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## Failures of American Criminal Justice System in New Jim Crow

In a society where the purity of fact is venerated largely by the vilification of bias, and subsequently defended by the equation of bias with fiction and fiction with falsehood, the attention of an audience is held only through a taxing balance of entertainment with impartial fact. In considering this precarious situation for authors and speakers, Michelle Alexander's comprehensive treatise on the current system of mass incarceration in the United States becomes only more impressive. In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Alexander conducts an ominous fanfare for the abominable state of the United States criminal justice system, seamlessly weaving together ethnographic and criminal research literature, anecdote, and social commentary from experts in a variety of fields to reveal a wretched landscape of discrimination spurred by "racial indifference" (203). The text is an overwhelming success, and undoubtedly convinces readers of the dire state of racial bias in the criminal justice system. Yet tragically, the triumphs of Alexander's argumentation are in contrast with the way in which the text relates its implications to its title, and the realities of mass incarceration to the alias of "The New Jim Crow"; the techniques employed by Alexander to effect a cutting analysis of the United States criminal justice system are not applied as effectively to the text's advertised claim.

Undoubtedly, the criminal justice system's true accomplishment is revealed to be the "round up, arrest and imprison[ment of] an extraordinary number of black and brown men" (17). In order to convey this understanding in a way that is both enlightening and engaging, Alexander infuses narrative prose into analyses of statistical research and of historical events. Throughout the text, Alexander employs statistics to provide irrefutable evidence of rampant racial inequalities in the criminal justice system, citing concise and damning findings such as "Although the majority of illegal drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been black or Latino" (98). Yet beyond the data itself, the specific format in which these statistics are presented is crucial: Alexander reserves space in the text for only the most necessary information; an annotated bibliography is linked to the text by footnotes. This formatting tack frees Alexander of complex statistical analysis, thereby allowing for a prose and pace more similar to that of a narrative than that of a research paper. Alexander further embraces narrative-based analysis in the context of historical review. In Chapter One, which "reviews the history of racialized social control in the United States" (16), the circumstances of slavery and later of Jim Crow are discussed in detail, and the chapter traces their place in American history as a progression of social and political phenomena, rather than as a collection of trends in statistics. With eloquent narration rather than dry lecture,

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Alexander describes how “indentured servitude [as] the dominant means of securing cheap labor” (23) gave way to a “notion of white supremacy [that] rationalized the enslavement of Africans, even as whites endeavored to form a new nation based on the ideals of equality, liberty, and justice for all” (25), and thus provides readers with a more compelling image of social shift. In Chapter Three, which examines “how the legal rules that structure the [criminal justice] system guarantee discriminatory results” (17), Supreme Court verdicts that erode Constitutional “protections once deemed inviolate” are recounted one after another as serialized episodes (232). To introduce *McCleskey v. Kemp*, Alexander recalls “1987, when media hysteria regarding black drug crime was at fever pitch and the evening news was saturated with images of black criminals shackled in courtrooms” (109); *Armstrong v. United States*: how “[Christopher Armstrong] “was staying at a Los Angeles motel in April 1992 when federal and state agents on a joint drug crime task force raided their room and arrested them on federal drug charges” (115), and thus subjected to “[federal crack cocaine laws that were] selectively enforced in a racially discriminatory manner” (116). The narrative context provided for these landmark Supreme Court cases serves to humanize the parties involved: plaintiff, defendant, judge, and jury. In reminding readers that legal precedents, like all historical events, have a basis in the lives of the individuals involved, Alexander captivates readers with legal analysis disguised as the ethical dilemmas of narrative. By integrating historical references and statistical evidence seamlessly into the text, Alexander allows *The New Jim Crow* to maintain an engaging, yet intensely informative prose, thus retaining the attention of the reader without sacrificing argumentative substance.

In maintaining a predominantly narrative prose, Alexander succeeds in gripping readers for the length of each of the text’s smaller sections; to pull readers between sections and through the entire book, Alexander expertly employs an overarching structure by piquing readers’ curiosity. In the Introduction, Alexander quickly disowns the pleasantries of empathetic skepticism, and forces readers to leave their preconceptions behind, moving briskly from “Never did I seriously consider the possibility that a new racial caste system was operating in this country” (3) to “all those who care about social justice should fully commit themselves to dismantling this new racial caste system” (11). The tone of the Introduction predominantly resembles this second statement, bearing unexpected finality, rather than hospitality, and taking many of its claims as already established: the text’s early statements immerse the reader in a new reality without providing much explanation, in which mass incarceration is immutably *The New Jim Crow*. The author thus propels readers forward by exploiting their curiosity: readers are driven through the remainder of the text on a mission to clarify and explore the landscape into which they have been forcibly placed. Alexander begins her description of this landscape by outlining the independent structures that together compose mass incarceration; these components, being legislative action, legal precedent, and sociopolitical phenomena, are examined as separate parts in Chapter One through Chapter Four. Having been immersed into the reality Alexander puts on display and subsequently presented with that reality’s component parts, readers are

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prompted to formulate their own sinister image of mass incarceration, an image that is as daunting as it is amorphous. It is to disperse the ambiguities she has manufactured that Alexander then provides Chapter Five, which concerns the “similarities between Jim Crow and mass incarceration” (191), confirming readers’ fears by providing at last a formal thread that binds the components of mass incarceration together. By disorienting readers with a new reality at the outset of the text, and acquainting readers with their new surroundings only gradually, Alexander infiltrates the mind of the audience, prompting readers to compose the author’s alarming portrait of the criminal justice system on their own. This mechanism is particularly useful for the race-centric discussions of *The New Jim Crow*, as analyses of race issues could alienate audience members if links between evidence and conclusions were presented to the audience rather than proposed by the audience itself. Immediately immersing readers, and only later acquainting them with their surroundings, the progression of focus in *The New Jim Crow* ensures that the conclusions to be drawn are convincing, as such conclusions are first conceived by readers themselves.

*The New Jim Crow* indeed succeeds in its implicit pursuit: the text successfully illuminates the disastrous results of a criminal justice system that has been corrupted by racial bias, and stirs readers to rail against the status quo of race relations in the United States. However, while the text’s implicit purpose is fulfilled by its prudent overarching structure, its nominal claim is rendered weak by a lack of consistency in the minutia of semantics and terminology. Throughout the text, the criminal justice system is purported not only to be a corrupted arm of United States public policy, but a system of social control whose injustices are equivalent to those of Jim Crow’s formalized segregation. To underscore this further contention, Alexander treats “*The New Jim Crow*” as interchangeable with “mass incarceration” long before she compares the similarities of the two institutions. The author describes that beginning with the Presidency of Ronald Reagan, “mass incarceration of communities of color was explained in race-neutral terms, an adaptation to the needs and demands of the current political climate. *The New Jim Crow* was born” (58); the label of “*The New Jim Crow*” is applied not because mass incarceration bears analogous mechanics, but merely because mass incarceration is the heir to the throne of oppression of its predecessor of twenty years prior. It is not until Chapter Five when this parity is clarified, and even then, a linchpin for the direct equation of Jim Crow with mass incarceration remains absent. Instead of bolstering her pervasive claim, Alexander seems to recant, stating that “Those who claim that mass incarceration is ‘just like’ Jim Crow make a serious mistake” (203). When Alexander at last finds “racial indifference” guilty of creating the proclaimed “system of racialized social control”, she has already shed the mantle of argumentation (231-232): Chapter Six has already transitioned from analyzing the problem of mass incarceration towards attempting to solve it. The long-awaited coronation of mass incarceration as “*The New Jim Crow*” is eventually observed, but goes largely unheralded in the grander scale of the text’s commentary. Thus, *The New Jim Crow*’s title is to be understood not as a representation of the text’s intent, but rather as a device to draw readers

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from one cover to the other: an entrance to a labyrinth with stirring scenery but without the advertised reward at its exit.

By the title of *The New Jim Crow*, Alexander seems to have placed herself in a position not unlike that which she describes in Chapter Three: forced (although by self-imposed restriction) to pursue a severe claim, Alexander is faced with a burden of proof impossibly large. Yet in contrast with so many of the Supreme Court cases she identifies, Alexander, in her own pursuit of the impossible, has achieved something great: a work that convinces readers that severe injustices in the criminal justice system are experienced by black and brown Americans at grossly disproportionate rates, and challenges readers to resist comfortable explanations for why such disparities exist. That the text strays from justification for its very title is wholly permissible, as the revelations of *The New Jim Crow* demand outcry regardless of their epithet: a thorn by any other name would cut as deep.

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