



## WORK WITHOUT LABOR: Life in the Surround of a Rural Prison Town

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In human history there is always something beyond the reach of dominating systems.

—Cedric J. Robinson, *Forgeries of Memory and Meaning*

The new thing, always calling for itself, already lives around and below the forts, the police stations, the patrolled highways and the prison towers.

—Stefano Harney and Fred Moten, *The Undercommons*

It was time to purchase goods from the commissary. Corrections officers (COs) make rounds on Thursday evenings, selling goods at exorbitant prices that would make airport food courts blush.

“Seven hundred percent markups on some items,” Ken says as an aside, while telling me this story. “And what’s maybe worse, or, I don’t know if it’s worse, but some of these items are purchased in bulk and then sold individually. It says ‘Not for Individual Sale’ right on the packaging!”

Ken is not referencing a so-called illicit prison economy. The commissary in the New Jersey state prison where he was held for ten years sells goods this way.

“I once spent \$75 on a single phone call, but AT&T is responsible for the markup on that.”

As the COs made rounds on that particular Thursday, he continues, they arrived in front of Ken’s cell. He declined, though he had plenty of money on his books. No big deal. The COs shoved on to the next cell. But people confined in nearby cells took note. Ken explained the markups. The following Thursday, his entire cell block declined purchasing goods. The next week, two cell blocks declined. By the month’s end, the entire west wing declined and said they would continue to do so until goods were made affordable. The COs launched an investigation.

“They found out I was the first one,” Ken says. “So, they dragged me out of my cell and threw me into the hole [solitary confinement] for a week. They accused me of inciting a riot. Everyone in prison, or everyone who has spent time in prison, whether they are Black like me or white like you, knows the criminal justice system is built for them to fail and to make money off them. So *not* purchasing goods was inciting a riot.”

We talk in the parking lot, long after the Intensive Supervision Program (ISP) meeting has ended;<sup>1</sup> winter winds blow across the concrete and underneath our parkas. Fred, who leads ISP with Ken, interjects: “That’s why I’m getting these [formerly incarcerated] people to invest in private prisons. Not because they are a good company—they aren’t! But they also aren’t going anywhere. So, we can eventually get to where *we* own 51 percent of the stock of this prison company and start changing the way things happen. But, really, that’s only one part, a part where I can get formerly incarcerated people making money off the system that made money off them.”

“Yeah, I am intrigued by your plan,” I reply, “but I’m not sure I can get on board.”

“It’s more than that. Think about what it’s like to go to school and play kickball with a prison behind the field? What ways does that change your entire psychology? It’s not even, ‘Yeah, Dad is locked up and we go visit him in so-and-so once a month.’ NO! It’s, ‘Yo, Dad is locked up, and he’s RIGHT THERE!’ It changes everything. All these kids see when they grow up around here is a prison.”<sup>2</sup>

Fred and Ken have led ISP in Cliptown,<sup>3</sup> a rural region in South Jersey with five correctional facilities, for more than a decade. Ken, in his late thirties, spent part of his teens and twenties confined behind bars and now works as a consultant in a neighboring state, after earning associate’s and master’s degrees. He experienced the hierarchical labor structure of prisons, first as an incarcerated person

forced to work while trying to exercise fiscal agency over his scant wages, and second as a formerly incarcerated person struggling to expunge the felony from his record so he could get a job. Fred, now in his mid-fifties, was employed after college at one of Cliptown's state prisons, where he came into contact with the prison's labor structure and covertly organized incarcerated people to go on strike, until the warden found out and fired him. Fred now works in administration (and as the program director for formerly incarcerated students) at the county's community college. In light of these kinds of personal experiences inside of Cliptown's prisons, Fred and Ken have spent much of their lives organizing with formerly incarcerated people against prisons and resourcing them to "re-brand" personal and work identities through efforts aimed at erasing their felony charges.

\* \* \*

Fred and Ken identify two problems that plague life in Cliptown: (1) the hierarchical labor structure within and surrounding prisons and (2) the limited life opportunities for convicted felons after their release. In the current system, a felony charge continues to hold the formerly incarcerated person captive (Burch 2019), attaching to them as an obstacle that curtails job possibilities, nullifies voting rights, forecloses housing and education opportunities, and enforces perpetual surveillance. The enduring impact of a felony conviction is a core reason that for every 10 people released from prison in the United States, 8.3 will be re-incarcerated within nine years.<sup>4</sup> Fred's proposed solution, however, is not to erase the afterlives of felony charges, but, rather, to replace those occupying the top of the hierarchy with those confined at the bottom. That is to say, in his view, the people being dominated by the ruling class must become the ruling class to "change the way things happen."

Cliptown's hierarchical labor structure is embedded in the relationship between its prisons and the local political economy. But the labor structure of the region did not originate with the arrival of prisons. It belongs to a much longer (regional) history in which confinement has been used to determine the conditions of work (i.e., labor structure) such that a ruling class can easily siphon away the products of each person's efforts. Today's prisons are only the current manifestation of a succession of *technologies of confinement* that have proven central to Cliptown's political economy for hundreds of years. Pursuing Fred and Ken's two primary concerns leads me, first, to historicize Cliptown's racialized labor structure and, second, to enter the surround of those prisons where formerly incarcerated people build lives.

Approaching Cliptown through the lens of its prisons might seem to imply a forty-year history of the U.S. “prison boom” or “mass incarceration” (Western 2006; Alexander 2010), but this would mean disregarding a key fact: Cliptown’s political economy has always relied on racialized confinement at the center of hierarchical labor structures. Numerous prisons squeezed into a small space might also seem to indicate a “fix” in the form of a state-targeted development project. In *Golden Gulag*, Ruth Wilson Gilmore (2007, 58–78) analyzes California’s use of prisons as a development project responding to a multifaceted accumulation of empty land, idle people, and static capital produced by the disassembling welfare state, expanding global food markets, and the collapse of industry. The “prison fix,” as Gilmore calls it, highlights the resolution of capital’s “crisis tendencies” through “geographical expansion and . . . restructuring,” names the technocratic intentionality associated with a ruling class working to rig the system, and conjures an idea that those actors became fiends addicted to prison-building (Harvey 2001, 24).<sup>5</sup> While Gilmore’s study remains persuasive, there is a problem with viewing Cliptown prisons as a fix: it suggests, even if unintentionally, that prisons are an external technology to the function of state and capital. That is, it bolsters a view of state and capital as capable of seeking a different fix. By focusing my inquiry on a twenty-square-mile region in South Jersey (Cliptown and its outskirts), I both stretch the timeline for historicizing prisons and challenge the idea that they symbolize an external solution to localized problems.

In what follows, I first trace three separate regimes that have marked the labor structure in Cliptown’s history, illuminating how its political economy continually requires the mass confinement of racialized people. In doing so, I identify a primary feature of prisons: *labor without resources or work*. Building on Dylan Rodríguez’s (2006, 47) construction of the “prison regime,” which re-presents the prison as a “mythology” that “rationalizes and renarrates a domestic . . . site of aggressively one-sided, racial gendered warfare,” and on Cedric J. Robinson’s (2007, xii) “racial regimes,” which are “constructed social systems in which race is proposed as a justification for the relations of power,” I reframe Cliptown prisons as only the current manifestation of sites that mystify and legitimate white-masculinist warfare through the continual adaptation of technologies of confinement that enable the political economy to function. Separating Cliptown’s history into distinct regimes of confinement reveals that prisons are neither a (recent) federal idea for social control nor (simply) an external fix for accumulation.

Historicizing these regimes in Cliptown reveals a structuring logic: privatized enclosures of land coincide with the racialization (and criminalization) of

confinement to produce captive labor. As the active technologies of confinement become untenable, new technologies take their place, producing new economic possibilities while racialization (and criminalization) shifts and multiplies. The ongoing privatization of land and productive resources maintains the white-masculinist order. This is not to suggest that each regime is essentially the same (i.e., a “new” Jim Crow or a “new” slavery). On the contrary, regimes disintegrate and become untenable (Robinson 2007, xiii), and recalibrated technologies of confinement consistently re-produce different possibilities and restrictions for accessing Cliptown’s social, political, and economic systems.

Moreover, historicizing Cliptown’s labor structures (rather than simply localizing a “prison boom”) introduced me to spaces that exceed the capture of confinement. In the second half of this article, I journey to The Spot, a men’s clothing store in Cliptown’s downtown, owned and operated by Shakes, a formerly incarcerated man and lifelong resident. The Spot is a site that does not reproduce the hierarchical labor structure of confinement, but instead expands space for practicing freedoms and learning to be “unavailable for [confinement’s] servitude” (Gordon 2017, 49). In other words, at The Spot, we witness *work without labor*. An overly deterministic fixation on state and federal policy is incapable of finding such spaces that escape confinement, since it treats the forms and collectives of “life that surround” prisons as immaterial and incidental to their operation (Harney and Moten 2013, 17). In this article, it is precisely life in the surround that grounds my historical approach to labor and confinement.

Finally, my distinction between labor and work relies on key passages in the James Mill section of Karl Marx’s (1844) “Paris Notebooks” (1843–1845), in which he explores the impact of private property on human relations. In the closing paragraphs, Marx imagines how the abolition of private property might reshape the relationship between people, work, and labor. Since private property maintains a hierarchical structure of laboring, work can only be a “torment . . . a forced activity” externally imposed on those who must work to survive. Across Cliptown’s multiple regimes, private property owned by white people maintains a hierarchical labor structure in which racialized people are confined to work for the benefit of a ruling class. Cliptown’s current political economy, organized around prisons and policing, has stretched that structure to its logical conclusion, in which the mere act of confining thousands of people generates hundreds of millions of dollars. It has created a system of *labor without work*. For Marx, abolishing private property in favor of a horizontally structured communal arrangement, however, would allow for the possibility of “a free manifestation of life . . . an enjoyment of life”

that affirms our work, expands our relationships, and deepens our “communal nature.” At The Spot, Shakes has built just such a space, in which work continually escapes the hierarchical labor structure, acting to deepen relational bonds, expand community, and multiply economic opportunities. He has created a space of *work without labor*.

### CONFINEMENT: Three Regimes

. . . an immensity of which we know little except that we are part of it.

—Michel-Rolph Trouillot, *Silencing the Past*

Cliptown’s history of confinement is just as much a story of land use as it is a trail of federal and state policies. As I listened to people’s stories, and as I followed those stories to other stories, and then into the city clerk’s office, and the public library, and museums, and historical accounts, and abandoned farms, I learned an entirely localized narrative around Cliptown’s political economic history and use of confinement. I provide fragments of this account to sketch three separate regimes of confinement.

#### *Planter Regime*

The planter regime was carved into the earth as a place to grow food for New York City and North Jersey, with some of the richest earth along the Eastern seaboard.<sup>6</sup> According to the Lenape historian [John \(Smiling Thunderbear\) R. Norwood \(2007\)](#), Lenape people trace their relationship with this land back thousands of years, until white settlers committed genocide and/or forcibly removed them beginning in the seventeenth century. Amid the genocide, white owners were gifted seventy-five acres of land for each enslaved Black person they brought into the state ([Cooley 1896](#), 9). The practice continued (though the acreage given diminished each year) until New Jersey was populated with white owners and confined Black people. New Jersey was the last of the Northern states to abolish slavery in the late 1860s.

Cliptown’s planter regime gifted (only) white men with (free) land ownership, made possible by racializing Lenni-Lenape people (to justify land theft, genocide, and removal) and Black people (to justify bodily theft, physical violence, and enslaved labor)—in service of the agricultural economies of white land owners—while keeping Lenape and Black people landless and always under threat of genocide or enslavement. Cliptown’s division of land ownership thus belongs to

the same process of naturalization that, for Frantz Fanon (1963, 5, 9), divides all the land of the colonized world: “what race one belongs to.” Technologies of confinement manifest in this regime as enslavement, forced removal, and genocide, and the hierarchical labor structures assure that the workers, the products, and all resources of production are owned by a (white) ruling class.

### *Robber Baron Regime*

Two families grew in power following the so-called end of plantation slavery: the Seabrooks and the Woodruffs.<sup>7</sup> The Woodruff family exerted pressure to build a new railroad stop that opened Brooklyn food markets to Cliptown agriculture, but the family also turned attention to natural gas and its many services after the turn of the century. In the early 1930s, C. F. Seabrook took control of his family’s farm and began purchasing additional acreage from smaller farmers, updating assembly-line procedures and adding new processing technologies (e.g., for freezing fruits and vegetables) along the way. Non-elites also grew in organizational capacity. Agricultural workers organized with and in unions, leading to a series of strikes in the 1920s and 1930s for increased wages and safer work conditions. By 1925, New Jersey also had the second-largest Ku Klux Klan membership in the United States, at 720,000, with heavy concentration in South Jersey (Woods 2017, 90).

In 1934, the *New York Times* (1934) reported that Seabrook had promised male workers 30 cents/hour and female workers 25 cents/hour, but paid both 17 cents/hour, which led to a cross-racial, farm-wide strike that lasted multiple weeks. Seabrook went to the newspapers, accusing workers of being communists, and hired off-duty police officers to disrupt the strike and train his sons in suppression tactics.<sup>8</sup> Seabrook’s oldest son recalls a police officer instructing them: “Now, never raise your club, because some damn photographer . . . will take a picture of you. Keep it low and jam the guy in the crotch. Then, when *The New York Times* takes a picture, you’ll see everybody bowing to you” (Harrison 2003, 37–38).

Seabrook secured a Depression-era loan through the Reconstruction Finance Corporation that enabled him to keep the farm going, but “forbade the company from using funds to increase workers’ pay,” and so labor negotiations were determined by anti-worker financial support from the federal government (Harrison 2003, 37). Tensions eased when Seabrook devised a scheme to incorporate “one . . . union [that] they could negotiate with fairly [and who] would be more likely to keep peace among workers than a series of locals” who were not of their choosing

(Harrison 2003, 41). Seabrook Farms thus grew as people the world over, including preteen children, trickled in for seasonal work.

By the start of World War II, Seabrook shipped more frozen vegetables than any other farm in the United States, enabling him to negotiate lucrative contracts with the federal government. This, however, brought new problems: the bulk of available white workers had been conscripted into the war efforts, and local Black workers had become “unruly” and “disorderly” to the hierarchy of labor and Jim Crow social control (Aitken 1944). South Jersey Quakers, at the time working nationally against Japanese internment, offered C. F. a solution: interned Japanese Americans (Harrison 2003, 57–62).

Cliptown’s elected leadership held deep reservations about the influx of Japanese Americans to the region. The mayor wrote a letter to Seabrook acknowledging the significance of nonwhite labor “to grow and produce the necessary foods required by our Armed Forces,” but emphasized that he and the city council did “not welcome the American-Japanese . . . [though] he realizes . . . [they] would be law-abiding and would cause the local police authorities no difficulty” (Aitken 1944). After referencing a high school basketball game disrupted by angry whites who did not want their children sharing a court with Japanese American students, he continued: “In furtherance of our conversation had yesterday in your office . . . in connection with the securing of American-Japanese citizens for labor . . . [there is some doubt] as to the desirability and advisability of [them] coming to work in the vicinity of Cliptown,” but, he writes four times in the two-page letter, “[we] would prefer Government investigated American-Japanese citizens . . . rather than the undesirable southern Negro labor . . . because they frequent the local saloons in the colored section in town, become intoxicated, become unruly and are continually causing the local police considerable difficulty by fighting and continually behaving in a disorderly manner.”

Seabrook Farm’s labor demands exceeded the racism of Cliptown whites, thus, over the course of World War II, more than 2,500 Japanese Americans were sent by train from internment camps to Seabrook Farm’s labor camps. This massive entry had a dramatic impact on Black workers. Those who participated in labor strikes were fired, and those who remained were immanently threatened with replacement.<sup>9</sup> By the end of the Second World War, the majority of Japanese American people exited Cliptown permanently.

In the late 1950s, glass and canning factories supplanted agriculture as the region’s primary employer, and Seabrook’s sons converted the sixty-square-mile farm into a real estate and financial advising firm, selling off the land, piecemeal,



which by then stretched from South Jersey into Pennsylvania and Delaware. Staying profitable proved impossible when Seabrook could no longer rely on government contracts and confined, racialized populations.

Cliptown's robber baron regime expanded land ownership for a few white men (tied largely to inheritance), which further monopolized the land for corporate agriculture, while maintaining a segregated status for Black people whose public lives in segregated sections of town were criminalized, and capitalizing on the nationally criminalized status of interned Japanese American people, which enabled Seabrook to obtain, segment, and confine cheap labor, with workers entirely dependent on the farm for their existence. Technologies of confinement—manifest here as government policy, armed police officers, internment/labor camps, housing segregation, and wage theft—and the hierarchical labor structures have adapted to remunerate workers while still controlling social movement and extracting profits to a ruling class.

The robber baron regime thus operates differently than the planter regime. Black people are paid for their work (although wages can be stolen by white owners and workers can be physically assaulted/fired if caught organizing), and they can purchase land, practice religion, and socialize in segregated parts of town. Japanese American people can work for wages, but they must pay to live in the barracks and they must shop exclusively on the farm. What is similar to the planter regime, and is especially clear in the mayor's letter, is that Black people and Japanese American people alike are valued by the white ruling class only for their capacity to work within the hierarchical labor structure—it is the confinement of racialized workers, the mayor acknowledges, that allows Cliptown's economy to work. As the robber baron regime utilizes workers made available by racialization/criminalization, it can respond to Black workers' demands for higher wages and better working conditions by importing (contingent) workers that can be legally confined from other geographic regions.<sup>10</sup>

### *Boundless Baby Boomer Regime*

I told him: If you don't get better grades, I will pull you out of college and make you take the corrections officer test. Just like his daddy [*laughter*]. It's the only way you will amount to anything around here.

—Cliptown (County) Prosecutor

A booming glass industry became the primary regional employer following the decline of Seabrook farms in the late 1950s. Two state prisons were built next to one another on farm land in Cliptown's outskirts. In 1977, the prisons launched a dairy farm that continues today, where "low-risk" inmates produce milk products for New Jersey state prisons—the dairy farm generates more than \$11 million a year while paying confined workers between \$4 and \$6 a day (Franklin 2017). Two separate retired COs told me that, until the mid-1970s, these prisons were staffed primarily by Ku Klux Klan members, before an external investigation revealed decades of abuses. I have found no documented evidence of this, but in 1979, the regional Klan presence was strong enough that David Duke made a campaign appearance during his (Democratic) bid for U.S. president (Bennett 2011); in the late 1990s, the prison administration instituted a policy that COs could no longer wear Confederate flag patches on their uniforms (*Prison Legal News* 1997); and, as recently as June 2020, a staff CO was fired after a video surfaced that showed him reenacting the George Floyd killing as protestors walked by his house (Torrejon 2020). By the early 1980s, the glass industry, which did not utilize workers confined in local prisons, had begun rapidly scaling down to move production into the Appalachian region.

In 1981, the Democratic congressman William J. Hughes, a former prosecutor representing New Jersey's second congressional district (which includes Cliptown) from 1975 to 1995, was appointed to the House Judiciary Committee to serve as the chair of the Subcommittee on Crime. Congressman Hughes, who held this position until 1990, oversaw the passage of more than forty major anti-crime laws,<sup>11</sup> working lockstep with then Senator Joe Biden to increase the number of crimes punishable by death, "proudly endors[ing] . . . H.R. 3371 for making '48 serious Federal crimes' death eligible" (Murakawa 2014, 139). Hughes's contribution as a legislative architect helped greatly expand and protect U.S. police power and made drug selling/possession a hypercriminalized activity, which had a cumulative effect of producing people to be confined in prisons. By the close of the twentieth century, one new prison opened in the rural United States every fifteen days (swelling to one every ten days when including sub/urban spaces) for almost fifteen consecutive years (Huling 2002, 198). My interest here, however, is not with Congressman Hughes's policies, but with his connection to Cliptown and its acres of cheap land.

By the mid-1980s, a few years into Congressman Hughes's tenure, glass production ceased entirely and people from Mexico and Central America moved in for agricultural work. White people scattered to the outskirts, building small subur-

ban-like neighborhoods with a new public school that excluded most of Cliptown proper, where Black and brown families lived. The newly arrived, often undocumented residents, alongside great numbers of unemployed factory workers, once again provided local farmers (and police) with a growing number of racialized, landless, and contingent people.

During this transition, in 1986, two lawyers from New York City purchased land from Cliptown farmers until they had amassed more than one hundred contiguous acres. A week later, the property was sold to the county at a 110 percent markup. The following day, the county sold the property to the Federal Bureau of Prisons, Office of Facilities, for one dollar.<sup>12</sup> In 1993, a similar process happened with the land that would ground the state prison, but this time the outsiders hailed from South Carolina. In both cases, land was purchased piecemeal (often from farmers) and then resold as a single piece of property to the county. It appears, given the nonlocal status of the buyers, combined with a breakneck timeline from date of initial purchases to final sale, that this is an example of strategizing across county, state, and federal lines for the purposes of benefiting a few wealthy men and political insiders (like Hughes) by undercutting local farmers.

In 2015, when I began research, abandoned buildings, empty storefronts, and boarded-up homes filled the landscape, with scant few newly constructed buildings: a renovated county prosecutors' office, two remodeled state prisons, one new state prison, one new federal prison, one county jail being renovated and expanded into a regional correctional facility, one new halfway house, one new church auditorium with a connected recreational building, and a remodeled building housing New Jersey's largest nonprofit.

Police officers, COs, and wardens rank among the highest-paid workers in the Cliptown area,<sup>13</sup> and they enjoy widespread power throughout the region. The school board has seven elected members—six, including the president, are COs. The Cliptown president of the NAACP is a CO. The New Jersey president of the NAACP is a retired CO now working as a warden of the regional jail.<sup>14</sup> The mayor is the first Black mayor in Cliptown's history, and, in 1986, three short months after the farm lands were sold to the Federal Bureau of Prisons, he founded what is now the largest nonprofit in New Jersey, which oversees more than \$55 million of state and federal monies annually. Half of the organization's seven hundred employees rely on government aide. Many of the government contracts he signs first as mayor and second as CEO. He is collaborating with the NAACP and the COs union to land a second federal prison.

Patrolling police officers with itchy trigger fingers from one of three departments ride around in battle-ready automobiles. I saw, on average, between five and ten different patrol vehicles cruising the places where I conducted research on any given day. Two unarmed Black men were murdered by police during my research time, and countless other residents suffered physical assault and/or illegal searches. Each person of color I spoke with in depth, irrespective of their class, had at least one such story to share. People from Mexico, Central America, and South America found themselves regularly targeted—by residents and police officers alike—for bodily violence and property theft.<sup>15</sup> Three inter/national gangs moved into town following the opening of the federal prison, and, by the mid-2000s, tiny Clijptown was regularly listed as one of the most gun-violent regions in the Northeast.<sup>16</sup> Rumors that El Chapo had been hiding out in someone's basement since his mid-2015 escape from a prison in Mexico were traded like stories of Bigfoot or the boogie man, people whispering about his presence in shushed tones and side-eyes. Police officers and public defenders alike confided that they believed the rumors.

In the late 1990s, a retired high school teacher began purchasing houses (widely available for pennies on the dollar) to chop them into rental units. He now owns more than 20 percent of Clijptown's rental market (more than seven hundred houses), renting apartments almost exclusively to undocumented people and formerly imprisoned people, since he requires no background checks or deposits. I toured many of his rental properties when I moved into town, each one more dilapidated than the previous, rank with sour odors, and crawling with insects and vermin entering through broken windows, cracked door frames, and leaky walls.

Clijptown's boundless baby boomer regime expanded land ownership for middle-class white men, intensifying a monopolization of domestic property ownership that produced a predatory rental market now housing almost 70 percent of the population, while a national drug war criminalized Black, brown, and poor people who could then be confined in Clijptown prisons where, for decades, elected and institutional leaders had already been putting into practice the many techniques for forcing confined people to work in hierarchical labor structures that both benefited from the increase of dependent people (migration, unemployment, drug war policing) and contributed to the increase of dependent people (releasing people with felony charges). Technologies of confinement manifest in this regime as police officers in cars with guns, jails and prisons, halfway houses, criminal courts, felony charges, segregated school systems, nonprofits, a predatory rental market, and hierarchical labor structures have adapted to remunerate workers with low wages while controlling social movement in service of extracting profits to a ruling class.

The boundless baby boomer regime has, however, nuanced the aesthetics of confinement in significant ways. While white land ownership is further monopolized, employment opportunities for residents fortunate enough to avoid criminal charges have expanded. By producing either/or paths allegedly determined by one's criminal charges (or lack thereof), Cliptown's current regime appears color-blind and racist-neutral, despite confining Black people at a rate twelve times higher than white people—the most disproportionate incarceration rate in the country.<sup>17</sup> This is how the boundless baby boomer regime functions: to mask the perpetual reproduction of white masculinist warfare beneath the facade of multicultural law and order. The regime gives Black people access to management positions within the confinement technologies exactly while targeting and confining Black people at highly disproportionate rates.

For racialized residents who avoid criminal charges, managing confinement technologies becomes the *sine qua non* for wider access to the social, political, and economic systems in Cliptown. Turning back to this section's opening epigraph, Cliptown's prosecutor, the first Black woman to serve as prosecutor in the county, is not joking when she says that being a CO (like her son's father) is the only way her son will amount to anything in Cliptown. She is soberly analyzing the current regime and seeing prisons as portals: those trapped by confinement will be transported into highly exploitative work conditions, while those managing confinement will be transported into highly remunerative work (that often brings wider social and political opportunities). If Black (and other racialized) people want to succeed socially and economically in the current regime, they likely must participate in the management of its confinement technologies.

### REGIMES OF CONFINEMENT

A primary feature of the current technologies of confinement (i.e., prisons) is a hierarchical labor structure that generates money simply by confining people. That is, a labor structure without resources or work. Yes, some confined people are forced to work jobs, and those workers receive modest remuneration.<sup>18</sup> Nevertheless, the confinement of bodies *is* the profit-generating mechanism of the current regime. Average rates per person vary widely by state, but in New Jersey, it costs more than \$61,000 a year to confine someone in prison, and two-thirds of that state or federal money stream goes directly to local COs' salaries.<sup>19</sup> When we combine the populations of all Cliptown prison facilities, the number of people confined on any given day is around 6,500, which means local prisons are responsible for a cash flow that exceeds \$400 million a year (with \$270 million go-

ing directly to salaries). And this does not include the regional jail employees, the court system employees, police and sheriff department employees, public/private defense and prosecutorial employees, or halfway house employees, not to mention the numerous corporate entities gobbling dollars from every nook and cranny. The confinement of racialized people has been at the center of Cliptown's social, political, and economic systems for almost four hundred years. It is as central today as it was during plantation slavery, with the major difference that, today, Black people have replaced white people to sit atop Cliptown's labor structure. And contrary to Fred's hope, replacing the leadership while leaving the labor structure intact has done little to "change the way things happen." By eliminating resource dependency and creating a space where workers are easily immobilized, thereby making forms of organizing and protest simple to isolate and quash, the boundless baby boomer regime has become the most dependable form of capitalism in the region's history.

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Yet Cliptown's history of confinement regimes, now manifest as prisons, provides only an incomplete picture of the region. To stop here would be to suggest that confinement's domination is total. Tucked away, beneath, before, outside of, around, on top of, surrounding, hidden from view, Cliptown beats with rhythms that refuse to reproduce the hierarchical labor structure. It is to one such space, The Spot, that I now turn.

### **BUILDING A SPOT IN THE SURROUND**

If there is one clear lesson that prisoners who refuse the social death sentence teach, it is that to redeem a future, a life, out of a space of living death requires an integrity and fortitude that's impervious to the contingencies of institutionalized dehumanization and domination.

—Avery F. Gordon, *The Hawthorn Archive*

The Spot is a small men's clothing store located on the first floor of a nineteenth-century downtown building, owned by an elderly white man who lives forty-five miles to the east, in Cape May. It is one of only two Black-owned businesses, Shakes is always quick to remind his interlocutors, the other being a barber shop across the street owned by his son. He has lived in Cliptown his entire life. After graduating high school, he was arrested and charged. I spent countless hours during fieldwork in the store, folding jeans, fixing hangers, watching the register

when he ran out, and smoking cigarettes with him while sitting in folding chairs out front. Six months passed before Shakes shared the specificities of his arrest, and I will not share the details (or anyone else's). The Spot was a safe space for people, especially people with felony charges, to gather together, to stand on the sidewalk in a group without being harassed by police officers or business owners, or to chatter with drivers who would stop in the middle of the street to yell "hello" or to ask after family. Shakes worked hard to cultivate such a vibrant space. In what follows, I highlight how The Spot horizontalizes the hierarchical labor structure by refashioning the afterlives of felony charges into connective tissue for building meaningful relationships that foster collective learning and provide an open space to practice being unavailable for confinement's servitude.

\* \* \*

The Spot's door dings whenever it opens. Today, as on many days, Doughboy is in the corner, deep in concentration, slowly stitching a long, thin piece of shiny leather into a black purse—down, through, up, around, and back through again. A mess of purses sits in plastic at his feet, unstitched. Shakes leans heavy over the old display case. He has a Bible opened to the book of Proverbs, chapter 1, on his left and a men's spring fashion magazine flopped open on his right. Carlos is in the back, I know, because his sewing machine hums a familiar tune.

"My man," Shakes yells in his booming voice.

"Hey-oh!" I reply.

I take a seat next to Doughboy, who shows me how to stitch purses properly—the most important task if you want them to "look right."

"Are those real?" he asks, pointing at the sunglasses I forgot were still on my face. Doughboy speaks with the wit and in the cackling cadence of a standup comedian, so I am always waiting for the punch line, since usually I am it.

"Yeah, they are prescription."

"Let me see." He brings them delicately up to his nose, staring down the tiny hinges, slowly moving the earpieces back and forth, back and forth, as if holding a magnificent emerald.

"See, you can spot fake Ray-Bans by looking at the hinges. They feel like they will break easily and they sit loose on the nose and ears. These are nice. Solid. Lemme show you the differences."

The door dings as I follow outside—*grrswooooosh*—he opens the minivan's sliding door and invites me to stick my head in as he sits on the middle row. "Now, look here, this is a case of Ray-Bans that look like yours, the Wayfarers." He opens

a pair and then hands them to me. “This one over here is full of Aviators. The next time you want to buy a pair, just let me know and I’ll hook you up.”

“Thanks, man.”

He shows me his collection of purses, wallets, sunglasses, and even a line of men’s denim. Doughboy lost his factory job eighteen months earlier—one he had worked since his release from prison more than ten years before. He landed a good job, he said, because his brother was a respected preacher in town and vouched for him. Since losing the factory job, however, he has sold various items out of his van and, according to him, has “not missed a beat.” That is to say, he makes enough money to take care of his family and keep extra bread in his pocket—he is not called Doughboy for nothing. He swooshes the door closed and we join Shakes under the awning, now sitting in his usual folding chair.

“Did he fit you into a new pair of jeans?” Shakes asks, laughing and clapping hands with Doughboy—they regularly make fun of my clothing. “He’s not the only one who sells out of his car, though.”

“Wait, what?”

A smile cracks across Shakes’s face. He jams the Newport between his lips and walks to his car, only a few feet away. I follow. He pops open the large trunk of his Cadillac to reveal woven baskets, sheets of cellophane, spools of thick red ribbon, and boxes filled with various items I cannot discern. His trunk looks like a bargain bin in a craft store.

“What the hell is all of this?”

“Man, you know how dudes always wait until the last minute to buy gifts for Valentine’s?” He was too excited to let me answer. “Well, every year, a few weeks ahead of the day, I buy all of this to make gift baskets so I can drive down to the hood and sell them the day before. Usually I sell out within an hour or so.”

“YO!”

We look across the street to see Big Tim, Shakes’s son, yelling with an arm raised.

“Y’all wanna come over and watch highlights?”

Big Tim has a large television in his shop continually on ESPN.

“We will come over later. I saw the [76ers] game last night,” Shakes answers.

Big Tim stamps his cigarette and disappears inside the barber shop.

\* \* \*

This scene crystallizes part of what The Spot breaks open amid Cliptown’s seemingly unending grind of confinement. Shakes and Doughboy each managed to



avoid prison for more than ten years after release, which, according to the Department of Justice, puts them in rarified company. In fact, among the regulars I got to know who frequent the store, five were formerly incarcerated and none of them had been reincarcerated. This alone is staggering and, to be clear, would have been made invisible by studies of carcerality that bypass life in the surround. Tracing these regimes locally, however, refuses to give confinement the final word.

Land ownership remains firmly in possession of white men, and The Spot's building is no exception. Shakes assumed sole responsibility for paying the monthly rent and covering the utility bills, and he attended to the cleanliness and orderliness of the store with extreme diligence. His responsibility for keeping up with the bills and maintaining the space, however, did not stem from an attitude or ethic rooted in private possession. On the contrary, a minimum of five different people had been encouraged to launch their business from The Spot. In addition to Shakes's enterprises, Doughboy often stitched up his inventory in the main room, Carlos did alterations (men's and women's) out of the back storage room, Saul sold bottles of cologne on the bottom shelf of the old display case, and Rita sold hand-made goods on the middle shelf. None of them contributed to Shakes's rent or cleaning responsibilities. Imagine walking into McDonald's to find Burger King employees freely slicing pickles in the dining room.

Building The Spot as an open space for multiple business ventures that did not contribute to its many costs formed part of a wider rhythm of collectivity that Shakes attentively cultivated. Throughout my time conducting research, residents of all kinds expressed sorrow over the collapse of a once bustling and vibrant downtown, where shopkeepers knew one another and their customers, and where families could meander on the weekends. It was the most common refrain I heard during my research, irrespective of race, age, or class. For some residents, The Spot has resurrected a downtown microculture thick with those lost vibes. On any given day, there could be as many as ten people bullshitting outside, around and beneath the awning, and a few more standing across the street at Big Tim's barbershop. A large group on the sidewalk would draw further participation from passersby, as drivers stopped to yell "hello" or even throw the car in park, in the middle of the street, to stand up and lean on the roof, engaging in a more extended discussion of family and friends. As the baby boomer regime has expanded and intensified Cliptown's numerous technologies of confinement, Shakes has carved out a small, alternative space to which people can retreat from the constant capture of confinement technologies at any point of the working day.

The space of retreat is exactly what enables a reorientation of the racialization (thus criminalization) intended to dominate so many residents in Cliptown. Most of the people who frequent the store, whether formerly incarcerated or not, are Black men between the ages of thirty-five and sixty-five, with a handful of white and Latinx men, and an even smaller handful of Black women regularly joining. This collectively oriented space gives people temporary relief to take a breath from the grind, encouraging them to stretch out and simply be while socializing with others. These moments of expansive sociality allow for life and life possibilities in the now. Not tomorrow. Not ten years and two hundred meetings with a parole officer from tomorrow. Now. The permanent felony charges that attach to and follow formerly incarcerated people continually restrict their current and future capacities for participation in formal social, economic, and political systems. At The Spot, however, that same carceral record acts as a connective tissue that draws people into horizontal relation with one another. For people who have done time confined in prison, who have sat in a cell waiting for a time to come, for a time that never comes, for a time that knows you will be back soon, opening space to participate in the everyday regularities of life—talking, laughing, lamenting, loving, disagreeing, sharing stories and meals, standing on the sidewalk in a business district—should not be overlooked. But The Spot does not simply open an alternative space for people with carceral records to commune; it invites people to join in learning and helping to sound out daily rhythms that undermine the confining totality of prisons.

When people enter into these rhythms pulsing from The Spot, a kind of pause manifests to the grind of Cliptown's confinement machine. This provides potential for what Avery F. Gordon (2017, 49) calls "the practice of freedom," that is, the development of "a practice for being unavailable for [confinement's] servitude." A primary phase of each of the regimes is the making available of racialized (and criminalized) labor in service of the ruling class. In the baby boomer regime, there are at least two points when this happens: first, when a person is confined in a prison cell and, second, when a person is released and must join a work program for societal "reentry." Many people wind up in a work program as a condition of their parole or because they recognize how limited other options will be for so-called licit work. The Spot offers a space outside *either* trying to find work alone or fully submitting oneself to exploitative surveillance-based reentry programs. Like a blur to the side, it constitutes an alternative space in which one can learn how to live into freedom with others who also continue to face social, economic, and political discrimination.<sup>20</sup> The learning and the collective working are themselves

practices aimed at making oneself unavailable for servitude. For example, Rita took advantage of the free space to sell her handmade goods while taking night courses on web design at the community college. She landed two web design jobs near the end of my research. Others who spend time in The Spot continue selling so-called illicit items, which, at times, becomes a point of fierce debate, since most now view it as bad for the community, though not a reason for exclusion from the group. The space itself enables the possibility of this kind of real-time learning, be it through education and job training or the kind of insight generated from conversations that revolve around fundamental disagreements rooted in experiences with confinement.

In the move toward making oneself unavailable for exploitative labor capture, the dependency on the ruling class decreases. Shakes and Doughboy answer to no one in their businesses. They do not serve a boss who can fire them, and no one is handing the outcome of their work over to an owner. They do not ask anyone's permission to offer a discount, smoke a cigarette, use the restroom, leave early, stay late, or idle outside on especially sunny days when the conversation is lively. It is true that they sell goods in a market, as small business owners do, but it is also true that they engage in ways that stabilize their activities and thus reorient capital in real time by keeping money circulating locally, valuing collaboration and relationships over competition and profit, and protecting people who are targets for confinement. At The Spot, the hierarchical structure of labor has been horizontalized via the connective tissue of the felony charge as work is refashioned into an activity that can both meet one's needs and serve one's community.

\* \* \*

I need you and you need me. Until we get to that, we will never get better. You know? And I don't always feel like fighting. Sometimes I wanna save the world. Sometimes I just wanna watch *Power*.

—Henrietta Washington, Public Defense Attorney, Shakes's cousin

Doughboy gathers his purses to leave. Shakes returns from a lunch run with fried fish and four pieces of white bread crammed into a throwaway container. We place it on the stool between us and share a meal. He is still frustrated. The day before, I sat in the store while a millennial white man from a large nonprofit explained the requirements for a person with a felony charge to receive a small business loan, partially subsidized by the federal government, worth about \$50,000.

The catch was the sizeable down payment: \$7,000. The millennial from the non-profit gushed with excitement at his offer.

“IF I HAD \$7,000, I WOULDN’T NEED THE LOAN IN THE FIRST PLACE!” Shakes told him, ushering him out the door to the ding of the bell.

Not once did I meet a formerly incarcerated person who received a loan from this nonprofit. These are certainly the kinds of charades that litter Cliptown, seeming only to serve the ones peddling and never the ones allegedly receiving. I felt angry. I wanted to wait in the parking lot so I could scream at the director, who would undoubtedly be stepping into a luxury vehicle around 4:00 p.m. to drive to a suburban home, which was most certainly located in another town. But today, Shakes’s small gift of fish and bread chokes back my anger, redirecting my attention to the multiple flourishing bonds of camaraderie. Shakes rejects the non-profit/government loan—a move that would put him under greater surveillance.

The door dings.

“HEYYYY!” Henrietta almost screams as she bursts in. “I have some amazing news!”

Henrietta had met with the person who murdered her brother twenty years earlier. He had recently been released, and they both felt it was important to meet up and talk. She had not fully forgiven him, and talked honestly with him about that, but they discussed the kinds of carceral conditions in Cliptown that intensify the likelihood of gun violence and premature Black death. They began outlining plans to cofound a nonprofit aimed at promoting spaces where reconciliation could happen. They were determined that confinement would not speak the final words of their relationship.

We drag three plastic chairs outside, beneath the awning, so Shakes and I can smoke. A light, cold rain drizzles, and we keep our chairs close to one another.

“I cannot believe you are starting a reconciliation program with the person who murdered your brother. I’ve never heard of that,” I said to Henrietta. “You’re like Jesus or something.”

“Look, I’ve seen too much violence already in my life. Too many people who think prisons are an answer, or their likely destination, or a good industry for this town. As long as we keep reproducing the same kind of hatefulness and judgment that the prison system does, things will never change around here.”

“See, trying to change that system, huh?” Shakes approves.

“I see myself politically as more X than MLK, but as a defense attorney, I do work from within the system, so I’m just trying to do what I can to protect

vulnerable people and to work with others to help tear down this racist state machine.”

“I cannot wait to see what comes from this,” I comment.

Shakes nudges me and hands me his phone, displaying a picture of a smiling child with braids on the screen.

“That’s my little girl, right there,” Shakes smiles widely.

“Really? Wait, I didn’t know you had a daughter so young!” I reply. I hand the phone to Henrietta.

“Not my biological daughter, man.” He takes his phone back and stares tenderly before pocketing it. “Her parents are in a little trouble and had to relocate to another state in a hurry, so she’s been staying with her grandma, who is, you know, she’s . . . like . . . my girlfriend.”

I have never seen Shakes embarrassed, and I chuckle.

“YOU HAVE A GIRLFRIEND?” I ask, elbowing him. “But really, in all seriousness, it’s amazing that you’re taking care of your ‘adopted’ granddaughter like that.”

“Taking care of *her*?” Shakes replies, exhaling smoke into the rainy air. “Man, I need her just as much as she needs me.”

“You know that’s right,” Henrietta replies.

## THE SURROUND

A primary feature of The Spot is opening space for work without labor. The current regime is designed to repeatedly isolate and funnel residents into prisons, and Shakes has built a cooperative space where people are finding multiple ways to support themselves while building and deepening relationships with one another. By using felony charges and experiences with prisons and policing as connective tissue, the hierarchical labor structure does not translate into domination, as it does when corporate chains or universities use felony charges to discriminate against racialized and poor people. Instead, felony charges at The Spot quietly horizontalize the hierarchical labor structure in ways that expand sociality and possibility. It is not noisy in the streets and explicitly antagonistic to the confinement technologies, like Fred and Ken’s approach, which has long-term goals aimed at changing the ruling class and influencing policy. But neither is The Spot a place where people hash out the mechanics of Cliptown’s confinement technologies on their way toward a collective determination that exercises refusal (Simpson 2016; Sojoyner 2017).

For the cultural rhythms pulsing from The Spot, reform is too politically abstracted and refusal too esoteric and intentional. It is more accurate to think of the efforts as recuperative, where tools and technologies of domination such as felony charges are scrambled and remade for the purposes of commonality and care (Cabral 1973; Robinson 2000). These are not policy demands for changing police practices or reforming prison warehousing, because the people at The Spot already understand that these institutions and technologies function as they are designed to function. Instead, they sift through the many tools, technologies, and trash of confinement to fashion new possibilities for building collective life that not only enables each person to live but also expands the reach of communal life.

This is why I conclude with Henrietta's reconciling to the person who killed her brother twenty years earlier, and with Shakes's quiet care of a child abandoned by parents with few other options. The little girl left behind will continue to live a highly contingent life, as an easy target for Cliptown's numerous confinement technologies.<sup>21</sup> The mammoth organizational efforts undertaken by Fred and Ken over the past ten years, for example, are unlikely to mitigate something like the targeting of a Black child in foster care. But because Shakes has committed to sounding out new rhythms from within the surround, he manages to disrupt the technologies in a more immediate and complex way: in the joy of a little girl whose needs are being met by two people who love her and are able to give her attention and care, Shakes finds that he too is experiencing the profound embrace of care amid the technologies of confinement. Life at The Spot, in the surround, does not promise that Cliptown's current confinement technologies will be abolished or that the regime itself will be effectively changed. It offers only a murmur, what Harney and Moten (2013, 18) call "the new thing, always calling for itself," which is the whisper of possibilities that a few more people can be (already have been!) free and unavailable for confinement. It is a future that bubbles in the present, nurtured and constructed by a handful of people committed to seeing and sounding out something other than the carceral beat of confinement.

### ABSTRACT

*This article challenges the idea that the U.S. prison boom is a federally driven fix. By assembling a two-hundred-year regional history of Cliptown, New Jersey—a rural town with five prisons and three police departments—the article indicates that prisons appear not as an external fix but as the most recent technological iteration of a homegrown system that has always functioned to capture labor through white supremacist domination. Locally historicizing the evolution of this dominating sys-*

tem, however, refuses to concede the final word to prisons and earlier confinement technologies, concluding, instead, in an alternative space that exceeds the capture of confinement, where formerly incarcerated people collaborate to expand freedoms and to practice being unavailable for confinement's servitude. [prisons; policing; racial regimes; racial capitalism; white supremacy; domination; alternative spaces; labor]

## NOTES

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1. ISP is “[a]n intermediate form of punishment which permits carefully selected state-prison sentenced offenders to serve the remainder of their sentences in the community rather than in prison. ISP is a ‘prison without walls.’ [It is] a highly structured and rigorous form of community supervision which involves extensive client contact, surveillance, a restrictive curfew and urine monitoring (two to three times per week) for alcohol and drugs, including marijuana. [It is] a supervision program which mandates full-time employment, community service, maintenance of a budget and diary, payment of all court ordered financial obligations, payment toward child support, and the cost of the program.” For more detail, see [New Jersey Administrative Office of the Courts \(n.d.\)](#).
2. Although it is unusual in the United States for parents to be incarcerated locally, the high percentage of New Jersey prisons located in Cliptown make it common.
3. Cliptown is my name for a regional area, anonymized to protect the people with whom I conducted ethnographic and archival research for twenty-four months. Names of historically significant people and businesses that were or are located in proximity to Cliptown are used where relevant. All others are given pseudonyms.
4. This is according to the National Institute for Justice, an evaluation program within the U.S. Department of Justice.
5. [David Harvey \(2001\)](#) does not focus on prisons, but on capital’s general reliance on the “spatial fix.”
6. Here I borrow from [Clyde Woods \(2017\)](#) to denote the plantation as a total institution and the planter as the head of that institution.
7. Again, borrowing from [Woods \(2017\)](#), I choose the title to mark agro-manufacture as the total institution.
8. The broad-brush strokes account of Seabrook Farm’s activities offered here relies on the published account of the South Jersey historian [Charles H. Harrison \(2003\)](#), supplemented by articles from the *New York Times* and by my reading of archival records held at

- Rutgers University Community Repository, accessed primarily between 2015 and 2017, and most recently consulted on October 28, 2020.
9. I could find no written evidence of this. Two people who worked with Seabrook during this time shared stories with me.
  10. For an in-depth exploration of how distinct circumstances are created for racialized populations through the segmentation of the work process, see “Ethnicity and Nationhood,” in *Pathways of Power* by Eric R. Wolf (2001).
  11. Including but not limited to: The Comprehensive Drug Penalties Act (H.R. 4901); the Money Laundering Penalties Act (H.R. 6031); the Antiterrorism Act; the Federal Anti-Tampering Act; the Contract Services for Drug Dependent Federal Offenders Authorization Act (H.R. 2173); the Pretrial Services Act (H.R. 5656); the Undetectable Firearms Act (H.R. 4445); the Law Enforcement Officers Protection Act (H.R. 3132); the Career Criminals Amendments Act (H.R. 4885); the Armed Career Criminals Act (H.R. 6248); and the Firearm Owners Protection Act (H.R. 4332).
  12. Property records for the county are held in the City Clerk’s Office on the first floor of the courthouse in Bridgeton, New Jersey. The records are kept across three systems: an outdated computer system, a primary filing system, and an older filing system. I tracked property sales by beginning with current addresses and following the sales back in time.
  13. These jobs require only high school degrees. Each pays well into six-figure salaries. Some COs brag about making \$250,000 per year with overtime.
  14. The NAACP of New Jersey is spearheading the process of shuttering all county jails south of Camden to consolidate them into the largest correctional facility in the state.
  15. For example, a police officer was fired (not indicted) from the CPD for driving undocumented men to an abandoned factory parking lot, where he robbed them, beat them until they were unconscious, and left them to bleed out.
  16. Numerous sites exist where these kinds of specious statistics are compiled into lists. This is one list on one online platform that was referenced by people in Cliptown: “Top 100 Most Dangerous Cities in America,” on <https://www.alarms.org/top-100-most-dangerous-cities-in-america/>, last accessed October 2, 2020.
  17. Numerous sites exist that offer similar analyses. For one example, see the “Color of Justice: Racial and Ethnic Disparity in State Prisons” at <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.
  18. The average is less than \$2 per hour (before taxes) for six to eight hours of work. For more information, see “How much do incarcerated people earn in each state?” on <https://www.prisonpolicy.org/blog/2017/04/10/wages/>.
  19. Numerous sites exist that provide a breakdown of prison costs. For one example, see “Prison Spending in 2015,” Vera Institute of Justice, the Price of Prisons, [https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending](https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending) last accessed on March 19, 2020.
  20. This language borrows from Fred Moten’s (2017) *Black and Blur*, especially chapters 15 to 22, to evoke that which is neither assimilated nor antagonistic. It is not intended to be read as “proof” of category of Moten’s theorizing.
  21. Children in foster care are 2.5 times more likely to end up in prison. Black children are 2 times more likely to be placed in foster care. And 90 percent of all children moved through five or more different foster care placements will become entangled with the U.S. justice system. For more information, see Juvenile Law Center (2018), “What Is the Foster Care-To-Prison Pipeline?”

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