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## Mass Incarceration in Urban America



Felix Kumah-Abiwu

Center for African Studies, Department of  
Pan-African Studies, Kent State University, Kent,  
OH, USA

### Synonyms

[Confinement](#); [Detention](#); [Imprisonment](#)

### Definition

Incarceration or imprisonment is defined as a legally imposed deprivation of personal liberty after a person is found guilty by a court of law for serious crimes defined as felonies by federal and state legislatures (Travis et al. 2014).

### Introduction

The USA does not only share many commonalities with advanced democratic societies in the world, but it is often described as the “Leader of the Free World” with admirable democratic values worth emulating by other nations. At the same time, the USA, unlike other major Western societies, finds itself in the category of authoritarian countries such as Russia and China with high

prison populations. The USA constitutes about 5% of the world population, but it has more than 25% of the world’s total prison population (De Giorgi 2015), making it the number one country in the world with the highest prison population (Turney 2014; Alexander 2012).

While the prison population is reported to be on a slight decline in the last few years, Thorpe (2014), as other scholars (Manza and Uggen 2006), noted that the US prison population has not only increased more than 600% since the 1970s, but two-thirds of the incarcerated people are serving prison sentences for nonviolent offenses such as property theft and drug offenses. Prior to the last few years when the prison population has seen some declines, as noted, De Giorgi (2015) observed that the USA had about 2.3 million people imprisoned with about 4.7 million on parole or probation making a combined total of 7 million people under some form of penal control in the criminal justice system. While scholars and policymakers have raised concerns about the disturbing mass incarceration trends in America, a critical question that has not escaped the attention of observers of the incarceration terrain centers on the racial disparities of the prison population. In other words, America’s prison population is disproportionately composed of racial minorities from urban communities, especially African American and Hispanic males (Thorpe 2014).

The factors that have driven and continued to drive mass incarceration in America are subject to

contentious debates. For some, the never-ending presence of crime, gang activities, trafficking, and use of hard drugs such as heroin and cocaine in many communities, especially urban communities (Clear 2007; Travis et al. 2014; Simes 2018), have been used to explain the rise in mass incarceration. Others explain the mass incarceration as a product of profit-motivated prison industrial complex system, school-to-prison pipeline practices, and the reliance on the prison system by some communities for economic survival (Douglas et al. 2018). For others, the narrative of the so-called “law and order” rhetoric for political mobilization (Travis et al. 2014; Nadelmann 1990) and race as a factor cannot be ignored in explaining America’s mass incarceration. In other words, mass incarceration is significantly shaped by race and how race (Black people) has often been linked to “criminality” (Alexander 2012; Travis et al. 2014).

For a concise overview of the discourse on race, class, urban communities, and America’s criminal justice system, this entry examines mass incarceration in urban America and the wider implications on African Americans. The entry is organized into two parts in examining these issues. The first part examines the evolution of America’s mass incarceration from the 1970s to the present era. This part also explores some theoretical ideas or underpinnings in the evolution of mass incarceration. The second part discusses the implications of mass incarceration on urban communities with a focus on African Americans. The entry concludes with some policy ideas and recommendations on America’s criminal justice system.

## Overview of Mass Incarceration in America

In his almost a century-year-old publication on the origins of America’s prison system, Harry Barnes observed that the penal or prison system originated in ancient times and became institutionalized with societal changes over time (Barnes 1921). At the beginning of the eighteenth century, for example, the penal system was largely applied

to political and religious offenders as well as debtors (Barnes 1921). Colonial America produced what Barnes (1921) describes as the modern prison system that was characterized by jails and workhouses. For Enns (2014), the rise in America’s prison population could best be explained by the popular embrace of *punitiveness* as a social concept and preference by political actors and the general public.

While the idea of *punitiveness* provides some useful insights to better understand society’s embrace and practices of imprisonment as the preferred choice for punishments in the slavery and post-slavery eras, Gilmore’s (2000) work on slavery and America’s criminal justice system has, however, argued that prisons might not have been a direct extension of slavery, but the strong link between institutionalized and systematic racist laws that were introduced in the post-slavery era created fertile grounds for the growth in the imprisonment of African Americans (Gilmore 2000). For example, the segregated or Jim Crow laws of the American South from the late 1880s to the early 1950s not only deny African Americans their basic civil rights (Butchart 2010), but severe penalties for so-called “crimes” such as loitering, vagrancy, and public drunkenness among others were introduced and aggressively enforced. To Gilmore (2000), the institution of slavery was not only racialized, but the system of slavery was also built on coercive labor. In the same vein, one can understand the current patterns of mass incarceration through the interconnections between racism, criminalization, and labor in the post-slavery era (Gilmore 2000). As Cavadino and Dignan (2006) have suggested, America’s mass incarceration is shaped by the conception of criminality, race, and public preference for severe punishment for decades. It also involves the intersectionality of societal/cultural factors, perceptions, historical narratives, and social norms of who “perpetrators” and “victims” of criminal acts are “expected” to racially look like (Cavadino and Dignan 2006). This is where it becomes essential to underscore how “blackness” has been historically defined, framed, reframed, and portrayed in America’s violent criminal justice system (Thorpe 2014). This violence of mass

incarceration against minority urban communities seems not to represent what Thorpe (2014) describes as the ideals of resistance to violence that America was founded on as a nation. Instead, mass incarceration challenges one's imagination of how the American society has become so tolerant to the violence of imprisoning its citizens than any other country in the world (Thorpe 2014).

## Explaining Mass Incarceration in Urban America

Before examining the main explanatory factors of America's mass incarceration, it would be useful to briefly discuss some theoretical underpinnings that have shaped research works on mass incarceration. This entry draws on Simes' (2018) review of two main perspectives from the literature for the discussion. The first is the *urban inequality perspective*. This perspective underscores the argument that a number of poor neighborhoods in urban cities tend to experience high levels of incarceration because of the connection of urban areas to spatial distribution of crime (Simes 2018; Clear 2007; Travis et al. 2014). The second is the *social control perspective*. While this perspective acknowledges the high rates of incarceration in urban neighborhoods, scholars of this perspective argue that high incarceration is a process of social control of racial minority groups who have been segregated to urban locations and dislocated from mainstream social and economic opportunities (Simes 2018; Goffman 2014). Broadly, as Simes (2018) has suggested, socioeconomic difficulties such as poverty and lack of opportunities have some connection to crime and incarceration.

The two perspectives provide useful theoretical lens in advancing our understanding of mass incarceration in urban America, but race as a critical factor, as articulated in the central thesis of the *critical race theory* (Bell 1992), might provide a more persuasive explanation for America's mass incarceration. The main conceptual idea of the *critical race theory* highlights the argument that institutionalized racism does not

only occupy a dominant place in the American society, but issues of race and racism permeate key areas of the society such as law, popular culture, media, policy, and public/private institutions (Bell 1992; Orelus 2013). Critical race theorists also argue that race as a factor is more likely to directly and/or indirectly influence decisions of individuals, groups, and institutions as race is often employed as a powerful tool in the marginalization of minority groups, especially African Americans (Bell 1992; Delgado and Stefancic 1995; Kumah-Abiwu 2019a).

What factors then explain America's mass incarceration? The next section discusses these factors with supporting examples. For clarity purposes, the section is discussed from two standpoints. The first explores the evolution of the "war on drugs" as a major explanatory factor in shaping mass incarceration in America. The second examines federal drug laws and punitive policy responses in the enforcement of these laws as other factors that have shaped America's mass incarceration. Also discussed is the politics of framing the war on drugs with the so-called law and order political rhetoric from the 1980s onwards.

### The War on Drugs

The 1960s was a turbulent period in America's history that was not only characterized by civil rights and anti-war protests, but the era also witnessed a surge in the trafficking and use of narcotic or illegal drugs (Nadelmann 1990; Kumah-Abiwu 2012, 2014). The use of narcotic drugs was unlawful in most cases, but hard drugs such as cocaine and heroin were also associated with the rich and famous (Musto 1999). The drug surge was mostly fueled by cultural forces of "anti-political establishment" views among college students who were part of the anti-war movement of the 1960s (Musto 1999; Ferraiolo 2007). Strangely, the use of marijuana became a "glorified phenomenon" in the American popular culture, especially in songs and movies with links to the anti-war movement (Ferraiolo 2007). Confronted with these social challenges, President Richard Nixon redefined the drug issue as America's "public enemy number one" and

declared an all-out “war” on illegal drugs in 1971 (Musto 1999; Kumah-Abiwu 2012).

Two schools of thought exist among scholars on Nixon’s declaration of the war on drugs. For some, Nixon declared the war on drugs as a policy response to the worsening drug problem of the era (Bertram et al. 1996). For others, Nixon’s declaration of the war on drugs was a fulfillment of his law and order and tough-on-crime promises to the American people during his presidential campaign (Bertram et al. 1996). Regardless, the evolution of the so-called war on drugs changed America’s prison landscape through various federal drug laws that were passed by Congress and state legislatures since the 1970s. The next section discusses some of the federal drug laws and their consequences on urban America.

### Drug Laws and Mass Incarceration

One of the strategies Richard Nixon adopted after declaring the war on drug was to renew the politics of issue framing (Kumah-Abiwu 2017) and the pervasive public perception regarding the “link” between drug use and criminal activities as the basis for his drug control policy (Bertram et al. 1996). On the legislative front, for example, the Comprehensive Drug Abuse Prevention and Control Act (CDAPCA) of 1970 was Nixon’s major drug control law that was passed by Congress (Musto and Korsmeyer 2002). One of the key elements of the law was the creation of five categories of controlled substances, also known as schedules, a method for determining the possible abuse of controlled substances, harmfulness, and potential use for medical purposes. Marijuana was classified under schedule I with hard drugs such as heroin and deemed as a potentially dangerous drug for abuse (Sharp 1994).

Unlike Nixon’s war-like narcotics policy, the drug war rhetoric briefly deescalated in the Administrations of Gerald Ford and Jimmy Carter (Sharp 1994) in the late 1970s, but reescalated from the 1980s onwards when Ronald Reagan became president (Goode 2005). Not only was the war on drugs intensified with punitive anti-drug laws, but the emergence of crack cocaine in the 1980s (Ferraiolo 2007; Sharp 1994) and the use of it in urban communities changed the

calculus of the war on drugs and the growth of incarceration across America. Two major changes occurred with respect to how the war on drugs was pursued. First, stricter federal and state drug laws were enacted with aggressive enforcement in poor urban areas. Second, the drug laws galvanized mass incarceration of nonviolent crimes in many of these urban communities (Goode 2005).

Describing the drug laws of the Reagan era, for example, Wisotsky (1986) noted that the legislative offensive by the Reagan administration against the trafficking and use of narcotic drugs culminated into the passage of the 1984, 1986, and 1988 anti-drug laws. These laws were not only punitive (Ferraiolo 2007), but their key provisions included mandatory minimum sentences for drug offenders based on the amount of powdered or crack cocaine found in the possession of offenders (Musto 1999; Kumah-Abiwu 2012). A case in point was the 1986 anti-drug law. The law provided stiffer punishment for all drug offenders, but the punishment for crack cocaine drug offenders was different from powdered cocaine drug offenders (Musto 1999). For example, the penalty drug offenders receive for the possession of 5 g of crack cocaine was equivalent to the penalty for the possession of 500 g of powdered cocaine with prison sentences ranging from 5 to 40 years (Musto 1999). In the words of Reinerman and Levine (2004), the crack and powdered cocaine dichotomy shows the class and racial elements of people who use these drugs. For instance, powder cocaine was mostly used in private settings among more affluent white Americans, while crack cocaine was sold and used in inner-city street corners. Similarly, powder cocaine was often sold in half-gram or one-gram units for \$50 to \$100 in the mid-1980s, while crack cocaine was sold in small “rocks” for \$5 to \$10 (Reinerman and Levine 2004).

Given the class and the racial components of people who use these drugs as Reinerman and Levine (2004) have noted, it was not surprising when urban poor communities became the target of aggressive law enforcement in the 1980s (Musto 1999). Clearly, the class/race status and dichotomy appear to connect quite well to the concepts of *urban inequality and social control*

*perspectives* (Simes 2018) in explaining America's mass incarceration. But the important question on the disproportionate/racial composition of America's prison population seems unanswered. In other words, why should one racial group be the main "target" for mass incarceration despite the widespread use of illicit drugs among the general population?

As scholars have argued, racial disparity is not only the crux of US drug control dilemma, but race as a factor appears to shape federal and state drug laws and their enforcement strategies (Reinarman and Levine 2004). According to the National Association for the Advancement of Colored People (NAACP), African Americans and Whites use drugs at almost the same rates, but African Americans are six times more likely to be arrested and charged than Whites. Also, African Americans represent about 5% of illegal drug users, but account for 29% of people often arrested and 33% of those imprisoned for drug offenses (NAACP 2020). Reinarman and Levine (2004) captured the racial disparity dilemma with two examples worth reiterating at this point. To these scholars, America witnessed a surge in cocaine use by affluent Whites such as investment bankers, stockbrokers, Hollywood and rock stars, as well as professional athletes in the 1970s with many of them showing up in hospitals. Congress responded by passing laws to extend health insurance coverage to include drug treatment for them. However, when crack cocaine spread among African Americans and Latinos in the mid-1980s in poor urban communities, Congress passed new laws to extend the length of criminal sentences for crack offenses (Reinarman and Levine 2004).

This is where the federal narcotic laws that were passed in the escalation period of the war on drugs from the 1980s and onwards become important to underscore. For some, Nixon is credited with launching the war on drugs, but it was during the 1980s that the drug war actually escalated (Thoumi 2003). Like Reagan, President Bush also framed drug abuse as one of America's severe problems and demanded about \$1.5 billion increase in domestic law enforcement for drug control and \$3.5 billion for global efforts to reduce the supply of illegal drugs (Kumah-Abiwu 2019b)

into the USA. Aided by the saliency of the drug issue in the 1980s, public support for stricter drug laws increased due to the sustained media campaign against drug use (Bertram et al. 1996; Kumah-Abiwu 2012).

For Travis et al. (2014), the 1980s throughout the 1990s represent the strictest era of drug laws that were passed by Congress and other state legislatures mandating lengthy prison sentences ranging from 5, 10, and 20 years or longer for drug and other criminal offenses. These stricter sentences continued into the 1990s with the "three strikes and you're out" laws which mandated minimum sentences of 25 years and longer for affected offenders. Some of these laws also required offenders to serve at least 85% of their prison sentences (Travis et al. 2014). The 1994 crime bill (Violent Crime Control and Law Enforcement Act of 1994), which was signed into law by President Bill Clinton also incentivized states with federal funding for building more prisons, increased prison sentences, and the reduction in early release of prisoners (Chung et al. 2019). For many, the 1994 crime law is one of the drug laws that has been responsible for the rapid increase in the disproportionate mass incarceration of African American males from the 1990s onwards (Chung et al. 2019).

Another aspect of the mass incarceration debate relates to the "connection" between drug use and criminal actions. Travis and colleagues argued that the changes in the prison sentences in most of the drug laws reflected a pervasive public perception that views incarceration as a tool for crime control. Yet, for four decades, America's incarceration rate increased with the crime rates showing no clear and consistent trends. The rate of violent crime, for example, rose, then fell, rose again, then declined sharply during the four decades of the drug issue (Travis et al. 2014). The likely explanation of mass incarceration, as Travis et al. (2014) have noted, might not necessarily be about the rise in crime, but the policy choices by legislators and political actors who favored aggressive law enforcement of drug laws in many urban areas for various reasons. On their part, Reinarman and Levine (2004) have suggested that America's mass incarceration

seems to be the manifestation of the complex interplay and actions of politicians, the media, and the drug-control establishments to repress the urban underclass.

In fact, the urban underclass argument is a reminder of the *social control perspective* that highlights how racial minority groups in urban locations have not only been dislocated from the mainstream social and economic opportunities (Simes 2018), but efforts to socially control these urban communities are often based on their “perceived threats” to the social order. This might explain why Travis et al. (2014) have argued that social control through the war on drugs became the norm in urban/minority communities given the way most Americans view incarceration as an instrument for crime control. Smith and Hattery’s (2008) reasoning on the above discussion might be useful to reiterate at this moment. In the words of Smith and Hattery (2008), mass incarceration appears to be a strategy to remove the so-called “un-useful members” of the capitalist society as reflected in the way ex-convicts are disenfranchised from the political process and reduced to a second-class citizens with weakened abilities to challenge the social and political power structures (Smith and Hattery 2008). Mauer’s (2009) ideas on the social control argument are equally revealing. To Mauer (2009), law enforcement agencies have for decades focused their resources on curtailing narcotic drugs in low-income communities with the argument that drugs in urban neighborhoods are more likely to be disruptive to these communities. What this argument failed to recognize, as Mauer (2009) has maintained, is the fact that drug trafficking and use are common in White communities and can also be destructive to these communities.

Another dimension on the causes of mass incarceration deals with what could be described as the politics of issue framing (Kumah-Abiwu 2017) of the drug war, criminality issues, and the race factor. Legal scholar Scully (2002) got it right by arguing that the sustained onslaught on many African American communities through the war on drugs can be understood by examining how these communities have been historically framed and reframed through racial labels. From the era

of slavery when the US Constitution does not even recognize the basic rights of Blacks as human beings, to the era of Jim Crow or segregated era laws with codes that criminalized the behavior of Black people, to the present era where “blackness” has been dehumanized and criminalized (Scully 2002). It could therefore be argued that racial disparities in mass imprisonment are the outcomes of negative perceptions/racial stereotypes and the racialized practices against African Americans at decision points such as police arrests, case handlings, and the imposition of prison sentences by judges (Travis et al. 2014). The media portrayal of African Americans, especially males as “offenders” and Whites as “victims” are a few cases in point (Travis et al. 2014). Clearly, the politics of framing the war on drugs and the violence nexus vis-à-vis the distortion of crime as Scully (2002) describes it was especially on display from the 1980s onwards. For example, there is no doubt that crack cocaine was widespread in many urban communities, but the way the media and political actors framed and repeatedly claimed that crack cocaine drove users to desperate acts of crime and violence show a clear case of the politics of issue framing (Reinarman and Levine 2004). With the negative media portrayal of crack cocaine use as a dangerous “epidemic” that was connected to violence and criminal acts with the likelihood of its spread to affluent suburban communities (Reinarman and Levine 2004), it was not surprising when the law and order rhetoric and tough-on-crime mantra became the message for political operatives with the corresponding consequences for urban America.

### **Consequences of Mass Incarceration**

The 1990 report by the Sentencing Project raised public attention to the alarming trend in mass incarceration and the racial element of how one in four Black men between the ages of 20 and 29 were under some form of penal control in America (Roberts 2004). The collateral damage in terms of the consequences of mass incarceration in urban America is without doubt troubling.



The list is long and out of scope for a lengthy discussion in this entry given the succinct requirement of the entry chapter. Nevertheless, an overview of the main consequences is discussed from two positions. First, the short-term consequences such as overcrowding and other health-related conditions linked with incarceration. And second, the long-term consequences such as the disruption of family structures and the political disenfranchisement of ex-felons.

With respect to the first position, Travis and colleagues noted that the increase in America's imprisonment from the 1970s resulted in the rapid overcrowding of many prisons. The speed and enormous size of the prison influx created further problems for states that were unable to build additional bed spaces to meet the rising demand. Large dormitory facilities and makeshift facilities were constructed to meet growing demands. It should be noted that the newly built facilities were different from the mid-1970s prison spaces where the average prisoner was housed in a single cell of about 60 squarefeet in dimension (Travis et al. 2014). On the health conditions of inmates, especially those from urban areas who are already faced with serious socioeconomic inequalities, Wildeman and Wang (2017) suggested that incarceration tends to offer short-term improvements in the health care of inmates due to the availability of medical care in the prison system. However, the post-incarceration period tends to always present profound harmful effects on the physical and mental health for most ex-felons and their families.

On the second position, Michelle Alexander's book titled *The New Jim Crow Law: Mass Incarceration in the Age of Colorblindness* captures the central debates on the consequences of mass incarceration on many African Americans and their political disenfranchisement. As revealed in the literature, Blacks were not only denied their humanity in slavery, but their aspirations for freedom and human dignity in the post-slavery era were short lived with the introduction of Jim Crow/segregated era laws which reduced African Americans into second-class citizens (Alexander 2012; Scully 2002). Drawing a strong parallel between the Jim Crow era of the 1950s and the

consequences of the ongoing mass incarceration, it is clear, as Alexander (2012) has argued, that Americans, especially African Americans with "criminal records" are now living in a new Jim Crow era. To put it differently, America's racial history of slavery and Jim Crow era segregated laws have been transformed and replaced with another "racial caste" system of mass incarceration (Alexander 2012).

With strong cases in support of the central argument of her book, Alexander (2012) argues that ex-felons are being discriminated against in public housing, employment opportunities, the right to vote because of their status as ex-felons, and access to student loans for education. The long-term issue of educational inequity in these urban areas as Kumah-Abiwu (2020) has argued in his recent entry on educational inequity in America's urban communities is another important point to underscore. In essence, the mass incarceration of many African Americans as a result of the so-called war on drugs has created long-term consequences of racial injustice and political disenfranchisement of fellow American citizens for nonviolent crimes (Alexander 2012). This practice of denying the right to vote to people with a criminal conviction, especially people from poor urban minority communities, is raising further questions about the growth of America's prison population and the transformation in the practice of citizenship and democratic rights in the USA (Travis et al. 2014). Unlike other Western democracies, the USA is the only major Western democracy that disenfranchises most of its prisoners and those who have completed their prison sentences (Travis et al. 2014; Manza and Uggen 2006). While efforts are being made to effect policy change, Chung et al. (2019) noted that about 6.1 million Americans have been prohibited from voting as of 2016. Simply put, as Alexander (2012) has reminded us, America's mass incarceration and its effects on many African Americans in urban communities are akin or similar to the Jim Crow era of the 1950s.

America's mass incarceration is also connected to recent sociopolitical events and modern social movements such as the Black Lives Matter (BLM) movement and their activism in raising

public awareness on issues of racial injustice, mass incarceration of Blacks, and the criminal justice system. Rickford (2015) discussed similar issues on how BLM movement has become a modern practice of mass struggle with the movement representing the most recognizable expression of outrage by African Americans and many others against police aggression and racist violence. For Rickford (2015), as Escobar (2015) has also argued, BLM is not only addressing the reality that touches the lives of many in America's urban communities, but the movement is also increasing public awareness about structural racism and other issues such as the mass incarceration of Blacks in poor urban communities. It is expected that the relevance of contemporary social movements such as the BLM will not only continue to keep the discourse on criminal justice reform on the public agenda, but pathways can be created through policy ideas that will lead to genuine criminal justice reforms across the USA, especially at the state and local levels.

## Conclusion

The ongoing scholarly and public debates on why the prison population has increased more than 600% since the 1970s in the USA with two-thirds of the incarcerated people serving prison time for nonviolent drug offenses (Thorpe 2014) with enormous consequences of the mass incarceration on urban communities will continue to perplex the imagination of observers for some time. At the same time, the staggering fact that the USA with 5% of the world population has 25% of the total prison population of the world (De Giorgi 2015) might challenge the consciousness of the American people for policy change.

To understand the factors that have continued to shape America's mass incarceration and the consequences, this entry chapter has examined the discourse on mass incarceration in the context of the war of drugs. The entry integrated the concepts of *urban inequality perspective*, *social control perspective* (Simes 2018; Goffman 2014), and the *critical race theory* (Bell 1992) to advance the argument that the interplay of race, the war on

drugs, and the politics of framing the law and order/tough-on-crime rhetoric have contributed largely to the increase in America's mass incarceration. It is clear, as the discussions in the entry chapter have revealed, that America's mass incarceration is creating a "second-class citizenship status" for many African Americans who have been disproportionately targeted in the so-called war on drug. Like other works of this nature, this entry does not condone criminal acts in anyway, but it is critical to also underscore the disturbing trends where poor urban minority communities are being besieged and unfairly and racially "targeted" in the war on drugs.

From the policy standpoint in terms of policy ideas and recommendations, this entry offers two specific recommendations. First, policy change through prison reform initiatives are urgently needed to address the imbalance in America's prison population. The ongoing policy initiative on prison reforms at the federal level is encouraging, but further reforms are needed at the state and local levels. Second, there is the need to also rethink the drug control policy of the USA from the punitive law enforcement strategy toward a more public health approach to drug control policy.

## Cross-References

- ▶ [Criminal Justice System](#)
- ▶ [Law Enforcement](#)
- ▶ [Mass Incarceration](#)
- ▶ [Prison Policy Reform](#)

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