Justin Van Wormer
Professor Ashley Dawson
ENGL86600
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“Every day, human beings are worth less. That's the triumph of capitalism”: Privatized Space and the Commodification of Imprisoned Bodies

Following sociologist David Walker's advice that we should not be so quick as Foucault to say that the prison has failed, but rather interrogate what “success” means in a neoliberalized public sphere, I think we might usefully explore the way that prisons and penology in the contemporary U.S. Instantiates neoliberalism's preoccupation with the segmentation of lives into public and private for the sake of increased neoliberal productivity. The geographer Jamie Peck writes that different aspects of the public realm – understood as public interest, as public services and as a collective identity – have been subjected to processes of dissolution. “Different neoliberal processes have combined in this dissolution – in particular, attempts to privatise and marketise public services have been interleaved with attempts to de-politicise the public realm.” This process of turning the closed space of prisons into space that is productive of neoliberalism is not concerned simply with making a narrow profit – indeed, the housing of prisoners is expensive and tends to cost more than any prison can generate in a given year – but instead of gaining economically or financially, neoliberalism gains from prisons reproducing the political conditions necessary for the continuation of neoliberal political economy.

By marking off an enclosed space for the punishment of the criminal, the prison instantiates the relationship of dominance and crisis which the neoliberal turn created in the larger social realm. The inside of the prison is a place for the processing of bodies as private commodities. This commodification converts prisoners into something like a security, borrowed over time not for labor value, but for the symbolic value of confined and punished bodies being disciplined. Punishment is less about the just desserts of prisoners or the Durkheimian notion of society's interest in literally seeing the criminal punished (which is no longer possible *because* of the segmentation and privitization

of prison pace), but rather, as Wacquant suggests, a combination of both material and symbolic explanations to uncover prison space as a new means of depoliticizing and privatizing public relations. Increased criminalization and imprisonment is a means by which neoliberal capitalism reacts to the overproduction of surplus labor in the aftermath of successful attacks on labor solidarity both as an economic concern and a political symbol of resistance. Stuart Hall calls the process by which increased criminalization leads to the idea that there's more crime and therefore a need for more “tough-on-crime” policies the “equation of concern.” According to Hall “[i]t rest[s] on an implied chain of argument: the rate of violent crime was on the increase, a trend encouraged by a 'soft-on-the-criminal' policy in the courts (as well as the country at the large, the result of 'permissive' attitudes); the only way to deal with this was to revert to traditional 'get-tough' policies which were guaranteed to have the required deterring effect on those attracted to violent crime.” This chain of reasoning establishes the necessity of “tough-on-crime” policies and the politicians that propose them regardless of social conditions. Neoliberalism then requires the crisis to thrive.

Figuring out why there's been an increase in the size and scope of the prison system, as Ruth Wilson Gilmore demonstrates, is exceedingly difficult. The fact that prisons are not narrowly profitable makes an argument from narrow profit motive untenable. The early Twentieth Century Russian theorist Evgeny Pashkunis suggested that penal policy inevitably arises from the inherent contradictions of capitalism involving over production and collapse. Increased neoliberal colonization of public space means that these capital cycles are endemic to all areas of life, and therefore increasing criminalization is to be expected. Angela Davis' focus on prison abolition underscores this idea that the prison-industrial complex itself must be rejected in order to achieve some sort of justice. By rejecting the notion that prisons do anything but house populations for whom neoliberalism has no productive use, Davis also points toward, a useful way of conceptualizing the prison as a space that turns inmates who are not themselves necessarily profitable laborers into a kind of symbolic capital that supports the *political* side of the neoliberal project.

Maricopa Country Sheriff Joe Arpaio's prisoners are profitable *only* as a political prop. His public political persona is based on his demonstrative policies of building a prison camp near a landfill. The physical infrastructure of the camp then must be filled. There is even a motel-style "Vacancy" sign in neon above the prison camp, further marking the space as a commercial area of exchange and surplus. Instead of infrastructure to meet an existing need, the rise in prisons reflects the rise in prisoners that are created as a part of this process of criminal production. The prisons are built, then the prisoners are produced to fill them. This in turn reflects the struggle of late capitalism to create new markets to absorb the overproduction created by capitalist modes of production. By creating excess people who no longer contribute to the profitability of increasingly "effecient" enterprise the neoliberal order creates a problem of oversupply of bodies. These bodies must be made useful and so they are. They are recommodified as prisoners rather than citizens. Joe Arpaio and other political participants in the rhetorical of "tough on crime" have instrumentalized them as tokens in a system of political exchange even as they are drags on the national economy.

This oversupply of bodies can be seen in the ways that cities are organized and reorganized spatially. Dezoning, or downzoning, areas to reduce the density and height of buildings; even, or especially, in the conversion of urban areas into districts of "renewal" or "business improvement" which introduce legal force in order to reorder space to make it more congenial for commercial development and large single family homes (as opposed to modular affordable housing for the poor) reorders space to work for more capital and not more people – at least not people who cannot afford to be there. Decreasing density and mixed-use disrupts working class and poor support networks, increases property values and therefore rents for incumbent landlords, removes local employment and ownership opportunities by encouraging corporate colonization of space, and encourages new developments to seek tenants who can pay inflated rents. The fabric of the urban environment itself is made to serve private interests and replace public concerns with the concerns of capital. Roads are closed to through traffic, private security is hired to restrict access, and zoning forbids street level

activity. The geographical space is made more productive from the capitalist point of view, but now accommodates many fewer people. Thus neoliberal segmentation helps create the oversupply to be housed in prisons.

The temporal segmentation of the prison sentence even tracks with the time-managed qualities of capitalism. In classical economic theory a bank is any entity that borrows short and lends long; *i.e.*, a business that borrows its depositor's money in return for some small interest rate for a short period of time – deposits can be withdrawn the next day if the customer wants – in the form of guaranteed accounts, and then lends that same money to its customers at higher rates for longer terms – perhaps 30 years for a mortgage. The bank is then a defined space, a legally chartered sanctuary for personal capital that keeps it notionally confined while still being put to productive capitalist use. So the prison acts as a bank for commodified bodies of prisoners. Prison rechannels the activities of persons who are not productive in the neoliberal sense and makes them useful to the dominant political economic order. The prison borrows in the form of sentences that might stretch anywhere from 30 days in a county jail the onerous and often legally mandated sentences given to prisoners which are often absurdly made to stretch many lifetimes; and it lends long in the form of the political capital given to reactionary and neoliberal politicians over the course of many election cycles.. This reworking of natural lifetimes into sentences even commodifies the prisoner's time as a resource to be used and spent, produced as a punishment and reduced as reward (so long as a parolee can keep a job and refrain from engaging in non-productive behavior like associating with criminals and drinking), even borrowed against in public crusades for increased mandatory minimum sentences.

Pashukanis insists that penological conditions must necessarily follow economic modes, and that therefore – *pace* Davis – no mere reform is possible. “[T]he legal form provides an important regulative structure which sanctions capitalist relationships and enforces the appropriate economic rules.” “Every penal policy bears the imprint of the class interests of that class which instigated it.” Thus neoliberalism as the social dominant must necessarily reproduce itself in the penal policy.

This mode of penology is not about the politics and economics of neoliberalism, but also the cultural expressions of those politics. I am reminded of one of the few holistic critiques of the nexus between criminal punishment, politics, and economics in our popular culture, writer David Simon's television series *The Wire.* In an interview explaining the philosophy underlying *The Wire,* Simon rejects simple reform, and seems to endorse a similar view that existing political economic relations are incompatible with reform: “I don't consider myself to be a crusader of any sort. I was bystander to a certain number of newspaper crusades. They end badly, in terms of being either fraudulent or by inspiring legislation that makes things worse. So, I regard myself as someone coming to the campfire with the truest possible narrative he can acquire. That's it. What people do with that narrative afterward is up to them. I am someone who's very angry with the political structure. The show is written in a 21st-century city-state that is incredibly bureaucratic, and in which a legal pursuit of an unenforceable prohibition has created great absurdity.”

Simon identifies both the importance of narrative as resistance – especially in the dying public spaces (“the campfire”) - and also the absurd conditions that make resistance often futile because already *de facto* privatized “public” institutions like newspapers, schools, and the criminal justice system simply co-opt narrative resistance into narratives of deviance and criminality: “The idea that these massive institutions—school systems and police departments and drug trades and political entities and newspapers—might actually become utterly unfeeling to the people they're supposed to serve and the people who serve them seems to me to be the paradigm of the 20th century, and I think it's going to continue.”   Simon goes on to say that one might conclude that   “Every day, human beings are worth less. That's the triumph of capitalism. The money gets made, and the fewer people we need to make that money… I come from a city where 47 percent of the African-American males are out of work.” This lack of economic productivity in individuals is bent towards some other use, the production of political capital through the segmentation and separation of space and time in the prison-industrial

complex. Thereby the subject is converted from citizen to criminal to prisoner and thence into a new economy of bodies that provide political capital to neoliberal interests through the privatization of spaces.