

INTRODUCTION

The United States has experienced over the past forty years—over a period marked by the ascendance of neoliberal ideas and policies—a massive expansion of its carceral sphere and of its prison population. Today, we live in a condition of mass or hyper incarceration, with more than one percent of our population behind bars. The prison, as an institution and practice, falls disproportionately on persons of color, all but ensuring that members of marginalized communities have first-hand and direct involvement in the criminal justice system in their lives. Similar trends have emerged in other Western European countries.

The exact nature of the relationship between the rise of neoliberalism and the era of mass-incarceration remains an open and challenging question. One place that they undoubtedly encounter each other, recently, has been in the notion of the “crisis.” The on-going economic crisis that began in 2008 has taken various forms: financial, fiscal, sovereign debt, national debt, housing, consumer credit, student loans, and on and on. As these crises have spread and changed, they have at times slowed down and at others sped up. Yet “the crisis” in some form appears to be a persistent if not a permanent condition, and related in important ways to the prison boom.

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The persistence of “crisis” should be of no surprise to readers of Marx—who specifically tried to demonstrate the inextricable relationship between capitalist commodity production and crisis in his *Theories of Surplus Value*. Marx argued that capitalism requires the instability between use and exchange values that can always generate a crisis in order to produce profit through the exploitation of labor. Capitalism, Marx maintained, could not function without the ever-present possibility of the crisis. Moreover, insofar as the possibility of crisis always exists, “actual crises” will occur within capitalist logic, rather than against or in spite of it. The contingent crisis becomes the necessary one. Disruption becomes the norm.

Readers of Foucault might reach a parallel conclusion regarding the prison, as its history has so often been a history of perpetual crisis. As Foucault noted in *Discipline and Punish*, the history of the prison has always demanded its own reform, and yet the solution to the prison’s failings have always been to call once more for the prison form. The question we must ask, Foucault insisted, is not why does the prison fail, but rather what is served by the prison’s failure?

If the prison form has appeared stable throughout most of the contemporary period, this seeming stability has been visibly disrupted in recent years, taking on the distinctive form of a “crisis of prison overcrowding.” That crisis was even recognized, in its most visual starkness, by the Supreme Court of the United States in its 2011 decision in *Brown v. Plata*. There, the Court included a set of arresting photographs of California’s prison gymnasiums overflowing with bunks and bodies. The high court ordered the state to dramatically reduce its prison population, agreeing with a lower court decision that declared that California could not realistically “build itself out of this crisis” especially “in

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light of California's ongoing fiscal crisis." At the intersection of the state's fiscal crisis, the broader global financial crisis which had driven down California's ability to borrow, and the crisis of mass incarceration itself, sits not only the acknowledgement of a crisis point in state punishment, but also the caged bodies of prisoners, quite literally stacked on top of each other.

The collection of articles in this volume of the *Carceral Notebooks* grounds its analysis in the fact that the penal sphere reaches far beyond the prison gates, throughout Western culture and society. Focusing on the relationship between neoliberalism and the notion of a prison "crisis," the articles ask: What is the relationship between the different crises, and what is the future trajectory of neoliberalism and penalty in the United States? Are these crises merely analogues of each other? Are they structurally connected through the capture of political institutions by capitalist interests and the increased financialization or securitization of punishment? Or are these crises really the same thing, merely distinct but inseparable manifestations of the same underlying, and endemic, crisis of capitalism, the visible contradiction of neoliberalism and the carceral form?

We hope you enjoy these brilliant contributions to such an important and challenging set of questions.

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