

Editor's Introduction—Beyond Mass Incarceration: Crisis and Critique in North American Penal Systems

Alessandro De Giorgi*

AFTER FOUR DECADES OF VERTICAL INCREASES IN IMPRISONMENT RATES, DRIVEN by draconian penal policies and overly punitive sentencing practices, the US carceral system is in a state of structural crisis. With 2.3 million individuals currently behind bars (Carson 2015), more than seven million under some form of penal supervision (Glaze and Kaeble 2014), and hundreds of thousands of former prisoners trying to “reenter” society each year from penal institutions, mass incarceration has become one of the most pressing social problems facing the United States today (Travis, Western and Redburn 2014).

Growing public awareness of the spiraling costs of this hypertrophic carceral machine—in terms of its fiscal and social sustainability—seems to have provided, for the first time since the onset of the punitive turn in the mid-1970s, a window of opportunity to challenge the American penal state and to question its compatibility with any notion of democratic citizenship (see Aviram 2015; Lerman and Weaver 2014). Following decades of penal populism and unabated allegiance to the war on drugs and crime, elements of the political elite have finally started to take note of the unsustainable nature of the present carceral state. Thus, over the past few years a multitude of policy strategies, reform proposals, and political platforms—e.g., “right on crime” coalitions, “justice reinvestment” plans, “smart on crime” approaches, “reentry” initiatives, and “evidence-based” policies—have begun to crowd the public sphere, finally drawing the attention of the larger public to the current penal crisis. At the same time, highly publicized grassroots mobilizations against police brutality, racial profiling, and the militarization of law enforcement have also raised public awareness of the severe forms of democratic deficit and institutional violence affecting the policing of racialized poverty in the United States.

These politico-institutional developments—underscored by scattered legislative and policy reforms that, while symbolically relevant, have so far only modestly reduced the prison populations of some American states, such as Texas, California, New Jersey, and New York—have prompted a new wave of critical analyses within the punishment and society literature. Scholars and scholar-activists face

* ALESSANDRO DE GIORGI (email: alessandro.degiorgi@sjsu.edu) is an Associate Professor in the Department of Justice Studies at San Jose State University, California.

the difficult task of trying to interpret the often-ambivalent signals emerging from the penal field, and to prefigure the possible futures of the American prison state (see, for example, Gottschalk 2015; Simon 2014).

This raises multiple questions for theory and strategy. Are we witnessing the beginning of the end of mass incarceration, or are recent policy initiatives subtle ways to “tinker with the system”? Are current penal reforms grounded in a new emerging sensibility toward the human dignity of prisoners, or is fiscal austerity the only vocabulary through which any effort at decarceration can be framed today? Are the current reforms ushering in a new era of diversion and rehabilitation, or is net-widening and prison privatization a more likely future for the US carceral state? Can penal reforms be imagined separately from broader socioeconomic transformations? Is there any basis for strategic alliances between reformist policymakers and radical prison activists? What kinds of scholar-activist collaborations can be envisioned in the present conjuncture? What agendas for penal reform could emerge from such engagements? What role can criminological theories play in this process? Through an interdisciplinary lens that intersects political science, critical criminology, punishment and society, and critical legal studies, the essays featured in this special issue of *Social Justice* tackle different yet interconnected aspects of the carceral field across North America—with a specific focus on the United States and Canada—in an attempt to decode current trends and anticipate future developments in the contemporary penal landscape.

The opening article provides a critical overview of the discursive field that has consolidated in recent years around the prison crisis in the United States. Written in the form of “five theses” on mass incarceration, the essay charts some emerging vectors of the current penal reform discourse, outlining their promises and pitfalls. Against any technocratic approach to the penal question, the article emphasizes the politico-economic dimension of the American penal experiment, as well as the structural connections between the penal state and broader issues of social inequality and racial power in the United States. In the concluding section, the author outlines penal reforms that could become part of a broader radical-reformist agenda for our times. The analysis in Marie Gottschalk’s article proceeds along similar lines by examining the deeply racialized *and* classed architecture of the American carceral edifice, to illustrate how the growing opposition to mass incarceration in the United States has tended to gravitate toward two equally flawed positions. The first focuses on racial discrimination as the main line of attack against the carceral state; the second privileges a bipartisan path out of mass incarceration, which tends to overlook the latter’s deep-seated racial and class implications. Gottschalk argues that the emphasis of recent reform discourses on fiscal costs, cost-benefits, and policy effectiveness may be suitable to the current tendency to avoid public debates on controversial issues like racism and the criminalization of poverty. However, the now prevalent technocratic approach is largely inadequate to the challenge of dismantling the prison state. Further developing these structural critiques is Noah

De Lissovoy's article, which suggests that the pervasive racialization of contemporary state violence calls for an analysis of the penal state that identifies racism and "coloniality" (i.e., the material and symbolic domination of communities of color) as essential components of late capitalism. This approach allows De Lissovoy to expose a broader architecture of institutional violence in which punishment, violence, and violation are no longer incidental or instrumental to capitalism, but rather constitutive elements of capitalist accumulation in its neoliberal variant.

The next five articles derive from papers presented at a two-day international workshop on *Penal Boundaries: Excesses, Limits, and the Production of Inequality*, hosted in the spring of 2014 by the Centre for Criminology and Socio-Legal Studies at the University of Toronto, Canada.¹ The goal of the workshop was to encourage critical scholars to reflect on the "boundaries" of punishment, and what this can tell us about penal excess and the reproduction of inequalities. Papers presented at the workshop focused on the theoretical, methodological, and substantive dimensions of punishment, probing the increasingly blurred boundaries between criminal punishment, administrative laws, and community programs. The first article in this section, by Justin Piché, interrogates the project of a "public criminology" (see Loader and Sparks 2011) and assesses what counts as scholarly engagement within this criminological framework through an analysis of its objectives, publics, and practices. In this context, Piché criticizes public criminology for pursuing a reformist agenda that buttresses the status quo and fails to promote struggle with those most affected by interpersonal and state violence. The article argues that penal abolitionism can push the boundaries of "public criminology" by challenging dominant notions of criminalization and punishment and working in solidarity with those most affected by state violence. In a similar vein, the following four articles shed light on various dimensions of the "border regions" of the penal field, in which, despite the militarized borders erected by the penal state to segregate criminalized populations, encounters take place, connections are established, and alliances are created. Examples include the production of policy-relevant criminological knowledge by academics and activists (Deshman and Hannah-Moffat in this issue), the struggle of researchers and imprisoned populations to gain access to information about spaces of confinement (Moore, Wright, and Kazmierski), the creation of possibilities for collaborative research by scholars and criminalized subjects (Pollack and Elridge), and the construction of alliances against the dehumanizing effects of the prison-industrial complex by prison educators and their incarcerated peers (Weil Davis and Michaels). As these articles illustrate with plentiful data from case studies and research-activist projects, the boundaries of the penal field are continuously renegotiated, redefined, and re-signified by the subjects involved in these exchanges, in ways that sometimes disclose new political opportunities for resistance against the carceral state.

The last section of this special issue features a discussion of two recent publications in the field of punishment and society, Jonathan Simon's *Mass Incarceration on*

Trial: A Remarkable Court Decision and the Future of Prisons in America (2014), and Hadar Aviram's *Cheap on Crime: Recession-Era Politics and the Transformation of American Punishment* (2015). Both books take on the difficult challenge of decrypting current penal trends and imagining the possible futures of mass incarceration in the United States. Simon's book is the focus of an international review symposium featuring comments by Mona Lynch, Rebecca McLennan, Leonidas Cheliotis, Tony Platt, and Benjamin Fleury-Steiner, as well as a response by the author; Aviram's work is discussed in a standalone review that concludes this issue.

After decades of irresistible expansion, the American carceral state is now at a crossroads. Under fire from various quarters, the edifice of mass incarceration could either begin to crumble or—perhaps more likely—enter a phase of transformation and restructuring that will deflect the current attacks and require new and more sophisticated strategies of resistance. At a potentially transformative moment like this, the goal of this special issue of *Social Justice* is to assist scholars and activists in their efforts to map the uncharted territories of the current penal crisis and to forge new tools to dismantle the carceral state.

NOTE

1. I would like to thank the organizers of the *Penal Boundaries* workshop—Phil Goodman, Kelly Hannah-Moffat, Paula Maurutto, and Mona Lynch—for their invaluable support throughout the editorial process while producing this special issue of *Social Justice*.

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