Discussion Questions

_The New Jim Crow: Mass Incarceration in an Age of Colorblindness by Michelle Alexander_

Understanding the New Jim Crow

1. Why does Alexander call mass incarceration “the new Jim Crow”? What does she say in response to these objections:
   a. Jim Crow punished people for who they are—their race, which was out of their control—while mass incarceration punishes people for what they do when they break the law
   b. Unlike Jim Crow, mass incarceration affects people of all races
   c. Mass incarceration reflects an appropriate concern for public safety
   d. Prominent African-Americans support “tough on crime” laws as a response to ghetto crime that mostly harms African-Americans

2. And what do you think of the analogy?

3. What role do mandatory minimum sentences play in the new Jim Crow?

4. What is the role of bureaucratic discretion in the new Jim Crow? Consider both the tremendous discretion of police officers and prosecutors and the relative lack of discretion of judges. Does this suggest anything about what fairer laws might look like?

5. Why does Alexander say that prison sentences are only a small part of the problem? What’s the rest of the problem with the new Jim Crow?

6. What are some consequences of the new Jim Crow?

7. Do you agree with Alexander that “[t]he system operates through our criminal justice institutions, but it functions more like a caste system than a system of crime control?” (p. 13)

8. Consider an analogy between the “criminals” in the War on Drugs and undocumented immigrants, who have also violated administrative regulations. Is the analogy between the statuses of “criminal” and “illegal” illuminating? Do other analogies come to mind?

Where did the new Jim Crow come from?

1. Why did mass incarceration begin when it did?

2. What does Alexander mean when (quoting Reva Siegel) she calls slavery, Jim Crow, and mass incarceration “preservation through transformation”? (p. 21)
3. Alexander argues that the new Jim Crow is part of a long line of systems of racial control and domination in the United States. She also argues that it emerged in part out of an electoral strategy (the “Southern strategy”) and that key institutions (e.g., law enforcement institutions) effectively had to be bought off to support it. How should we understand the relationship of the new Jim Crow to racial oppression/domination, in terms of its origins and its effects?

4. Consider Alexander’s argument about the origin of the War on Drugs, and tell an analogous story about the origins of the War on Terror. Is the analogy, or are limits to the analogy, revealing?

5. Was the new Jim Crow inevitable? What would have had to be different to have prevented it?

Resisting the new Jim Crow

1. Why has there been so little challenge to the new Jim Crow?

2. What does Alexander identify as the biggest barriers to resisting the new Jim Crow? Are there other important ones she leaves out? How might these be overcome?

3. According to Alexander, how is rejection of the stigma associated with the new Jim Crow reflected in popular culture, and does this aid or hinder resistance? Do you think that there could be a more positive culture of resistance? What might it look like, and how could it come about?

4. Why does Alexander say that the Jena 6 struggle could not have given rise to a broader civil rights struggle? Following this logic, what might a campaign that could spark such struggle look like? If it had focal individuals (like the six teenagers in Jena), what kind of people in what kind of circumstances might they be?

5. Evaluate Alexander’s critique of the “politics of respectability” as a strategy for resisting the new Jim Crow. Relate this to Civil Rights Movement history that you are familiar with, or other social movements.

6. What role do you think the Supreme Court will play in the struggle to end the new Jim Crow?

7. What is Alexander’s critique of affirmative action? Is this just a critique of the relatively exclusive focus of civil rights organization on affirmative action, or is it a critique of affirmative action programs themselves? Do you agree with her critique? Could we imagine a struggle that combined defense of affirmative action with resistance to the new Jim Crow? What would be the strengths and weaknesses/challenges of this approach? What politics would it need?

8. Do you agree with Alexander that, when someone asks, “When will we (finally) become a colorblind society?”, “With courage, we should respond: Hopefully never”? (p. 242)
9. What are the most important interests benefitting from the new Jim Crow? Think broadly about the roles of mass incarceration in shaping U.S. politics, about the economic interests (public and private) entrenched in the war on drugs and in prison construction, etc. Which of these forces can we conceive of entering into a coalition that included demands against the new Jim Crow (what would have to be true to allow this?), and which can we not? What strategic considerations arise from these conclusions?

10. Conversely, who is harmed by the new Jim Crow? Or, as Alexander puts it, “Who is the us that civil rights advocates are fighting for?” (p. 255)

11. How should activists relate to the “opportunity” provided by limited state budgets? Are there strategic dangers in making use of this tactical opportunity?

12. Alexander argues that resistance to the new Jim Crow cannot be colorblind because it cannot succeed unless it challenges “racial indifference” and the presumption that apparently race-neutral rules cannot be racially unjust. She also argues that the cost of many civil rights initiatives have been borne disproportionately by poor whites, which has proved a fatal strategic weakness by undercutting solidarity and creating anti-black hostility. (See esp. pp. 255-61, p. 46.) Thus, resistance must be race conscious while also including “all of us or none,” across as well as within races. Is there any tension between these strategic principles—how can a movement provide consciousness of racial oppression alongside a material basis for unity and solidarity across racial lines? What kind of struggle and demands could conform to both of them? What should the core principles of this movement be? How could this come about?

13. Drawing from the sociologists Michael Omi and Howard Winant, Alexander argues that the new Jim Crow emerged as a new “racial project” by fusing racial oppression with elements of the new racial consensus after the Civil Rights Movement, including admonitions to be colorblind and a racially coded fear of “criminals.” Imagining that the new Jim Crow were defeated, can we speculate on what might constitute elements of a new oppressive racial project out of its ashes? Are there any strategic lessons arising from this thought experiment?

14. Brainstorm strategic points to begin resisting the new Jim Crow.