

# Comparing michelle alexander new jim crow and michel foucault's discipline and pu...

[Profession](#), [Philosophers](#)



Michelle Alexander's *The New Jim Crow* and Michel Foucault's *Discipline and Punish* both outline the power structure surrounding crime and punishment in society over the course of history. Both Alexander and Foucault admit to a dispersion of power across all social institutions and exchanges. In other words, to both Foucault and (to a lesser extent) Alexander, power lacks a concentrated focal point and is instead pervasive in society. While Alexander does allude to power as a distributed force in society, it is a force that is contingent on a driving ideology: racial prejudice. In Foucault's case, power does not take the form of a hierarchical structure of a controlling group and a victimized group. To Foucault, power seems to exist more for its' own sake: an ingrained function of humanity wherein everyone partakes the opportunity to assign "delinquency" to another. While Foucault and Alexander differ on this point, they share an interpretation of how power is implemented on the everyday level, including the transformation of bodies into instruments of efficiency through punishment and surveillance.

Foucault writes about society's power structure as a sort of conspiracy towards efficiency. This is what is meant by the dispersion of power: there is no concentrated power (a king, for instance) behind the implementation of punishment. Messy displays of power coming from a single source were not useful in manipulating people on a large scale: they were useful for sending a message on a crime-by-crime basis. A corporal punishment unique to a crime, such as flogging for theft, discourages people from committing those individual crimes but does not pull one into a system of discipline that stigmatizes crime as a whole. Incarceration became simply the appropriate result of an efficient societal machine, crime has been homogenized and

punishment is streamlined. Prescribing one punishment (prison) for essentially all crime consequently sends the message to society that all crimes are equal. Popular illegality as a whole entity is effectively discouraged. The cause for punishment in Foucault's philosophy moves away from the need to demonstrate an excessive show of power, and towards an "economy" of power that yields a successfully functioning society. As he writes on page 19, "How do we see the future development of the offender? What would be the best way of rehabilitating him? A whole set of assessing, diagnostic, prognostic, normative judgments concerning the criminal have become lodged in the framework of penal judgment." In other words, measures to make a system operate like a machine.

Alexander's view of the system however (and power within it) rests on racism as an ideological drive for punishment. Her statistics are so overwhelming that racism as a cause for imbalanced incarceration becomes almost undeniable. Just to cite one example, Alexander's research yields that "In 2000, in seven states, African Americans constituted 80 to 90 percent of all drug offenders sent to prison." (98) Alexander's presentation of cold facts on the implementation of punishment based solely on racial bias demonstrates undeniable presence of a concentrated source of power: whiteness. Her statistics not only emphasize racial bias in arrests and incarceration, but in institutions across society. Alexander's portrait of the system shows it to be ideologically flawed and suggests a glimmer of hope that, because we can so clearly identify the problem that generates power imbalance, we can work towards its recalibration. However, this notion is

quickly discounted when Alexander notes that on paper our system is colorblind. Unconscious bias is an inherently human flaw that unfortunately escapes solution. Unconscious racism is too intangible to solve. This, in a way, mirrors Foucault's ideas on power as invisible but omnipresent and inescapable.

Both Alexander and Foucault discuss the evolution of punishment from emphasizing the physical body to instead the soul. Alexander in particular introduces this by pointing out that our society labels someone a criminal in essentially permanent terms. This label is not just a blemish on their permanent record, but on their permanent character. The power dynamics of our society dictate that despite a criminal going to prison and essentially compensating for their crime, their soul will continue to be in question indefinitely. Alexander writes on page 141, "Criminals, it turns out, are the one social group in America we have permission to hate." Society as a whole partakes in the power play of "othering" criminals. Foucault agrees:

If it [the soul] is brought before the court, with such pomp and circumstance, such concern to understand and such 'scientific' application, it is because it too, as well as the crime itself, is to be judged and to share in the punishment. (18)

In this respect, Alexander and Foucault align closely. Both acknowledge that criminal's souls are held in judgment; the crucial difference is that Alexander groups criminals as the victimized faction. Power to Alexander is not dispersed: there are clear holders and victims of power in her book.

Alexander frames society's condemnation of criminal souls as yet another way in which power is concentrated to one side and withheld from the other. Alexander's system as it is argued in *The New Jim Crow* is more a dichotomy than a distribution of power. Most importantly, to Alexander this power discrepancy (and consequently those who wind up incarcerated) is the direct result of racial prejudice.

To Foucault, however, transfer of punishment onto the soul rather than merely the body functions to empower all members of society because we all participate in the judgment and therefore the punishment. The citizen is presumed to have accepted once and for all, with the laws of society, the very law by which he may be punished. Thus the criminal appears as a juridically paradoxical being. He has broken the pact, he is the enemy of society as a whole, but he participates in the punishment that is practice upon him. (90)

Foucault demonstrates that power becomes a ubiquitous manifestation that does not merely exist within the "law" or reign down from the judicial system: power is in the hands of every member of society, and present across all institutions including schools, hospitals, etc. The criminal himself signs a social contract acknowledging what is illegal (or simply what behavior society will not approve of) and the consequences associated with violation. He (or she) therefore holds the same potential opportunity to exert power that any other citizen does.

Foucault and Alexander do share interpretations of how bodies are manipulated within the system in order to create “ efficiency.” Both Foucault and Alexander point to panopticism and the creation of “ docile bodies.” The methodology of surveillance is discussed at length in Alexander: one can be searched, judged, assessed, constantly. Alexander and Foucault are stating that the system we live in asserts constant surveillance, but Foucault claims the techniques are employed to create useful individuals. Alexander would not only claim that useful individuals are not created (Foucault does seem to agree that this intention does not necessarily materialize), but that the system is not even trying in any genuine capacity to create useful individuals. *Discipline and Punish* assigns a degree of faith or optimism to the system that *The New Jim Crow* does not. To Alexander the system’s goal behind panopticism is simply to oppress on racial grounds. Alexander discusses the Drug War literally as a smokescreen to incarcerate minorities, not as an attempt to make use of people in any way. Alexander and Foucault essentially describe similar means to different ends.

In Alexander’s case it is difficult to determine whether or not we as a reader should interpret the system as efficient. Alexander exposes the implementation of punishment to be wildly chaotic in one sense, stating of the Drug War that:

No one needs to be informed of their rights during a stop or search, and police may use minor traffic stops as well as the myth of “ consent” to stop and search anyone they choose for imaginary drug crimes.” (69)

This portrait of punishment comes across as a free for all in which police officers arrest on any whim. Yet, particularly by Foucault's standards, Alexander's representation of the system is profoundly efficient. The goal is to arrest and incarcerate and Alexander reveals a system that skillfully manipulates financial and economic incentives to create the desired result. Determining efficiency is dependent on the chosen definition of "efficient."

Discipline and Punish and The New Jim Crow agree that prison creates delinquency and is therefore problematic. Prison is problematic because it perpetuates a circular regurgitation of crime and delinquency. The ex-convict experiences so much difficulty assimilating back into society that they can no longer become anything but a criminal. Foucault's take on prison is paradoxical: the system of incarceration could be beneficial were it able to create ex-convicts who discipline themselves after incarceration. This however, doesn't actually occur, because of the power dynamics inherent to human nature. Foucault acknowledges that our desire to inflict power on one another through "othering" is exactly what causes the failure of the prison system. In this way the criminal soul remains imprisoned after the physical body is freed. Prison's intention (to create useful people) is good, but human nature corrupts it. Prison might be successful were we all not already prisoners to the larger system of power dynamics. Foucault writes:

The conditions to which the free inmates are subjected necessarily condemn them to recidivism: they are under surveillance of the police; they are assigned to a particular residence, or forbidden others...(267)

One of the greatest differences between Alexander and Foucault are simply their canons of discussion for the prison. Foucault is philosophizing in the abstract realm and Alexander is entirely literal. Foucault situates the prison in metaphorical terms regarding human existentialism, and in doing so exposes prison to be more a synecdoche for the society as a whole. This is what he means in saying that we are no longer a culture of spectacle but a culture of surveillance. Society desires prisons to fail because we desire to survey. Foucault also suggests however, that the purpose of surveillance if not to literally create better people, is to dissuade criminals from crime because they fear they are always being watched. This is precisely the self-fulfilling prophecy of failure that Alexander refers to; she just addresses it in more concrete terms.