and love.

ACKNOWLEDGEMENTS

This work would not have been possible without the love, support and help of many people. To my teacher Victor Anderson who demanded my best, and gave me "new notes to play" in philosophy, I am deeply grateful. My committee members, Volney Gay, Ellen Armour, Stacey Floyd-Thomas and Lewis Baldwin, I have grown through your courses, example and generosity. More importantly, each one of you encouraged me in pursing my interests and following my questions.

I owe deep debt of gratitude goes to the extraordinary Vanderbilt community. To Herbert Marbury, Melissa Snarr, Bonnie Miller-McLemore, Jimmy Byrd, Marie McEntire, Sha'Tika, Charles Bowie, Asante Todd, Aaron Howard, Tyson Lord Gray, Tamura Lomax, Michael Brandon McCormack, Monique Moultrie, Nichole Phillips, Amy Steele, Tamara Lewis, Angela Cowser Jin Choi, Dante Bryant, Malik Saafir, and Woodrow Lucas all of you played a significant role in bringing this work to completion.

This project has also benefited from financial assistance from the Vanderbilt Department of Religion, the Graduate School and The Forum for Theological Exploration (FTE). To the members of Howard Congregational UCC, thank for allowing me to serve you as my experiences in ministry have enriched my thinking in numerous ways.

To my mother Phyllis Ringer-Taylor who has always knew "I could do it." I am truly grateful for all you have done in my life. To my fathers Darryl Ringer and Hycel B. Taylor II, I miss you both dearly. To my brother David Ringer, thank for taking an interest in his little brother. To Paul Butler, Legertha Butler Walton, Judith Bailey, and Thomas Anthony Holloway for being a cheering squad. To my wife, Kimberly Peeler-

Ringer who lived literally lived with this dissertation, thank you for your love, encouragement and patience in this journey.

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Chapter 1

Introduction

On October 16, 1995, I was present at the Million Man March in Washington D.C. At the time I was finishing undergraduate work at the University of Illinois and was part of an organization that visited Danville Correctional Facility forty minutes from the campus. Without the contemporary language of "cradle to prison pipeline," I recall the pain of an inmate describing the day his son was admitted to the same facility in which he was housed and confined. In addition, this same facility manufactured the band uniforms for our university through Illinois Correctional Industries. I began to feel as if somehow these two facts were related, although unable to coherently articulate the relationship at the time. Thus, on the National Mall in D.C., I was deeply encouraged to hear Rev. Jesse Jackson articulate in front of a national and potentially global audience the racial disparity lodged in the punishment structure for crack cocaine and powder cocaine. For American citizens who were unaware, they would now know that possession of five grams of the form of cocaine known as crack warranted a mandatory five years in prison, whereas it would take five hundred grams of powdered cocaine to receive the same sentence. In the fall of 1995 America held just over one million people in state and federal prisons. I was confident that the widespread exposure of a sentencing structure this arbitrary and unjust would have an impact upon the War on Drugs and the rates of incarceration. I was profoundly mistaken. As of 2012, 2.2 Million people reside in American state and federal prisons and local jails. In addition, 4.7 million people were on probation with a total of seven million persons under criminal justice supervision.

This dissertation is an investigation into the emergence and persistence of mass incarceration as a social fact in American life. Moreover, the investigation is not disinterested but rather grows out of my interest in Christian social ethics. The purpose of this introduction is to articulate the major concepts, interpretive frames and methods used in this study.

The term "mass incarceration" is now familiar, however not completely uncontested. I retain the term to indicate the passage of incarceration as a means to punish individual offenders to regulating populations.[1] In addition, the term owes a debt to the scholarship and activism of Angela Davis who popularized the term "prison industrial complex" to draw attention to relationships between "corporations, government, correctional communities and media."[2] This complex of institutions that occasions mass incarceration has consistently been studied and theorized by those within disciplines such as sociology, political science and law. There have been very few publications on mass incarceration produced by religious scholars. Recent works have included: Lee Griffith's *The Fall of the Prison: Biblical Perspectives on Prison Abolition* (1999), Christopher Marshall's *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment* (2001), T. Richard Synder's *The Protestant Ethic and the Spirit of Punishment* (2001), Mark Lewis Taylor's *The Executed God: The Way of the Cross in Lockdown America* (2001) and James Samuel Logan's *Good Punishment: Christian Moral Practice and U.S. Imprisonment* (2008). However, there has yet to be published an investigation of the emergence and persistence of mass incarceration as a social fact from a religious perspective. This study attempts to make that contribution.

[1] See "The Meaning of Mass Imprisonment," David Garland, *Mass Imprisonment: Social Causes and Consequences* (SAGE, 2001), p. 1.
[2] Angela Yvonne Davis, *Are Prisons Obsolete?* (Seven Stories Press, 2003), p. 84.

I. Methodology

In the course *20th Century North Atlantic Ethics* with Prof. Victor Anderson I came across the volume *The Religious Situation* by Paul Tillich. This small and somewhat underappreciated volume in Tillich's corpus would be the catalyst for my articulation of a religious and theological voice in interpreting the persistence of mass incarceration. In addition, the phenomenological method *The Religious Situation* facilitated a dialogue between religion and the social scientific literature on mass incarceration. Paul Tillich defined the religious situation as:

> a self-evident faith that lies at a deeper level than the apparent antithesis of the belief and unbelief which both arise out of it and are both equally rooted in it. This unconscious faith which is not assailed because it is the presumption of life and is lived rather than thought of, this all-determining, final source of meaning constitutes the religious situation of a period."[3]

Moreover, our religious situation is constituted by global capitalism. The religious significance of global capitalism is that it shares the primary criteria of Christian theology, absolute concreteness and universality.[4] Global capitalism, the structure of social relations and institutions that sustain life and give it meaning, has achieved world dominance. To put Tillich's point plainly, global capitalism as a "self-evident faith" beyond "belief and unbelief," is to acknowledge that even the most anti-capitalist academic will likely find their book for sale on Amazon.com for $150.00.

The religious situation, while universal, is intuited or discerned through the concrete society in which one lives. Thus, the "Spirit of Capitalist Society" becomes a

[3] Paul Tillich, *The Religious Situation* (Meridian Books, 1956).
[4] Paul Tillich, *Systematic Theology: Volume 1* (Chicago: University of Chicago Press, 1973), p. 16-17.

religious symbol that pairs the global structure of capitalism with the particularity of a given society. In addition, to discern the religious situation of a period is to grasp the creative force that "brings the future out of the past."[5] Moreover, it is to grasp the meanings that endure or "support the times but is not subject to them."[6] Cultural theorist Stuart Hall helps to enrich Tillich's claim as he argues that all historical junctures represent a complexity of different forms of time with their respective durations. He argues, "Political time, the time of regimes and elections is short: 'a week is a long time in politics.' Economic time, sociological time, so to speak has a longer *duree.* Cultural time is even slower, more glacial."[7] In other words, all social institutions and cultural objects, of which churches are one, express the meaning of the religious situation. Tillich's philosophical theology as well as his focus on ontology might first appear as a strange conversation partner for interpreting mass incarceration. Indeed it is through ontological investigation that Tillich argues that love, power and justice are united in God, being itself.[8] However, this study has largely bracketed theological ethics in order to interpret the being and meaning of mass incarceration itself that is the concern of this study. As such, I employ the social phenomenology of Alfred Schutz to assist in this descriptive task.

The persistence of mass incarceration is rooted in social agreements that legitimate, and rationalizes its ongoing existence. There is scholarship that has documented the profound reach and harm of mass incarceration into everyday lives, such

[5] Ibid. p. 34.
[6] Ibid. p. 35.
[7] Stuart Hall, *Critical Dialogues in Cultural Studies* (London: Routledge, 1996), p. 231.
[8] Paul Tillich, *Love, Power, and Justice* (Oxford University Press US, 1960), p. 115., also see James Samuel Logan's concept of "ontological intimacy" in James Samuel Logan, *Good Punishment?: Christian Moral Practice and U.S. Imprisonment* (Wm. B. Eerdmans Publishing, 2008), p. 203-210.

as Michelle Alexander's *The New Jim Crow*. However, the structures of meaning and motivation that rationalize its existence in spite of these facts are the concern of this study. As such, social phenomenology is used to trace the effective history of deeply sedimented meanings that contribute to the rationalization of what Habermas defines as a "fundamental contradiction."[9] This method moves beyond the stated intentions of the criminal justice system to the unconscious motives and interests of mass incarceration as a social formation. This is important for two reasons: 1) discussions of mass incarceration are often framed around its relationship to prior historical periods, namely slavery and Jim Crow; and 2) an account of mass incarceration must contend with the evidence that incarceration continues to go up even as crime goes down.[10] Social phenomenology provides a method of distinguishing between enduring structures of motivation and permutations in their institutional expression. Further, Schutz's philosophy provides an account of the structures of the life-world that occasion the particularity of the meaningful social world in which one lives. This is critical for establishing the relevance of mass incarceration to the complex of social relationships constitute our religious situation. Finally, in addition to social phenomenology, this study also employs the resources of figures associated with post-modern social theory.

The presence of postmodern social theory indicates a key claim regarding our religious situation, that media representations and the technologies of mass communications are constitutive forces of globalization in general and American political economy in particular. Media technologies profoundly shape the process of social agreements that legitimate and rationalize mass incarceration as well strategies of

[9] Jürgen Habermas, *Legitimation Crisis* (Beacon Press, 1975), p. 27.
[10] Bruce Western, *Punishment and Inequality in America* (Russell Sage Foundation, 2007), p. 35.

governance. Thus, the religious situation of mass incarceration is inseparable from the images of George H. W. Bush holding a bag of crack while speaking from the White House or television news crews that follow the police on drug raids that air on the nightly broadcast. More importantly, media representations are a primary means through which people form perceptions about the people we incarcerate and the prisons in which we keep them. Thus, I employ the social sciences in order to trace the meaning of cultural representations and their effects in the thoughts and actions of individuals, rationalities and tactics of governance, as well as the production of knowledge. However, this study also takes seriously the role of cultural representations to potentially open up new possibilities for thought and action. George Lipsitz rightly argues, "Politics and culture maintain a paradoxical relationship in which only effective political action can win breathing room for a new culture, but only a revolution in culture can make people capable of political action."[11] The influence of cultural representations requires a further point regarding political economy.

I have argued that our religious situation is global capitalism, which is discerned through the society in which one lives. In this study, the religious situation of mass incarceration is American political economy, which is profoundly marked by neoliberalism. The use of the term "U.S. political economy" embraces ideas found in monikers such as "late capitalism," "advanced capitalism," "post-Fordism" and "postindustrial society," such as deindustrialization, revolutions in information and communication technology, and the unity of culture and economy beyond the duality of base and superstructure. However, I argue that American political economy does not

[11] Herman Gray, *Watching Race: Television and the Struggle for Blackness* (Minneapolis: University of Minnesota Press, 2004), p. 5.

represent a hard break between the industrial and post-industrial society. Mass incarceration discloses the presence of market deregulation, the regulations of populations and the rise of a prison industrial complex that create a vast array of jobs, products and services. The use of the term neoliberalism indicates public policies, ideologies and modes of governance that support deregulation, liberalization of trade and the privatization of public services and resources. There is a broad scholarly consensus that the election of Ronald Reagan in the 1980 represented a significant advance in neoliberalism as a mode of governance in American life.[12] The significance of this lies in its co-presence with the War on Drugs, accelerated rates of incarceration and significant redefining of the traditional "welfare state"[13] designed to assure citizens access to basic resources that sustain life. Finally, the use of the terms neoliberalism and rationality of governance betray the influence of social theorist Michel Foucault that warrants comment.

Prisons and their various forms of punishment are the preeminent expression of state violence upon an individual or a population. Mass incarceration in America has rendered routine and banal the experiences of brutality and suffering of the incarcerated. Moreover, these forms of legitimating, rationalization and social agreements constitute and participate in the authorization, deployment, and instrumentalization of power. As such, I have found certain themes within the work of Michel Foucault helpful in thinking about mass incarceration as form of social power relations within American political economy. In particular, Foucault's engagement with the human sciences and the way they shape and are shaped by broader fields such as juridical power is important for the

[12] David Harvey, *A Brief History of Neoliberalism*, 1st, First Edition (Oxford University Press, USA, 2007), p. 3.
[13] Michael B. Katz, *The Price of Citizenship* (Macmillan, 2002), p. 9.

argument presented here. Moreover, the circuit of knowledge and power relations, or biopolitics is critical to understanding the regulation of populations through the strategies and tactics of government bound to the logic of neoliberalism.[14] This circuit proves helpful in understanding mass incarceration as social relation of power within our religious situation. It should be noted here that I have not attempted to give an account of race, mass incarceration and political economy based upon Foucault's corpus.[15] Rather, I have taken certain concepts from Foucault and contextualized them within the religious situation of mass incarceration in the American context. My engagement with other concepts featured in this argument such as social death and death-bound-subjects has lead to my engagement of the emerging discourse of necropolitics. It is this organization of the power of death that I theorize mediates between juridical power and mass incarceration.

I am painfully aware that this study does not adequately address the deep way in which mass incarceration affects black women. The incarceration of black women and black men as social phenomena cannot be uncoupled. I plan to address this issue in further research with insight from scholars who have been theorizing this in the future. Furthermore, this study does not address the long historical and contemporary relationship between mass incarceration and immigration. Again, I plan to address this issue in further research with scholars adept in this area. Finally, This study proceeds in through the use of three images to interpret the religious situation of mass incarceration:

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[14] Furthermore, one of the features of neoliberal political economy is the everyday experience of buying and selling of goods as the image of human experience and social relations. See "A Genealogy of Homo-Economicus: Neoliberalism and the Production of Subjectivity" by Jason Read in Sam Binkley, *A Foucault for the 21st Century: Governmentality, Biopolitics and Discipline in the New Millennium*, ed. Sam Binkley and Jorge Capetillo, New edition (Cambridge Scholars Publishing, 2010), p.2.

[15] See Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana University Press, 2009).

social death, death-bound-subject and the New Jim Crow. Each chapter introduces the image, its author, and the significance for this study.

II. Overview of the Argument

In Chapter Two I argue that the persistence of mass incarceration is rooted in the religious depth of the American experience. As I have argued above discussions regarding mass incarceration inevitably raise critical questions about its relationship to slavery, the convict lease-system, and Jim Crow. I employ the image of social death, as articulated by Harvard sociologist Orlando Patterson, to examine the cultural logic of mass incarceration through several historical conjunctures. In particular, this chapter focuses on representations of social death that legitimate political exclusion. I also attend to critiques of social death as a concept suggests that slaves were without culture, lacked agency or were resigned to fatalism. In subsequent chapters I will also expand and demonstrate the possibility of political agency as well as hope within the structures of social death. The work of historian of religion Charles H. Long is employed to theorize the generative power of perennial representations of social death in the American experience. Long's concept of the arche is the religious depth of America, that when touched provides resources for renewal in times of cultural crisis. Long's work will be employed to argue that the cultural meanings that legitimate the War on Drugs and mass incarceration are present within the founding experience of the American republic. Finally, I will argue this claim through an analysis of the criminal case of Joseph Hanno in Puritan New England and a genealogy of the War on Drugs.

In Chapter Three I explore the way in which a political economy predicated on social death and the threat of death forms an individual. In particular, this argument

focuses on the way an individual comes to understand the political value of their social death and discern potential means of resistance. The image of the death-bound-subject as articulated by literary theorist Abdul R. JanMohamed provides the basis for this analysis. I explicate JanMohamed's image of the death-bound-subject through his engagement with Richard Wright's *Native Son*. A key aspect of JanMohamed's reading of *Native Son* is that it represents the political unconscious of Jim Crow society. The idea of the political unconscious drawn from the work of Cultural theorist Fredric Jameson is extended to Stanley "Tookie" William's *Blue Rage, Black Redemption* and Mumia Abu-Jamal's *Live From Death Row*. I argue these memoirs represent forms of political agency as they speak to the American political community from within its institutional expression of death. The importance of these memoirs is that they represent a profound witness to the emergence of mass incarceration within our religious situation. Remarkably, Williams and Abu-Jamal also represent voices that have affirmed life within the structures of death that refuse to resign mass incarceration as inevitable.

In Chapter Four, I employ the image of the New Jim Crow to interpret the way necropolitics mediates juridical power within the religious mass incarceration. This image is drawn from Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Era of Colorblindness.* My argument begins with an explication of Alexander's key claims regarding the role of law in creating a population effectively locked out of civil society, which is social death. This chapter brings together previous insights regarding the representations of social death as well as individuals formed by its structures into an account of the generative power of mass incarceration. I argue that this is best articulated through recent formulations of necropolitics. Thus, the circuit that runs

from deindustrialization, the drug trade, representations of crack cocaine users, the punishment structure of crack cocaine and policing displays the social power relations constitutive of necropolitics. In addition, necropolitics, the organization of death is intimately tied to the safety and security of racial and neoliberal interests. To illustrate the mutually reinforcing ways that necropolitics mediates between juridical power and mass incarceration, this chapter examines HBO's cable television series *The Wire.*

The Wire has effectively become a text that illustrates the social dynamics of our religious situation as argued here. I argue that *The Wire* displays the circulation of necropolitics. In addition, its ethnographic qualities arise from the relationships of its writers and producers to the city of Baltimore. Further, a brief personal note is warranted regarding this approach. In 2009, I presented a paper on at a conference entitled "*The Wire* as Social Science Fiction?" in the United Kingdom. I soon found out their newspaper *The Guardian* published blog posts on every single episode. Although excited to present, I kept wondering why they would be concerned about *The Wire*. I would soon find out. During the conference one of the conveners explicitly argued that they watched *The Wire* to figure out how the U.K. could avoid becoming like Baltimore given their challenges around immigration. In that context, immigration is encoded as largely non-white immigrants from Africa or other countries that also bring religious diversity. The salient point; however, is the loss of citizenship of the urban residents depicted in *The Wire.* The comments indicated solidarity through an imaging of another political community that must find a way to manage its black population whose labor was necessary but integration not desired. As such, *The Wire* goes beyond the intentions of

its producers to serve as a mirror to America, now circulates as cultural text to be interpreted.

At this point I want to elaborate further the presence of religion in this study. As stated above, one does not find an explicit theological ethics here. However, these chapters inevitably reflect my own indebtedness to scholars who define religion as the way people come to terms with their ultimate significance in the world,"[16] their ultimate concern[17] and the way the meaning of God is evidenced in the experience of redemption.[18] Thus, this study discloses the religious depth as the New England's Puritans see their fate intertwined with the execution of Joseph Hanno, Stanley William's narrative of redemption after abandonment by the Crip God, and questions of ultimacy haunt a young Namond Brice's performance of corner-boy masculinity.

[16] Charles H. Long, *Significations: Signs, Symbols, and Images in the Interpretation of Religion*, 2nd ed. (The Davies Group Publishers, 1999), p. 7.
[17] Tillich, *Systematic Theology,* p. 9.
[18] Edward Farley, *Divine Empathy* (Fortress Press, 1996), p. 63.

Chapter 2

Social Death, American Civil Religion and Mass Incarceration

This chapter argues that the emergence and persistence of mass incarceration is occasioned by the cultural logic rooted in the religious depth of the American political community. This argument proceeds by explicating the concept of social death by Harvard Sociologist Orlando Patterson and its value in tracing representations that legitimate political exclusion. Second, I explicate the concept of American civil religion and the arche of American experience by Charles H. Long. Long's ideas will be employed to articulate the generative power of representations to endure, adapt and secure social order in times of crisis. Third, the argument then integrates the concepts of Patterson and Long to interpret the criminal case of Joseph Hanno in Puritan New England. Hanno's case illustrates perennial themes regarding the significance of blackness and criminality. Finally, I will argue that these themes, central to the religious depth of America, are critical for understanding the legitimation of the War on Drugs that would prove decisive in ushering in an era of mass incarceration.

I. Orlando Patterson and His Critics

Orlando Patterson's *Slavery and Social Death* is a classic text within the study of slavery as well as the humanities. In order to situate Patterson's critical reception, an overview of his theory of slavery is warranted. Slavery is for Patterson an extreme relation of domination with three constitutive aspects: the threat of violence,

psychological influence and cultural authority by which force is translated into right and obedience into duty.[19] The use of force is both essential to class societies in general but to slavery in particular. The presence of a surplus of capital and the creation of wealth is predicated on direct forced labor or indirect wage labor. Patterson argues that "the worker who is fired remains a worker, to be hired elsewhere. The slave who was freed was no longer a slave. Thus it was necessary continually to repeat the original, violent act of transforming a free men into slave."[20] Furthermore, in addition to the role of violence in transforming a free person into a slave, violence and the threat of actual death served as a critical means of social control.

The key player in the process of transforming violence into right is culture. I take culture in Weberian terms as interrelated webs of significance including economic, political, moral, religious, artistic and linguistic activities that constitute and produce social meaning.[21] It is precisely this cultural authority that reproduces the slave relation, which is the key to understanding slavery as an institutional process. More specifically, for Patterson, cultural authority creates and reproduces the slave's natal alienation, the denial of rights or claims to the legitimate social order. Patterson here is worth quoting at length:

> Not only was the slave denied all claims on, and obligations to, his parents and living blood relations, but by extension, all such claims and obligations on his more remote ancestors and on his descendents. He was truly a genealogical isolate. Formally isolated in his social relations with those who lived, he also was culturally isolated from the social heritage of his ancestors. He had a past, to be sure. But a past is not a heritage…Slaves differed from other human beings in that they were not

[19] Orlando Patterson, *Slavery and Social Death* (Harvard University Press, 1982), p.1-2.
[20] Ibid. p. 3.
[21] Victor Anderson, *Beyond Ontological Blackness: An Essay on African American Religious and Cultural Criticism*, First Trade Paperback (Continuum Intl Pub Group (Sd), 1999), p. 22-23.

> allowed to freely to integrate the experience of their ancestors into their lives, to inform their understanding of social reality with the inherited meanings of their natural forebears, or to anchor the living present in any conscious community of memory."[22]

It should be noted that Patterson does not claim that slaves did not possess social ties or engage in the production of meaning. Rather, the social world made by slaves was not recognized as legitimate. Thus, unions were not recognized as marriages, parents held no custodial powers over children and families could be separated at will. Natal alienation denied slaves the mutual recognition, either through naturalization or birth, required to participate in civil society.[23] Thus, slaves are socially dead.

The maintenance of persons as socially dead requires both the denial of recognition as citizens as well as their representation as slaves.[24] Patterson argues that this representation takes two primary forms: intrusive and extrusive. In the intrusive representation of social death, the slave is understood to be a domestic enemy, a captive with a hostile alien culture.[25] Thus, the intrusive mode of representing the slave relation turned on critical marks of cultural difference and the inability of assimilation. The extrusive representation of slavery was the "insider who had fallen, one who ceased to belong and had been expelled from normal participation in the community because of a failure to meet certain minimal legal or socioeconomic norms or behavior."[26] This included those who were economically destitute whose plight indicated either divine disfavor or innate incompetence.[27] Thus, these two modes of social death represent the slave as someone who was an outsider to the culture, or an insider who failed to comply

[22] Patterson, *Slavery and Social Death.* p. 5.
[23] Ibid.
[24] Ibid. p. 38. Patterson argues this work is accomplished by "law, custom and ideology" which we have defined as culture.
[25] Ibid. p.39-41.
[26] Ibid. p. 41.
[27] Ibid.

with its cultural norms.[28] Drawing on Patterson's distinction between intrusive and extrusive representation, I argue that mass incarceration is occasioned by the simultaneity of intrusive and extrusive modes of social death. Cultural representations of blacks as animals not fit for civil society (intrusive) and career criminals who choose not to obey social norms (extrusive) fueled the War on Drugs.

The final aspect of maintaining persons as socially dead concerns the experience of honor and dishonor. More specifically, the slave relation is one of honoring the master and dishonoring the slave.[29] Here, honoring and dishonoring specifically refer to the ways in which one values another as opposed to mere obedience. Patterson's argument is concerned with the political psychology produced in the everyday interactions between masters and slaves and not their individual personalities. The importance of honor and dishonor is its relationship to power. Patterson argues, "The slave as we have already indicated could have no honor because he had no power and no independent social existence, hence no public worth."[30] Patterson argues that there is no evidence that slaves as a group internalized the conception of degradation held by their masters.[31] Although Patterson acknowledges the presence of the servile personality, such behavior is understood as the outward expression of the experience of dishonor. Patterson argues that the ideology of "Sambo" is present within most slave systems in order to justify social death and dishonor.[32] Thus for Patterson, honor and dishonor reveal that the basic cultural logic that reproduces slavery are the dynamics of mutual recognition.

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[28] Ibid .p. 44.
[29] Ibid. p. 10-11.
[30] Ibid.
[31] Ibid. p. 12.
[32] Ibid. p. 96. In contrast, Elkins employed an analogy with the Jewish experience of concentration camps and Freudian psychology to argue that the "Sambo" represented a personality in response to slavery. See also Stanley M. Elkins, *Slavery: A Problem in American Institutional and Intellectual Life*, 3rd ed.

The Master-Slave Dialectics

Patterson's discussion of the problem of motivation and mutual recognition acknowledges the historical force of Hegel's dialectics of slavery. A key concern of Hegel's philosophical project is to present reality as a continuum. Thus, the relationship between subject and object, knower and known is constituted through an internal relationship. The self is aware of external objects as well as the ability to make itself an object of thought. However, the certainty of self-consciousness is achieved through a process. The model of this process is action or desire that maintains life itself. Thus, an "I" both desires and negates food, an external object that is preserved through the process of digestion.[33] This self-directing consciousness however does not achieve true independence or self-certainty. Hegel states "Self-consciousness achieves its satisfaction only in another self-consciousness."[34] Thus, the truth of self-consciousness is constituted through the negation and transformation of another self-consciousness. He states: "self-consciousness exists in and for itself when, and by the fact that it so exists for another; that is it exists only in being acknowledged."[35] This process is called *recognition*. The process of recognition is for Hegel a "trial by death" and is exemplified by the relationship of lordship and bondage or the master-slave dialectic.

According to Hegel, the coming together of two persons results in their recognizing the other and being recognized. However, self-consciousness as a pure 'being-for-self' understands its own actions through the actions of the other. The trial-

(University Of Chicago Press, 1976) and Ann J. Lane, ed., *Debate Over "Slavery": Stanley Elkins and His Critics* (University of Illinois Press, 1971).

[33] Alexandre Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, ed. Allan Bloom, trans. James H. Nichols, 1st ed. (Cornell University Press, 1980).

[34] Georg Wilhelm Friedrich Hegel, A. V. Miller, and John Niemeyer Findlay, *Phenomenology of Spirit* (Oxford University Press, 1979) p. 110.

[35] Ibid. p. 111.

by-death leads to a relationship where the master secures recognition from the slave by through obedience. The master's self-certainty is realized as his will returns to itself through the actions of the slave. Hegel argues that it is precisely in this moment that the truth of the master's self-certainty is lost, as the slave cannot freely give recognition. Having reduced the slave to the status of thing, the recognition is one sided and unequal. Moreover, for the slave, "servitude in its consummation will really turn into the opposite of what it immediately is" and become a true independent consciousness.[36] The certainty of the slave; however, is achieved through the experience of dread, the fear of death and the "absolute melting-away of everything stable."[37] This fear is inseparable from his labor that produces a product that has it own independence. The slave realizes the truth of self-consciousness in the permanent order of things through production as opposed to consumption and negation. For Hegel, the eventual bondage of the master and 'freedom' of the slave represents the internal relationship of the master-slave relation.[38] Hegel's master-slave dialectic provides an important starting point for Patterson's claims regarding the relationship between social death and slavery.

[36] Ibid. p. 117.n
[37] Ibid.
[38] For the relevance of Hegel's 'master-slave dialectic' to theology see Peter C. Hodgson, *Hegel and Christian Theology: A Reading of the Lectures on the Philosophy of Religion* (Oxford University Press, USA, 2008), Peter C. Hodgson, *Shapes of Freedom: Hegel's Philosophy of World History in Theological Perspective* (Oxford University Press, USA, 2012), Diogenes Allen and Eric O. Springsted, *Philosophy for Understanding Theology* (Westminster John Knox Press, 2007), The master-slave dialectic has been proven a fruitful image for many different forms of theoretical reflection. For the morality of masters and slaves see Friedrich Nietzsche, *Nietzsche: Beyond Good and Evil: Prelude to a Philosophy of the Future*, ed. Rolf-Peter Horstmann, trans. Judith Norman, 1st ed. (Cambridge University Press, 2001), Friedrich Nietzsche, *Nietzsche: "On the Genealogy of Morality" and Other Writings: Revised Student Edition*, ed. Keith Ansell-Pearson, trans. Carol Diethe, 2nd ed. (Cambridge University Press, 2006), For African American religion and culture studies see "Assessment and New Departures for a Study of Black Religion in the United States of America" by Charles H. Long in Gayraud S. Wilmore, *African American Religious Studies: An Interdisciplinary Anthology* (Duke University Press, 1989), Long, *Significations*. Paul Gilroy, *The Black Atlantic: Modernity and Double-Consciousness*, Reissue (Harvard University Press, 1993).

Patterson's critique of Hegel revolves around two major points. The first is Hegel's claim that the slave attains freedom through work whose object confirms the slave's independence of mind. Patterson argues that Hegel's equivocation of slave and worker misses the empirical evidence of pre-capitalist societies where slaves served the ends of social prestige and may have been an economic burden. [39] He argues that the slaves "natal alienation, made possible his effective exploitation as laborer in conditions where no other kind of laborer would do."[40] Patterson's point is important as the equivocation of slave and worker obscures the role of social death and culture's role in turning force into right. Moreover, the influence of Marx in the transformation of the 'struggle to the death' into 'class struggle' has often contributed to the separation of capitalism from slavery in general and Hegel from Haiti in particular.[41]

Patterson's second point of criticism of Hegel's master-slave dialectic center on the claim that the master's dependence on the slave creates an existential crisis as the socially dead cannot give the honor and recognition the master desires from one who is free. Patterson claims that Hegel's existential crisis of the master overlooks the recognition that the master achieves primarily through other free persons as well as other masters. He rightly argues, "The poorest free person took pride in the fact that he was

[39] Ibid. p. 99.
[40] Ibid.
[41] For an account of the history of the Haitian revolution and its impact on Hegel's master-slave dialectic see Susan Buck-Morss, *Hegel, Haiti, and Universal History*, 1st ed. (University of Pittsburgh Press, 2009). Buck-Morss situates the importance of Hegel not only in his awareness of the events in the colony of Saint-Domingue, but also in his deep interest in Adam Smith's *Wealth of Nations.* For the transformation of U.S. Slavery within mercantilism to global capitalism, see Philip McMichael, "Slavery in Capitalism: The Rise and Demise of the U. S. Ante-Bellum Cotton Culture," *Theory and Society* 20, no. 3 (June 1, 1991): 321–349.

not a slave."[42] Thus, the presences of free persons who are not masters but recognize masters with honor are critical to the success of a slave culture.

Patterson argues that the question of recognition for the slave is indeed a 'trial by death.'[43] More importantly, he argues that the master attempts to take advantage of what the slave yearns for most, namely, freedom. The slave relation is sustained by the possibility of manumission. Patterson states: "By holding out the promise of redemption, the master provides himself with a motivating force more powerful that any whip. Slavery in this way was a self-correcting institution: what it denied the slave it utilized as the major means of motivating him."[44] This personal struggle for recognition is transformed into a cultural production[45]that both stands against manumission and requires it as a precondition. Finally, for Patterson, social death stands at the heart of freedom.

The Politics of Social Death

Vincent Brown, Professor of History and African American Studies, critiques the use of social death by scholars through a retelling of a event aboard the slave ship *Hudibras* in 1786. In the journey from Africa to America, a popular woman who was known as an oracle of literature, a songstress and universally esteemed died in slavery.[46] The sailor William Butterworth described her as the 'soul of sociality' and recalled that to ease the pain of fellow women she would "sing slow airs, of a pathetic nature, and recite such pieces as moved by passions; exciting joy or grief, pleasure or pain, as fancy or

[42] Ibid.
[43] Ibid. p. 98.
[44] Ibid. p. 101.
[45] Here I have combined Patterson 'institutional dialectic' and 'social process' within the term cultural reproduction.
[46] Vincent Brown, "Social Death and Political Life in the Study of Slavery," *The American Historical Review* 114 (December 2009), p. 1231.

inclination lead."[47] During these moments of singing other women would form circles around her with the youngest nearby and the oldest forming a protective outer ring. Brown argues that this practice formed "a fleeting, makeshift community amid the chaos of the slave trade."[48]This woman whose gifts were central to the slaves aboard the *Hudibras* was also the first to die on the voyage.

Rites of mourning commenced from other women on the ship to acknowledge her death. Many of the women whispered softly to the corpse with the belief that her spirit would hear their desire to be remembered in the 'other country' when they meet again. As the women were ordered below the deck, a protest began to ensue. They were convinced that the whites were cannibals and "might begin to eat their dead favourite."[49] Fearing an insurrection, the captain let several of the women out of the hold to witness her body being lowered into the water. Her body was lowered with far more decency then was granted to most slaves.[50] The woman's name was not recorded.

This story serves as a point of departure for Brown's efforts to display the way in which slaves created culture from within the condition of enslavement. In addition, it serves as a starting point to critique the prevalent use of Patterson's concept of social death by scholars. Brown acknowledges that this story could be used to articulate the presence of African 'cultural retentions' or an act of resistance, illustrating the agency of slaves against forms of dehumanization.[51] Brown rightly argues that this protest aboard the *Hudibras* did not threaten slavery as such and thus fails to fit neatly into how many

[47] Ibid.
[48] Ibid.
[49] Ibid.
[50] Ibid.
[51] Ibid. p. 1232.

scholars have understood political activity by the enslaved.[52] Brown charts a path, which focuses upon the question of social meaning. He writes, "In fact, the funeral was an attempt to withstand the encroachment of oblivion and to make social meaning from the threat of anomie."[53]This threat of anomie, which Emile Durkheim argued as a major cause of suicide, is a situation without norms or meaning that results social fragmentation.[54] The issue for Brown is to account for the ways in which slaves did *not* succumb to anomie within the experience of slavery.

Brown's interests lie in the way in which rites around death provided an opportunity to publically express the meaning of their lives, community and enslaved situation. In his most recent work, Brown understands this method as 'mortuary politics,' the investigation into how social meanings around beliefs associated with death are used in social struggle.[55] More specifically, Brown uses a broader definition of politics, which includes the way in which culture mediates social life and contests forms of legitimation.[56] However, the object of Brown's critique and use of the story is clear as he states, "The scene thus typifies the way that people who have been pronounced socially dead, that is, utterly alienated and with no social ties recognized as legitimate or binding, have often made a social world out of death itself."[57] Brown's focus in not the 'trial of death' between persons seeking recognition, but rather the struggle for persons to maintain connections between their past and the present.

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[52] Ibid.
[53] Brown, "Social Death and Political Life in the Study of Slavery."
[54] Émile Durkheim and George Simpson, *Suicide: A Study in Sociology* (New York: Free Press, 1997), p. 241.
[55] Vincent Brown, *The Reaper's Garden: Death and Power in the World of Atlantic Slavery*, Reprint (Harvard University Press, 2010)p. 5.
[56] Ibid.
[57] Brown, "Social Death and Political Life in the Study of Slavery," p. 1232.

The primary critique of Patterson's concept revolves around the use of social death as a metaphor that stands in for the subjectivity of slaves. Brown is worth quoting at length:

> But it is often forgotten that the concept of social death is a distillation from Patterson's breathtaking survey-a theoretical abstraction that is not meant to describe the lived experiences of the enslaved so much as to reduce them to a least common denominator that could reveal the essence of slavery in and ideal-type slave, shorn of meaningful heritage. As a concept, it is what Fredrick Cooper has called an "agentless abstraction" that provides a neat cultural logic but ultimately does little to illuminate the social and political experience of enslavement and the struggles that produce historic transformations.[58]

I find the social phenomenology of Alfred Schutz to be helpful here in evaluating Brown's concern. In the language of Schutz, social death, as formulated by Patterson, is not a 'distillation' but an interpretive scheme. Interpretive schemes are used in everyday forms of reflection by which experience as such becomes meaningful. Experience is always open to multiple forms of interpretation from various contexts of meaning. It is through this act of reflection that experience becomes lived. However in this case social death is used to interpret the social world of our predecessors. Schutz argues, "The scheme we use to interpret the world of our predecessors are necessarily different from the ones they used to interpret that world."

All ideal-types, as well as any act of reflection, shear off aspects of our experience. Moreover, the use of 'slave' as an ideal type avoids the perennial problem of attributing to social groups the agency of individuals. Thus, the adequacy of social death as an interpretive scheme rests upon: 1) the evidence of predecessors who experienced degradation, dishonor and the denial of recognition as citizens; 2) the evidence of their cultural representation as aliens, animals and criminals; and 3) its ability to describe

[58] Ibid. p. 1233.

repeatable purposive action. To invalidate social death as an agentless abstraction is to confuse the concept with the actual experiences it conceptualizes. Thus, Patterson's concept of social death ought to be understood as phenomenological description and not metaphorical.[59] However, the concern that later scholars have used social death in this way is not without merit. The argument presented here and in subsequent chapters will: 1) recognize the perennial representations and experience of social death that occasion social exclusion in America; and 2) acknowledge the ways in which the social world is made meaningful even under conditions of social death. The perennial relevance of the concept of social death for interpreting the religious situation of mass incarceration can be seen in the very founding of the American Republic.

II. Archaism and Social Death

Religious historian Charles H. Long's seminal essay, "The Black Reality: Toward a Theology of Freedom," raises the possibility of a theology of freedom rooted in the American experience.[60] This possibility for Long is contingent upon three criteria. The first is for America to heed the counsel of German theologian Karl Barth to free itself of its superiority complexes in relationship to Asia and Africa as well as an inferiority complex vis-à-vis Europe.[61] Thus, the American experience itself is sufficient to ground an American theology. This possibility also rests upon America to appreciate the

[59] As Patterson's work owes a debt to the legacy of social science research, which investigates social facts as analogous to the physical sciences. As previously noted, Patterson's work attempts to find the universal elementary forms of slavery that account for differences within various contexts. Thus, Brown argues, "*Slavery and Social Death* took shape during a period when largely synchronic studies of antebellum slavery in the United States dominated the scholarship on human bondage, and Patterson's expansive view was meant to situate U.S. Slavery in a broad context rather than to discuss changes as the institution developed over time." See Vincent Brown, "Social Death and Political Life in the Study of Slavery," *The American Historical Review* 114 (December 2009), p. 1234. This dissertation is concerned with the 'diachronic' or changes in the representations of social death within U.S. history.
[60] Long, *Significations* p. 145-146.
[61] Ibid.

contributions of non-Europeans to its own heritage. The second is the emphasis upon the immediacy of the American cultural experience through which theological issues are discussed.[62] The concern here is that if American theologians draw solely from European sources, a profound disconnect arises with the concrete religious communities they are expected to serve and prepare leaders. The third is the meaning of a visible black community in American that is consistently rendered invisible in the discussion of American religion. [63] For Long, the presence of the black community meant more than a need to address issues of race as a moral or political dilemma. Rather, the presence of a black community represented a history that American religious historians and theologians had concealed from themselves. Long's comments were written in the aftermath of the assassinations of Medgar Evers, John F. Kennedy, Martin Luther King, Jr., and Robert F. Kennedy. In addition, he argues, "murder, relentless and impassive, has been a perennial trait of American experience," is often rendered silent in the story of America.[64] For Long, this is the demonic side of the American experience and its persistent relationship to the black community raises critical interpretive and theological questions.

The significance of Long's claim resides in his interpretive recognition of the *arche* of the American experience. Long's concept of the arche owes a debt to Mircea Eliade's conception of religious consciousness that arises between the interaction and exchanges with the natural world. Long goes beyond this, however, and argues that the realities of Western expansion, colonialism, mercantilism, slavery and genocide constitute *a new arche*. The arche of the American experience is its religious sense, its "depth and resource," the unrepeatable generative moment that when touched provides

[62] Ibid.
[63] Ibid. p. 147.
[64] Ibid.

for new beginnings.[65] The interpretive task here is formidable. For Long, the arche is the powerful depth dimension of the American experience that simultaneously conceals its violence toward blacks and Indians.[66] The American narrative is often told as a matter conquering, expansion, and exceptionalism. For Long, this story "hides the true experience of Americans from their very eyes" and that "The inordinate fear they have of minorities is an expression of the fear they have when they contemplate the possibility of seeing themselves as they really are."[67] Thus, the depth that is hidden manifests itself or is revealed in moments of cultural crisis.

These moments of cultural crisis represent a repetition of the original compromise over slavery, the meaning of black freedom and freedom within the American political community. He argues that this repetition is seen in the Declaration of Independence (1776), the Civil War (1860's) and the Civil Rights and Black Power movements (1960s and 1970s).[68] At each historical juncture he argues that the "American Revolution is aborted and clever priests of our national language and apparatus, skillful in the ways of ritual purity and manipulation, come upon the scene to ensure the repetition of the American ritual." Long's emphasis has several implications for mass incarceration.

The American prison population is a product of governance supported by social agreements of the American political community. It is the preeminent means through

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[65] Ibid. p. 150-151. The importance of Long's concept of the arche is that it represents the American instantiation of our religious situation of global capitalism. For more on the Long's arche see the "Introduction" in Jennifer I. M. Reid, "Religion and Global Culture: New Terrain in the Study of Religion and the Work of Charles H. Long" (Lexington Books, 2003) and the 'arche of globalization' in the "Introduction" of David Carrasco, *City of Sacrifice: The Aztec Empire and the Role of Violence in Civilization* (Beacon Press, 2000).

[66] Ibid.

[67] Ibid. p. 163.

[68] Ibid. p. 165. For a similar reading of this phenomena interpreted as 'silent covenants' see Derrick A. Bell, *Silent Covenants* (Oxford University Press US, 2004), and 'racial tremors, quakes and shocks' see Jesse Jackson and Frank E. Watkins, *A More Perfect Union* (Welcome Rain Publishers, 2001).

which individuals are physically constrained and concealed from interacting in the social world. More importantly, as Angela Davis argues, the American political community has relied on prisons to conceal from its view profound social problems. Thus, I argue that the mass incarceration of predominantly black and brown people indicates that what we are facing is a profound social and ethical issue. Moreover, it also represents yet another disclosure of the arche of the American political community, a repetition of is compromises and its generative violence. A public theology must interpret the contours of the arche that occasions its institutional form. This is discerned through what Long calls the "religion of American people" or a "civil religion."[69]

Long's use of Civil Religion is helpful in that it is developed from two angles. The first is the emphasis on the primordial experience that gives rise to structure of cosmogony and religious meanings within the founding documents of the American Republic. The second is the simultaneity of revealed religion and civil religion. The latter offers salvation to the American political community whose membership is drawn from the world and the former offering salvation to anyone in the world regardless of their political community.[70] The methodological advantage here is the ability to interpret mutually influencing meaning contexts while avoiding the cul-de-sac of an essential 'civil religion' on the one hand, and the 'problem of church and state' on the other.[71]

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[69] Long, *Significations*, p. 161. Long acknowledges the various debates and ambiguities surrounding the use of the term 'civil religion' who coinage is attributed to Robert Bellah. See "Civil Religion in America" and "The Civil Religion Debate" in Donald G Jones and Russell E Richey, *American Civil Religion* (San Francisco: Mellen Research University Press, 1990).
[70] Long, Significations p. 161-162.
[71] For a representative sample of these options see Robert Wuthnow, *Meaning and Moral Order* (University of California Press, 1989) p. 177-185.

Finally, Long uses the Puritans and the Jeffersonians as ideal types to thematize aspects of religious understanding in the formative aspects of the American experience.[72] Long's thematic treatment of the Puritan's relationship to the arche of American experience is critical for understanding the historical effects that occasion mass incarceration. He argues that the Puritan 'errand in the wilderness' "was in following the biblical paradigm of a place of retreat from the world for prayer and reflection upon divine meanings" and a paradise that was "overflowing with divine meanings."[73]In addition, it was the place where the American aborigine was encountered as a "wilderness creature that, like the wilderness itself, must be conquered."[74] The Puritan religious meanings within the arche of the American experience formed a powerful complex of meanings that linked God, cosmos, race, crime, society, eternal life and eternal judgment. This complex of meanings in American civil religion would recoil in an eternal return that would mark the legacy of Richard M. Nixon, 'the law and order' president, and the tough on crime rhetoric that fueled the War on Drugs.

The Arche of Law and Order

In "The Rhetoric of Order and the Politics of Racial Exclusion," Christian ethicist Victor Anderson raises important themes for understanding the arche of American Civil Religion that occasion mass incarceration.[75] Anderson locates the political crisis of Western political liberalism when "liberal theorists justified themselves in terms of an

[72] Ibid. p. 163-164.
[73] Ibid. p. 164.
[74] Ibid. p. 164.
[75] Victor Anderson, "The Rhetoric of Order and the Politics of Racial Exclusion: Prolegomena to African American Political Theology," Political Ethics: The Priority of Democracy (Vanderbilt University, Spring 2005).

inclusionary rhetoric of order, on the one side, and then vitiated their inclusionary justifications by normalizing an exclusionary rhetoric of racial inequality, on the other side."[76] He traces the history of the rhetoric of order through Western history and notes that order has consistently been positioned as the prerequisite for the possibility of meaning understanding and value,[77] all of which are threatened under chaos. In modern political theory, the language of order finds it voice in Rousseau's *Discourse on Inequality,* which argues that everything in the universe has a proper place within an ideal order.[78] Anderson argues that problems arise when a metaphysical understanding of order is applied to the realm of morality and politics.[79]

The rhetoric of order within morality and politics raises critical questions regarding the possibility that "natural and non-moral inequalities" lead to "moral and political inequality."[80] The language of species was developed to argue for the equality and dignity as a natural excellence of the human species. Thus, the sources of inequality as articulated by theorists such as Rousseau are rooted in the accidents and contingencies in the process of human socialization. Anderson notes that the rhetoric of order finds a strong voice in the form of representative government. More importantly, this form of government secured its legitimacy through an aggregate consensus, a form of rationality that considers individuals as a part of groups and not instances of being.[81] This is an important point in understanding the relationship of the arche of American experience to the creation of a prison population. As the rhetoric of order travels to the body politic,

[76] Ibid. p. 1.
[77] Ibid. p. 4-5.
[78] Ibid. p. 6.
[79] Ibid.
[80] Ibid.
[81] Ibid. p. 8.

Anderson finds a conversation partner in Uday S. Mehta to examine the internal workings of political exclusion.

Mehta's essay "Liberal Strategies of Exclusion" asks how it is possible that liberal ideas that feature a universal constituency for political participation produced practices predicated on the marginalization of various groups.[82] Central to Mehta's argument is that social conventions mediate between universal capacities that constitute political inclusion and the condition to actualize these capacities legitimating political exclusion.[83] Thus, individuals with universal capacities without having inculcated certain cultural norms become candidates for political exclusion.[84] Anderson notes that the absence of race is one of the key factors that mediated political exclusion in Mehta's analysis. Anderson argues that the use of race as a rhetorical category of political exclusion emerged in the revolutionary period.[85] Moreover, race was added to the existing exclusion of English indentured servants, women and children, rooted in 'law, convention, and manners.'[86] Thus, the simultaneity of species logic with a racial ideology served to naturalize or fix cultural differences. The result was an account of natural differences that justified natural inequality.[87] Moreover, the naturalization of race would serve to fix racial others in general and blacks in particular in a state of nature.

Theo Goldberg argues persuasively that this state of nature is understood as constitutive of chaos, anarchy, irrationality, and insecurity.[88] He states that "A person or

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[82] Uday Mehta, "Liberal Strategies of Exclusion," *Politics & Society* 18, no. 2 (1990): 427–454 p. 428.
[83] Ibid. p. 430.
[84] Ibid. p. 438-439.
[85] Victor Anderson, "The Rhetoric of Order and the Politics of Racial Exclusion: Prolegomena to African American Political Theology," p. 13-14.
[86] Ibid. p. 14.
[87] Anderson, *Beyond Ontological Blackness,* p.60. For more on the civilized/primitive binary relationship see Stuart Hall and Open University, *Representation* (SAGE, 1997) p. 235-236.
[88] David Theo Goldberg, *The Racial State* (Wiley-Blackwell, 2002) p. 40.

people without a state is considered as good as faceless, having no identity *and so a threat to those who do*."[89] (emphasis added) Thus, in addition to naturalizing differences through racial ideology, political liberalism also naturalized or made permanent racial others as constituting both an external and internal threat to its existence. This brief treatment of the relationship of order, race and political exclusion is decisive for Long's account of Civil Religion. The social conventions that represent social death would become self-evident truths for the foundational documents of the American political community. Another perennial aspect of the arche of America is the Providence of God.

The Arche of Providence in American Civil Religion

The arche of the American experience occasioned a political culture in which appeal to and the ability to discern God's role in history during cultural crisis was deeply sedimented. More specifically the special role of America God's divine plan in world history was a perennial aspect of political reasoning. Nicholas Guyatt's *Providence and the Invention of the United States, 1607-1876* is a persuasive account of 'American providentialism,' the belief in God's plan and involvement in history as apart of the arche of the American experience. Guyatt argues that three broad areas of providential thinking dominated American history through the end of Reconstruction: 1) judicial providentialism was the belief that God judged nations solely on the virtues of their people and leaders with reference to a grand plan; 2) historical providentialism imagined that God tailored the history of certain nations to prepare them for a special role in improving the world; and 3) apocalyptic providentialism in which nations are cast in

[89] Ibid.

various roles in history as they fulfill the narrative of Revelation.[90] Various versions of providential thinking were marshaled in debates over the American Revolution, the potential removal of blacks and Indians, slavery and the Civil War. In addition, providential reasons would play a key role in counter discourses by persons such as Fredrick Douglass and Martin Delany who argued that blacks should "cease looking to Providence to do that for us which God has given us the ability to do for ourselves."[91] The arche of the American experience contains the religious depth that occasions the punishment of blacks and other non-white peoples as the key to the well-ordered society the possibility of future prosperity. The case of Joseph Hanno discloses this cultural logic born out of the arche of the American experience.

In the New England colonies, the execution of a criminal was a significant event, which featured both government and clergy.[92] Well known preachers selected by the condemned would visit the prison, preach to them and to the assembled in the church.[93] Moreover, these execution sermons were designed to bring the assembled to identify with the condemned as partakers in the reality of original sin and their guilt.[94] Such sermons were designed to invoke their own need for confession and repentance. Slotkin notes that the "world of the execution sermons and crime narratives consists of a series of concentric spheres-the family, the state and the cosmos-each of which is paternalistically organized, and all of which are encompassed and pervaded by the will and presence of

[90] Nicholas Guyatt, *Providence and the Invention of the United States, 1607-1876* (New York: Cambridge University Press, 2007).
[91] Ibid. p. 233.
[92] Richard Slotkin, "Narratives of Negro Crime in New England, 1675-1800," American Quarterly, Vol. 25, No. 1, Mar. 1973, p.1.
[93] Ibid.
[94] Ibid. p. 6.

God."[95] Thus, the criminal was imaged to have been an ungrateful, disobedient child, resulting in latter offenses against society for which the State punishes and then receives their just deserts in hell.[96] This entire interlocking understanding of criminality, punishment, family, society and cosmos was heightened if the criminal was black.

In the case of a black offender, the theme of ingratitude was prominent as English masters understood themselves as having delivered them from savagery and service to Satan into the light of Christian understanding.[97] The meaning of black criminality was interpreted as "ingratitude, disobedience, the base and greedy hankering for freedom and financial independence."[98] Execution sermons during this time routinely served as a warnings to both blacks as well as white and Indian servants about the desire for freedom. The case of Joseph Hanno stands out as representative of the religious and political significance of crimes by blacks. Joseph Hanno was an African-born ex-slave who received instruction in literacy from a New England master before attaining his freedom. In 1721, he confessed to and was convicted of the brutal murder of his wife. He was incarcerated in Boston's Queen Street Jail and was executed that same year. Rev. Cotton Mather visited Hanno is prison and preached his execution sermon. Hanno's case proved vexing for Mather. Mather supported the religious education of slaves and owned a slave named Onesimus, a gift from a member of his congregation.[99]

In 1706, Mather argued in his tract *The Negro Christianized* that the blacks represented an extraordinary missionary opportunity.[100] Indeed, it was precisely because

[95] Ibid. p. 7.
[96] Ibid. p. 8.
[97] Ibid. p. 9
[98] Ibid. p. 9.
[99] Mark Stuart Weiner, *Black Trials: Citizenship from the Beginnings of Slavery to the End of Caste* (New York: Vintage Books, 2006) p. 39.
[100] Derrick A. Bell, *Silent Covenants* (Oxford University Press US, 2004).

blacks were the "blackest instances of blindness and baseness" and "the most brutish of creatures" that masters would receive great glory through their conversion. In addition, Mather argued for the possibility that the elect may exist among blacks. Moreover, although slaves, they were still neighbors and masters would be judged on their treatment of slaves.[101] Further, Mather argued that Christianity would also make better servants. He argues: "Were your servants well tinged with the Spirit of Christianity, it would render them exceeding dutiful unto their masters, exceeding faithful in their business, and afraid of speaking or doing any thing that may justly displease you."[102] Mather's theology linked the conversion of slaves to the ongoing problem of 'unprofitable slaves.' For Mather disobedient, runaway and generally unruly slaves should be seen as punishment for the sin of the master's inhumane treatment. During this time in Puritan society slaves lived with families who were responsible for integrating slaves into society.[103] The family was understood to be the primary foundation of both church and government (as a commonwealth).[104] Like a number of prominent ministers of this time, Mather understood Christianity as critical to a well-ordered society.

Joseph Hanno's crime had deep religious and political significance. For Mather, the ability for Christianity to serve as the glue for a society in which slavery was self-evident was clearly threatened. Hanno's actions unraveled a tightly knit relationship between Christianity, slavery, civil society, divine destiny and a pervasive sense of eternal life or damnation in everyday life. Mather's account of his visit to Hanno served

[101] Ibid. p. 10.
[102] Ibid. p. 12-13.
[103] Lawrence W. Towner, "'A Fondness for Freedom': Servant Protest in Puritan Society," *The William and Mary Quarterly* 19, no. 2 (April 1, 1962), p. 205, . Also, Towner notes that the category of servants included: 1) servants by compact or agreement; 2) become servants through their parents or through crime; and 3) 'Indians and Negroes' who were born, sold into slavery or captured in war, see p. 202.
[104] Edmund Sears Morgan, *The Puritan Family: Religion & Domestic Relations in Seventeenth Century New England.* (New York: Harper & Row, 1966) p. 133-143.

to paint Hanno's well-known ability to recite scriptures as a form of hypocrisy.[105] Mather effectively secured the value of Christian education by rendering Hanno's culpable for its intentional misuse. However, at the execution, where families and their slaves were in attendance, the question of slavery would have to be addressed. How would Hanno's crime be reconciled with Mather's claims in *The Negro Christianized*? In the execution sermon, "Tremenda: The Dreadful Sound through with which the Wicked would be Thunderstruck," Rev. Mather stated:

> The *Ethiopian* and Other *Slaves* among us, may hear a *Dreadful Sound* in the Fate of their Unhappy Brother…they are to take warning from it. There is a *Fondness* for *Freedom* in many of you, who live Comfortably in a very easy Servitude; wherein you are not so well-advised as you should be. If you were *Free*, many of you would not Live near so well as you do.[106] (emphasis original)

The meaning of Hanno's execution for this Puritan community extends beyond punishment for his individual crime. Rather, his brutal crime was attributed to the 'fondness for freedom' that exists among slaves as a whole. The simultaneity of Mather's words and the image of Hanno's impending execution communicates that the desire for freedom results in death. The admonition that "many of you would not live near so well as you do" is juxtaposed with the free Hanno who is no longer going to Heaven, but to Hell. The Puritan family is simultaneously reassured of their mission to share the gospel with slaves as well as the integrity of holding their brothers and sisters in Christ in bondage. Finally, Mather's sermon effectively equivocated Hanno's crime with

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[105] Weiner, *Black Trials* p. 43.

[106] Cotton Mather et al., *Tremenda: The Dreadful Sound with Which the Wicked Are to Be Thunderstruck. : In a Sermon Delivered unto a Great Assembly, in Which Was Present, a Miserable African, Just Going to Be Executed for a Most Inhumane and Uncommon Murder. At Boston, May 25th. 1721. : To Which Is Added, a Conference between a Minister and the Prisoner, on the Day before His Execution. : [One Line from Deuteronomy]*. (Boston:: Printed by B. Green, for B. Gray & J. Edwards, & sold at their shops., 1721).

black freedom and liberty. Benjamin Wadsworth, a contemporary of Mather articulates the criminalization of black freedom and liberty.

In his book *Well-Ordered Family*, Benjamin Wadsworth reflects upon the problem of unruly servants. The key problem he identified was their desire for liberty. Here Wadsworth is worth quoting at length:

> They must have liberty for their tongues to speak almost what and when they will; liberty to give or receive visits of their own accord, and when they will; liberty to keep what company they please; liberty to be out late on nights, to go and come almost when they will, without telling why or wherefore; such liberty they contend for, they wont not be ruled, governed, restrained; or it may be the work they are set about, they reckon 'tis beneath and below them, they wont stoop to do it, but will rather disobey Masters or Mistresses…They are daring in their plain disobedience to God, their abominable rebellion against him: they trample God's law, his Authority, under their feet."[107]

For Wadsworth, the everyday exercise of black liberty itself is criminalized and equivocated with disobedience and rebellion against God's law. For ministers such as Mather and Wadsworth, slavery was not a natural condition. Rather, humanity was created in a "State of Liberty" and when one reached the age of reason, one could exercise liberty. However, the relationship of masters and slaves as well as government itself was a consequence of the fall. Mather's sermon brings together the temporal well-ordered society with the transcendent narrative of fall from grace and potential election to eternity. The religious meanings within Mather's execution sermon seal together the well-ordered society of slaves and slaveholders with eternal life and it's violation with eternal damnation. Hanno's execution ties the meaning of purity and stability in Puritan society to anxiety and fear of black freedom rendered as criminality.

[107] Towner, "A Fondness for Freedom, p. 211-212"

In addition, Hanno's execution also served as an act of expiation. In *Tremenda* Mather argues, "You are to now dy as the land where you now live will be polluted, if you should be spared form death."[108] Thus, Hanno's crime is the potential consequence of black freedom and his death maintains the purity of the community. More specifically, his crime is represented as heinous and pathological for civil society but the normative potential of slaves who have a 'fondness for freedom.' The denial of black freedom, understood as the cause of black criminality, maintains the purity of the political community. Thus, crimes by blacks were evidence of both a natural propensity requiring punishment as well as a pathological desire for freedom requiring discipline. Joseph Hanno becomes a premier example of natural differences that justify natural inequalities. In the execution of Joseph Hanno we see the cultural logic of social death that equivocates black liberty with criminality, and individual acts with cultural traits. Furthermore, the American political community is defended from the state of nature through the containment of blacks while its purity is maintained through their punishment. At this point is it necessary to investigate the meaning contexts that form the imaginary of blacks as animals and criminals.

Thus far I have explicated Orlando Patterson's concept of social death and its usefulness in providing a description of the modes of representation that justify exclusion form the legitimate social order. In particular, representation of persons as slaves was legitimated by the denial of their recognition as citizens. However, to understand the cultural logic of mass incarceration, social death needed to be contextualized within the religious depth of the American political community, its arche. A key aspect of the arche

[108] Jeannine Marie DeLombard, *In the Shadow of the Gallows: Race, Crime, and American Civic Identity* (University of Pennsylvania Press, 2012) p. 147.

of the American experience is the theme of law and order. I have argued representations of differences that constitute social death would be naturalized to justify natural inequality.

Finally, these broad themes were discerned as critical to the concrete case of Joseph Hanno whose punishment satisfied more than his crime. Rather, Hanno's crime and punishment disclosed tightly woven meanings that criminalized black freedom and legitimated political exclusion. At this point we turn to another perennial aspect of the representations of social death, blacks as animals and criminals.

III. Stereotyping of Black as Animals and Criminals

Cultural theorist Stuart Hall has argued that stereotyping is deeply related to questions of power, exclusion, and the maintenance of the social as well as symbolic orders.[109] Hall argues that stereotypes are representations that reduce everything about a person to a few or possibly even a single trait. In addition, they also amplify, exaggerate, simplify and fix those traits. More importantly, stereotyping serves to separate the normal from the abnormal. Hall's articulation of such effects is worth quoting at length. He argues:

> It sets up a symbolic frontier between the 'normal' and the 'deviant,' the 'normal' and the 'pathological,' the 'acceptable,' and the 'unacceptable,' what 'belongs' and what does not or is 'Other,' between 'insiders' and 'outsiders,' Us and Them. It facilitates the 'binding' or bonding together of all of Us who are 'normal' into one 'imagined community;' and it sends into symbolic exile all of Them – 'the Others' – who are in some way different –'beyond the pale.'

The significance of stereotyping of blacks as animals and criminals is that it excludes as well as amplifies fear and perceptions of danger. Thus, stereotyping contributes not only

[109] Hall and University, *Representation,* p. 258.

to the identity of the imagined community but to forms of policing, containment and punishment that contribute to the feeling of security for the imagined community.

The primary content of this imaginary through which blacks were perceived was the Ape. Although blacks were depicted as bestial and brutish in the earliest interactions between Africans and Europeans, the image of the Negro-ape served as a link in a great chain of being between humans and animals.[110] Theorists such as Jean Bodin asserted that Africans were the result of promiscuous relationships between men and apes.[111] Naturalists such as Francois Leguat buttressed such claims by associating the Hottentots of African with apes arguing:

> Nature, who does not oppose the Copulation of Horses with Asses, may well admit that of an Ape with a Female-Animal that resembles him, especially where the latter is not restrain'd by an Principle. An Ape and a Negro slave born and brought up out of the knowledge of God, have not less similitude between them than as Ass and a Mare.

Moreover, this imagery emphasized sexual intercourse between male apes and female humans. These particular male apes were said to be particularly libidinous, having a preference for human females and enslaved children.[112] Two particularly pernicious ideas grew out of this Negro-ape imagery. The first is that African people are both apart of God's chain of Being while lacking a knowledge of God. This played a significant role in legitimating the European slave trade. French naturalist Georges Buffon argued "the great Orang Outang carries off boys and girls to make slaves of them, which not only

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[110] Francis Moran III, "Between Primates and Primitives: Natural Man as the Missing Link in Rousseau's Second Discourse," *Journal of the History of Ideas* 54, no. 1 (January 1993): 37–58.
[111] N. Jeremi Duru, "Central Park Five, the Scottsboro Boys, and the Myth of the Bestial Black Man, The," *Cardozo Law Review* 25 (2004 2003): 1315.
[112] Tommy L. Lott, *The Invention of Race: Black Culture and the Politics of Representation*, 1st ed. (Wiley-Blackwell, 1999) p. 9.

shews him, in my apprehension to be a man, but proves that he lives in society, and must have made some progress in the arts of civil life: for we hear of no nations altogether barbarous who use slaves."[113] Thus, as Tommy Lott argues, if Africans were "already enslaved by higher primates," then this was consistent with natural order.[114] Second, in addition to the subjugation of Africans appearing as natural, the sexuality of the male ape, through coupling is now understood as a biological attribute of the black male. Thus, in a moment of tragic mimesis, the sexual desire of the ape for human females is transmuted into the unrestrained sexual desire of black men for white women. These deeply sedimented images would provide the meaning context for the Myth of the Black Rapist.[115]

In the post-antebellum period, the Myth of the Black Rapist justified lynching as a primary form of terror supporting both political and economic dominance is well established.[116] Moreover, this image allowed for the law enforcement at various levels to understand lynching as an extra-legal form of justice as opposed to murder. Ladelle McWhorter argues, "Whenever activists lobbied for legal change, the myth allowed a discursive shift away from white supremacist terrorism and toward the purported menace

[113] Moran III, "Between Primates and Primitives: Natural Man as the Missing Link in Rousseau's Second Discourse."
[114] Lott, *The Invention of Race* p. 9.
[115] Richard Slotkin, "Narratives of Negro Crime in New England, 1675-1800," *American Quarterly* 25, no. 1 (March 1973): p. 27-28. Slotkin here notes that the crime narratives within Puritan New England imaged "society as embodied in the white woman—pure and virginal—who is violated and defiled by the black rapist of revolution and anarchy, while "liberal" (i.e. permissive, morally and sexually loose) whites stand by and encourage, apologize for and protect the black ravisher. The comprehensive network of associations in guilt makes the execution and its accompanying ritual and literature a ceremony of exorcism, in which the ritual murder of the black villain rides the state of a generalized Evil as well as the specific culprit."
[116] See Angela Davis "Myth of the Black Rapist in *Women Race & Class* and Tommy Lott's "Fredrick Douglass on the Myth of the Black Rapist" in *The Invention of Race*, both of which are exemplary in highlighting the work of Ida B. Wells as well as the political usage of this mythology.

of uncontrolled sexuality."[117]McWhorter's argument here is important as we see the repetition of the religious theme of purity and expiation in emerging scientific discourses. She notes that the physicians would also lend their voices to the myth of the black rapist to call for castration of offenders.[118] Thus, the myth of the black rapist is inseparable from a number of discourses that fueled movements dedicated to "incarcerate, institutionalize, segregate, sterilize" and forge a "Nordic race and its evolutionary supremacy, reproductive potential, and self-proclaimed civil singularity."[119] Journalists used the myth of the black rapist with scientific legitimation as lawmakers to call for more stringent laws to handle the 'problem' while anti-lynching advocates fought for stiffer penalties for mob leaders as well as compensation for victim's families.[120] Thus, in a post-antebellum era there is a repetition of the arche of the American political community. The representation of blacks as bestial and prone to sexual unrestraint legitimates their political exclusion legitimated through punishment. The arche of the American political community contains a powerful arche in which the master-slave relation repeats itself as white citizen-black criminal relation. Moreover, white citizen-black criminal relation will endure as consistently associated with securing the future of the American political community. Co-present with the phenomena of lynching was the burgeoning convict-lease system.[121]

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[117] McWhorter, *Racism and Sexual Oppression in Anglo-America*.
[118] Ibid. p.160.
[119] Ibid. p. 161.
[120] Ibid.
[121] A substantial body of scholarship has emerged regarding the convict lease system. See Milfred C. Fierce, *Slavery Revisited: Blacks and the Southern Convict Lease System 1865-1993* (Africana Studies Center Brooklyn, 1994), David M. Oshinsky, *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (Free Press, 1997). Matthew J. Mancini, *One Dies, Get Another* (University of South Carolina Press, 1996), Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, Reprint (Anchor, 2009), Mary Ellen Curtin, *Black Prisoners and Their*

In *Slavery by Another Name*, Douglas Blackmon argues that slaves "were taught that their masters were a palpable extension of the power of God—their designated lord in a supremely ordained hierarchy. In the era of emancipation, that role—now stripped of its religiosity and pared to its most elemental dimensions of power and force—was handed to the sheriff."[122] Blackmon's purpose in *Slavery by Another Name* is to document the re-enslavement of blacks through the symbiotic relationship of the criminal justice system and the need for cheap labor. For our purposes however, I argue that explicit theological sanction by the state should not be equivocated with the stripping of religiosity. Rather, such religiosity occasioned by the arche of the American political community *is* the power and force that invests the sheriff with the meanings formerly associated with the master. Blackmon notes that in the aftermath of the Civil War, many southern whites "must have felt some dread sense of an atomized future. They knew that the perils of coming times constituted a far greater jeopardy that the war just lost. A society they had engineered from wilderness had been defeated and humiliated; the human livestock on which they had relied on for generations now threatened to rule in their place."[123] Thus, the re-enslavement of blacks through criminalization and convict leasing is the repetition, a re-articulation of American civil religion. It is a matter of keeping faith. Long helps to elucidate the religious significance of the convict lease system and the persistence of social death.

Long notes Mircea Eliade's argument that interest in the High God among 'primitive' cultures in the history of religions was coterminous with Nietzche's 'death of

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World, Alabama, 1865-1900 (University of Virginia Press, 2000), Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*, First Edition (Verso, 1996).

[122] Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, Reprint (Anchor, 2009) p. 68.

[123] Ibid. p. 14

God.'[124]He argues that one of the consistent images of a Creator-Deity is to become removed from the world created. The removal of God from the world however is accompanied by a 'progressive descent of the sacred onto the concrete.'[125] More importantly, the concrete aspects that receive the sacred are "vital values of 'Life' in the outlook of economic man.'[126]Long's reading emphasizes that this Creator God is although no longer an object of explicit worship, is called upon in "moments of strife or catastrophe when the basic structure of the world is threatened."[127] The religious significance of the convict lease system is that is represents an effort to call upon the God of the American political community. A God that equivocates whiteness with liberty, invests it with sacredness and promises that a well-ordered community that honors it will prosper. Such prosperity would continue to entail the social death of blacks through their criminalization and denial of recognition.

This religious arche that would disclose itself in the intersection of race, criminalization and drugs begins with the regulation of Chinese immigrants and the social backlash towards large numbers of Chinese immigrants working on railroads and mines in the 1850s. This set the stage for the emergence of the "cocaine crazed Negro." The familiar simultaneity of a desire for cultural hegemony threatened by cultural contact and financial profitability secured through cultural subjugation occasioned anti-Chinese clubs and unions. This socio-economic situation quickly expressed itself politically. In 1877, a representative of San Francisco stated before the Joint Special Committee of Congress:

[124] Long, *Significations* p. 63.
[125] Ibid. p. 63.
[126] Ibid. 64.
[127] Ibid.

> The burden of our accusation against them is that they come in conflict with our labor interests; that they can never assimilate with us; that they are perpetual, unchanging, and unchangeable alien element that can never become homogeneous; that their civilization is demoralizing and degrading to our people; that they degrade and dishonor labor.[128]

This 'intrusive' representation of social death in which the Chinese are an alien culture that threatens society was given voice in the California state constitution, which restricted the employment of aliens, prevented them from owning land and voting. A delegate from the California state convention remarked: "The State should be a State for white men, without any respect to the treaty, or misinterpretation of any treaty."[129] Indeed, it was a trade treaty with China in 1868 that guaranteed certain protections for Chinese immigrants. Thus, while unpopular the treaty had the support of shipping and manufacturing interests.

The criminalization of opium emerged as a powerful answer to this political quandary. The use of opium was represented as peculiar to the Chinese and a corrupting influence upon society. However, the use of opium was introduced to China through 'gunboat diplomacy' in the Opium wars with Great Britain in 1842 and 1856.[130] Eventually, by the end of the nineteenth century, nearly a quarter of the adult male population was addicted. The Chinese government welcomed a strong stand against opium. The legislation regarding opium would appease anti-Chinese sentiment domestically while simultaneously protecting U.S. trade interests. However, a key obstacle would be southern fear that "strong federal tax law with regulatory purposes might be a precedent for federal civil rights legislation that could interfere with the

[128] *Doris Marie Provine, Unequal Under Law: Race in the War on Drugs* (University Of Chicago Press, 2007) p. 69.
[129] Ibid.
[130] Ibid. p. 73

system of racial apartheid that the South maintained under the rubric of states rights."[131] The image of the cocaine crazed Negro would provide the clue to southern support.

Although cocaine use by the 1890s was present among both blacks and whites there was an ongoing concern that it was spreading among poor blacks. More importantly, popular sentiment believed that cocaine use would threaten 'carefully maintained social restraints.'[132] In addition, cocaine use also served as evidence of natural inequalities between races. A Houston druggist remarked: "little did the North know, when freeing the Negro, into what awful slavery they would lead him." [133]Further, a number of sporadic episodes of extreme violence were generalized into an image of the "cocaine crazed Negro." An exemplary case is that of Robert Charles, who went on a shooting spree in New Orleans leaving seven people dead and twenty wounded.[134] Although there was no evidence that Charles was under the influence of cocaine, the local newspapers claimed a 'bottle of cocaine' was found at his residence.[135] Such reports quickly received legitimacy through media outlets that featured such persons such as Dr. Edward Huntington Williams, a medical doctor.

In "Negro Cocaine Fiends are a New Southern Menace," Williams argued that "bullets fired into vital parts that would drop a sane man in his tracks, fail to check the 'fiend,' to stop his rush or weaken this attack." Williams drew from a story given by D. K. Lyerly, police chief of Asheville, Carolina who received a call that a "previously inoffensive Negro with whom he was acquainted was 'running amok' in a cocaine

[131] Ibid. p. 74.
[132] Joseph F. Spillane, Cocaine: From Medical Marvel to Modern Menace in the United States, 1884-1920 (The Johns Hopkins University Press, 2002)p. 94-95.
[133] Ibid. p. 95.
[134] Ibid. p. 120.
[135] Ibid.

frenzy."[136] Lyerly claimed that he put the muzzle of the gun to his heart and fired with no effect. The second shot went through the arm and into his chest, also with no effect.[137] Williams' description of Lyerly's response is worth quoting at length:

> The following day the Chief exchanged his revolver for one of heavier caliber. Yet the one with which he shot the negro was a heavy army model, using a cartridge that Lieut. Townsend Whelen, who is an authority on such matters, recently declared was large enough to "kill any game in America." And many other officers in the South, who appreciate the increased vitality of the cocaine crazed negroes, have made similar exchange for guns of greater shocking power for the express purpose of combating the 'fiend' when he runs amuck.[138]

Finally, reports quickly emerged that cocaine use would cause black men to uncontrollably rape white women.[139]

The image of the cocaine crazed Negro is a repetition of the criminality and animalization of blacks. Williams' argument that bullets designed to "kill any game in America" were insufficient, situates the cocaine crazed Negro as a part of nature, not civil society. The repetition of the myth of the black rapist coupled with the cocaine use sealed southern support for regulation of cocaine. Thus, the image of the "cocaine crazed Negro" encoded the animalization and criminality of blacks into cocaine usage. The effect is to encode drug use by whites or 'non-dangerous classes' as requiring therapeutic intervention whereas drug use by blacks as requires containment, discipline and punishment. The image of the cocaine crazed Negro touched the arche, the religious depth of the American political community, and simultaneously reconciled southern

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[136] "ADDIN ZOTERO_ITEM {"citationID":"Gary0Myb","properties":{"formattedCitation":"{\\rtfong Lower Class Blacks Because They Have Taken to 'Sniffing' Since Deprived of Whisky by Prohibition. - View Article - NYTimes.com," accessed August 13, 2012, http://query.nytimes.com/mem/archive-free/pdf?res=9901E5D61F3BE633A2575BC0A9649C946596D6CF.

[137] Ibid.

[138] Ibid.

[139] See commentary by Dr. Patricia M. Tice in *Hooked: Illegal Drugs and How They Got That Way* The History Channel, 2000.

interests for social control with their aversion to federal regulation in the passing of the Harrison Narcotics Act in 1914. A repetition of this cultural logic would emerge as the key to the War on Drugs serving as a key aspect of profound socio-economic and political changes in American society.

Cocaine Fiend and Crackheads

Crack cocaine originally appeared as a practice of freebasing in the late 1970s. At that time its primary users were stockbrokers, investment bankers, rock stars, socialites, and professional athletes.[140] Problems associated with this new form of cocaine use resulted in Congress passing laws to extend health insurance coverage to include drug treatment.[141] However, when the same process of using cocaine began to flourish in urban areas in general and blacks in particular, the response was profoundly punitive. As the same form of drug use shifted from use by the affluent in private spaces to the lower income brackets in street level drug markets, a complex image emerged that would guide public attitudes and responses.

Like many drug scares of the past, crack was positioned as being immediately addictive. In the spring of 1986, *Newsweek* reported that crack was "the most addictive drug known to man."[142] Moreover, news outlets routinely used the language of communicable disease such as 'plague' and 'epidemic' to underscore the central fear that crack would spread beyond urban areas. The meaningful social patterns established through suburbanization, as argued above, were in danger of being breached by crack. In the same year, the *New York Times* ran several front-page stories claiming that crack was

[140] Craig Reinarman and Harry G. Levine, "Crack in the Rearview Mirror: Deconstructing Drug War Mythology," Social Justice 31, no. 1/2 (January 2004), p. 182.
[141] Ibid.
[142] Ibid. p. 185.

spreading to wealthy suburbs and the middle class.[143] The use of plague metaphors for crack obscured the fact that crack "did not spread far beyond the most marginalized and vulnerable segments of society"[144] where its primary consequences were felt. Moreover, the "crackhead," a repetition upon the "cocaine-crazed Negro", coupled crack as having a causal relationship to violence, obscuring a more complex story.

A major study conducted in 1988 with data collected from the New York City Police Department indicated three primary forms of drug-related homicide: psychopharmacological, economic compulsion, and systemic.[145] The first indicates excitable, irrational behavior that becomes violent or leads to victimization. The second indicated homicides committed as a consequence of criminal activity pursued to support drug use. The third, systemic, are homicides that arise from involvement in an illicit drug market. Drug markets bring together a potent combination of large financial deals with no legal means of setting disputes. Reinarman rightly argues that systemic violence includes:

> territorial disputes between rival dealers, assaults and homicides committed within particular drug-dealing operations in order to enforce normative codes, robberies of drug dealers, elimination of informers, punishment for selling adulterated or bogus drugs, or assaults to collect drug-related debts…between users, as in cases of disputes over drugs or drug paraphernalia.[146]

The total number of homicides that year was 414, with 218 being drug related. There were 31 (14%) homicides attributed to psychopharmacological causes while 162 (74%)

[143] Ibid. p. 187.
[144] Ibid. p. 188.
[145] Craig Reinarman and Harry Gene Levine, *Crack in America* (University of California Press, 1997) p. 115.
[146] Ibid. p. 116.

were attributed to systemic factors. Thus, the image of the "crackhead" mis-represents the meaning context and motivation for acts of violence.

The most pernicious aspect of the mythology around crack was the construction of *crack mothers and crack babies*. In 1989, Charles Krauthammer, a *Washington Post* reporter stated in the first line of an editorial: "The inner-city crack epidemic is now giving birth to the newest horror: a bio-underclass, a generation of physically damaged cocaine babies whose biological inferiority is stamped at birth."[147] Douglas Besharov, former director of the National Center on Child Abuse and first to coin the term "bio-underclass," argued, "This is not stuff that Head Start can fix."[148] Krauthammer's argument is relentlessly tied to biology, noting that crack is the "most effective destroyer of the maternal instinct ever found."[149] At a time when discourses around the underclass were in full swing, the argument, worth quoting at length, exacerbated fears:

> Moreover, when the problem is widespread it produces individual tragedies, but only when it becomes concentrated and localized, as in the inner-city or on the reservation, does it become a threat to communal life as a whole. In the poorest, most desperate pockets of the American society, it has now become a menace to the future. For the bio-underclass, the biologically determined underclass of the underclass, tomorrow's misery will exceed yesterday's. That has already been decreed.[150]

These individual tragedies referred to middle class families whose "middle class values and middle-class money can at least help protect these children after birth." Thus, Krauthammer's argument effectively enlists the underclass debates around a culture of poverty by simultaneously rendering mothering for blacks a matter of instinct given their

[147] Charles Krauthammer, "Children of Cocaine," The Washington Post, July 30, 1989, Final Edition edition, sec. Editorial.
[148] Ibid.
[149] Ibid.
[150] Ibid.

lack of culture or middle class values. Thus, crack mothers and babies are seen as the demarcation between nature and civil society. This demarcation then requires discipline to contain the 'future menace' of crack babies and punishment for crack mothers.[151]

Krauthammer's argument further discredits the possibility of treatment, arguing that mothers desire neither help nor medical science know how to treat crack addiction. [152] Finally, he concludes: "Taking custody of the child unfortunately but necessarily means taking custody of the mother. This is no solution to the mother's drug problem. But it is a solution to the baby's. There might be a better solution fairer to both, but no one can find it. And until we do, the bio-underclass grows."[153]

Thus, black mothers who used crack are demonized as neither possessing what was basic to nature, the 'maternal instinct' nor did they possess what could help protect the child, namely, 'middle class values,' culture. Further, 'crack mothers' are represented in bad faith, being without the desire to be well while potential recipients of medical treatment. They are unredeemed and unredeemable. The discourse surrounding the predetermined future of 'crack babies' reached a zenith when John Robert Silber, philosopher and then president of Boston University, invoked St. Thomas Aquinas to criticize health care providers who insufficiently fund children who could live "to the greater glory of God, while spending immense amounts on crack babies who won't ever achieve the intellectual development to have consciousness of God."[154]

Thus the mythology, which began with the "crack head," a repetition of the "cocaine crazed Negro", effectively demonized black mothers and their children that

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[151] Ibid.
[152] Ibid.
[153] Ibid.
[154] Richard Saltus, "Silber Attacks Health Care System, Issues Call to Shift Patient Priorities," Boston Globe, April 30, 1991.

created a fear not only of a "bio-underclass" but a key threat to civil society. That threat is the "super-predators." These super-predators are represented as "radically impulsive, brutally remorseless youngsters, including ever more teenage boys, who murder, assault, rob, burglarize, deal deadly drugs, join gun-toting gangs, and create serious disorders"[155] and are "fatherless, Godless and jobless."[156] The images of crack served to re-encode the animalization and criminality of blacks in general and black men in particular. Moreover, these images touched the arche of the American experience, which understands political problems to be moral and religious problems requiring punishment.[157]

IV. Social Death and the City on the Hill

The rise of Ronald Reagan and the conservative movement represents a powerful repetition of key aspects of the religious arche in American political community. Russell Kirk's *The Conservative Mind*, a work that helped to galvanize a the conservative movement, theorized the major 'canons of conservative thought.' For our purposes, the most important themes are (1) a belief in a transcendent order that rules society; (2) political problems are at the root of religious and moral problems; (3) civil society requires orders and classes; (4) freedom and prosperity are intricately linked to property

[155] William J Bennett, John J DiIulio, and John P Walters, *Body Count: Moral Poverty-- and How to Win America's War Against Crime and Drugs* (New York: Simon & Schuster, 1996) p. 27. Also see, United States. Congress. House. Committee on the Judiciary. Subcommittee on Crime, *Violent Youth Predator Act of 1996; and Balanced Juvenile Justice and Crime Prevention Act of 1996* (DIANE Publishing, 1997) and John DiIulio, "The Coming of the Super-Predators," *The Weekly Standard*, November 27, 1995.
[156] Ibid. p. 79.
[157] Due to current space considerations I have not given an analysis of the mythlogy of black-on-black violence that was co-present with crack cocaine that served to encode violence within African American communities as a matter of blackness rather than a problem of violence of social inequality. In addition, due to space considerations I have not treated the death of Len Bias that occasioned the mandatory minimum sentencing. Len Bias's death, like Joseph Hanno was important in that it was interpreted as a breach of white civil society by black drug culture. However, we do not know if Bias used crack as it is indistinguishable in one's system after consumption.

and private possession; (5) custom, convention are critical checks upon humanity's archaic impulses and the lust of innovation; and (6) statesman must take Providence into all of their calculations. Moreover, Kirk noted the influence of the idea that social changes in general and judicial reform in particular are products of providence and natural law.[158] These broad themes proved central during the 'Reagan revolution' and in Ronald Reagan's speeches.[159]Finally, many scholars such as Angela Y. Davis and Loic Wacquant have note the simultaneous retreat of the traditional welfare state and the increase of prisons to manage social problems.[160] The religious and moral aspects that provide the meaning contexts that support such a rationalities of governance are often under-articulated.

According to the history of the Conservative Political Action Conference (CPAC) in 1974, a group of conservative activists met to discuss the future of the conservative movement.[161] They decided an annual event was needed to crystallize the best in conservative thought and strategy. The first speaker at this now 40-year-old event was then Governor Ronald Reagan. Reagan's speech, "We Will Be a City Upon a Hill," echoed the themes of John Winthrop 1630 sermon. Reagan's speech, which followed on the heels of the tumultuous 1960s, invoked the signers of the Declaration of Independence and the interests of the conservative movement. He states: "fifty-six rank-and-file, ordinary citizens had founded a nation that grew from sea to shining sea, five

[158] Ibid. p. 120-121.
[159] Although I examine actual speeches by Ronald Reagan, my interest is in there historical effects and their disclosure of the cultural logic that occasions mass incarceration.
[160]See Angela Yvonne Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture* (Seven Stories Press, 2005). Loïc Wacquant, "Class, Race & Hyperincarceration in Revanchist America," *Daedalus* 139, no. 3 (July 1, 2010): 74–90, Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Duke University Press Books, 2009), Loïc Wacquant, "The Wedding of Workfare and Prisonfare in the 21st Century," *Journal of Poverty* 16, no. 3 (2012): 236–249.
[161] For the stated history of the CPAC see http://conservative.org/cpac/about.

million farms, quiet villages, cities that never sleep—all done without an area redevelopment plan, urban renewal, or a rural legal assistance program."[162] In addition, Reagan argued that what distinguishes the American constitution is that government does not give rights. Rather, he argues: "You are born with these rights, they are yours by the grace of God, and no government on earth can take them away from you."[163] Reagan then cites the words of Winthrop directly: "We will be as a city upon a hill. The eyes of all people are upon us. So if that if we deal falsely with our God in this work we have undertaken and so cause him to withdraw his present help from us, we shall be made a story and a byword throughout the world."[164] Reagan immediately added his own coda: "Well we have not dealt falsely with our God, even if he is temporally suspended from the classroom."[165]

This particular retelling of the American story is important for its emphasis on expansionism and concealment of the subjugation and enslavement of Native Americans and Africans, as Long has exposed. This concealment of the past serves to discipline and discredit contemporary social movements born of America's history of subjugation. Moreover, this vision of individual liberty associated with the subjugation of the wilderness and all that associated with the state of nature is apart of the special mission given by the God to America. The invocation of Winthrop's words affirms the providential reasoning that is apart of the religious depth, the arche of the American political culture. The significance of God being "temporarily suspended from the classroom" indicates that coupling of political issues are also deeply religious and moral.

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[162] William J Bennett, John J DiIulio, and John P Walters, *Body Count: Moral Poverty-- and How to Win America's War Against Crime and Drugs* (New York: Simon & Schuster, 1996).
[163] Ibid. p. 23.
[164] Ibid. p. 29.
[165] Ibid.

It is this relationship that occasions the simultaneity of the punishment of individual morality as key to solving socio-economic issues. Social death then becomes the means of securing the well-ordered society. In it, liberty and prosperity would return with a vengeance in the War on Drugs.

As argued in the introduction, Reagan's ascendency to the presidency in 1980 was a significant advance in neoliberalism within American life.[166] Political philosopher Wendy Brown theorizes that co-present with neoliberalism is a neo-conservatism that is important for understanding the rationality of governance in America. Brown defines neo-conservatism as a "a fierce moral political rationality" and neoliberalism as "a market-political rationality."[167]I argue that Brown has identified the way in which the religious depth of the American political community discloses itself within a neoliberal framework. In addition, this religious depth assists in legitimating a contemporary version of a divinely authorized expansionism that also attempts to maintain cultural purity. She argues:

> Neoliberalism looks forward to a global order contoured by a universalized market rationality in which cultural differences is a most a commodity, and nation-state boundaries are but markers of culinary differences and provincial legal arrangements, while American neoconservatism looks backward to a national and nationalist order contoured by a set of moral and political attachments inflected by the contingent ambition of Empire. More generally, neoliberalism confidently identifies itself with the future, and it producing itself as normal rather than adversarial does not acknowledge any alternative futures. Neoconservatism, on the other hand, identifies itself as the guardian and advocate of a potentially vanishing past and present, and a righteous bulwark against loss, and constitutes itself a warring against serious contenders for an alternative futurity, those it identifies as 'liberalism' at

[166] See Harvey, *A Brief History of Neoliberalism*. p. 3. Harvey's concern is primarily to document how neoliberalism achieves the status of a new "common sense."
[167] Wendy Brown, "American Nightmare: Neoliberalism, Neoconcervatism, and De-Democratization," *Political Theory* 34, no. 6 (2006), p. 691.

home and 'barbarism' abroad.[168]

Brown's analysis is helpful in articulating the moral and political coherence in two of Reagan's speeches on crime that reflect religious and moral arguments articulated as a political rationality.

In 1981, Reagan delivered a speech at the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana. A key aspect of this speech is Regan's positioning the problem of crime in relationship to a particular understanding human persons, society, and the role of government. In this speech, Reagan positions the increasing rates of crime as a primary result of youthful offenders and drug addiction. "Crime has increased in that thing that I mentioned, of the youthful offender, between 18 and 21. And that other problem I mentioned years ago, the incredible impact of drug addiction on the crime rate, continues," said Reagan.[169] After citing reports that half of all inmates admitted to using drugs a month prior to their arrest and that 50 to 60 percent of all property crimes are drug related, Reagan proceeded to construct an image for the officers present. He reasoned: "From these statistics about youthful offenders and the impact of drug addiction on crime rates, a portrait emerges. The portrait is that of a stark, staring face, a face that belongs to a frightening reality of our time—the face of a human predator, the face of the habitual criminal. Nothing in nature is more cruel and more dangerous."[170]

Reagan's portrait draws on deeply sedimented meanings of animalization and criminality, which in the 1980s was disproportionately focused upon young black males.

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[168] Ibid. p. 699.
[169] Ronald Reagan, "Remarks in New Orleans, Louisiana, at the Annual Meeting of the International Association of Chiefs of Police - September 28, 1981," *Public Papers of the Presidents of the United States* 1981 (1981): p. 840-841.
[170] Ibid. p. 841.

In this imagery, a repetition occurs with the concept of the 'human predator,' whose humanity is both a matter of criminality to be punished *by* civil society and denied as a matter of exclusion *from* civil society. In addition, the permanence of the state of nature is invoked as the youthful offender, between the ages of 18-21, is also a habitual offender or career criminal. This equivocation positions the offender as unredeemed and unredeemable. Moreover, this equivocation serves to de-legitimate alternative theories of social ills. He argues:

> In discussing these forms of sophisticated crimes, we see again the emergence of the problem of career criminals—those who make a conscious decision to pursue illicit professions, a decision based on a belief that crime does pay. I believe the emergence of this problem of career criminals has seriously undermined the notion that criminals are simply products of poverty or underprivileged backgrounds.[171]

The argument is buttressed by the comments of a young married couple in Venice, California featured in Esquire magazine who decided to arm themselves. They argued, "Some of these people are poor. Some of them are driven crazy with desire for stuff they'll never be able to afford. But not all of them are poor, not by a long shot. A lot of them are making as much money, or a great deal more than you or I do. They do it because it's easy. They do it because they believe no one will stop them, and they're right."[172] These images effectively exploited racial resentment of the white working class through racially coded images of 'Cadillac driving welfare queens' and 'strapping young bucks' who buy T-bone steaks with food stamps.[173] Thus, like the black welfare mothers

[171] Ibid. p. 843.
[172] Ibid.
[173] Paul Krugman, "Republicans and Race," *The New York Times*, November 19, 2007, sec. Opinion, http://www.nytimes.com/2007/11/19/opinion/19krugman.html. Also See, Mary D. Edsall and Thomas Byrne Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics*, Reprint (W. W. Norton & Company, 1992).

and food stamp cheats, the racially coded youthful habitual offender is making a rational decision to cheat the criminal justice system.

The effects of the speeches is to evoke deeply sedimented fears of blacks as predators, animals unfit for civil society. More specifically, the desire of this human predator lacks impulse control regarding their desire for material possessions, while their criminal act is framed as a rational choice. This representation mobilizes fear and that legitimates containment and resentment that blacks have made a rational choice not to play by the rules of society.

The arche of the American experience is touched in Reagan's speech that links political crisis with personal morality and social custom with social stability. He states:

> But it has occurred to me that the root causes of our major domestic problem, growth of government and the decay of the economy, can be traced to many of the same sources of the crime problem. This is because the same utopian presumptions about human nature that hinder swift administration of justice have also helped fuel the expansion of government.[174]
>
> And:
>
> Many of the social thinkers of the 1950s and 1960s who discussed crime only in the context of disadvantaged childhoods and poverty-stricken neighborhoods were the same people who thought that massive government spending could wipe away our social ills. The underlying premise in both cases was a belief that there was nothing permanent or absolute about any man's nature, that he was a product of his material environment, and that by changing that environment –with government as the chief vehicle of change through educational, health, housing and other programs-we could permanently change man and usher in a new era.[175]

[174] Reagan, "Remarks in New Orleans, Louisiana, at the Annual Meeting of the International Association of Chiefs of Police - September 28, 1981." p. 845.
[175] Ibid.

Reagan's position has its roots in Civil Rights protesters consistently being referred to as lawbreakers as well as an ideological link between welfare and crime.[176] In 1964, Goldwater argued that "If it is entirely proper for the government to take away from some to give to others, then won't some be led to believe that they can rightfully take from anyone who has more that they? No wonder law and order has broken down, mob violence has engulfed great American cities, and our wives feel unsafe in the streets."[177] In addition to the encoded fear of rape as well as collapsing the distinctions between violent protest, civil disobedience and mere crime under the category of lawlessness,[178]Goldwater's comments reveal a reinterpretation of the welfare state. No longer does the redistribution of wealth mitigate the potential for social unrest; rather, it is now perceived as its cause.

Although Goldwater's position would soften, Lyndon B. Johnson attempted to counter this critique arguing: "There is something mighty wrong when a candidate for the highest office bemoans violence in the streets but votes against the war on poverty, votes against the Civil Rights Act, and votes against major educational bills that come before him as a legislator."[179] The focus on social scientific explanations of crime as well as rehabilitative efforts continued to weaken and culminated in the 1968 election of Richard Nixon, known as the 'law and order' president.[180] The political and media focus on crime was extremely effective as 81% of the people polled felt that law and order had broken

[176] Katherine Beckett, *Making Crime Pay* (Oxford University Press US, 1999), p. 29-34.
[177] Ibid. p. 35.
[178] Vesla Weaver, *Frontlash: Race and the Politics of Punishment* (Harvard University, 2007) p. 31. Also see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 1st ed. (New Press, The, 2010). p. 40-57. Alexander using a similar analysis of the political response to the Civil Rights movement refers to this as the rebirth of a caste system in the United States.
[179] Beckett, *Making Crime Pay* p. 36.
[180] Ibid. p. 37-38.

down and blamed "Negroes who start riots" and "Communists."[181] The key point for our analysis is that Reagan's discourse is rooted in deeply sedimented meanings that criminalize the push for justice and full inclusion into American life as a matter of taking away from some to give to others. Further, Reagan continued to discredit societal factors arguing "the solution to the crime problem will not be found in the social worker's files, the psychiatrist's notes, or the bureaucrat's budgets."[182]

The ability to identify issues of inclusion and inequality with criminality effectively delegitimized the push towards structural transformation, which Reagan explicitly referenced through investments in education, health, housing and other social programs. Furthermore, Reagan draws on these deeply sedimented meanings to account for the economic problems of the late 1970s stating: "Well, we've learned the price of too much government: runaway inflation soaring unemployment, impossible interest rates. We've learned that Federal subsidies and government bureaucrats not only fail to solve social problems but frequently make them worse."[183]At the heart of the political dilemma between economics and race is the reality that current levels of 'educational and economic performance depend on the extent and quality of past investments in schooling.'[184] Thus, a history of racial discrimination adversely affects investments in human capital as it related to both technical skills as well as experience with current technologies. This would have dire consequences in the struggle over public resources between urban blacks for equitable opportunities, redressing past discrimination, and for

[181] Ibid.
[182] Reagan, "Remarks in New Orleans, Louisiana, at the Annual Meeting of the International Association of Chiefs of Police - September 28, 1981, p. 845. "
[183] Ibid. p. 845.
[184] Ibid. p. 74.

working whites unable to move to the suburbs.[185] Thus, Reagan's discourse represents a crucial moment of bad faith. It is a retreat from government spending on education, health, and housing and from racial justice in developing a political culture where the freedoms of black and others are recognized and promoted in defense of the interests of predominantly affluent white society. Representations of social death touch the deep arche of the American experience in which the sacredness of the economic prosperity of the nation is tied to subjugation of racial others and moral purity.

Reagan asserts that mitigating institutions such as family, neighborhood, church and school, which act "as both a buffer and a bridge between the individual and the naked power of the state," are better poised to deal with the ills of society. Positioning mitigating institutions as responsible for nurturing basic trust, communal values as well as a primary means of addressing society's ills serves to further legitimate a retreat from the role of government or shard public goods. Reagan states: "We have moved to cut away many of the Federal intrusions of the private sector that were preempting the prerogatives of our private and independent institutions."[186] Furthermore, he appeals with racially coded language which recasts recent social unrest as a breach of civil society by the state of nature arguing, "we must never forget the jungle is always there waiting to take us over. Only our deep moral values and our strong social institutions can hold back that jungle and restrain the darker impulses of human nature." The jungle, largely encoded as an urban jungle of blacks in general and black males in particular, would be represented as animals and criminals to maintain the American City on a Hill.

[185] Andrews, *The Political Economy of Hope and Fear* p. 133-134.
[186] Ibid.

In this religious situation, the retreat from racial justice and the moral crusade on crime represent the return of the ‘well-ordered society’ that is predicated on social death.

Chapter 3

The Death-Bound-Subject and the Contradictions of Mass Incarceration

Abdul R. JanMohamed is the Longstreet Chair in English at Emory University.[187] His *Death-Bound-Subject: Richard Wright's Archaeology of Death* is a complex reworking and layering of Patterson's theory of social death, which I discussed in the previous chapter. This reworking interprets the social contradictions of Jim Crow society that formed Wright and how those contradictions are transformed both in Wright's literary corpus and personal life. First, JanMohamed's interpretation is augmented by his own readings of Marxist political economy, existential phenomenology, and psychoanalysis. JanMohamed's engagement with Marxist thought articulates a political economy of what Sartre called "forelornness", that is, "the threat of death." This threat of death operates as a mode of coercion and as a critical aspect of the means of production that generates involuntary labor.[188] Second, JanMohamed understands the relationship between this political economy of the threat of death and its existential formations of the individual death bound subject in psychoanalytic terms, which provide the key towards interpreting the ways that social relations form value through intra-psychic relationships. Third, JanMohamed employs an existential phenomenology to interpret the political

[187] He is a prominent figure within postcolonial scholarship and as founding editor of *Cultural Critique.* In addition, JanMohamed's scholarship is influenced by his experience growing up as an Indian in East Africa. There he was considered colonized in relationship to the white establishment as well as a colonizer in relationship to Africans. As such, his scholarship is interested in the relationship of minorities to the political economy of the society in which they live.

[188] Abdul R. JanMohamed, *The Death-Bound-Subject* (Duke University Press, 2005) p. 12.

significance of Hegel's struggle to the death in his master-slave dialectic and extends this analysis to blacks in Jim Crow society.

These three strands of thought within JanMohamed's construction of the Death-Bound-Subject coalesce in his investigation of Wright and Jim Crow through Fredric Jameson's concept of the "political unconscious."[189] For Jameson, "every text is as its most fundamental level a political fantasy which in contradictory fashion articulates both the actual and potential social relations with constitute individuals within a specific political economy."[190] JanMohamed claims that Wright's fiction is a laboratory that experiments with imaginative resolutions of real contradictions.[191] In particular, the embrace of death by a subject formed through the threat of death in order to live is a contradiction whose resolutions are explored in Wright's fiction. This chapter draws from these theoretical currents in JanMohamed's image of the death-bound-subject in Wright's *Native Son*.

In this chapter, the death-bound-subject is employed in order to interpret the religious situation of mass incarceration in two sections. Section One explicates JanMohamed's dialectics of death that gives rise to the death-bound-subject through the analysis of fear of actual death, contradictions of prohibition and desire, and racialization as they travel from the Jim Crow society to mass incarceration in Richard Wright's *Native Son*. Section Two develops the image of the death-bound-subject within the religious situation of mass incarceration through the lived experiences of Mumia Abu-Jamal and Stanley "Tookie" Williams. Abu-Jamal's *Live from Death Row* and Williams'

[189] Ibid.
[190] Fredric Jameson, *The Geopolitical Aesthetic: Cinema and Space in the World System* (Bloomington; London: Indiana University Press ; BFI Pub., 1995) p. xi.
[191] JanMohamed, *The Death-Bound-Subject* p. 12.

Blue Rage, Black Redemption are interpreted as forms of political agency that critique mass incarceration as the formative site of the death-bound-subject from their concrete situation within the criminal justice system. They show how forms of openness and hope emerge from the structures of death when framed by narratives of revolution and redemption.

I. Bigger Thomas as the Death-Bound-Subject

Richard Wright's *Native Son* is the story of Bigger Thomas, a 20-year old black man living in the poverty-ridden ghetto of 1930s on the South Side of Chicago. *Native Son* opens with the picture of a family of four that share two iron beds with a wooden floor as they begin their morning routine. As Bigger's mother, Mrs. Thomas and his sister Vera Thomas awaken, they are careful not to allow the boys to see them naked while they dress. The mother and sister also avert their eyes as Bigger and his younger brother Buddy Thomas are getting dressed. This economy of respectability and decency in the midst of poverty is suddenly shattered by a violent struggle. The struggle is between Bigger Thomas and a rat.

The black rat instills horror in Mrs. Thomas and Vera as they stand on the bed while Buddy is recruited to assist Bigger. The rat does not run or hide. Rather the rat is aggressive and offensive, leaping and squealing while attacking Bigger's leg. Bigger shakes the rat throwing it against the wall only to see it get up and leap at him again. The rat stands on its hind legs as Bigger looks into its "black beady eyes" as the "rat's belly pulsed with fear."[192] Soon, Bigger has the rat cornered. Slowly, Bigger takes a skillet from Buddy. As the rat rears up again showing its "long yellow fangs, piping

[192] Richard Wright, *Native Son* (New York: Perennial Classics, 1998), p. 6.

shrilly belly quivering," Bigger with the skillet lifted "high in the air" lets it fly. The rat is dead. Bigger with a deep sense of satisfaction says, "I got 'im…By God, I got 'im."[193] The death of the rat however is not enough.

Bigger takes a shoe and begins pounding the rats head in, crushing it while yelling and cursing. Bigger and Buddy then begin to offer post-mortem tributes acknowledging the rat's size and strength. Vera begs Bigger to take the rat outside. Bigger grabs the rat by the tail and taunts his sister relishing in her fear until she passes out on the floor. After Bigger helps his sister back on the bed, he takes the bloody rat with it crushed skull and wraps it in newspaper and puts it in a garbage can at the end of the alley. The satisfaction of Bigger's epic struggle with the rat is short lived. As the blood is being cleaned up, Bigger's mother states, "We wouldn't have to live in this garbage dump if you had any manhood in you."[194] In the eyes of his mother, Bigger's masculinity is tied to his inability to secure legitimate employment within the political economy of Jim Crow. Moreover, in her estimation, Bigger is jeopardizing his ability to provide at all by hanging out with the wrong crowd, engaging in crime that could result in his incarceration. A weapon lifted high in the air. A killing. A skull crushed. Blood and newspapers. A dumped carcass. These are the recurring images of the political and psychological economy whose contradictions form Bigger Thomas. A brief analysis of the importance of this initial struggle between Bigger and the rat is warranted for our purposes here.

In *The Politics and Poetics of Transgression*, Peter Stallybrass and Allong White argue persuasively that in nineteenth-century Europe, the city was a space that

[193] Ibid.
[194] Ibid.

threatened the distinction between suburb and slum.[195] Moreover, the city was a place of contamination and contagion for the middle class as hygiene was intimately tied to issues of status and refinement. The social world of the slums was made both visible and untouchable through the writings of reformers whose began to focus on issues of sanitation. However, it was the fiction writers who coupled the city with a long tradition within western philosophy in which "truth lies hidden behind the veil."[196] If the city mediated between the suburb and slum, the truth of the city was below its surface, in the sewers. The sewer became the conscience of the city. As a measure of progress, the "sewer was more rigorously segregated from the city above, it was linguistically reformed, absorbed into the discourse of respectability."[197]In spite of sewers attaining respectability as technical marvels, one aspect of the sewer system proved difficult to contain: rats. Stallybrass and White argue, "The rat, then, furtively emerged from the city's underground conscience as the demonized Other. But as it transgressed the boundaries that separated the city from the sewer, above from below, it was a source of fascination as well as horror."[198] Finally, this genealogy of the urban rat is used to provide the historical context of Sigmund Freud's famous patient, the "Rat Man."

Freud referred to one of his patients as the "Rat Man" due to an obsessive fear that a punishment given to a criminal in which a pot was turned upside down and rats "bored their way" into his anus, would happen to him.[199] Stallybrass and White recognize that Freud analyses the rat as a "sliding signifier within the domain of the

[195] Peter Stallybrass and Allon White, *The Politics and Poetics of Transgression* (Ithaca, N.Y.: Cornell University Press, 1986) p. 135.
[196] Ibid. p. 140.
[197] Ibid. p. 142.
[198] Ibid. p. 143.
[199] Sigmund Freud and Philip Rieff, *Three Case Histories* (New York: Simon & Schuster, 1996) p. 1-41.

psyche."[200] Their critique is that Freud treated the rat as natural symbol of the patient's repression, unrelated to the symbolization of the social world. In particular, the symptomatic language of the bourgeois body is mediated through the topography of the city with its deeply sedimented meanings that structure relations of class, race and gender. The significance of their critique for our discussion is that Bigger's struggle with the rat is not merely an indicator of their level of impoverishment. Rather, it represents the political unconscious of the American political community. While the American reader is confronted with the effects of the political economy of Jim Crow, Bigger himself cannot bear to reflect upon the fact that his struggle for recognition is with a rat. Bigger Thomas "knew the moment he allowed himself to feel to its fullness how they lived, the shame and misery of their lives, he would be swept out of himself with fear and despair" and that "the moment he allowed what his life meant to enter fully into his consciousness, he would either kill himself or someone else."[201] The rat symbolically mediates the psychological and political economy that forms Bigger Thomas as a death bound subject.

Thomas finds a job as the chauffeur for Mr. and Mrs. Dalton but especially to escort their daughter Mary safely about. They are the wealthy elite that inhabit Hyde Park. Bigger is familiar with Mary Dalton, having seen her on newsreels in the theatres. The newsreels present Mary as one of fifty debutantes who are collectively worth "over four billion dollars of America's wealth."[202] For JanMohamed, the newsreel represents a complex site of identification as Mary is an object of sexual desire and prohibition for black men. Her wealth and position are also object of desire around which slavery and

[200] Ibid. p. 144.
[201] Ibid. p. 10.
[202] JanMohamed, *The Death-Bound-Subject*, p. 92-93.

Jim Crow society organized their sumptuary codes[203] to regulate the behavior and social relation of blacks to white society.[204] However, while viewing the newsreel, Bigger imagines that this projection of desire might indeed become his actual reality. He reflects, "Maybe Mary Dalton was a hot kind of girl; maybe she spent lots of money; maybe she's like to come to the South Side and see the sights sometimes. Or maybe she has a secret sweetheart and only he would know about it because he would have to drive her around; maybe she would give him money not to tell."[205] Bigger, however, finds himself within the contradictions of the sumptuary codes that structured the desires and prohibitions of black men in Jim Crow society.

One night after driving Mary home after her night of drunkenness, Bigger precariously puts her to bed and fantasizes about having sex with her. Wright vividly describes Ms. Dalton, who is blind as a ghostly figure as a "white blur," that floats through the room.[206] When Ms. Dalton walks into Mary's room, Bigger's fear of being caught with a white woman pushes him to place a pillow over her head to keep her quiet. As Mrs. Dalton continues to call out for Mary, Bigger presses the pillow even harder suffocating her.[207] After he kills Mary, Bigger panics and tries to dispose of her body in the home's furnace. However, he is unable to make the entire body fit. Placing newspapers under Mary's neck, he hacks off her head and wraps it in the newspapers. In the following days, Bigger has a nightmare in which a faint bell whose sound increases with urgency as if to warn him of impending danger. While standing on a street corner

[203] Sumptary codes are "rules, written or unwritten, that establish unequal rank and make it immediately visible." See *Karen E Fields and Barbara Jeanne Fields, Racecraft: The Soul of Inequality in American Life*, 2012, p. 33-39.
[204] Ibid.
[205] Richard Wright, *Native Son* (New York: Perennial Classics, 1998) p. 34.
[206] Ibid. p. 85.
[207] Daryl Michael Scott, *Contempt and Pity* (UNC Press, 1997), http://www.google.com/books?id=3NRIsmCDZ_IC.

in midst of a red glare reminiscent of the furnace he put Mary in, he notices the package he is carrying. He stops by a nearby alley to open the wet and slippery package when a head falls out. It is not Mary's head but his own.

This moment is critical in JanMohamed's understanding of Bigger Thomas as a death-bound-subject. The ghost like blurry figure of Mrs. Dalton represents the racialized gaze that literally haunts Bigger. She represents the means by which racialized subjects are formed. JanMohamed argues, "the incorporation of that gaze into the superego of the racialized subject is a crucial part of the racializing process, or, put differently, it is the precondition for the birth of a racialized subject."[208]

In classical psychoanalytic theory, society masters individual aggression by "weakening and disarming it and by setting up an agency over it, like a garrison in a conquered city."[209] Thus, the threat of death, as the precondition for social death is the agency within the black psyche that disciplines and prohibits foreclosing the possibility of resistance. The super-ego provides the theoretical glue for a psychopolitical analysis that rearticulates Patterson's social death from an intersubjective relationship to an intrasubjective relationship. This intrasubjective relationship cast in Foucauldian terms by JanMohamed as an external threat and internal fear constituting a process of subjugation and subjectification that binds the subject together.[210] JanMohamed argues that when Bigger sees his own head in the newspaper in the dream, he learns through his unconscious that he has killed himself. The contradictions of desire and prohibition within the process of subjection through social death explode into a murder suicide.

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[208] JanMohamed, *The Death-Bound-Subject*, p. 96.
[209] Sigmund Freud, James Strachey, and Peter Gay, *Civilization and Its Discontents* (W. W. Norton & Company, 1989) p. 84.
[210] JanMohamed, *The Death-Bound-Subject* p. 162-163.

Mary's death occasions Bigger's experience that he has engaged in an action that will bring about his actual death.

JanMohamed notes that burning Mary's body in the furnace serves the ideological function of preventing Bigger from being a passive victim of circumstance and thus from garnering sympathy or patronizing pity from white readers and critics.[211] It is important to note here that a neo-Freudian[212] revision of a death drive is central to JanMohamed's interpretation of Bigger. Briefly, the death drive has no aim as such, but is a process of unbinding, fragmenting and breaking up what is internal to persons as living organisms.[213] As such, it is interpreted as an instinct. This death drive "will affect reality in a secondary way, inducing splitting in the object, in the ego, in every group or individual agency that claims a vocation to an ever increasingly embracing unity."[214] JanMohamed notes that this process is gleaned within Wright himself as he asks, "But in what other ways had the South allowed be me to natural, to be real, to be myself, except in rejection, rebellion, and aggression?[215] Bigger moves in the direction of symbolic death by seeing his own decapitated head and reflecting upon the experience of killing

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[211] Ibid. p. 98-99.
[212] The work of J.B. Pontalis and the various schools of thought built upon the work of Jacques Lacan.
[213] JanMohamed, *The Death-Bound-Subject*, p. 24-25.
[214] Ibid. Although space does not warrant a full treatment, this reworking of the death instinct as thanatos, a constitutive pair with eros. Eros and thanatos operating as process of binding and unbinding that generates its own repetition is psychologically analogous to Tillich form-creating and form-destroying power of the ground of Being (later revised as Spiritual Presence the unity of power and meaning). In mythology and biblical imagery, Tillich sees the demonic as represented by demons that are divine-antidivine beings. Thus, they are not negations of the divine but rather they participate in the divine in distorted ways. As it relates to the individual, he argues that the demonic dwells in the subconscious level of the human soul. The cultural disclosure of the demonic is always discerned through forms whose power and creativity destroy their own historically conditioned form. *See* "On Death-Work in Freud, Self, Culture" in Alan Roland, *Psychoanalysis, Creativity, and Literature: A French-American Inquiry* (New York: Columbia University Press, 1978). "The Demonic" in Paul Tillich, Nicholas Alfred Rasetzki, and Elsa L. Talmey, *The Interpretation of History* (C. Scribner's sons, 1936), Paul Tillich, *Systematic Theology, Volume 3* (University of Chicago Press, 1976), p. 102-106, and "Puritans, Freudians, and the Classical Eros" in Alexander C. Irwin, *Eros Toward the World* (Wipf & Stock Publishers, 2004).
[215] Richard; With an introduction by Ward, Jerry W. , Jr Wright, *Black Boy (American Hunger) - A Record Of Childhood And Youth, The Restored Text Established by the Library of America* (Perennial Classics, n.d.) p. 495.

Mary. However, it is his incarceration and impending execution that both concretize and render visible the structures of social death. A key incident in the story of Bigger Thomas is the murder of his girlfriend Bessie.

A journalist visiting the Dalton family finds the remains of Mary's body which triggers a city-wide manhunt. Bigger goes to Bessie and attempts to convince her to leave with him. In an effort to bind their fates together, Bigger leans in just inches from her face and confirms her worst fear saying, "Yeah, I killed the girl" and "You in it as deep as me!"[216] Bigger concern is that if she stays behind she will talk to the police. As Bessie leaves with Bigger she eventually resigns herself to the inevitability of being captured and killed. Bessie, in a moment of clarity, reflects upon her life of heartache and trouble. She confronts what alcohol was used to forget, that being Bigger brought pleasure but never happiness. Bigger determines that Bessie could not be taken along and could not be left behind. Later that evening Bigger rapes Bessie. Bigger's rape is an act of soul murder that renders visible the "permissibility"[217] given to rape black women and the prohibition of raping white women within racial and sexual economy of that forms the death bound subject.

After raping Bessie, he murders her by beating her head in with a brick and dumping her body into airshaft. Bessie's murder is a narrative repetition of the contradictions of Bigger as a death-bound-subject. The first being Bigger's struggle with the rat is that both establishes and emasculated him as the "man" of the house. Second, his attempt at self-preservation through silencing Mary to avoid recognition by the white gaze murders Mary and himself. And finally, Bessie is murdered not for who

[216] Wright, *Native Son,* p. 179.
[217] JanMohamed, *The Death-Bound-Subject,* p. 114.

she might become, a snitch. A rat. The image of Bessie as a potential rat indicates that Bigger is still caught in the political economy of the threat of death that permeated wood floors he called home. Bigger's fear of being "ratted out" seals Bessie's fate. The image of the raised brick and Bessie's sunken skull, join the axe and Mary's decapitated head as well as the skillet and crushed rats head. If Freud renders his patient the "Rat Man" due to his personal neuroses, then Wright's renders Bigger as the "Rat Man" that haunts the American political unconscious. As Bigger Thomas is incarcerated and put on trial, so too will the American political community be put on trial as to its culpability in the death of Mary Dalton.

Bigger's incarceration and trial are moments that crystallize his experience within the structures of social death. Bigger reflects, "Not only had he lived where they told him to live, not only had he done what they told him to do, not only had he done these things until he had killed to be quit of them; but even after obeying, after killing, they still ruled him. He was their property, heart and soul, body and blood; what they did claimed every atom of him." Bigger is very much aware that his murder of Bessie was only evidence of his real crime, the murder of Mary. Bigger recognizes that "that the white people did not really care about Bessie's being killed. White people never searched for Negroes who killed other Negroes…Crime for a Negro was only when he harmed whites, took white lives, or injured white property." [218]Thus, Bigger Thomas reflects the deeply sedimented ways in which black liberty through the mode of social death is only acknowledged in terms of criminal culpability. JanMohamed rightly notes that this will be a key factor in the trial that occasions Bigger's engagement with symbolic death.

[218] Ibid.

The trial demonstrates the political value of Bigger's death within the structures of social death. JanMohamed states, "Bigger's execution will be used to coerce and control the black population of the city and protect the white community from a counteruse of the threat of death, embodied by Bigger."[219] This political value of the threat death however is effective precisely through bracketing the social aspect of Bigger's formation. Thus, Buckley, the prosecutor focuses on Bigger's individual free will and personal accountability as a rights bearing juridical subject. Whereas, Max, Bigger's attorney (who is also a communist) focuses on the production of Bigger Thomas by the structures of social death. He states "The hate and fear which we have inspired in him, woven by our civilization into the very structure of his consciousness and into his blood and bones, into the hourly functioning of his personality, have become the justification of his existence."[220] Max's argument passionately weaves social and psychological themes together that criminalize the movements of his unconscious as protests, bodily gestures as threats, ego desires as conspiracies, and hope as insurrection.[221] It is within this contest over the political meaning of his death that Bigger grapples with how death could be a victory.[222]

JanMohamed argues that the transition to symbolic death for Bigger is he achieved with his experience of "double vision."[223] Through his experience Bigger sees, "one vision pictured death, an image of him, alone, sitting strapped in the electric chair and waiting for the hot current to leap through his body and the other pictured life, and image of himself standing amid throngs of men, lost in the welter of their lives with the

[219] JanMohamed, *The Death-Bound-Subject* p. 124.
[220] Daryl Michael Scott, *Contempt and Pity* (UNC Press, 1997) p. 98-99.
[221] Wright, *Native Son* p. 400-402.
[222] JanMohamed, *The Death-Bound-Subject*, p. 126-127.
[223] Ibid. p. 128-129.

hope of emerging again, different, unafraid."[224] In JanMohamed's reading these two images represent the uncoupling of eros and thanatos previously locked together producing uncontrollable and explosive violence.[225] He argues, "Only now that thanatos is contained, both within the jail and in the image of the electric chair, can the desire to live be clearly visualized as a form of social bonding."[226] More importantly, this double vision represents a form of comprehension that allows Bigger to reconciliation with the reality of his life. The tortuous path through which Bigger has arrived at this knowledge does not prevent him from being executed. However, he is now free from being driven by the threat of death. The simultaneous preservation of his actual death through electrocution and the overcoming of its intended purpose of subjection through fear culminates in what JanMohamed calls symbolic-death. The value in Bigger's actual death is rooted in his freedom to dissent from social death. Symbolic-death occasions the possibility of a rebirth into a different subject-position. It overcomes the threat of death that regulates social death for the powerful. In the thicket of philosophical articulations, the structure of affectivity[227] emerges as the kernel, or point of origin for the possibility of resistance for the death-bound-subject. It is a transvaluation of the subject's relationship to life and death that is no longer repressed but recognized as the conditions of social death.

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[224] Wright, *Native Son*.
[225] JanMohamed, *The Death-Bound-Subject*. p.129.
[226] Ibid.
[227] I employ Nancy McWilliams definition of affectivity as "any state of mind and condition of arousal that we have learned to describe as a discrete emotional experience" that includes diverse phenomena as "love, hate, eny, gratitude, boredom, spite, resentment, guilt, pride, remorse, hope, despair, exasperation, tenderness, vindictveiness, pity, scorn, the feeling of being moved or touched and other emotional conditions." See Nancy McWilliams, *Psychoanalytic Case Formulation* (Guilford Press, 1999), p. 103. JanMohamed carefully works through the ambiguity of Freud's use of the term cathexis to avoid a strictly quantitative reading. He defines cathexis as "the investment of various objects with varying forms and degrees of affect." (272) I have summarized his discussion here for clarity with the use of the term affectivity.

The image of the death bound subject in Richard Wright's *Native Son* discloses the political economy of social death concealed in the juridical processes of mass incarceration. Our discussion illustrates the potential of these structures to be articulated through the lives of those who live within the imminent threat of death. More importantly, this image will be used to interpret the experiences of Stanley "Tookie" Williams and Mumia Abu-Jamal provide a profound witness to the religious situation of mass incarceration. Their respective time on death row is co-present with the era of mass incarceration. Like *Native Son*, their respective published operate as forms of political agency that confront the American political community to the contradictions of mass incarceration.

II. The Voice of the Death-Bound-Subject and Political Agency

In this section I extend JanMohamed's dialectical movement of the subject toward symbolic death to the life of Mumia Abul-Jamal and Stanley Tookie Williams. I argue that through their writings Abul-Jamal and Williams exercise political agency by disclosing and contesting the structures that shape them as death-bound-subjects. In their subject-position both individuals reveal the impact of neoliberal rationality of governance through mass incarceration. I briefly offer an account of the death-bound-subject as a political actor and symbolic-death as a form of political agency.

Philosopher Steven Crowell provides an account of political action that proves helpful for our purposes here.[228] As it relates to political acts, Crowell's argument addresses the perennial problem of overestimation and underestimation. The former

[228] See "Who is the Political Actor?: An Existential Phenomenological Approach," in Kevin Thompson and Lester Embree, *Phenomenology of the Political*, Softcover reprint of hardcover 1st ed. 2000 (Springer, 2010).

assumes that every action is political by articulating its political consequences and the latter sees every act related to power as a political act.[229] To avoid these extremes Cromwell sees the political act as "a *choice* of a certain kind, within a certain institutional *framework,* at a certain *time,* on certain *matters*."[230] These are discerned through the "nature of the political intentionality, its matter, and the space occupied by the political actor."[231] The intentionality of the political is rooted in non-instrumental forms of deliberation. Thus, one may engage in act x, y, and z, such as passing out flyers in order to get a candidate elected. However, voting for a candidate represents a judgment for the sake of a particular imaging of the political community.[232] The matter of the political is not the empirical fact of "that thing, ordinance, policy, measure, or institution," but rather their meanings. The space occupied by the political actor is an institutional framework that gives an act political significance.[233] Moreover, this institutional framework is already embedded in a narrative that the political actor reads and makes judgments regarding its meaning and continuance. Thus, the published writings of Mumia Abu-Jamal and Stanley Tookie Williams serve to illuminate the political agency of the death-bound-subject mediated by the religious situation of mass incarceration. I have argued that what Paul Tillich called our religious situation, is global capitalism whose current iteration is neoliberalism. In addition, our religious situation is discerned through American Political Community whose history and socio-political arrangements disclose the meaning of its religious depth, that is, its arche. Thus,

[229] Ibid. p. 12-13.
[230] Ibid.
[231] Ibid. p. 17.
[232] Ibid. p. 20. Here I find Cromwell's use of "in order to" and "for the sake of" acts to be consistent with Alfred Schutz's distinction between "in order to motives" and "because of motives."
[233] Cromwell defines institutions broadly which also include "rallies, petitions, political conventions, the press, deliberative bodies, grass roots movements, courts, constitutional guarantees, designated ties for assemblies, campaigns, changes of office, and so on. " p. 24.

Cromwell's phenomenological approach to the political allows for the subjective experience of mass incarceration to disclose the meaning of our religious situation in the American Political Community.

Live from Death Row: Mumia Abu-Jamal

Mark Lewis Taylor, Professor of Theology & Culture at Princeton Theological Seminary, has long engaged the intersection of religion, politics, ethics and criminal justice.[234] He is the founder of Educators for Mumia Abu-Jamal, a non-profit group that has been instrumental in securing a legal victor to transfer Mumia from death row to general population.[235] Moreover, Taylor explicitly engages the work of JanMohamed in interpreting the significance of Abu-Jamal's case for contemporary theories that wrestle with the "contradictions that form and inform the multiple discourses on ethics, politics and religion."[236]

Mumia Abu-Jamal served over 26 years on death row for the 1981 shooting death of Philadelphia police officer Daniel Faulker.[237] At the time of his arrest Abu-Jamal was an accomplished journalist known for his politics and activism who had no prior criminal record.[238] Abu-Jamal's previous political involvements as Minister of Information in the Black Panther Party and journalist covering the police brutality within Philadelphia's Mayor Frank Rizzo's administration were key aspect of his trial and the

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[234] See Mark L. Taylor, *The Theological and the Political: On the Weight of the World* (Minneapolis: Fortress Press, 2011), *The Executed God: The Way of the Cross in Lockdown America* (Minneapolis, Minn.: Fortress Press, 2001), *Religion, Politics, and the Christian Right: Post-9/11 Powers and American Empire* (Minneapolis: Fortress Press, 2005), and *Remembering Esperanza: a Cultural-Political Theology for North American Praxis* (Minneapolis, MN: Fortress Press, 2005).
[235] Timothy Williams, "Execution Case Dropped Against Mumia Abu-Jamal in Officer's Killing," *The New York Times*, December 7, 2011, sec. U.S., http://www.nytimes.com/2011/12/08/us/execution-case-dropped-against-convicted-cop-killer.html.
[236] Mark Lewis Taylor, "Today's State of Exception: Abu-Jamal, Agamben, JanMohamed, and the Democratic State of Emergency," *Political Theology* 10, no. 2 (2009). p. 306 .
[237] Ibid.
[238] Ibid.

states' push for the death penalty. Thus, Taylor interprets Mumia Abu-Jamal as a political prisoner[239] and engages the work on JanMohamed to explicate the racialized character of the "bare life"[240] to which Mumia has been subjected. Taylor argues that the "race-biased character of Philadelphia's and Pennsylvania's criminal justice system" and its rulings against Mumia become representative of racialized violence in the very heart of the American democracy.[241] More importantly, for Taylor, Mumia is a primary example of someone who has reworked their social death and impending actual death in order to secure 'personal freedom for himself' as well as 'collective freedom for his people and others.'[242] For Mumia, this reworking takes place through his books, articles, poetry, and audio recordings that have achieved an international audience. Through his voice the prison is rendered as a "second-by-second assault on the soul, a day-to-day degradation of the self."[243] In summarizing the importance of Mumia, Taylor is here worth quoting at length:

> Abu-Jamal, in the bare life of death row, has not just waited for the system to find a mistake relative to his case. He has devoted himself to exposing the collective mistake of a fundamental component of the project of democracy in America—the politics and practices of the criminal justice system. In so doing, Abu-Jamal has placed himself at greater risk of actual death. The risk becomes greater because in articulating and exposing those already determined to execute him. But at the same time, this risk is a mode of liberation from his social death and from that "bare life" space where he was to remain on hold until the time of his final dispatch.[244]

[239] Here Taylor follows Joy James in defining a political prisoner is one who is advocating for greater democracy and not the restoration of older orders of supremacy. See Joy James, *Imprisoned Intellectuals: America's Political Prisoners Write on Life, Liberation, and Rebellion* (Rowman & Littlefield, 2003).
[240] Taylor's larger argument concerns the relevance of Giorgio Agamben's theory of sovereignty, bare life and the state of exception to interpret unprecedented rulings in the case of Mumia Abu-Jamal.
[241] Ibid.
[242] Ibid. p. 319.
[243] Ibid. p. 320.
[244] Ibid. p. 322.

Taylor's analysis of the extraordinary way in which Mumia reworks social death is compelling. Here I want explicate the specific way in which Taylor's claim about Mumia's symbolic death represents political agency.

Mumia's writings give voice to the experience of social death marked by incarceration, in this case death row. More importantly, Mumia writings not only disclose what he has experienced himself but also for those in his situation. Thus, they provide fruitful engagement for understanding the subject bound by social death. At it most basic incarceration disrupts and denies the freedom of sociality that constitutes the social world. Alfred Schutz argues that when two people attend to one another they each grasp the lived experience of the other before they are able to reflect upon it. This particular form of simultaneity or grasping of two streams of consciousness is that which endures and can be reflected on. He states, "It endures in a sense that a physical thing does not: it subjectively experiences its own aging and this experience is determinative of all its other experiences."[245] This is the phenomenon of "growing older together."[246] Mumia is subject to the denial of the most basic human form of touch, inmates are cut off from the everyday ordinary forms of growing old together that constitute meaningful relationships. In describing this reality his states:

> While a person is locked away in distant netherworlds, time seems to stand still but it doesn't, of course. Children left outside grow into adulthood, often having children of their own. Once loving relationships wither into yesterday's dust. Relatives die, their loss mourned in silent loneliness. Times, temperaments, mores change, and the caged move to outdated rhythms.[247]

[245] Alfred Schutz, *The Phenomenology of the Social World* (Northwestern University Press, 1967) p. 102.
[246] Ibid.
[247] Mumia Abu-Jamal, *Live from Death Row* (New York: Avon Books, 1996), p.53-54.

This form of social death does not deny the ability to claim one's children (as articulated by Orlando Patterson), but rather disrupts the ability to shape and be shaped through the sharing of experiences with one's children. Mumia's writing are laced with references to the prison as a humanly constructed hell.

Visions of hell in the Christian imagination borrow images from the space-time world of everyday life and project it into the "eternal punishment." As a hell constructed by society, prisons turn time into an instrument of punishment by rupturing the dynamics of consciousness such as retention and recollection critical to forming discrete experiences that become meaningful. The flow of pure duration, or duree, is the ongoing undifferentiated experiences that flow into one another and "what formerly seemed to be separate and sharply fixed images have become supplanted by a coming-to-be and passing-away that has no contours, no boundaries, and no differentiations."[248] The radical closing of the social world into a cell brings the dynamics of conscious life to the fore in immense suffering. In a revealing passage Mumia states, "The mind-numbing, soul-killing savage sameness that makes each day *an echo of the day before*, with neither thought nor hope of growth, makes prison the abode of spirit death that it is for over a million men and women now held in U.S. hellholes."[249] (emphasis added) Moreover, our interest here is in how Mumia's rendering of this aspect of subjection by the use of the prison registers as an act of political agency.

Mumia relates the story of young man, who he calls Rabbani, who was apart of the first wave of teenagers sentenced as adults in the 1970's. At fifteen, Rabbani was

[248] Ibid. p. 47. For another account of the effects of solitary confinement in particular see Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives*, 2013, and "Punishing the Residue" in Colin Dayan, *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton, N.J.: Princeton University Press, 2011).
[249] Mumia Abu-Jamal, *Live from Death Row* (New York: Avon Books, 1996) p. 54.

sentenced to fifteen to thirty years for an alleged robbery with an air pistol.[250] After years of pitched battles with guards, many years in solitary confinement, the hole, Mumia witnessed him grow in size and bitterness.[251] Mumia states:

> For those critical years in the life of a male, from age fifteen to thirty, which mark the transition from boy to man, Rabbani was entombed in juridical, psychic, temporal box branded with the false promise "corrections." Like tens of thousands of his generation, his time in hell equipped him with no skills of value to either himself or community. He has been "corrected" in precisely the same way that hundreds of thousands of others have been, that is to say, warehoused in a vat that sears the very soul.
>
> And;
>
> When I hear easy, mindless slogans like "threes strikes, you're out," I think of men life Rabbani who had one strike (if not one foul) and are, for all intents and purposes, already outside of any game worth playing.[252]

To appreciate Mumia's story of Rabbani as a form of political agency, establishing the historical context is important.

In 1988, a television commentator in Seattle Washington coined the term "three strikes and your out" to refer to someone who received life without parole after two serious violent crimes.[253] The idea received little support until the Diane Ballasiotes was abducted and stabbed to death by a convicted rapist released from prison. In response to this crime, Friends of Diane a citizen group formed to seek harsher penalties for sex crimes.[254] Even when joining their efforts with Washington Citizens for Justice (formerly the Three Strikes Group), efforts to impact legislators, criminal justice professionals and

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[250] Ibid.
[251] Ibid.
[252] Ibid. p. 42-43.
[253] David Shichor and Dale K Sechrest, *Three Strikes and You're out: Vengeance as Public Policy* (Thousand Oaks, Calif.: Sage Publications, 1996).
[254] Ibid.

academics failed.[255] However in 1993 an alliance with the National Rifle Association, proved highly effective and the proposition appeared on the November ballot and 77% of voters approved it.[256] The decisive event however was the abduction and murder of Polly Klaas in California prior to the vote.[257] The event and the media coverage galvanized politicians and citizens across the political spectrum with nearly 80% of Americans voicing their approval.[258] President Clinton's in his 1994 State of the Union address, thumped his finger on the podium and received a standing ovation when he said "When you commit a third violent crime, you will be put away, and put away for good. Three strikes and you are out."[259] Clinton's Violent Crime and Law Enforcement Act of 1994 would pass that same year.[260]

A key aspect of this story is a quality of contemporary media that Ray Surette calls "news from nowhere." This is the ability for news media to construct a story from a distant locality and present them in a way that has local significance. Moreover, the Surette argues that "predator criminals and predator crime" defined as interpersonal violence among strangers where the victim is innocent and randomly chosen have become "modern icons of mass media."[261] The fusion of policy groups, criminal justice decision makers and media-based constructions of the predator created a symbolic

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[256] Ibid. p. 179.
[257] Ibid.
[258] Ibid.
[259] See "1994 State of the Union Address" at http://www.clintonlibrary.gov/videos.html.
[260] As an index of the media-driven cultural climate of the times a Clinton official remarked "You can't appear soft on crime when crime hysteria is sweeping the country. Maybe the national temper will change, and maybe, if it does, we'll do it right later," in Katherine Beckett and Theodore Sasson, *The Politics of Injustice* (SAGE, 2003), p. 67. Also see, Beckett, *Making Crime Pay*.
[261] Shichor and Sechrest, *Three Strikes and You're Out* p. 185.

reality[262] of new roaming predatory killers. Furthermore, Surette notes the critical role of popular culture as the movie and novel *The Silence of the Lambs* along with media coverage of Jeffrey Dahmer and Ted Bundy "cemented the reality construction process and its legitimacy in the public's consciousness."[263] Finally, the three "strikes and your out" legislation flourished in a cultural climate in which "the horrendous crime became the norm; the rare as common; the reactive, symbolic policy as significant." It is precisely this legitimacy that I argue Mumia writings contest and constitute a form of political agency.

The social phenomenology of Alfred Schutz contains two important points for thinking about Mumia's writings as a form of political agency. The first is that within the natural attitude of everyday life, which which appears to consciousness is given in a pairing. This pairing is given in passive synthesis of that which is perceived and apperceived.[264] Apperception immediately pairs that which is present with forms of remembrance, recollection and imagining.

The second is that different provinces of meaning within the social world are paired through symbols.[265] It is at this level of symbolic relations that the meaning of social collectives and institutional forms are mediated. And it is here that Mumia's *Life From Death Row* enters into the contest of meaning with the news from nowhere.

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[262] Here Surette explicitly invokes the social construction of reality through three terms: experienced reality, symbolic reality and subjective reality (a mix of the experienced and symbolic in each individual). The importance for the argument is his claim that "For modern people, most of our worldly knowledge is, in fact, gained not form experienced reality but from symbolic reality." (p. 183)

[263] Ibid. p. 186-187.

[264] Alfred Schutz and Thomas Luckmann, *The Structures of the Life World Volume 2* (Northwestern University Press, 1989), p. 132-133.

[265] For the purpose of this argument I have bracketed Schutz's discussion of the way in which symbols can pair different provinces of reality.

Mumia's writings bring the images of the incarcerated to those outside of the prison. If the media construction of the predator turns the horrendous and rare in the normal and common, then Mumia's writings render the bureaucratic barbaric, the institutional unimaginable, and the correctional corrosive. Moreover, this rendering discloses the way fear of irrational individual predators rationalizes a population of criminals whose activity may be highly predictable based upon the social structures. In addition, the reference to "three strikes and your out" in the story of Rabbani, Mumia also comments on the passage of Clinton's crime bill. He argues:

> This so-called crime bill, that profane political expletive, is now the law. Packing some sixty odd death penalties, a "three strikes, you're out " provision, and billions of bucks for cops and prisons, the crime bill, as proposed by President Clinton, was an act so Draconian that neither presidents Bush nor Reagan could have successfully passed such a measure. The bill is, in essence, a $30+ billion public employment program for predominantly white workers, a social program if ever there was one that reflects the changing face of America's sociopolitical and economic reality.[266]

In light of our explication of the political actor, the political *intentionality* of this passage renders a judgment against the crime bill. More importantly it reflects a judgment against a neoliberal rationality of governance that dismantles the welfare state while pouring extraordinary resources towards incarceration. In addition, both parties embraced this neoliberal form of governance as President Clinton administration oversaw the largest increase in inmate population and budgets in American history.[267] More importantly, the political *meaning* of such empirical facts is contested as it is framed not only as a rollback of social programs but a rollout of a social program for whites. The political *space* is death row, an institutional framework of social death supported by social conventions.

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[266] Abu-Jamal, *Live from Death Row* p. 109.
[267] Wacquant, *Punishing the Poor*.

And from this space, the space of hell, Mumia engages the social conventions supporting the American Political Community.

In moving beyond a critique of the empirical facts and meaning of Clinton's crime bill, Mumia critiques the deeply sedimented representations of animalization and criminalization that inform it. In speaking directly to citizen supporters he remarks:

> Consider this: The drugged out zombie about to rob you calculates the worth of stealing your property versus four to eight years in prison, if caught. Factor in your property versus life without parole, and your life not your property, is devalued. That swift and fatal calculation is being tallied hourly in cities from coast to coast, and the so-called crime bill just made it more costly—for you.[268]

Here, Mumia returns the image of the zombie, the crackhead, the predator, the subject whose rationality, will and liberty are recognized only within the bounds of criminal culpability. However, it is returned not merely in the form of a negation, that the drugged out zombies do not exist. Rather, they do exist. And the representation that legitimated the crime-bill produces the very thing it was supposed to prevent, the devaluing of life. Mumia's writing's render the social agreements that produce death-bound-subjects in our religious situation from the space of death row.

***Blue Rage, Black Redemption*: Stanley "Tookie" Williams**

The formation of death-bound-subjects within our religious situation also receives a powerful rendering through in the life and death of Stanley Tookie Williams. William's memoir *Blue Rage, Black Redemption* chronicles the story of a young man that would become a co-founder of the Los Angeles Crips, convicted for murder, experience a life transformation, and executed by the state of California. The refusal of Williams to separate the structures of social death from his narrative of redemption legitimated his

[268] Abu-Jamal, *Live from Death Row* p. 111.

actual death by the state. Finally, Williams has become a symbol of hope through encouraging those who struggle with similar circumstances.

Stanley Tookie Williams was born in New Orleans in 1953 and his mother moved to California in 1959 to escape the "lingering racist effects of Jim Crow."[269] William's mother participated in a migratory trend of African Americans to California to from World War II until the 1960's. The rise of the defense industries in Southern California during World War II "laid the foundation for extensive industrial growth in the postwar era."[270] During the 1960's when the black population of Southern California grew the by more than 50 percent, a painful economic restructuring was just beginning. From 1963 to 1964, just prior to the riots in Watts, twenty-eight industrial manufacturing firms left South Central and East Los Angeles.[271] Furthermore, deindustrialization and global competition forced 70,000 jobs to disappear from 1978 to 1982.[272] The disproportionate effects of the changes upon blacks were mediated through violence.

The first black migrants to LA in the 1940's faced many invisible social barriers supported by restrictive covenants for home-ownership and enforced by policing. As the black population grew however, so did racial paranoia. White teenagers formed clubs such as the *Spook Hunters* who terrorized black youth as a way of "fighting school integration and protecting racial purity in the community."[273] To defend their communities against such violence, blacks formed their own clubs such as the *Bossmen*.[274] However, white flight to the suburbs found many black clubs in conflict with

[269] Stanley Tookie Williams, *Blue Rage, Black Redemption: A Memoir* (Simon and Schuster, 2007) p. 3.
[270] McCann, "Redemption in the Neoliberal and Radical Imaginations."
[271] Ibid. p. 180.
[272] Ibid. p. 181.
[273] Alejandro Alonso, "Racialized Identitites and the Formation of Black Gangs in Los Angeles," *Urban Geography* 25, no. 7 (November 1, 2004): 658–674, p. 662.
[274] Ibid.

one another. The result was increasing criminal activity that registered as a major concern in 1960 when rivalries between black clubs lead to six murders.[275] During that same period, relationships with the Los Angeles Police Department (LAPD), under Chief William Parker continued to worsen with over $1 Million in police brutality and misconduct claims filed in 1960.[276] The escalating tensions between blacks and the LADP would provide the backdrop for the Watts rebellion in 1965.

In the aftermath of the Watts rebellion, black clubs put aside old rivalries to address police brutality and building community institutions. Black clubs that had morphed into gangs received direction from organizations like the Black Panther Party (BPP) and the U.S. Organization that built self-esteem and self-affirmation.[277] During this time juvenile gang activity was of minimal concern to residents of South Central.[278] This situation would change drastically with demise of the civil rights and black power movements. In particular, for blacks in LA, the assassination of BPP leaders Bunchy Carter and John Huggins on the campus of UCLA signaled the end of an era. The power vacuum of political leadership and a generation of black teens that witnessed the assassination of black leaders formed a backlash toward Black nationalism and political organizing.[279] Geographer Alex Alonso emphasizes the importance of the search for identity and masculinity in the resurgence of gangs among black youth during this period.[280] He argues, "The original intentions of group leaders were to serve as community leaders and protectors of their neighborhoods; however, because of a weak

[275] Ibid. p. 665.
[276] Ibid. p. 666.
[277] Ibid. p. 666.
[278] Ibid.
[279] Ibid. p. 668
[280] Ibid. p. 668-669.

resource base, an unplanned agenda, lack of support, immaturity and perhaps most important, severe racialization of the 1960s, left a generation of youth clueless about their future."[281] Alonzo's argument draws a helpful understanding the effects of racial exclusion upon gang formation and deindustrialization upon gang proliferation as well as gang persistence. Stanley Tookie Williams would become a symbolic representative of this search for identity, opportunity and redemption amidst the forces of social death.

In *Blue Rage, Black Redemption*, Williams describes his involvement with the Crips in cultural and decidedly religious terms. He argues, "this forgotten generation created a quasi-culture with its own mores, style of dress, hand symbols, vernacular, socioeconomic qualities, martyrs, rituals, blue color identification (for Crips), legends, myths, and codes of silence."[282] In addition, Williams recalls that for a Crip to show weakness or fail to defend themselves was an offense to the "Crip god."[283] He recalls, "Crippen was our raison d'être, our reason for being. It grounded us in a way that nothing else had. It permitted us to lash out at gangs and at a world that despised our existence."[284] During his years in solitary confinement from 1988 to 1994, Williams began a "path toward redemption" that included years of education, soul-searching, edification, spiritual cultivation."[285]It was during this time that Williams woke up one night in a cold sweat consumed by sadness for the innocent black lives caught in the crossfire and years of young lives lost. He recalls, "Wide awake I lay there thinking about

[281] Ibid. p. 669.
[282] Williams, *Blue Rage, Black Redemption,* p. 100.
[283] Ibid. p. 131.
[284] Ibid. p.100.
[285] Ibid. p. xviii.

how, most of my life, I lived it for Crip, but the Crip god had abandoned me."[286]Finally, Williams' narrative of redemption includes responsibility for his personal actions as well as a critique of the social conditions in which he lived.

Stanley "Tookie" Williams story of redemption refuses to fit the mold prescribed by our religious situation. Cultural theorist Bryan J. McCann argues that in the neoliberal imagination "rhetorics of redemption denote an individualistic ethics characterized by appeals to personal responsibility and upward mobility."[287] In particular, in the context of mass incarceration, this image of redemption eclipses an analysis of racial and economic inequality. McCann rightly situates Williams's narrative of redemption within a radical imagination that critiques neoliberalism and does not merely conform to norms of white civil society.[288] Williams narrative of redemption begins with daily conversations with other inmates in the "study of Black history, law, psychology, math, religion, Swahili, spirituality."[289] A critical aspect of Williams story of redemption is the situating of violence in his community within a broader meaning context of social inequality. In reflecting upon gang life he states, "Strange how we Crips, Bloods, other black gangs, and the black street drug dealers were so gung-ho to obliterate one another—but would shy away when it came to confronting poverty, unemployment, politics, cop brutality, and other social inequities."[290] Moreover, Williams also cast the effects of social death in distinctly psychological terms as well. Here Williams is worth quoting at length. He states:

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[286] Ibid. p. 278. See also R. H. S Crossman, *The God That Failed* (New York: Columbia University Press, 2001) for Richard Wrights experience with his hope of communism being able to provide him with secure grounding.
[287] Bryan J. McCann, "Redemption in the Neoliberal and Radical Imaginations: The Saga of Stanley 'Tookie' Williams," *Communication, Culture & Critique* (2013): p .2.
[288] Ibid.
[289] Ibid. p. 9.
[290] Williams, *Blue Rage, Black Redemption* p. 161.

> Throughout my life, I was psychologically scarred. I carried an inner loathing of self and my own culture. Since I wasn't psychotic—Bobby Wright's book *Psychopathic Racial Personality* confirms my analysis—self-hatred motivated me to seek a kind of accomplishment by hurting blacks. That's why I could stroll through Will Rogers Park during the Watts Festival, eager to impress my fellow Crips by knocking unconscious any target they pinpointed.[291]

And,

> Conditioned and brainwashed to hate myself, and my own race, other black people became my prey and the Crips my sword. Though I cannot condone it, much of the violence I inflicted on my gang rivals and other blacks was an unconscious display of my frustration with poverty, racism, police brutality, and other systemic injustices routinely visited upon residents of urban black colonies such as South Central Los Angeles. I was frustrated because I felt trapped. I internalized the defeatist rhetoric propagated as street wisdom in my 'hood, that there were only three ways out of South Central: migration, death, or incarceration. I located a fourth option…incarcerated death.[292]

The story of Stanley Williams presents an important aspect of the image of the death-bound-subject. Williams does not passively accept a racialized social death mediated by a lack of socioeconomic opportunities recognized as legitimate. Rather, the struggle for recognition becomes an intra-racial struggle expressed in the language of "respect and disrespect."[293] James Gilligan, a clinical psychiatrist whose experience with inmates in a maximum security prison situates respect as the clue to understanding the

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[291] Ibid. p.161.
[292] Ibid. p. 217-218.
[293] For a comprehensive treatment of the dynamics of respect in marginalized communities see Elijah Anderson's, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (W. W. Norton & Company, 2000), *Against the Wall* (University of Pennsylvania Press, 2008), *Streetwise: Race, Class, and Change in an Urban Community* (University of Chicago Press, 2013). Also see, John A Rich, *Wrong Place, Wrong Time: Trauma and Violence in the Lives of Young Black Men* (Baltimore: Johns Hopkins University Press, 2011), p. 60-61, and Philippe Bourgois, *In Search of Respect: Selling Crack in El Barrio* (Cambridge; New York: Cambridge University Press, 2003). For a theological reading of respect and its relationship to gun violence see "God is an AK-47" in Carlyle Fielding Stewart, *Street Corner Theology: Indigenous Reflections on the Reality of God in the African American Experience* (Nashville, Tenn.: J.C. Winston Pub., 1996).

moral vocabulary and psychodynamics of chronically violent men.[294] He states, "I have yet to see a serious act of violence that was not provoked by the experience of being shamed and humiliated, disrespected and ridiculed, and that did not represent the attempt to prevent or undo this "loss of face"—no matter how severe the punishment, even if it includes death."[295] Nathan McCall supports Gilligan's clinical insights in his memoir *Makes Me Wanna Holler: A Young Black Man in America*, where he recalls hearing the stories of violence and how it garnered respect. He argues, "I wanted that kind of respect. Everybody I knew wanted it. So we all worked on our knuck games to earn our reps. We tried to learn various ways to hurt people, to fuck somebody up so bad it was remembered in the streets for a long, long time."[296] For Williams, the Crip god was the sovereign through which social recognition or respect was secured through fear and violence within his community. The result is a subject formed simultaneously by the threat of death from other blacks as well as the state. It is important to note that in the religious situation of mass incarceration, the desire for recognition that is constitutive of human flourishing is secured through means that produce death-bound-subjects.

Social phenomenology draws a distinction between "in-order-to" motives and "because-of-motives" to interpret the motivational meanings of actions.[297] Schutz argues, "the in-order-to motive explains the act in terms of the project, while the genuine because-motive explains the project in terms of the actor's past experiences."[298] Thus, stating that a person went to the store in order to buy orange juice is different than stating that a person goes buys orange juice because they as a child all other fruit juiced caused

[294] James Gilligan, *Violence: Reflections on a National Epidemic* (Vintage Books, 1996), p. 105-106.
[295] Ibid. p. 110.
[296] Ibid. p. 58.
[297] Schutz, *The Phenomenology of the Social World,* p. 91-96.
[298] Ibid.

them to break out in a rash. In addition, the because of motive may be serve as the basis of a personal ideal-type. The personal ideal type "is itself always determined by the interpreter's point of view. It is a function of the very question it seeks to answer. It is dependent upon the objective context of meaning, which it merely translates into subjective terms and then personifies."[299] As Williams interprets his life experiences, the personal ideal-type of the "psychopathic racial personality" provides a powerful objective context of meaning that reinterprets what it means to "serve the Crip god." In essence, the Crip god and its attendant violence against blacks is the mimetic effect of how whites have historically interacted with blacks. Williams's original trial serves as a primary example of this process in his story of redemption.

In 1981 Williams was put on trial for the murders of Albert Owens, Tsai-Shai Yang, Yen-I Yang, and Yee-Chen Lin during two separate armed robberies in 1979. The sentencing phase of the trial, the prosecutor arguing for the death penalty in front of an all white jury. A key aspect of animalistic imagery describing Williams as a "Bengal Tiger" who should not be allowed back in his "natural habitat."[300] In the introduction of *Blue Rage, Black Redemption* Williams states:

> Throughout my life I was hoodwinked by South Central's terminal conditions, its broad and deadly template for failure. From the beginning I was spoon-fed negative stereotypes that covertly positioned black people as genetic criminals—inferior, illiterate, shiftless, promiscuous, and ultimately "three-fifths" of a human being, as stated in the Constitution of the United States. Having bought into this myth, I was shackled to the lowest socioeconomic rung where underprivileged citizens compete ruthlessly for morsels of the American pie—a pie theoretically served proportionately to all, based on their ambition, intelligence and perseverance.[301]

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[299] Ibid. p. 190.
[300] Bryan J. McCann, "Redemption in the Neoliberal and Radical Imaginations: The Saga of Stanley 'Tookie' Williams," *Communication, Culture & Critique* (2013): p .7.
[301] Williams, *Blue Rage, Black Redemption,* p. xi.

Thus, through Williams's study of a wide range of subjects, with a major emphasis upon African American culture, he interprets the images used by the prosecutor as an instance of the deeply sedimented cultural logic of exclusion in America. Moreover, his actions while serving the "Crip god" are reinterpreted as the product of the "having bought into this myth." The process of redemption for Williams would also serve as a point of contestation in his appeal for clemency with California's Governor Arnold Schwarzenegger in 2005.

In capital cases the question of whether someone deserves to die is separate from their criminal guilt. Dahlia Lithwick notes that the latter is a "backward-looking decision as to what happened" and the former a "forward-looking judgment as to whether the defendant's life might have any value."[302]Moreover, scholars Austin Sarat and Karl Shoemaker argue that persons involved in the death penalty process often "reflect society's conventions about what makes life worth saving as well as prejudices that devalue the lives of particular persons of groups of persons."[303] Thus, the society that produced contributed to Stanley Williams as a death-bound-subject now must determine if he is an "executable subject."[304]

In the religious situation of mass incarceration narratives of redemption are legitimated through persons accepting responsibility for their crime as well as repudiation of who they once were. Such repudiation represents the embrace of self-governance as defined by civil society, a key aspect of the rationality of governance.[305] In the case of

[302] Austin Sarat and Karl Shoemaker, *Who Deserves to Die: Constructing the Executable Subject* (Univ of Massachusetts Press, 2011) p. 6.
[303] Ibid.
[304] Ibid.
[305] Mitchell M. Dean, *Governmentality: Power and Rule in Modern Society*, Second Edition (Sage Publications Ltd, 2009) p. 20.

Stanley Williams, repudiation is evidenced by cooperation with the state in providing information to prosecute members of the Crips.[306] Williams narrative of redemption however is neither solely individualistic or embraces the norms of civil society in general or the criminal justice system in particular. The image of death-bound-subject is discerned in Williams story as he states that redemption "symbolizes the end of a bad beginning and a new start."[307]In addition, he argues that his redemption is primarily a process experienced through helping others, especially youth.[308]More importantly, Williams's advice toward youth regarding the staying away from gangs and working toward peace also critiques mass incarceration. In the "Tookie Protocol for Peace" he argues "The United States government's approach to urban violence is often to launch one of its intermittent "wars" on crime and then trumpet success by pointing to wholesale incarcerations, measures which fail to deter or to rehabilitate the criminal mentality."[309] Williams gives a complex portrait of redemption for the death-bound-subject. It is intimately tied to concrete acts and effects upon persons other than himself. In addition, redemption for Williams repudiates his former gang life as well as the religious situation that occasioned it. The religious situation of mass incarceration and the birth of the "Crip god" stand in a dialectical relationship. Redemption for Williams is occasioned not by the state or by those who serve the "Crip god" to determine life and death." Rather, for Williams God comes forth as God as he describes his "joie de vivre," an enjoyment and

[306] McCann, "Redemption in the Neoliberal and Radical Imaginations," p. 12.
[307] "A Conversation with Death Row Prisoner Stanley Tookie Williams from His San Quentin Cell," *Democracy Now!*, accessed December 8, 2013, http://www.democracynow.org/2005/11/30/a_conversation_with_death_row_prisoner, p. 5.
[308] Ibid.
[309] Williams, *Blue Rage, Black Redemption,* p. 361.

love of life.[310]

Governor Arnold Schwarzenegger would appeal directly to Williams story of as evidence of his failure to embrace a neoliberal understanding of redemption and thus not worthy or clemency. More importantly, he explicitly cites the dedication of Williams book *Life in Prison* as casting doubt on his redemption as it mentions many political radicals those who have challenged the state. The list includes "Nelson Mandela, Angela Davis, Malcolm X, Assata Shakur, Geronimo Ji Jaga Pratt, Ramona Africa, John Africa, Leonard Peltier, Dhoruba al-Mujahid, George Jackson, Mumia Abu-Jamal, and the countless other men, women, and youths who have to endure the hellish oppression of living behind bars."[311] Schwarzenegger argues that the inclusion of George Jackson "defies reason" and is a "significant indicator that Williams is not reformed and that he still sees violence and lawlessness as legitimate means to address societal problems."[312] Moreover, he argues that Williams has not sufficiently atoned for the murders committed by the Crips as a "byproduct of his former lifestyle."[313] Finally, while the governor argues there is no atonement without apology for the murders he was convicted of, the bulk of the argument against clemency rests upon what theologian Ed Farley calls "the facticity of redemption."[314] For Farley, the facticity of redemption is the clue to how God comes forth as God for Christian communities. Our task here from the standpoint of

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[310] "A Conversation with Death Row Prisoner Stanley Tookie Williams from His San Quentin Cell," p. 9. The term "joie de vivre" was popularized by the person-centered psychology of Carl Rogers. See Carl R Rogers, *On Becoming a Person: A Therapist's View of Psychotherapy* (Boston: Houghton Mifflin, 1995) p. 88. and "Introduction" by Irving Yalom in Carl R. Rogers, *A Way of Being* (Houghton Mifflin Harcourt, 1995).
[311] Sarah Kershaw and Shadi Rahimi, "Governor Schwarzenegger Denies Clemency for Gang Co-Founder," *The New York Times*, December 12, 2005, sec. National, http://www.nytimes.com/2005/12/12/national/12-tookie.html, p. 4.
[312] Ibid. p. 5.
[313] Ibid.
[314] Farley, *Divine Empathy*.

public theology is to discern how God comes forth as God in the religious situation of mass incarceration for the death-bound-subject.

Redemption for the death-bound-subject in the religious situation of mass incarceration is seen in the Schwarzenegger's interpretive choices. In the governor's written decision, William's five nominations for the Nobel Peace Prize, four nominations for the Nobel Prize in literature and his receipt of the President's Call to Service Award in 2005 bearing President George W. Bush "do not have persuasive weight in this clemency request."[315] Neither did the 32,000 signatures for clemency or the recommendation by the U.S. 9th Circuit Court of Appeals that "Williams' good works and accomplishments since incarceration may make him a worthy candidate for the exercise of gubernatorial discretion."[316]In addition, the ongoing presence of the Crips is interpreted as a sign that Williams's peacemaking efforts are not effective. However, the governor is silent regarding the testimonials in the forward of *Blue Rage, Black Redemption* that might evidence the concrete effects of his work. One person remarked, "Yo Tookie, I've been bangin' since I was eight. And I really Wanted To Thank You For Settin' Me Free, Cuz. I Mean You Were My Idol, And Now I See All Tha Pain I've Caused People Who Never Deserved It, Over A Color And What It Stood For. Thanks To You, I Now See How Wrong I Was. I Needed To Get My Life Back, And You Gave It To Me."[317] Thus, for Schwarzenegger, the facticity of redemption is not evidenced by the testimonies of those likely to fall within the image of the death-bound-subject occasioned by our religious situation. Moreover, his identification with those that challenge the legitimacy of mass incarceration or are political prisoners discredits his

[315] Kershaw and Rahimi, "Governor Schwarzenegger Denies Clemency for Gang Co-Founder,"p. 4.
[316] Williams v. Woodford, 384 F. 3d 567, Court of Appeals, 9th Circuit 2004.
[317] Williams, *Blue Rage, Black Redemption,* forward.

claims to redemption. Although his memoirs indicate that Williams believes that God allowed him to go to prison to pay for crimes he committed (but not convicted of), his economy of redemption was both internal to and beyond the limits of the religious situation of mass incarceration.

Conclusion

The image of the death-bound-subject reveals that the religious situation of mass incarceration is far more complex than a "crime problem." Rather, the image of Abdul R. JanMohamed's death-bound-subject reveals the way in which the threat of death operates as a mode of coercion within political economy. The story of *Native Son* illustrated how the contradictions of Jim Crow society operated in the formation of Bigger Thomas. In addition, we examined the way in which an individual can become free of this threat of death. Further, the argument here broadens JanMohamed's image from its fatalistic overtones, to consider the possibilities of political agency and hope for those who live within the threat of death and occupy prison cells on death row.

In these text I have argued that image of the death-bound-subject mediates between the space of the prison cell and the political economies of Chicago, Philadelphia and Los Angeles. In addition, these images reveal that not all subjects who are death-bound are dead. The lives of Mumia Abu-Jamal and Stanley "Tookie" Williams symbolically reestablish a relationship with the society that prisons attempt to cut off from.

Their stories are of profound religious significance as they both persons the possibilities of affirming life in the midst of the political structures of death. As the image of Africa figures prominently in both stories (Williams ashes now reside in

Africa), we are reminded that mass incarceration participates in the history of involuntary presence of blacks as constitutive of the arche of the American political community. It is within the narratives of Abu-Jamal and Williams that we see God come forth as God in the religious situation of mass incarceration.

How precisely the historical structures of social death and their subjective formations coalesce into a neoliberal regime of juridical power is the burden of the next chapter.

Chapter 4

Necropolitics, Juridical Power, Mass Incarceration and the New Jim Crow

Mass incarceration in America, the world leader in incarcerating its citizens, predominately black and brown, is receiving unprecedented attention. This is unquestionably due to the popularity of Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Released in 2010 into a crowded field of research concerning the U.S. prison population, *The New Jim Crow* has now spent over a year fifty-eight weeks on the New York Times paperback non-fiction best sellers list with over 175,000 copies sold.[318] The image of mass incarceration as the New Jim Crow has quickly become sedimented within the public sphere in general and the black public sphere in particular. Some scholars even refer those who give racial and structural critiques of mass incarceration as the "New Jim Crow writers."[319]

In this chapter, I use the *New Jim Crow* as an image to interpret the role of necropolitics in mediating juridical power and mass incarceration within our religious situation. In chapter two, I interpreted the deeply sedimented representations of blacks as animals and criminal that legitimate social death as apart of the founding experience of America. In chapter three, I interpreted the ways in which subjects are formed, negotiate, resist and live within a political economy supported by the threat of death. This chapter will proceed through six sections. The first section will explicate the image of the New

[318] Jennifer Schuessler, "Drug Policy as Race Policy: Best Seller Galvanizes the Debate," *The New York Times*, March 6, 2012, sec. Books. For current best nonfiction status see http://www.nytimes.com/best-sellers-books/paperback-nonfiction/list.html.
[319] James Foreman Jr., "Racial Critiques of Mass Incarceration: Beyond the New Jim Crow," Faculty Scholarship Series Yale Law School 87, no. Paper 3599 (February 26, 2012): p. 104.

Jim Crow, necropolitics and its relationship to juridical power and mass incarceration. The second section explicated the concept of necropolitics. The third and fourth section explores the relationship of necropolitics through New Jim Crow through HBO's popular series *The Wire.* The fifth section articulates the relationship of necropolitics to the drug markets and the sixth section will explore the utopian aspects of the *The Wire* that move beyond necropolitics.

I. The Image of the New Jim Crow

Michelle Alexander is the former director of the Racial Justice Project of the American Civil Liberties Union (ACLU) in Northern California. Alexander's legal background and personal narrative is important in understanding *The New Jim Crow*. The opening pages of *The New Jim Crow* have a decidedly religious tonality resembling the structure of a conversion experience. Alexander states "I am writing this book for people like me—the person I was ten years ago."[320] The person she was ten years ago understood the dynamics of institutional racism by working on a number of class action employment discrimination cases.[321] However, when her focus shifted from employment discrimination to criminal justice reform, she became convinced that the criminal justice system was not merely infected with racial bias. Rather, the system itself was a means of social control.[322] Alexander reveals that she previously heard such ideas expressed by "radical groups" or coworkers who thought the War on Drugs was a conspiracy to put

[320] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 1st ed. (New Press, The, 2010), preface.
[321] Ibid.
[322] Ibid.

blacks in their place.[323] While not convinced at the time, she now sees a new caste system that was previously "impossible to see until its outline is identified."[324] *The New Jim Crow* is indeed a broad outline that renders visible the way mass incarceration systematically corrals those labeled as criminals into "America's new undercaste."[325]

The New Jim Crow positions the drug war as the primary factor in the escalation of incarceration. Alexander notes that the drug war has resulted in 31 million arrests and by the end of 2007, seven million Americans were behind bars, on probation or on parole.[326] The latter figure is significant as it demonstrates the reach of the criminal justice system as a means of social control. In addition, she details what scholars have called "invisible punishment" and "collateral consequences" associated with felony convictions long after the sentence has been served.[327] In particular, Alexander's focuses on the way in which the label of felon, prevents access to the right to vote, employment, public housing, food stamps and professional opportunities. The legal framing of Alexander's eschews long-standing debates about the "underclass" in favor of the production of an "undercaste." She states, "What is completely missed in the rare public debates today about the plight of African Americans is that a huge percentage of them are not free to move up at all. It is not just that they lack opportunity, attend poor schools, or are plagued by poverty. They are barred by law from doing so."[328] Thus, the label of felon is the return of legalized discrimination.

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[323] Ibid. p. 5.
[324] Ibid. 12.
[325] Ibid. p. 13.
[326] Ibid. p. 59.
[327] See Marc Mauer and Meda Chesney-Lind, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New Press, 2003), Devah Pager, *Marked: Race, Crime and Finding Work in an Era of Mass Incarceration* (University of Chicago Press, 2007), Dorothy E Roberts, "Social and Moral Cost of Mass Incarceration in African American Communities, The," *Stanford Law Review* 56 (2004 2003): 1271.
[328] Alexander, *The New Jim Crow,* p. 13.

The New Jim Crow grounds this new form of legalized discrimination in a political history that foregrounds the centrality of race for American democracy. Critical to Alexander's analysis is the perennial forms in which dominant whites achieve "a new racial equilibrium, a racial order that would protect their economic, political, and social interests in a world without slavery."[329] She positions the "birth of mass incarceration" in the backlash to the Civil Rights Movement through and exacerbated by globalization and deindustrialization. Moreover, Alexander chronicles the critical role of the Supreme Court in facilitating the drug war including "eviscerating Fourth Amendment protections against unreasonable searches and seizures by the police."[330] More importantly, she details the way that the criminal justice system has effectively immunized itself from legal challenges. She notes in *McClesky v. Kemp* the Supreme Court ruled that "racial bias in sentencing, even if shown through credible statistical evidence, could not be challenged under the Fourteenth Amendment in the absence of clear evidence of conscious, discriminatory intent."[331] The effect of this precedent she argues, is that no "single successful challenge has ever been made to racial bias in sentencing under *McClesky v. Kemp* anywhere in the United States."[332] That the question of intent was privileged as opposed to harm will prove to be an important point in relating the New Jim Crow to necropolitics.

The New Jim Crow consistently maps the similarities and differences between Jim Crow segregation and mass incarceration as two systems of social control. However, Alexander is explicit in her use of Jim Crow as an analogy. She even argues that those

[329] Ibid. p. 32.
[330] Ibid. p. 60.
[331] Ibid. p. 106.
[332] Ibid. p. 112.

"who claim that mass incarceration is 'just like' Jim Crow make a serious mistake.[333] The primary mistake being a preoccupation with racial hostility instead of racial indifference defined as a lack of care and compassion about a racial group. The effect Alexander fears is the potential loss of allies if they are made to believe racism manifests itself only in its most, explicit virulent forms. As such, the *New Jim Crow* focuses a great deal on articulating what Eduardo Bonilla-Silva theorized as "color-blind racism"[334]as an important component of mass incarceration. The key to Alexander's use the term is not an historical equivocation with an earlier historical period. Rather it is an image intended to politically mobilize pubic opinion among those who care about social and racial justice in America. *The New Jim Crow's* final chapter argues for the necessity of changing public consensus six times culminating with the following claims:

> Those who believe that advocacy challenging mass incarceration can be successful without overturning the *public consensus* that gave rise to it are engaging in fanciful thinking, a form of denial.[335] (emphasis added)
>
> And,
>
> If the way we pursue reforms does not contribute to the building of a movement to dismantle the system of mass incarceration, and if our advocacy does not upset the prevailing *public consensus* that supports the new caste system, none of the reforms, even if won, will successfully disrupt the nation's racial equilibrium.[336] (emphasis added)

Thus, I have employed the image of the New Jim Crow here to display the role of necropolitics in maintaining the social agreements or public consensus that occasions mass incarceration.

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[333] Ibid. p. 197.
[334] See Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America*, 2014.
[335] Ibid. p. 222.
[336] Ibid. p. 224.

II. Necropolitics

Michel Foucault, a French social theorist, famously described the transformation of sovereignty from the "ancient right to *take* life or *let* live" to "the power to *foster* life or *disallow* it to the point of death."[337] This power was constituted through two poles, the anatomo-politics of the human body and biopolitics of the population.[338] The former focuses on the body as a machine through "disciplining, the optimization of its capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility, its integration into systems of efficient and economic controls."[339] The latter, focuses on the species body that is "imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and morality, the level of health, life expectancy and longevity, wit all the conditions hat can cause these to vary."[340] Finally, Foucault claims that the "disciplines of the body and the regulations of population constituted the two poles around which the organization of power over life was deployed."[341] The techniques for regulation of the population are the techniques of governance. It is important to note here Foucault's goal of articulating a concept of power beyond the model of the lawgiver that negates, represses, denies, and prohibits. Rather, biopolitics conceives of power as productive and generative. If juridical power was invoked in response to individual acts, biopolitics concerns itself with individual lives. For our purposes however, it is important to note Foucault's claim that in modern societies juridical power is embedded within biopolitics becoming a technique of

[337] Michel Foucault and Robert Hurley, *The History of Sexuality: An Introduction.* (New York: Vintage Books, 1990), p. 138.
[338] Ibid. p. 139.
[339] Ibid.
[340] Ibid.
[341] Ibid.

discipline and governance.[342] However, the religious situation of mass incarceration, as detailed in the last two chapters, displays the organization of the power of death as a technique of discipline as well as governance, effectively constituting a necropolitics. I argue that the image of the New Jim Crow discloses the way in which necropolitics mediates between juridical power and mass incarceration.

Necropolitics is a concept recently taken up by a number of scholars.[343] Theologian Marl Lewis Taylor draws on Achille Mbembe's claim that necropolitics is "the general instrumentalization of human existence and the material destruction of human bodies and populations."[344] Moreover, Taylor rightly notes Geographer Ruth Wilson Gilmore's contribution to the definition of necropolitics as "state sanctioned or extra –legal production of group differentiated vulnerability to premature death."[345]Moreover, Taylor argues that the American public is constituted by and an assemblage of regimes of social control that mark mass incarceration, migration, indigenous land confiscation and U.S. imperial interests through foreign policy.[346] The account of necropolitics given here will focus on four related and mutually reinforcing claims. The first is that our religious situation in America is defined by a neoliberal political economy. Second, this neoliberal economy is grounded in a history of anti-black racism whose sumptuary codes legitimate the disciplinary power upon black bodies

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[342] Ibid. p. 144.
[343] See, Achille Mbembe, "Necropolitics," *Public Culture* 15, no. 1 (December 21, 2003): 11–40, doi:10.1215/08992363-15-1-11, Henry A. Giroux, "Reading Hurricane Katrina: Race, Class, and the Biopolitics of Disposability," *College Literature* 33, no. 3 (July 1, 2006): 171–196, "Necrologies, or the Death of the Body Politic," in Patricia Ticineto Clough and Craig Willse, *Beyond Biopolitics: Essays on the Governance of Life and Death* (Durham: Duke University Press, 2011), Mark Lewis Taylor's "Beyond *Only* Difference: Necropolitics, Racialized Regimes, and U.S. Public Theology," in Harold J Recinos, *Wading Through Many Voices Toward a Theology of Public Conversation* (Lanham, Md.: Rowman & Littlefield, 2011), Taylor, *The Theological and the Political*.
[344] Recinos, *Wading Through Many Voices Toward a Theology of Public Conversation*, p. 237.
[345] Ibid, p. 249.
[346] Ibid. p. 238-244

and the tactics of governance that regulate the black population. Third, Necropolitics instrumentalizes social death and the threat of actual death through juridical power that occasions mass incarceration. Fourth, necropolitics discloses its generative and productive power as prisons serve as both objects of capital investment as well as regulate the social consequences of neoliberalism. At this point I turn to HBO's television drama *The Wire* as a representation of the dynamics of necropolitics and mass incarceration.

III. Necropolitics and *The Wire*

The Wire has already circulated within American culture as an important site of critique. *The Wire's* relevance for scholars was minted when Harvard University sociologist William Julius Wilson argued, "*The Wire's* exploration of sociological themes is truly exceptional. Indeed I do not hesitate to say that it has done more to enhance our understandings of the challenges of urban life and urban inequality than any other media event or scholarly publication, including studies by social scientists."[347] Indeed, although *The Wire* is fiction, many of the characters are composites of the individual lives David Simon chronicled during his twelve-year tenure at the *Baltimore Sun*.[348] However, I argue

[347] "HBOs The Wire: Racial Inequality and Urban Reality," April 4th, 2008 at the Hutchins Center for African & African American Research. See, http://dubois.fas.harvard.edu/video/hbos-wire-racial-inequality-and-urban-reality-william-julius-wilson

[348] For example, David Simon wrote a five-part series for the *Baltimore Sun* on Little Melvin Williams, a drug lord in the 1980's who experienced a religious conversion in prison. Williams would go on to play the Deacon in *The Wire.* See Van Smith, "Redemption Song and Dance: Little Melvin Is Not The Deacon He Played on The Wire," *City Paper Baltimore*, March 19, 2008. In addition, Stringer Bell is likely a composite of Baltimore drug dealers Stringer Reed, Roland Bell and Kenneth Jackson. Such claims must be made carefully as a cottage industry has grown up around "the real" figures and stories behind *The Wire* (some supported by public officials in Baltimore). See Jeffrey Anderson, "Last Word," *City Paper Baltimore*, April 29, 2009, http://www2.citypaper.com/story.asp?id=17966.

that *The Wire* should not be viewed merely as a visual form of vulgar positivism.[349] Rather, *The Wire* is valuable in its artistic rendering of our religious situation that contextualizes prisons and jails within a neoliberal political economy.[350]

In Season 1's episode entitled "The Pager," Russell "Stringer" Bell, drug kingpin Avon Barksdale's second in command, visits D'Angelo Barksdale in "the Pit" located at the low-rise towers. The scene sets up an important relationship between space and hierarchy. "The Pit" is the place youth in the neighborhood are schooled in the drug trade and hope to rise in the organization eventually working in the high-rise Franklin Towers. Moreover, "the Pit" represents an important relationship in the necropolitics of *The Wire*. "The Pit" marks the intersection of illegal *private* capital accumulation through an illegal drug trade, the *public* housing in which it flourishes, as well as the *publically* financed juridical and disciplinary power that contains it, thus preserving key public space for *legitimate* private enterprise. D'Angelo, Avon's cousin, has recently been demoted to the low-rise units from the Franklin Towers until he can prove himself. Bell's visit is prompted by a recent robbery of their stash house by a stick up crew as well as a raid by the police.

Stringer teaches D'Angelo Barksdale how to ferret out a snitch. Stringer

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[349] For an excellent account of thinking about *The Wire* and ethnography see Linda Williams, "Ethnographic Imaginary: The Genesis and Genius of The Wire," *Critical Inquiry* 38 (Autumn 2011): 208–224.

[350] Contemporary representations of prisons and prisoners in series such as HBO's *Oz*, MSNBC's *Lockup*, and Netflix's series *Orange is the New Black* have the virtue of rendering the prison as a "total institution," which sociologist Erving Goffman popularized as "a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life." See "On the Characteristics of Total Institutions," in Erving Goffman, *Asylums* (Doubleday, 1990). Scholar and activist Angela Davis argues that popular culture has contributed to the perception of prisons as familiar and inevitable even during the unprecedented rise of mass incarceration. See Angela Yvonne Davis, *Are Prisons Obsolete?* (Seven Stories Press, 2003) p. 18. Finally, such series participate in a long history of genres that features prison life. For an excellent overview of such popular representations and their relationship to society see, Bill Yousman, *Prime Time Prisons on U.S. TV: Representation of Incarceration* (New York: Peter Lang, 2009).

instructs D'Angelo that when the next payday comes the crew is not to be paid based on their poor performance. D'Angelo's response is one of puzzlement, as he doesn't think the crew will work if they don't get paid. Stringer, laughing, looks around and points to the towers while asking D'Angelo if he thinks they will simply leave, get another job, or go to college. He assures him that they may "buck a little" but they're not going to walk. Stringer wants D'Angelo to wait until they are desperate enough to begin asking for an advance. At that point he explains that the worker who is not asking for help, the "one who is still eating," is the snitch. D'Angelo's responds, "You know how to play a nigga into a corner, String."[351]

The exchange demonstrates Stringer's "stock of knowledge," the deeply sedimented experiences that allow us to accomplish goals in different situations. Any given stock of knowledge is already constituted by and limited by the spatial, temporal and social stratifications of the life world. In addition, the limits and potential in a given situation is also constituted by personal biography, which may give rise to novel forms of deliberation, reflection, and projection into the future.[352] Stringer's mastery of the given situation allows him to predict the actions of his workers based on the novel and stable aspects of their situation. The novel aspect being the withholding of pay and the limited economic and educational opportunities constituting what is experienced as stable. In this exchange, D'Angelo's stock of knowledge has increased giving him further mastery of his situation as well as garnering respect. This relationship between stock of knowledge and the discernment of possibilities within a situation resonates with the work of sociologist Alford Young. Young's work is important in interpreting the narrative arc

[351] *The Wire: The Complete Series* (HBO Studios, 2011), Season 3. Episode "The Pager."
[352] Alfred Schutz and Thomas Luckmann, *The Structures of the Life World V. 1* (Northwestern University Press, 1980), p. 99-115.

of Bell's

character and his significance for understanding the necropolitics of *The Wire*.[353]

The Minds of Marginalized Black Men: Making Sense of Mobility, Opportunity, and Future Life Chances is an ethnography of the ways that black men think about their own lives in relationship to American society. Young's study moves the study of black men beyond the methodological assumption that a person's views the future can be simply derived from their actions. Young states, "the fact that an individual is chronically unemployed and does not go to work on a regular basis (his behavior) tells us nothing about the complexity of his thoughts on the intricacies of the modern labor market (his thoughts).[354] A key finding from Young's study is that degrees of social marginalization of black men had a significant impact upon their understanding of broader social forces and how they framed their aspirations. The men who experienced the most severe social isolation maintained the strongest sense of American styled individualism where mobility was almost exclusively tied to individual effort and initiative.[355] Moreover, they lacked the experiences that interpret the relationship between broader social forces and their relationship to issues of mobility. Men who experienced marginal social connections articulated the impact of race and class as well

[353] Although space does not permit a full treatment here, it is important to note that while Alford Young Jr.'s work displays a conceptual debt to Alfred Schutz, he eschews the term stock of knowledge. Rather he employs Pierre Bourdieu's concept of habitus as well as human capital, financial capital, cultural capital, and social capital. I have chosen to retain Schutz's term stock of knowledge for the consistency is using social phenomenology as well as to avoid confusion in how the term human capital is employed in discourses around neoliberalism.

[354] Alford A. Young, Jr., *The Minds of Marginalized Black Men* (Princeton University Press, 2006), p. 10.

[355] Young also cites the research of sociologist Carla O'Connor who research focues on African American high school students' views about achievement. She finds that most students do not either fully reject of accept dominant societal narratives about mobility but rather create "co-narratives." Thus, their views contain complexities beyond what may be termed mainstream or counter-narrative.

as how judgments of those in positions of power can affect the individual initiative.[356] The men with the most extensive social experiences beyond their neighborhood were the most articulate about potential barriers, obstacles and oppression.[357] They routinely emphasized the value of defending personal and collective interests. In addition, they articulated the relationships of blacks and whites as well as rich and poor as being in a state on ongoing conflict. Young states, "These men held that in order to engage mobility from a subordinate position one had to consciously and assertively confront power and status differentials in a warlike fashion."[358]The relationship of social marginalization and necropolitics is displayed in the evolution of Stringer Bell.

In Season 3's Episode "Middle Ground" Bell has slowly been consumed by the idea of being a businessman as a way out of the day-to-day routine of defending corners from rival gangs and upstart drug lord Marlo Stansfield (whose Stansfield Organization eventually finds itself in a turf war with the Barksdale Organization after their business is disrupted by the city's demolition of Franklin Towers). Bell begins taking courses in economics at a community college and using the economic language of elasticity to interpret the difference between his involvement in the drug business and their legitimate front at the Copy Cat print shop. Bell begins to make inroads into real estate through B&B Enterprises. More importantly, he continues to try and persuade Avon that there are games "beyond the Game" if they could "handle this shit like businessmen. Sell the shit, make the profit, and later for that gangster bullshit."[359] Bell also attempts to convince Avon not to go to war against Marlo over corners in favor of participation in the

[356] Ibid. p. 145.
[357] Ibid. p. 149.
[358] Ibid.
[359] *The Wire: The Complete Series* (HBO Studios, 2011), Season 3. Episode "Time After Time."

New Day Co-Op with Joseph "Proposition Joe" Stewart, another drug kingpin that favors peaceful resolution to conflict. Bell argues, "The fact is we got every mob in town, East Side, West Side, ready to pull together, share territory on that good shit, man. Like we find us a package and we ain't got to see nothing but bank. Nothing but cash. No corners, no territory. Nothing."[360] Stephen Lucasi rightly notes that "Stringer's 'nothing but cash' mantra emerges logically from the culture of monetarism—of cash without territory or industry--that has eviscerated West Baltimore neighborhoods formerly reliant on employment in the manufacturing sector."[361] Thus, Bell is caught in the contradictions of necropolitics, having to adopt a perspective that legitimated the economic disinvestment that occasioned the flourishing of the illegal drug trade and its attendant violence. While Bell is increasingly vocal regarding his business perspective his aspirations are also curtailed by the experience of social marginalization.

In Season 3 Stringer is consistently seen dressed in slacks, a button down shirt, a construction hat or a suit and tie. Such cosmetic changes however will prove to be no substitute for the acquisition of a stock of knowledge. As B&B Enterprises attempts to build condominiums in the city's new empowerment zones, Bell is increasingly frustrated with the realities of cost overruns, grant writing and the social cues of corporate culture. This becomes painfully clear as Stringer learns through his attorney Maurice Levy that State Senator R. Clayton "Clay" Davis, a corrupt politician who promised state contracts for B&B in exchange for money, has exploited him. In addition to Bell's shock that Davis would be so brazen as "to run game," the logic of the conversation turns on appearances. Bell sees federal grants announced in the newspaper but sees no payout to

[360] *The Wire: The Complete Series* (HBO Studios, 2011), Season 3. Episode "Homecoming."
[361] Tiffany Potter and C. W Marshall, *The Wire Urban Decay and American Television* (New York: Continuum, 2009), p. 141-142.

B&B. He gives money to Davis but does so without actually seeing money exchange hands with anyone in authority. He watches Chunky Coleman receive grants and assumes it was a bribe. Levy tells Bell "Chunky Coleman gets his money like everyone else. He fills out his application, makes sure his buildings meet spec, and then he prays like hell."[362]Bell whose mastery of the drug business and his social situation previously taught D'Angelo how to ferret out a snitch based on appearances, "that one that's still eatin," has now been taken advantage of due to an inadequate stock of knowledge for a new situation.

Bell's realization enrages him to the point of ordering Slim Charles, an enforcer for the Barksdale Organization, to order a hit on Clay Davis. Startled by the request, Slim responds, "*the* Clay Davis, downtown Clay Davis, yo String…murder ain't no thing, but this here is some assassination shit."[363] Their exchange is important as issues of race, class, gender, status and space are structured by necropolitics. Slim Charles and Avon Barksdale articulate their own discernment of the possibilities and limits within the dynamics of necropolitics and juridical power. They remind Bell that when a body drops in their neighborhood its murder, but when it is a state Senator, it's an assassination. Again, Avon reiterates the issue of their stock on knowledge by stating that to put a hit on Clay Davis requires not a "rough and tumble Nigga," but a "Day of the Jackal" like assassin. The Point is brought home when Avon states, "I told you about playing those away games!" This opens up a deep rift in which Bell and Avon's interests are irreconcilable. Bell begins to take steps toward giving the police information about Avon. The metaphor of the "game" is a prevalent one in *The Wire.* Here Avon has

[362] *The Wire: The Complete Series* (HBO Studios, 2011), Season 3. Episode "Middle Ground" at 3:11.
[363] Ibid. (17:02)

articulated the everyday taken for granted understanding of the politics of death that structure the drug trade. At this point, it is necessary to frame the way in which violence is framed within necropolitics.

III. Necropolitics, Violence and the City

In interpreting *The Wire* is important to note the main character in the drama is the city itself, with Baltimore serving as archetype of the urban city. David Wilson's *Inventing Black-on-Black Violence* is a key resource in understanding the generative power of necropolitics to pattern the disproportionate impact of the War on Drugs in black communities. Wilson notes that black youth in particular were part of the explanatory reasons for the decline of U.S. cities as the centers of "profit accumulation and symbolic American values."[364] The primary tool to address the post World War II economy was suburbanization. Wilson argues:

> As now chronicled, a mind–boggling set of government supports fueled this unfolding: Federal Housing Administration and Veterans Affairs mortgage loan program, the secondary mortgage market, thrift lenders, the Federal Deposit Insurance Corporation, and local tax abatement programs. Each helped make spaces that could seamlessly absorb new investment and traditional bourgeois values. These programs and policies fueled consumption of land and housing, production of buildings neighborhoods, and reproduction of *existing social relations*. (emphasis added)[365]

Blacks and other minority youth were offered as the primary reason for the decline of city due to their inability to adjust to the complexities of urban life. Moreover they were seen as "contagious and repulsed non-poor blacks, industrialists and investors."[366] This is an important moment of what Sartre calls "bad faith," that is, something proceeds by being

[364] David Wilson, *Inventing Black-on-Black Violence* (Syracuse University Press, 2005), p. 21.
[365] Ibid. p. 23.
[366] Ibid. p. 24.

what it is not and not being something that it is.[367] In this case suburbanization proceeds by being what it is not, economic prosperity as the sole result of cultural values and ghettoization proceeds by not being what it is, economic decline as sole result of cultural values. Moreover, this represents the use tactical use of juridical power to support a political economy and its reproduction of social relations structured by sumptuary codes. These tactical interventions however did not signal the complete abandonment of the city as a potential economic engine. The pursuit of public housing and urban renewal would serve as a complementary government tactics to recapture the urban economic base.

Public housing, which began in the 1930s would receive new energy through the fear associated with declining cities and problem populations. From 1949 to 1967 more than 600 public housing projects were begun in over 700 cities with 450 built by 1970.[368] The effects were immediate. Wilson writes:

> But the program offered with much fanfare soon blew up in the government's face. As early as the late 1950s, public housing was being criticized by both conservatives and liberals as slum-sustaining, paternalistic and welfare-perpetuating. It flagrantly isolated and stigmatized poor people to a degree that embarrassed politicians. But because public housing so effectively walled off 'dangerous' and 'property-value-threating' people, a perceived necessity by growth elites in cities, its use continued. Never had such an unpopular program but functionally efficient program gone so far.[369]

This tactical intervention however could not completely "wall off" all of the social consequences that it produced. A key aspect of regulating a population is the information that is produced about the population. The representations of violence and death serve as knowledge that often legitimates the social agreements that drive juridical power.

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[367] Jean-Paul Sartre, *Essays In Existentialism* (Citadel, 2000), p. 150-152. For additional work on bad faith and anti-black racism see Lewis R. Gordon, *Bad Faith and Antiblack Racism* (Humanity Books, 2007).
[368] Wilson, *Inventing Black-on-Black Violence*, p. 25.
[369] Ibid.

In the early 1980s a particular representation of animality, criminality and urban spaces congealed into a discourse regarding "black-on-black violence." In 1982 the phrase was used in 4.5% of all articles addressing violence in the black communities. By 1986, it has risen to 44.5%. Thus, "black-on-black violence" effectively positioned the problem of violence in black communities as a problem of "blackness" and not "violence" thus shielding America's political economy and its social agreements from culpability. Necropolitics generates the knowledge to legitimate disinvestment as well as the knowledge to legitimate the discipline, punishment and regulation of its effects. In the production of knowledge that is used to organize the power of death, statistics plays a central role. The discourse of "black-on-black violence," co-present with the mythology of crack cocaine analyzed in a previous chapter, is a powerful repetition of the cultural logic that weaves together race, crime and statistics.

In *The Condemnation of Blackness*, Khalil G. Muhammad states, "With the publication of the 1890 census, prison statistics for the first time became the basis of a national discussion about blacks as a distinct and dangerous criminal population."[370] Against the backdrop of the Civil War and Reconstruction, the census was used to assess the progress of African Americans in a post-slavery era.[371] The realities of racialized laws, discriminatory punishments, convict leasing, and extra legal lynching were obscured as crime statistics were presented as objective and color-blind. These new statistics provided a discourse in which to debate the "appropriate levels of African American access to the social and economic infrastructure of the nation."[372] Thus, ideas

[370] Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Harvard University Press, 2010), p. 3.
[371] Ibid.
[372] Ibid.

of natural inferiority that legitimated natural inequality during slavery would be re-encoded through statistics about black criminality as "the Negro Problem" post-slavery. Thus the significance of the statistical data was understood, through the deeply sedimented meanings contexts associated with black criminality and inferiority.

Two contexts of meaning, the cause of crime and the responsibility of society, are important for the argument advanced here. The first meaning context compared criminal statistics between the categories of *Foreign-born* and *Negro*. Muhammad notes that progressive era white social scientists and reformers interpreted the *Foreign-born* criminals as victims of industrialization, while black criminals were considered self-destructive and pathological.[373] Charles R. Henderson, a University of Chicago social scientist expressed this view arguing that immigrant crime is not the evil that "statistics carelessly interpreted might prove" but that black crime was a matter of "racial inheritance, physical and mental inferiority, barbarian and slave ancestry and culture."[374] The net effect of this first discourse was to re-inscribe the former perception of blacks into another classificatory scheme by which to produce racial knowledge. This racial knowledge forged through racial criminalization continued to solidify race as a deeply sedimented category, which justified discriminatory practices as well as racial violence in the name of public safety.[375]

Frederick L. Hoffman,[376]who studied mortality among whites in 1893, a year in which suicide among whites was on the rise, exemplifies the second meaning context, the

[373] Ibid. p. 8.
[374] Ibid. p. 7.
[375] Ibid. p. 4-5.
[376] Ibid. p. 35. Fredrick L. Hoffman's *Race Traits and Tendencies of the American Negro* was the first text to include nationwide statistical data on black criminality and was a critical in solidifying the role of criminality in race-relations discourse.

responsibility of society. Hoffman argued that this alarming rise in suicides was due not to their own vices but to "the state of society into which the individual is thrown."[377] A critical aspect of Hoffman's research is his understanding of the role of social sciences in relationship to the state. He states, "The study of statistics of suicide, madness, and crime is of the utmost importance to any society when such abnormal conditions are on the increase" and "when such an increase has been proved to exist, it is the duty of society to leave nothing undone until the evil has been checked or been brought under control."[378] Hoffman's work attempted to undermine the abolitionist claims regarding the effects of religion and education. Hoffman acknowledged that increasing number of blacks attending school and church while arguing "neither religions nor education has influenced to an appreciable degree the moral progress of the race. Whatever benefit the individual colored man may have gained from the extension of religious worship and educational processes, the race as a whole has gone backwards rather than forwards."[379] Finally, Hoffman's research was influential in interpreting the migration of blacks to the northern cities as a serious threat to advancement of the white race. The result as Muhammad succinctly states is the "nationalization of the Negro Problem."[380]

The implications of this particular moment in which the blacks as a race were represented as inferior through crime statistics are numerous. First, ideas of racial inferiority were reproduced through culture as opposed to biology. As such, black crime was constructed as a cultural problem whereas crime among 'foreign born' and whites was a societal problem. The latter legitimated societal empathy and investment whereas

[377] Ibid. p. 40.
[378] Ibid. p. 41.
[379] Ibid. p. 52.
[380] Ibid.

the former warranted punishment, confinement and disinvestment. When viewed from the standpoint of necropolitics, this moment produced a cultural logic that paired blackness with criminality; individual acts with enduring cultural traits and racial fantasy with scientific objectivity expressed through statistical knowledge. This knowledge is then instrumentalized through juridical power to fuels mass incarceration. Foucault, theorized that within biopolitics, juridical power begins to respond to the life of the individual and not merely to a criminal act. I argue that necropolitics is the inversion of this formula. In necropolitics, juridical power erases the individuality of the juridical subject. Thus, the logic of mass incarceration begins with the "massification" of juridical power. Thus, laws such as mandatory minimum sentencing prevent judges from actually engaging in the act of judgment. The effect is to render individual cases as merely instances of a population. The deeply sedimented nature of the cultural logic of necropolitics is rendered through the attempts of *The Wire*'s Stringer Bell to navigate its logic.

In one of the most overtly religious scenes in *The Wire* Major Howard "Bunny" Colvin and Stringer Bell meet at graveyard. Major Colvin, frustrated with the experience of the drug war secretly institutes a "free zone," called Hamsterdam, where drugs could be legally sold in an effort to reduce violence. The project eventually blows up in his face and becomes a political nightmare. The rich symbolism of Bell and Colvin meeting in the graveyard is that they both have tried to move beyond the way necropolitics has structured their respective "games." Stringer acknowledges to Colvin that the Hamsterdam experiment is the reason why he reached out to him. Both Stringer and Colvin share the ideal of establishing the drug trade as pure business, without

violence, bodies and turf wars. As a consequence, both are headed toward very different forms of death. In their meeting, Bell gives information to Colvin regarding the location of a safe house containing illegal weapons being used in an ongoing turf war. When Colvin asks Bell if Avon has done something to him to give up his longtime friend and partner, Stringer's response is, "Nah, it's just business."

The Wire weaves together the actual death of Bell and the symbolic death of Major Colvin. Bell faces a literal firing squad comprised of Brother Mouzone, a well-dressed bow-tied hitman from New York and Omar Devone Little, an openly gay, stick-up man who refuses to use profanity and only robs those in the drug trade. Major Colvin faces a firing squad of his commanding officers Commissioner Ervin Burrell and Deputy Commissioner William Rawls. The last words on both of their lips of Bell and Colvin are "get on with it mutha--," but before they can finish Deputy Commissioner William Rawls sarcasm and the bullets of Omar and Mouzon have the last word. Stringer Bell is dead. Major Colvin is no longer a police officer.

After his death, Detective James "Jimmy" McNulty, who has been obsessed with bringing down the Barksdale Organization and William "The Bunk" Moreland visit the home of Stringer Bell. They are genuinely surprised at the aesthetics of Bell's apartment that include samurai swords, paintings, wall fountains, sculptures, and Persian rugs. McNulty asks, "This is Stringer's?" Then McNulty moves over to a shelf of books and grabs a volume. The scene focuses in on McNulty face as he wonders out loud "Who the fuck have I been chasing?" The scene pans down and lingers on the title of the book he is holding in his hand: *The Wealth of Nations* by Adam Smith.

The image of McNulty holding this book symbolizes the contradiction of the

war on drugs within necropolitics. The political economy he is sworn to protect is also the one that produces Stringer Bell.[381] Stringer Bell emerges as the preeminent American neoliberal subject. Mark Anthony Neal, a cultural studies scholar, rightly notes that "Of *The Wire's* many characters, Bell is the one who seems most emblematic of the American Dream" and is "largely responsible for managing Barksdale holdings, which during the first season include a strip club, a towing company, a warehouse, a print shop, and an apartment complex."[382] As a the face of neoliberalism Bell has sacrificed all meaningful relationships in pursuit of further markets, the "games" beyond the drug game. The violence that Bell uses in search of markets is deeply rooted deep in the American mythos. Cultural Historian Richard Slotkin argues that the American mythos is "the myth of the essential white America. All the other stuff, the love, the democracy, the floundering into lust, is a sort of by-play. The essential American soul is hard, isolate, stoic, and a killer. It has never yet melted."[383] As a black American neoliberal subject however, Bell is unable to fulfill the archetypal role as he is still impacted by the structures of race, gender, class, and region. Bell's social marginalization and involvement in the drug trade prevents him from achieving the recognition he desires as a legitimate businessman. The logic of violence that gave Bell respect in the drug trade is unable to restore the financial and social respect lost to Clay Davis. More importantly, Bell abandoned the moral code undergirding the illegal violence of the drug trade, making him a "man without a country."[384] In addition, the ability of Bell to escape arrest

[381] While Adam Smith's *The Wealth of Nations* is known for theorizing mercantilism, the text continues to signify contemporary formations of capitalism in popular culture.
[382] Mark Anthony Neal, *Looking for Leroy Illegible Black Masculinities* (New York: New York University Press, 2013) p. 100.
[383] Richard Slotkin, *Regeneration through Violence: The Mythology of the American Frontier, 1600-1860* (Norman: University of Oklahoma Press, 2000), p. 466.
[384] *The Wire: The Complete Series* (HBO Studios, 2011), Season 3. Episode "Homecoming."

by McNulty and find common ground with Colvin represent *The Wire's* sustained critique of the failure of the War on Drugs. The mediation of necropolitics in the circuit of juridical power and mass incarceration within our religious situation is disclosed in the relationship of sentencing and policing.

IV. Necropolitics, Drug Markets and Policing

In chapter 1, I argued that the mythology of crack cocaine was a repetition of sedimented beliefs about blacks as animals and criminals. Here, I argue that that effect of such cultural logics is a punishment and policing structure that fuels mass incarceration constitutive of necropolitics. Thus, in the necropolitics within our religious situation crack cocaine is a commodity with social, symbolic, juridical and economic significance.[385] More importantly, criminologist Dimitri Bogazianos, drawing on the work of Raymond Williams, argues that crack cocaine represents a "criminological structure of feeling" that gives meaning and value to a generation in a period of time. In addition, he argues that this time period, the crack era, represents the "lethal core" of cracks structure of feeling due to its association with the number of homicides.[386] While his work investigates rap music as a primary site to examine crack's structure of feeling, this structure can be witnessed in a 2002 interview with the late singer and actress, Whitney Houston.

Diane Sawyer of ABC's *Primetime Special Edition* interviewed Whitney Houston

[385] Scholars such as Michelle Alexander and Bogaziamos acknowledge that the War on Drugs had already been declared prior to the emergence of crack.
[386] Richard Slotkin, *Regeneration through Violence: The Mythology of the American Frontier, 1600-1860* (Norman: University of Oklahoma Press, 2000). Bogaziamos is not specific regarding the cause of the homicides referenced. However, given the overall tenor of the argument it appears that a significant portion of this number is associated with the market activities of crack cocaine.

after a number of public appearances in which physical weight loss gave currency to longstanding rumors of drug abuse. Sawyer's interview immediately began with an effort to ascertain the cause of her perceived weight loss; offering a number of causes such as bulimia, anorexia, and drugs, all of which Houston flatly denied. However, when Sawyer repeats a media headline "Whitney dying, Crack rehab fails" Houston becomes visibly disturbed. Houston quickly remarked, "First of all, let's get one thing straight. Crack is cheap. I make too much money to ever smoke crack. Let's get that straight. OK? We don't do crack. We don't do that. Crack is whack."[387]

The initial remark by Sawyer, "Whitney dying, Crack rehab fails" indicates the degree to which the meaning of crack signified "black and poor" as opposed to the emergence of powder cocaine among the predominantly white and wealthy in the late 1970's.[388] Thus, Houston's initial response, "Crack is cheap. I make to much money to ever smoke crack," re-establishes her status as wealthy internationally renowned entertainer. However, the tonality in Houston's voice, the flushness of her face is saturated with moral indignation. The repetition "We don't do that" indicates the moral significance crack represented. However, Houston's final punctuation "Crack is whack," originally appeared in 1986 on a two-sided mural painted by graffiti artist Keith Haring, located on 128th street in Harlem. Thus, Houston's response to Sawyer reveals a complexity in which she embraces the class stigma of crack but rejects the racial stigma of crack by revealing her awareness of its harms through a phrase originating in the black community. If Whitney Houston's interview represents the deeply sedimented symbolic

[387] "Transcript: Whitney Houston: 'I'm a Person Who Has Life'," *ABC News*, February 13, 2012, http://abcnews.go.com/Entertainment/transcript-whitney-houston-im-person-life/story?id=15574357.
[388] It should be noted that early rap artist would eventually feature powder cocaine prominently is songs such as "white lines" and names such as Kurtis Blow.

force of crack within the black community, then Len Bias would represent the fears of crack moving from the urban centers to suburbia and Middle America.

In 1986, Len Bias, a rising basketball star at the University of Maryland was drafted to the Boston Celtics died of a cocaine overdose. Although the form of cocaine Bias used was undetermined, it was widely reported that it was crack. Eric Sterling, a key figure in developing the Drug Abuse Act of 1986 reported testified before the United States Sentencing Commission "the crack cocaine overdose death of NCAA basketball star Len Bias was instrumental in the development of the federal crack cocaine laws."[389] The significance of the death of Len Bias was that it gave concreteness to the prevailing paranoia about crack spreading to middle class America. A political race ensued to find the moral and political high ground to see who could appear the toughest on drugs. The Speaker of the House of Representatives Tip O'Neill called an emergency meeting where and stated:

> Write me some goddamn legislation, he thundered. All anybody up in Boston is talking about is Len Bias. The papers are screaming for blood. We need to get out front on this now. This week. Today. The Republicans beat us to it in 1984 and I don't want that to happen again. I want dramatic new initiatives for dealing with crack and other drugs. If we can do this fast enough, he said to the Democratic leadership arrayed around him, we can take the issue away form the White House.[390]

The result was legislation that resulted in the now infamous 100-to-1 sentencing disparity where *possession* of *five* grams of crack would trigger a mandatory minimum sentence of no less than five years in prison. The same sentence would be given to someone if they were convicted of *trafficking five hundred* grams of powder cocaine. In addition, the legislation was amended in 1988 making crack the only drug for which simple possession

[389] Bogazianos, *5 Grams,* p. 32.
[390] Dan Baum, *Smoke and Mirrors* (Little, Brown, 1997), p. 225.

carried a mandatory minimum penalty.[391] More importantly, Bogazianos argues that under the "Kingpin Strategy" created by the Office of National Drug Control Policy in 1993, set up "a presumption that possession of five grams of crack cocaine meant the possessor was a trafficker."[392] The assumption was the five grams represented an intent to distribute as opposed to personal use, and that such a penalty was warranted due to the "lethal characteristic of this form of cocaine."[393]Bogazianos goes on to claim the punishment structure of crack cocaine represents one of the "most powerful symbolic demonizations in late twentieth-century America."[394] I argue that it is also a profound act of necropolitics within our religious situation.

I have previously argued that necropolitics through mandatory minimums erases the individual circumstances of the juridical subject, stripping away use of judicial discretion constitutive of the act of judgment. In the case of the crack cocaine the differences between the intentionality of real or imagined drug kingpins, retail level dealers and users is erased under the category of simple possession. More importantly, Bogazianos cites empirical research that argues that the combination of punitive sentencing and aggressive task force style policing destabilized the drug trade with the effect of *increasing* lethal violence. He notes that the Sentencing Commission has described this as a conflict between "cultural" and "entrepreneurial" violence.[395] He argues, "In effect, through the intensification of violence via market-based relations, interpersonal trust at the community level itself was corroded. Old ways of violence, although brutal to outsiders, are thought to maintain neighborhood solidarity, codes of

[391] Ibid. p. 34.
[392] Ibid. p. 35.
[393] Ibid.
[394] Ibid.
[395] Ibid. p. 45.

honor, and familial relationships. Instrumental violence, on the other hand is, corrosive."[396] This argument finds additional support in the autobiography of Sanyika Shakur (Monster Kody Scott) a former member of the Crips. Upon his release from prison in 1988, Shakur recalls:

> This new, highly explosive atmosphere was a bit frightening. It's almost as if I had contributed to a structure here, but then had somehow slept through years of is development, and now was awakening to find a more advanced, horrifying form of the reality I had known.[397]

A close friend remarked to Shakur that "capitalism has hit the gang world."[398] The implication of the increase in market-based violence is significant for necropolitics within the religious situation of mass incarceration.

The various mediating institutions of society are reproduced by and within political economy. Michel Foucault argues that such mediating institutions are formed for non-instrumental reasons such as "instinct, sentiment or sympathy."[399]He also argues that political economy presents a principle of disassociation as well due to economic individual interests. Thus, political economy is both the engine that produces the associations of civil society as well as threatens their fabric as well. The necropolitics that mediates between juridical power and mass incarceration weakens the social and professional norms of an illegal drug trade already constituted through violence. With such social norms weakened, the entrepreneurial and individual economic interest emerges with greater intensity and corresponding violence. The more violence and death

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[396] Ibid. p. 46.
[397] Sanyika Shakur, *Monster: The Autobiography of an L.A. Gang Member* (New York: Grove Press, 1993).
[398] Ibid. This change is also represented in *The Wire.* Although focused on heroin, the hierarchy around the Barksdale Organization is primarily centered around the dynamics of family structure and obligation. The upstart Stansfield Organization however is both more ruthless and organize around power and financial interest lacking an additional layer of meaning structured blood relation.
[399] Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978--1979*, First Edition (Picador, 2010).

that occurred, the more punitive expressions of juridical power and social fears legitimated more prisons. As necropolitics organizes and manages the power of death, its generative power expresses itself as profitable through the public financing as well as privatization that require the criminal actions they were designed to deter. The increased instrumental use of violence also found its mimesis in the increased market rationality of police management and militarization.

In 1982, George Kelling and James Q. Wilson formulated a theory of crime eerily similar to the well-known "slippery slope" logical fallacy, that event X will result from event Y without providing any evidence. The theory was called the "broken windows theory," a recasting of a 1969 experiment by a Stanford psychologist, that documented community responses to an abandoned car left in the Bronx and one in Palo Alto, California.[400] The article acknowledges that the car in the Bronx was pilfered within a day whereas that car in Palo Alto sat for a week. Curiously, the article mentions these brief facts without social context or analysis; the article assumes the car in the Bronx was pilfered due to the anonymity within the community and a lack of anyone caring. The article swiftly moves to make an analogy between untended cars to untended behavior. Kelling and Wilson are here worth quoting at length:

> We suggest that "untended" behavior also leads to the breakdown of community controls. A stable neighborhood of families who care for their homes, mind each other's children, and confidently frown on unwanted intruders can change, in a few years or even a few months, to an inhospitable and frightening jungle. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in. Teenagers gather in front of the corner store. The merchant asks them to move; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocery; in time, an

[400] George L. Kelling and James Q. Wilson, "Broken Windows," *The Atlantic*, March 1982, http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/2/.

> inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers.[401]

Their argument did not posit that crime automatically happens from an abandoned pieces of property. Rather, the abandoned property would increase the atomization of residents. The effect would be to decrease investment in the neighborhood as residents would no longer see their neighborhood as "home" but only "the place where I live."[402]It was this apathy that paved the way for a community to be vulnerable to criminal activity. The importance of this popular theory of urban decline was that it ended in images of persons in public spaces deemed undesirable. Sociologist Loïc Wacquant argues that the broken windows theory has never been empirically validated.[403] Yet, its impact however would be significant.

William Bratton was promoted to New York Chief of City Police in 1994 promoting the virtues of broken windows theory. In a conference delivered at the Heritage Foundation, a conservative think tank, Bratton declared, "In New York, we know who the enemy is." Bratton then defined the enemy as "the squeegee men," individuals who would begin to clean the windshields of cars at stoplights in hopes of receiving meager compensation. Mayor Rudolph Giuliani made the "squeegee men" a symbol of moral and social decline referring to them as "squeegee pests" and "vermin" in his 1993 defeat of Mayor David Dinkins.[404] The images of social and economic insecurity were effectively demonized and criminalized as leading to serious crime. These representations were coupled with zero tolerance policies promising to increase

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[401] Ibid.
[402] Ibid.
[403] Loïc J. D Wacquant, *Prisons of poverty* (Minneapolis: University of Minnesota Press, 2009), p. 15.
[404] Themis Chronopoulos, *Spatial Regulation in New York City: From Urban Renewal to Zero Tolerance* (Taylor & Francis, 2012), p. 145.

quality of life. In addition, Bratton's combined this focus on punishing petty disorders with a computerized statistical reporting system, known as CompStat. Bratton was explicit about his adoption of market rationality calling police stations "profit centers" if they reduced crime and that his command staff as efficient as any Fortune 500 company.[405] The result was a focus on entire categories of offenses rather than individual offenders. Moreover, the statistical intervention of CompStat placed enormous pressure on commanders to meet quotas affecting the everyday use of police discretion.

Sociologist Peter Moskos's *Cop in the Hood: My Year Policing Baltimore's Eastern District* provides an excellent insight to the historical effects of the peculiar combination of broken windows theory, zero tolerance policies, CompStat and use of police discretion. Moskos describes the tension between "high arrest officers" and "low arrest officers."[406] When Moskos's unit received a number of memos warning of low arrests on officer, decided that the easiest way to increase his numbers was to lock people up for violating bicycle regulations.[407] The combination of the law requiring bikes to have lights at night and the use of bikes by drug runners and lookouts late in the evening provided a perfect opportunity to increase arrests. When bicyclists were stopped for this violation and were unable to provide identification, the riders were locked up. The officer in defense of his actions stated:

> I lock up bicyclists. It's called zero tolerance. If you're biking in violation of the law, I'm going to write you a ticket…those humps [less active officers] can call me whatever they fucking want. I don't see them

[405] Wacquant, *Prisons of Poverty,* p. 17.
[406] Peter Moskos, *Cop in the Hood: My Year Policing Baltimore's Eastern District* (Princeton, N.J.; Woodstock: Princeton University Press, 2009), p. 136-142.
[407] Ibid.

> arresting Al fucking Capone. Its legal. And I'm gonna do it. If they don't want to get locked up, all they gotta do is follow the law.[408]

A number of "low arrest officers" were dismissive of his strategy remarking that it was "just wrong" or "that's not real police."[409] His sergeant however was supportive, arguing, "Look, I don't know what his motivations are. But I think it's good. He's locking people up, which is more than half the people in this squad. You think the lieutenant doesn't like those stats? It's good for all of us. And he gets a lot of CDSs [Controlled Dangerous Substances] off those lockup. Most of them are dirty. And it's all legal."[410]

A report called a "95" is an official memo that details an officers underperformance. The form was required of all police officers that had not made an arrest in a four-week work period. Moskos asked his sergeant about the significance of his record of one arrest in comparison to an officer who had made no arrests. The sergeant stated," If you make an arrest, I don't have to write a 95 on it. Now I have to write a 95. And they have to write a 95, too! This is CompStat bullshit. It's all numbers. The major goes downtown and gets grilled if they see a zero in any category. So now we can't put zeros down for anything…If I get yelled at, then I'm going to be pissed"[411] Moskos's account is significant for understanding the circulation of necropolitics.

The theory of "broken windows" and "zero tolerance" is a powerful repetition of the perennial theme of "law and order" aimed at those deemed the "enemy" and "vermin" of civil society. Moreover, the instrumentalization of policing through statistical management helped secure political legitimacy by regulating the effects of neoliberalism. Moreover, the realities of CompStat and zero tolerance feed each other

[408] Ibid. p. 140.
[409] Ibid. p. 141.
[410] Ibid.
[411] Ibid. p. 148.

providing both rational and incentive at the level of everyday interaction of police and communities that suffer from mass incarceration. The tactical use of broken windows theory was revealed when Jack Maple, close associate of William Bratton, stated, "'Broken Windows' was merely an extension of what we used to call the 'Breaking Balls' theory.'"[412] The "Breaking Balls" theory suggests that the "bad guys" could be discouraged from dong anything bad on a particular beat if they used enforcement for minor infractions pushing them to the next precinct.[413] In addition, Maple debunked the broken window theory suggesting that the article posed a rather "mystical" link between minor infractions and serious crimes.[414] Thus, the instrumentalization of arrests is an effect of the tactical recruitment of a knowledge generated within popular culture for the regulation of a population.

V. Beyond Necropolitics: The Utopian Element in *The Wire*

The Wire is often described as nihilistic and critiqued for its bleakness. Receiving less attention however are the strong utopian aspects of *The Wire*. The utopian impulses in *The Wire*, as seen through the characters of Namond Brice, Roland Wee-Bey Brice, De' Londa Brice, Howard "Bunny" Colvin, Dennis "Cutty" Wise, Michael Lee, and Kenard. Namond Brice is the son of Wee-Bey and De'Londa Brice. Namond is a young man in middle school who struggles to be respected by his father and peers while knowing that his is not cut out for the drug trade. Wee-Bey Brice, Namond's father is a loyal soldier of the Barksdale Organization. Wee-Bey is currently incarcerated for

[412] Dan Baum, *Smoke and Mirrors* (Little, Brown, 1997).
[413] Ibid.
[414] Ibid. p. 154. Also see Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Duke University Press Books, 2009), p. 263-269.

confessing to numerous murders in order to absolve other members of the organization from guilt. De'Londa Brice is Namond's mother who is financially dependent upon Wee-Bey's reputation and the ability for Namond to continue in the drug trade. Howard "Bunny" Colvin is a police officer close to retirement that laments the futility of the drug trade. Colvin is married to Lolita Colvin, a real estate saleswoman. Eventually, Howard and Lolita will adopt Namond providing new possibilities for his life. Dennis "Cutty" Wise is returning ex-offender who realizes he is no longer cut out for the drug trade. Wise continues to work odd jobs to in order to make ends meet. Avon Barksdale provides Wise with money to start a local gym for the youth in the community. Michael Lee, a friend of Namond, is a quite and intense. Lee is raising his little brother in the shadow of his mother's drug addiction and the return of his father who has abused him in the past. Kenard, the youngest primary character, is homeless and lives alone on the streets of Baltimore. Kenard's situation is highlighted in the series by not grant him a last name.

The quality of the utopian impulses in the *The Wire* are complex and contain elements described by religious thinkers Howard Thurman and Paul Tillich as well as postmodern theorist Fredric Jameson. Thurman argues that utopian thought although often dismissed, has it roots in the very structure of conscious life that "rejects the contradictions of his [sic] private and social life as being either ultimate or final."[415] More importantly, he argues that utopias in all of their varieties reveal both a judgment upon a given society as well as imagining genuine possibilities for the human spirit.[416]

[415] Howard Thurman, *The Search for Common Ground* (Friends United Press, 1986), p. 45-55.
[416] Ibid. p. 49-55.

Theologian Paul Tillich also affirmed utopian thought as constitutive of human beings.[417] Tillich emphasized the triadic nature of utopian thought that features "the corrupt present, the essentially good past and the promise of a new, better future."[418] In addition, the original meaning of utopia as "no place" serves as a negation of time and space to present both the ideal and the negatives of a given society.[419] Further, utopian thought emerges as a central theme in Jameson's account of postmodernism.[420] In particular, he argues that utopian thought, once considered mere wish fulfillment or a diversion from practical concerns now remerges as practical thinking itself is held hostage by the logic of late capitalism.[421] Furthermore, the utopian for Jameson is an indication of the dishistoricizing aspects of postmodernity. Thus, the transformed social and political relationships that characterize utopian visions are projected onto a particular space or landscape, as well as human bodies.[422]

Within the necropolitics of the New Jim Crow, *The Wire's* utopian projections are inscribed upon the City of Baltimore and the body of Namond Brice. Moreover, the triadic nature of utopian thought in which an imagined past and future are correlates are not entirely absent from *The Wire*. Co-producer Ed Burns, a 20-year veteran of the Baltimore Police Department who became a schoolteacher states, "We wanted to take a look at where the Barksdales came from…Where do the drug dealers and the drug addicts

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[417] See "On the Boundary of Utopia and Politics" by Ronald H. Stone in Russell Manning, *The Cambridge Companion to Paul Tillich*, 1st edition (Cambridge University Press, 2012), p. 209.
[418] Ibid.
[419] Ibid. p. 209.
[420] Fredric Jameson, *Postmodernism, Or, The Cultural Logic of Late Capitalism* (Duke University Press, 1991) Jameson capitalizes use of "Utopia" is capitalized. Since the account here draws on multiple sources I chosen the use lowercase for consistency. For additional postmodern account of utopia *see* "Part 3: The Utopian Moment" in David Harvey, *Spaces of Hope* (University of California Press, 2000).
[421] Fredric Jameson, *Marxism and Form: Twentieth-Century Dialectical Theories of Literature* (Princeton, N.J.: Princeton University Press, 1974) p. 111.
[422] Jameson, *Postmodernism, Or, The Cultural Logic of Late Capitalism,* p. 160.

come from? That brought us to the schools and it brought us to the middle school…the logic of looking back into the young people to see what determines why young kids grow up to be Stringer Bells and Marlo and Chrises."[423] The inspiration for Season 4 is a question of origins, an etiology of the necropolitics that shape Namond Brice.

Namond is the son of De'Londa Brice and Wee-Bey Brice, an enforcer for the Barksdale organization. While Wee-Bey is incarcerated for confessing to numerous murders, De'Londa encourages Namond to follow his father's footsteps in the drug game. De'Londa's lifestyle has been supported by the Barksdale organization and when Brianna cuts her off she pressures Bodie to give Namond his own package. De'Londa serves as a key mediating figure between the realities of the drug trade and one aspect of what James Braxton Peterson rightly calls "corner-boy masculinity."[424]Namond suffers emasculation from his peers when they find out his mother "spoke for him" to Bodie in order to increase his business.[425] Kenard who works for Namond begins to lose respect for Namond when he display's generosity to Michael's mother who comes to him in need of drugs but cannot pay. Namond is caught in the repetition of the necropolitics "defined by the need to avoid the possibilities of life as well as the possibilities of death."[426]

Namond is well aware of the "code of the street" that rewards performances of hyper-masculine strength and signs of weakness can be both life threatening as well as compromise financial success. Namond is able to keep up appearances, until a real

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[423] Bret McCabe, "Back to School: *The Wire* Fourth Season Is For the Children," *Baltimore City Paper*, August 30, 2006, http://www2.citypaper.com/news/story.asp?id=12201, also *See* Fresh Air from WHYY, "Ed Burns on Creating 'The Wire,'" *NPR.org*, accessed December 19, 2013, http://www.npr.org/templates/story/story.php?storyId=6524743.

[424] Potter and Marshall, *The Wire Urban Decay and American Television*. It should be noted that Braxton argues "Corner-boy masculinity is only one of many intersecting and socially intertextual models for understanding how black masculinity is fleshed out through the various characters depicted in *The Wire*." (p. 15.)

[425] Season 4, "Know Your Place" (43:00)

[426] JanMohamed, *The Death-Bound-Subject*.

altercation happens and he is unable to defend himself from rivals. The intervention of the Dennis "Cutty" Wise, the boxing coach incurs additional scorn and suspicion by Michael Lee. Michael Lee and Namond Brice serve as counterpoints in their formation through corner boy masculinity. Lee must assume the role of provider and protector of his little brother from a crack addicted mother and the return of an abusive father. The tension between who Namond is and his performance of corner boy masculinity comes to a head when Kenard loses a package. Michael is suspicious of his story and tells Namond that Kenard must "feel some pain behind this." De'Londa also argues that Kenard must "feel some pain" and is angry at her son's inaction. When Namond but goes further arguing that such actions are what lead to the loss of his father through incarceration. De'Londa slaps him before he can get the words out. She then states, "That's right. Wee-Bey walked in Jessup a man, and he gonna walk out one. But you out here, wearing his name, acting a bitch! Aw, look at you, crying now."[427] In this scene, Courtney D. Marshall, a black feminist literary theorist, argues, "in pointing out that his tears are inappropriate, De'Londa polices the boundaries between the feminine and the masculine."[428] Moreover, Marshall argues that invoking Wee-Bey, De'Londa fulfills a "conventional female role: keeper of traditions" as she keeps alive the image of his father that is no longer present.[429] Thus, *The Wire* displays the way necropolitics within the religious situation circulates to influences the production of gender critical to the division of labor in the drug trade.

As Namond's definition of being a man is caught between the ability to inflict

[427] Season 4, "Know Your Place" (25:52)
[428] "Barksdale Women: Crime, Empire, and the Production of Gender" in Potter and Marshall, *The Wire Urban Decay and American Television*, p. 158.
[429] Ibid.

pain that might get him sent to prison and his ability to navigate the drug trade to appease the expectations of his family. When Kenard is confronted by Namond and Michael about stealing the package, he disrespects Namond by calling him "a gump ass muthafucka" signifying weakness that should not be respected. Again, Namond is hesitant. Michael brutally beats Kenard punching with the same intensity he shows in the gym. Namond is clearly stunned at the suddenness and intensity of Michael's violence, especially given Kenard much smaller size. When Michael tells Namond to get his package from Kenard, he replies "I ain't want it, I ain't want it." In this scene "the package" is the commodity that binds the psychological and material forms of desire that mediate the social relations of the drug trade.

Namond's refusal would be the catalyst that precipitates his emotional breakdown and set's the stage for the most compelling and utopian aspects of *The Wire*. The next day after the confrontation with Kenard, Namond is at the boxing gym for youth. When Namond confronts Duquan "Dukie" Weems, another youth that has trouble conforming to corner-boy expectations, he refers to him as a gump, and throws his jumping rope down. Michael immediately sees this as a form of hypocrisy and confronts him violently. When Cutty throws Michael out, Namond breaks down in tears asking Wise and Sergeant Ellis Carver where he is going to go. Namond knows he is not able to go home since "my mom wants me to be my father and I'm not him." Indeed, when Sgt. Carver attempts to contact De'Londa she says, "Put that bitch in baby booking where he belongs. Let him learn something."[430] (4:10) Colvin, his teacher, takes him in and is surprised at how well behaved he is and discovers other aspects of who he is. Realizing his potential, he visits Wee-Bey in prison to ask if he can have full custody of Namond.

[430] Season 4, "Know Your Place" (4:10)

Howard "Bunny" Colvin conversation with Wee-Bey in prison reveals how Namond's corner-boy masculinity is perceived by the police as well as the school system. There are worth quoting at length:

> **Bunny:** Your boy is smart and funny, and open-hearted. And he got some flex in him. And I ain't see it at first, 'cause he was always acting out, always full up of corner talk—you know, just talking shit to hide himself. But he could go a lot of places and do a lot of things in life, be out there in the world in a way that, you know, didn't happen for you and me. I mean, you know our kind? Shit. Man, we both know we gonna go to our grave forever knowing what block Bentalou dead-ends at, or who go their liquor license over at the Underground, or what corner Tater Man got shot on when he come out of the Musical Lounge back in '88.
>
> **Wee-Bey:** Division and Gold.
>
> **Bunny:** The West side we knew…it's dead, man. You know, people in the game nowadays—I mean, it's a whole different breed—no code, no family, and damn sure no respect. I mean, you send Namond out on the corner now I'm giving him maybe one, two years before he down at the morgue. And maybe, if you're lucky, up here with you.[431]

Colvin's request to Wee-Bey is an attempt to rescue Namond from the contradictions of the necropolitics and the shadow of social or actual death that define the New Jim Crow. More importantly, the drug-trade constrains Namond to a corner-boy masculinity targeted by police and interpreted by the school system as pathological. The school system refers to him as the "pick of the litter" and as displaying "oppositional defiant disorder." It is only in the confines of Colvin's home, away from the corner, De'Londa, and the school that he "sees" Namond's intelligence, humor and open-heartedness.

The image of the New Jim Crow hovers over Namond's life in his family, the corner and the school. Wee-Bey relents and forces De'Londa to give up Namond. The season ends with Namond participating in an academic debate while Colvin and his wife

[431] Ibid.

look on with great pride. Namond is free from the contradictions of necropolitics and the shadow of the New Jim Crow. In "Realism and Utopia in *The Wire,*" Fredric Jameson argues that the utopian themes in the series emerge in through plot construction.[432] The key condition of including utopian themes is there dream like character. A purely, realistic portrayal would result in their representation as "mania, a psychological obsession, a purely subjective drive and character peculiarity."[433]As such, Jameson argues that the utopian projects such as Frank Sobotka's vision of revitalizing Baltimore's ports, Colvin's Hamsterdam experiment in legalizing drugs and Pryzbylewski's classroom experiments as well as his resistance to state and federal testing standards, must by definition fail.[434] Their success would by definition imply a utopian transformation and reconstruction of the entire society.[435]

It is through Namond Brice's story, as a potentially falling victim to the New Jim Crow that reveals *The Wire* strongest utopian strain. Namond's story reveals a utopia vision that does not negate time and space. He still lives in Baltimore. However, he is now with a loving family and a very different social environment. The final shot of the season reveals there are no kids on the corners where he lives. Finally, this Baltimore is not projected out in time, but remains in the temporal space in which his friends will remain in the generative power of necropolitics that lead to Jim Crow. It is a post-modern utopian vision that remains within the time and space of Baltimore and our religious situation.

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[432] *Corners in the City of God: Theology, Philosophy, and the Wire* ([S.l.]: Cascade Books, 2013), p. 107.
[433] Ibid.
[434] Ibid. p. 108.
[435] Ibid.

VI. Necropolitics and the New Jim Crow

In this chapter with the image of the New Jim Crow. I argue that while giving attention to political history and deindustrialization, Alexander's argument is largely weighted on the prohibitive role of the law. More specifically, the role the law plays in restricting access to civil society thereby creating an undercaste. What I have argued here is that the label felon and its collateral consequences, is an effect of the erasure of the juridical subject. The effect is the creation of a population that requires the regulation through tactics of governance. Moreover, that this erasure is best understood by examining the way necropolitics through statistics and cultural representations produces knowledge that legitimates the organization of the power of death. This generative power mediates between juridical power and mass incarceration. Finally, I have engaged *The Wire* as a way of displaying this relationship and its circulation through various mediating institutions.

Chapter 5

Conclusion: Implications from this Study

In the introduction, I stated that this project emerges out of my own wrestling with the persistent mass incarceration of predominantly persons of color as a social fact of American life. This study examined the social meaning structures that legitimate and rationalize mass incarceration. In addition, this study investigated the longevity of mass incarceration in spite of decreasing crime rates and the profound social harm it has caused. Furthermore, this study pursued these concerns by articulating the religious situation of mass incarceration as defined by global capitalism. Moreover, in America the religious situation of mass incarceration is marked by neoliberalism and a history of anti-black racism. It is within these social relations of power that mass incarceration has emerged and persisted in American life.

This study began with a genealogical examination of the representations that legitimate political exclusion. This genealogy inevitably raises comparisons between mass incarceration and prior historical formations of social control such as slavery, convict leasing and Jim Crow. The discipline of social phenomenology was used to trace and interpret deeply sedimented meanings across historical conjunctures and institutional expressions. I employed Orlando Patterson's concept of social death in his study of slavery to trace these representations. The concept of social death was from a descriptive standpoint without falling prey to the implication that slaves were without a culture or agency.

At this point the work of Charles H. Long was engaged to articulate the religious depth of the American experience. Long refers to this as the arch that is the source of renewal in times of cultural crisis. This concept of the arche was critical for Long's articulation of American civil religion. More importantly, I argued that social death was a constitutive aspect of the arche of America. This arche represents the original compromise over slavery embedded in the founding documents of America while remaining hidden from view in our national narrative. In addition to social death, law and order and the providence of God served as critical themes within the arche of America. A perennial aspect of the genealogy of mass incarceration is the role of representations of social death and the law. A consistent cultural logic emerged where the liberty and rationality of blacks were criminalized and cultural differences naturalized to legitimate inequality. Critical to this cultural logic is the imaging of blacks as animals and criminals.

The significance of the arche, the religious depth of the American experience was illustrated in an analysis of the criminal case of Joseph Hanno as well as the legitimation of the War on Drugs. The case of Joseph Hanno proves important, as his crime was significant for the legitimacy of Rev. Cotton Mather's claim regarding Christianity value for blacks and the institution of slavery. Moreover, his crime and execution rationalized why blacks should be subject to political exclusion. Thus, already present in Puritan America is the cultural logic that serves to erase the individuality of the black juridical subject for the purpose of maintaining social order.

This study has demonstrated that during the era of the convict leasing system, Jim Crow and the social crisis over Chinese immigrants, the arche of the American

political community was critical to marinating the status quo. Specifically, the religious depth of America was critical in maintaining cultural hegemony threatened by difference and financial profitability secured through cultural subjugation. A powerful repetition of these themes would emerge with the Ronald Reagan's declaration of the War on Drugs that emerged as the social safety net associated with the welfare state in retreat. The retreat of the welfare state and the rising tide of neoliberalism occasioned many effects, one of which was a rise in the illegal drug trade. The representation of crack and its users assisted with the rationalization of the drug war. In addition, the racialization of crack cocaine and powder cocaine was reproduced in its punishment structure. The importance of the Drug War is its role in protecting the "City on the Hill," an image that the American political community felt was under siege by crack heads and human predators. At this point, the argument shifts from the representations of social death that legitimate and rationalize mass incarceration, to the voices of those who live within its structures.

This study argues that the religious situation of mass incarceration is defined by U.S. political economy. The Introduction indicated that the argument would move beyond the declared purpose of the criminal justice system to the unconscious motives and intentions of mass incarceration as a social formation. Chapter One proceeded to examine deeply sedimented social meanings that both legitimate and rationalize through social phenomenology. The second chapter examines how these same meanings and intentions are disclosed in the formation individuals who live within the structures of social and imminent death. Thus, Chapter Two explicated the Abdul JanMohamed's image of the death-bound-subject. Although JanMohamed's formulation is drawn from Richard Wright's corpus, the focus here was on his reading of *Native Son*. The value of

JanMohamed's image is that it displays the way in which a political economy predicated on social death is disclosed within intra-psychic relationships. As a literary work, *Native Son* serves as the political unconscious of Jim Crow society. It is through Bigger Thomas the murderer that America is confronted with the product of its own cultural contradictions. Bigger's incarceration and trial would provide the framework through that reveals the political value of his death. Although Bigger's life is not spared, he eventually finds freedom by no longer becoming subject to fear. The image of the death-bound-subject was extended to the memoirs of Stanley "Tookie" Williams and Mumia Abu-Jamal.

In analyzing the memoirs of Williams and Abu-Jamal we enlarged the image of the death-bound-subject beyond JanMohamed's near fatalist overtones. In addition, I argued for understanding *Blue Rage, Black Redemption* and *Live From Death Row* as forms of political agency that speak to the American political community from those who live within and were profound witnesses to mass incarceration. Each of their stories is inseparable from the city and political economies that shaped them. As a former journalist, Abu-Jamal understood and documented the political struggles of blacks and the city of Philadelphia. It is through his own struggle to affirm life within the institutional structures of death that Mumia has brought international awareness to the contradictions of mass incarceration.

Stanley Williams begins with the migration of his mother to Los Angeles to greater opportunities only to experience the ravages of deindustrialization. The social formation of culture of blacks largely locked out of mainstream society is present in Williams' founding of the Crips. While the narrative of Abu-Jamal is framed in terms of

revolution, the story of Williams is one of redemption. In the religious situation of mass incarceration, his story still has significant political value. William's redemption is not facilitated by either mainstream religious institutions or by therapeutic modes sanctioned by the state. Thus, his story does not conform to the neoliberal visions of redemption that solely emphasize personal culpability without social context. Furthermore, Williams understands his redemption as intimately tied to the ability to help young people avoid his path. In the religious situation of mass incarceration, Williams' story is one where God comes forth as God in the experience of redemption beyond state's attempt at correction.

In Chapter Three I have engaged the most prominent contemporary image of mass incarceration, the New Jim Crow. I argued that Michelle Alexander's *The New Jim Crow* does an excellent job in detailing the way in which mass incarceration through the law effectively bars access to participation in civil society. However this chapter argued not only for the prohibitive role of the law but also its generative role in mass incarceration. This chapter contextualized juridical power within the religious situation of mass incarceration. This path was opened up through engaging an emerging discourse on necropolitics. Building upon Michel Foucault's definition of biopolitics as the organization of the power of life, necropolitics is the organization of the power of death. This study demonstrated the role of necropolitics in mediating between juridical power and mass incarceration. This included the way juridical power effectively erases the juridical subject through mandatory minimums as well as operates as a strategy of governance through the increasing criminalization of everyday life. Furthermore, this chapter demonstrated moves beyond the narrative of deindustrialization and analyses the role of juridical power in destabilizing the drug market resulting in an intensification of

violence. To illustrate the dynamics of necropolitics, I engaged the television program *The Wire.*

Through characters such as Russell "Stringer" Bell and Namond Brice, the generative power of necropolitics has a profound influence upon major mediating institutions such as family and school. This chapter effectively brings the insights from Chapter One and Two together to display the role of necropolitics in a circuit of social power relations that legitimate, rationalize and deploy juridical power that act upon bodies and regulate populations within the religious situation of mass incarceration.

There are several implications from this study for further research. The first is the relationship of mass incarceration to American civil religion. The engagement with the work of Charles Long suggests further historical research along at least two lines. The first is the examination of additional cases studies as I have done with Joseph Hanno. This would provide additional insights to the cultural logic that I have traced in this study. In addition, Long's claim that the "Jeffersonians" and the "Puritans" as ideal types, together formed a spirit that influenced the founding documents of the American republic as a form of cosmogony is deeply suggestive and worth further investigation. This line of research would provide additional understanding in discerning the emergence of mass incarceration and its relationship to former regimes of control. More importantly, given the deeply sedimented meanings traced in this study, additional theoretical work is required to understand its relevance for contemporary social movements, religious activism and other efforts related to justice and equality.

This study also contributes to the value of political economy in the field of religion in general and disciplines such as public theology and Christian social ethics in

particular. In particular, political economy, our religious situation, is structure of social relations that sustain life and sources that give it meaning. This study has demonstrated the potential impact that market forces can have on human relationships and individual formation. As such it warrants sustained moral inquiry, reflection and action. This, study also contributes to the role of critique in moral inquiry as it is precisely the images and moral languages themselves that are recruited to legitimate and rationalize mass incarceration.

This study also contributes to an ongoing conversation relationship between religion and the social sciences. In this study I have integrated a number of sources that included sociology and ethnography to evidence the cultural logic of mass incarceration. The use of the social sciences in this study served as an entry point to discern the effects of cultural representations that were analyzed. In addition, such resources serve to describe religious experiences that inform the use theological categories and their moral relevance. Furthermore, this study suggests further research into the particular psychodynamic impact of mass incarceration and the implications for ethics, pastoral care, clinical research and public policy.

Finally, the implication of this study is that the persistence of mass incarceration cannot be adequately understood through focusing solely on crime and prisons. In this dissertation, I have focused on mass incarceration as a social formation of power in of which the prison is an integral part. Thus, for religious communities in general and black congregations in particular, mass incarceration may not be adequately overcome through traditional modes of prison ministry, as necessary as they are. Rather, citizens in general and citizens formed by the gospels must confront our participation in the legitimation,

rationalization and regulation of social and actual death within the most disadvantaged communities. In addition, I have argued that this form of necropolitics is deeply rooted in the religious depth of the American experience and the religious situation of political economy. This intersection reveals both America's troubled racial history and the troubling means by which America is attempting to forge a future. I hope that this study occasions new perspectives and questions regarding religion, ethics and mass incarceration in America.

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