

1 Disremembered and Unaccounted For

Disremembered and unaccounted for, she cannot be lost
because no one is looking for her, and even if they were,
how can they call her if they don't know her name?

Toni Morrison, *Beloved*

In a nation built and maintained with racial terrorism, forgetting is no accident. At no point in history has America functioned without some of its people in shackles. Nor has there been a time when some measure of our public resources was not dedicated to the commission and enabling of racial violence. Ongoing racist atrocities carried out by predominantly white-controlled governments at the federal, state, and local levels have facilitated the theft of labor and land from Black and Indigenous communities, underwritten their physical containment in resource-alienated urban and rural spaces, and hobbled their political participation and resistance. Yet the cultural mainstream views itself as neither racist nor terrorist.

Carceral historians and critical legal scholars have meticulously detailed how America's brutal legacy of racist violence readied the ground for mass incarceration,¹ now the most pervasive form of racial terrorism in the United States. But a closer look suggests that it is not simply the persistent reality of racist violence in America that made mass incarceration possible, nor even the memory of such violence; rather, it is our persistence in forgetting.² Americans have hurried past genocide, enslavement, and each of the mechanisms of racist mass violence that followed them without reckoning or reparation.

This kind of forgetting is functional. In her canonical novel of the Reconstruction period, *Beloved*, Toni Morrison referred to it as “disremembering.” The Pulitzer prize-winning author’s unconventional verb slices through the possibility of a neutral memory failure; it evokes the process by which original acts of violence are reinscribed through efforts at their denial. Indeed, the larger-than-life ghost baby whom Morrison’s novel resurrects represents not the horrific period of enslavement that some historians now call “the first mass incarceration”³ but the failure to confront it in the time that followed. That pivotal failure of Reconstruction has been repeated each time a new set of racist horrors becomes history.

We are living in such a time, awaiting the seemingly imminent sunset of a four-decade program of state violence that has criminalized Black youth and ensnared incarcerated adults in a cycle of perpetual punishment, with rippling damage to families, communities, and the nation. As if it is a sort of national embarrassment, mass incarceration inspires widespread denunciation and dismissal but limited effort at collective remembering or official redress. Most of the policing and sentencing policies and practices that drove this blighted era remain in place.⁴ If incarceration rates continue to decline on the present slope—which is far from assured given the haphazard origins of the decline and the law-and-order rhetorics that continue to pervade American politics—we will not return to pre-1980 rates of imprisonment until the year 2100.⁵ Even the most numerically impactful reforms of the last decade and a half, such as California’s 2011 Public Safety Realignment Act, have been designed primarily to limit the sprawling legal and financial liabilities of states operating mass-scale prison facilities.⁶ Yet even those policy makers truly concerned with ending mass incarceration stop short of considering how we will correct the damage it has done.

This book takes up the charge of collective accounting for mass incarceration. Based on a large body of scientific evidence (drawn from my own research experiences in the Multi-site Family Study on Incarceration, Parenting and Partnering and the work of many other scholars), it argues that mass incarceration has consisted of a knowable and definable set of atrocities. It proposes that the harms sustained by Black individuals, families, and communities in this campaign of racist state violence can and must be repaired and outlines a program of reparation tied to concrete

evidence of harm. Challenging the centuries-long logic of forgetting that much of our nation's history rests on, this work suggests that the shape of our collective future hangs on the willingness to take an intimate and honest account of the damage and to settle that account for good.

GHOSTS IN THE NATIONAL MACHINE

By the time mass incarceration arrived in American popular consciousness, it had already begun to disappear from view. Contemporary academic and journalistic works on the phenomenon are quick to remind audiences that mass incarceration is already fading into history. Criminologists Todd Clear and Natasha Frost, midway through writing their early critical assessment of mass incarceration, pivoted to reframe the country's inflated imprisonment rate as a "grand experiment" that was nearing completion.⁷ Almost as soon as we recognized mass incarceration as a problem, it seems to have become a problem of the past. But is it?

Ironically, social scientific work on mass incarceration has contributed to the premature disappearance of its subject. For academics, the terms *mass incarceration*⁸ and *hyperincarceration*⁹ have become shorthand for America's globally and historically exceptional rates of imprisonment. The figures remain staggering: 2.3 million Americans are incarcerated, and American jails record almost 11 million admissions per year.¹⁰ The United States continues to maintain the largest prison and jail population in the world and to incarcerate its residents at a rate higher than any other nation.¹¹ Still, looking only at the number of people behind bars suggests that mass incarceration has been in a slight decline since the carceral population peaked in 2009.¹²

For the "masses" of Americans who are directly affected by mass incarceration, however, prison and jail-cell counts fall far short of capturing the reverberation of criminalization and imprisonment across decades and generations. When we look beyond the time-limited experience of detention itself to the rippling consequences of justice system contact for individuals, families, and communities, the temporal landscape shifts. About as many Americans now have a criminal record as a college degree.¹³ One in three Black men is living with a felony conviction.¹⁴ In major American

cities, approximately 44 percent of unmarried new mothers report that their baby's father has been recently incarcerated.¹⁵

The repercussions of imprisonment reach into every part of daily life: parenting and intimate relationships, health, education, employment, economic well-being, community safety, and wellness.¹⁶ Its harms unfold across the individual lifespan, from cradle to grave. Damage accumulates at the local and national levels as well, manifesting itself in heightened infant mortality rates, diminished adult life expectancy, and greater racial disparities in each of these areas compared to other wealthy democracies.¹⁷ By their very nature, the accumulated consequences of criminalization and confinement in targeted communities are unlikely to dissipate quickly.¹⁸

Many of us studying the repercussive effects of mass incarceration have been watching the wrong clock.¹⁹ The breadth and magnitude of these repercussions at any moment in time is driven primarily by the number of former prisoners (and their family members) in our communities. This number will be rising for decades to come. As such, it is only in the years ahead that the consequences of America's punishment regime will fully come home to us. To understand (and address) them, it will be necessary to acknowledge that mass incarceration has been more than a terrible policy mistake or a grand experiment, as many critical scholars have previously suggested. The intentional, violent domination of poor, Black communities through intensive, racially targeted law enforcement and sentencing practices was and remains a campaign of collective, political violence: the use of force by a power-holding group to suppress or eliminate the power of another.²⁰

In the United States, massive acts of state violence, and their specific deployment against Black Americans, have been normalized as an ordinary and necessary part of government operations. American police have served as agents of racially targeted collective violence for as long as they have existed. Southern police forces have their origins in slave-hunting patrols, and law enforcement agencies nationwide have participated not only in helping slaveholders to maintain violent control over their captives but in many subsequent forms of racial terrorism, from lynching to lethal police violence against Black children on streets and playgrounds.²¹ Prominent legal scholars and historians from Michelle Alexander to Bryan Stevenson and Elizabeth Hinton have rightly argued that America's

long history of racist atrocities helped to make the present era of mass incarceration possible.²²

Still, it is not simply the fact of our brutal past but the persistent failure to grapple with and repair it that makes accounting for mass incarceration-era harms more difficult. The true damage wrought by the current regime of criminalization and punishment is both exacerbated and obscured by this more encompassing erasure.²³ Violence that occurs in “a context in which one group has the power to decide and enact what is to be validated as ‘real’ for all other groups” has been shown to inflict particularly deep and lasting damage. It erodes individual mental health and social functioning and inhibits collective cultural and social life and political participation.²⁴ In communities that have survived massive state violence and historical trauma, including Indigenous North Americans, these harms extend across generations.²⁵ Physiological markers of collective trauma are present even among children of state violence survivors who were born after the violence ended. Nevertheless, for Black communities that have survived and are surviving mass incarceration, the effects of sustained and systematic exposure to government violence have rarely been accounted for as such.

Writing of the Reconstruction era in Ohio, Toni Morrison suggests that the forgotten ghosts of slavery, far from receding, simply incorporated themselves into the climate of the place: “By and by all trace is gone, and what is forgotten is not only the footprints but the water too and what is down there. The rest is weather. Not the breath of the disremembered and unaccounted for, but wind in the eaves, or spring ice thawing too quickly. Just weather.”²⁶ Efforts to reckon with the harms of mass incarceration, academically or otherwise, occur in the presence of ghosts like these—not the “spiteful”²⁷ kind of ghosts, emboldened to topple pots from the stove or dishes from their cupboards but the kind that have entrenched themselves so deeply in our collective consciousness and the machinery of our government that they are as normal and as encompassing as the weather.

CONFRONTING STATE VIOLENCE

Writing about the ways that slavery is remembered (and disremembered) in the contemporary American landscape, Clint Smith observes that the

gaps and absences in our collective memory of injustice and atrocity are as significant as what we do know and see.²⁸ Lucid confrontation with the past is at the heart of a process that academics and policy makers call “transitional justice.” Transitional justice generally refers to “a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”²⁹ Applied around the world in scholarship on state violence and its aftermath, principles of transitional justice have yet to be embraced in the United States and are very rarely applied to consider the project of recovery from mass incarceration.³⁰ Transitional justice scholarship shifts our focus away from accountability for individual behavior toward reckoning with collective and institutional acts. It considers how to bring justice for harms committed by entire populations and the systems of government they control.

The persistent failure of the United States to confront and transform a succession of violent systems of racist domination is not the global norm. Worldwide, many democratic societies have made transitional justice a high priority in the periods of political and social transition that follow large-scale state violence. Research in contexts as diverse as Argentina, Germany, Rwanda, Indonesia, the former Soviet states, and South Africa points to several critical tasks that must be faced during such periods, including “truth-telling, restitution or reparation, and reform of abusive state institutions.”³¹ Such processes, though frequently framed in American media as bringing perpetrators of atrocity to justice, operate on a different paradigm from the retributive justice meted out by ordinary criminal legal systems. Unlike punishment-based retributive justice processes, transitional justice focuses on healing, closure, and transformation in the wake of mass-scale harm.

Transitional justice for the 1994 Tutsi and Twa genocide in Rwanda, for example, incorporated internationally recognized truth and reconciliation mechanisms, as well as traditional justice processes in local communities. Lay Rwandans viewed this work as having helped to rebuild trust among neighbors, bring a sense of closure for those harmed, and prevent future violence.³² Research in other contexts—Colombia, Democratic Republic of the Congo, The Gambia, Lebanon, Palestine, and Uganda—suggests that the success of a transitional justice process depends on its internal

integrity but also on its ability to shift the underlying attitudes and institutions that made mass violence possible. In periods of postatrocity reconstruction, opportunities are equally ripe for transformation or retrenchment in major social, cultural, and political institutions.³³

The work of transformation after state violence is fraught, complex, and controversial. Even in the most favorable contexts, transitional justice efforts must reconcile “the grand ambitions of those seeking to build a new future and those struggling to restore their lives and repair the irreparable.”³⁴ The experiences of Rwandan communities, while they represent a powerful example of a concerted commitment to national reckoning, also highlight the profound and inherent challenges and risks of transitional justice. Such an undertaking can retraumatize victim participants and observers, prompt retaliation against participants, and be co-opted to consolidate ruling party interests or enact purely retributive (punishment-oriented) forms of justice.³⁵

Mass violence that occurs as part of a broader campaign of racial domination presents special challenges for the process of reckoning and repair. In the wake of large-scale acts of racist violence and abuse, survivors and perpetrators of group-based violence often retreat into deeper social segregation. For members of the victim group, social segregation may offer a partial refuge in which to rebuild a semblance of solace and safety. For members of the perpetrator group, however, social segregation may serve as further insulation from the experiences of the victimized. The social and informational insulation of the perpetrator group represents a serious impediment to transitional justice. The tendency in transitional justice work to emphasize reconciliation can further minimize the experiences of the victimized group and, ultimately, reinforce the status quo that made mass violence possible.³⁶ If not confronted in concrete, human terms with a basic understanding of the harms that victims have sustained, members of the perpetrator group will use their political, social, and economic power to discredit and undermine the project of repair.³⁷

The success of transitional justice after mass racial violence hinges on whether members of the perpetrator group can develop greater awareness of what members of the victim group have experienced. Political scientist Joanna Quinn, founder of the Centre for Transitional Justice and Post-Conflict Reconstruction, calls this “thin sympathy,” a minimal but

essential cross-group awareness that must be actively cultivated among members of perpetrator communities.³⁸ Building a basic, shared understanding of the damages done to the target group supports a broader effort within transitional justice work “to make over the values and social codes that are prevalent within a society, taking away many of the beliefs that stand as impediments to any real process of transformation [and to] reform the policies or structures that hamper or block successful transitional justice.”³⁹

Among Americans who have not been personally affected by the deployment of our criminal legal system in service of white supremacy, “thin sympathy” for the victims of mass incarceration may be obstructed or overridden by a sense that criminals deserve punishment—and certainly not recompense. Two facts, each of which will be explored in greater depth in the chapters that follow, challenge this notion. First, our shared concepts of worth and deservingness and our collective belief in punishment are grounded in a false perception of badness or criminality as attributes of individuals and their behaviors. This perception is challenged by powerful evidence that supposed criminality is not a trait of individuals, nor even of their actions, but a weapon of social exclusion with a long-standing history of racist application. A social and political campaign of criminalization, levied against Black Americans and other communities of color, has been foundational to the project of mass incarceration in the United States. A key marker of its success is the fact that the experience of arrest has become widely decoupled from participation in illegal acts but strongly and consistently associated with race.⁴⁰

Second, the idea that the harms inflicted on people of color in the context of mass incarceration represent punishments for crime is challenged by extensive evidence that such harms have also been leveled against unconvicted partners, parents and coparents, children, and even whole communities. The evidence assembled in this book indicates that, in fact, *most* of the damages associated with mass incarceration have been borne by people who have not been convicted of an illegal act. As such, the argument for reparations for mass incarceration must not be misconstrued as privileging those who have been convicted of crime over those who have not. The chapters that follow do not examine or quantify the damages of

adjudication and punishment per se but rather those associated with the racialized deployment of systems of punishment and the imposition of extralegal damages that far exceed the bounds of statutory punishment.⁴¹ It is this systematic campaign of political violence, directed primarily at Black Americans, that demands reparation.

Reckoning with the damage caused by racist brutality, transitional justice scholars agree, represents an especially steep climb in the settler nations of North America and Australia. In such countries, governments and economic institutions continue to be dominated by the same groups who were primarily responsible for major episodes of historical mass violence. State violence researchers Brinton Lykes and Hugo van der Merwe argue that in countries like these, “genocidal violence and its legacies have not only not been redressed but their underlying causes have been institutionalized in neoliberal economic and political systems. . . . These nation states have not ‘transitioned’ in any sense of the term.”⁴² The United States is such a nation.

Comparing government responses to illegal counterinsurgency efforts in the United States and South Africa highlights the challenge that settler nations face. In the middle and late twentieth century, each of the two governments used brutal and illegal tactics to destroy Black and Indigenous political resistance. In South Africa, the settler-controlled government that deployed such tactics was replaced in 1994 by the African National Congress (ANC). This new government initiated and stewarded a program of transitional justice. The ANC’s efforts benefited from a powerful, central truth commission process that supported long-term efforts to expose the abusive tactics used by the prior administration, identify their root causes, and institute strong measures to ensure they would not be repeated. No such effort was ever made in the United States. Despite multiple changes in the federal administration, the United States remained in the hands of white-controlled political parties in the years following its racially repressive counterinsurgency efforts against Black and Native activists. While certain reparative gestures for these abuses have been mandated by the courts—for example, the American Indian Movement secured recognition in the United Nations and a large court-ordered payment to the Oglala Lakota—such actions were never initiated by the federal government. Indeed, they occurred in spite of it.⁴³

SHIFTING THE BURDEN OF PROOF

The global transitional justice record emphasizes the special challenges that transitional justice presents in contexts like the United States, where there has been no “formal regime change”—that is, where the government that perpetrated or abetted a mass atrocity and the government that must work to repair that atrocity are effectively continuous.⁴⁴ Understanding the distinct challenges that face us in this regard need not be discouraging, however. To the contrary, it illuminates what has stood in the way of collective repair for the many racist atrocities that have marred American history—and what we can do differently now.

First and foremost, the international transitional justice record highlights the importance of addressing white Americans’ relative isolation from information about racist harm. This is part of the symbolic and cultural work of reparations. The ferocious objections of many white Americans to the 1619 Project’s frank framing of our nation’s founding institutions illustrates the implications of the chasm that separates Black and white Americans’ understanding of our racial history.⁴⁵ The chasm is also apparent in wide differences of opinion between Black and white Americans regarding present-day racism—differences that are largely due to deficits of factual historical knowledge among white Americans.⁴⁶ The yawning gap in popular information about racial harm, left uncorrected, helps to perpetuate the extreme social and political polarization that undermines American democracy as a whole. It also helps to perpetuate limited public support for any material forms of redress for racial injustice.

The information chasm represents a major impediment to sound official decision-making as well, given the ongoing dominance of white people (and predominantly white, class-privileged men) at all levels of American government.⁴⁷ White-dominated governments in the United States lack the factual information to make informed decisions on questions of repair and recovery from racist violence. From Nuremberg to Rwanda, formal truth-telling processes have been critical in furnishing such information in international transitional justice work. But in the case of mass incarceration, the very nature of the atrocity at issue makes the American government notably ill-prepared to gain the trust and guarantee the safety of victims for a public truth-telling process. Those targeted

by the hypercarceral regime in the United States have learned from experience to regard government entities as agents of surveillance and violence rather than as sources of potential protection.⁴⁸ In such a context, building collective recognition and understanding of the harms of mass incarceration, without revictimizing or retraumatizing those who have been its targets, represents a formidable challenge.

Yet efforts to establish a collective memory of mass incarceration stand to benefit from one resource that many other transitional justice processes have lacked: extensive scholarly documentation of the harms sustained by the targeted group. Truth and reconciliation processes in other national and historical contexts have relied predominantly on truth commissions and trial or tribunal processes to build an account of harms, with scholarly work occurring contemporaneously. When it comes to mass incarceration in the United States, however, a rich and exacting account of these harms is already being assembled in research on the criminal legal system and its collateral consequences. The resulting body of evidence makes it possible to construct an authoritative account of mass incarceration's damages, in spite of the deeply divergent realities that this system (and the other forms of racial terrorism that have preceded and accompanied it) have fostered. Bringing scholarly evidence to bear on this process represents a viable and preferable alternative to transitional justice processes that burden survivors with creating an official record of their victimization for collective use.

Ample evidence indicates that the tough-on-crime policies begun under Presidents Johnson and Nixon and extended by each administration since have had devastating consequences for Black individuals, families, and communities. Scholars of the criminal legal system, as well as those who explicitly study the repercussions of mass incarceration for individuals and families, have built a rich body of evidence on its pernicious and lingering harms. Imprisonment erodes the physical and mental health, workforce and political participation, and long-term economic stability of those targeted for criminalization and imprisonment,⁴⁹ who are disproportionately Black men.⁵⁰ The experience of punishment radiates to the children and families of the imprisoned, as well, damaging the health of partners and other family members, increasing children's exposure to serious negative outcomes (including homelessness and abuse or

neglect), and hampering their social and emotional development, school engagement, and achievement.⁵¹

Mass incarceration has also affected life in urban communities of color as a whole, even for residents whose own lives have not been touched directly. Law enforcement and punishment in the mass incarceration era are highly spatially targeted: the systematic surveillance, removal, and redeposition of criminalized individuals is concentrated in a relatively small number of American neighborhoods.⁵² Those who live in targeted communities face elevated exposure to violence, infectious disease, and mental health conditions, as well as diminished educational engagement and achievement.⁵³ Consistent with the vision of white social and political domination that animated it,⁵⁴ mass incarceration has served at the national level to widen the gap between Black and white Americans' physical and economic well-being. High rates of imprisonment and the racial targeting of criminal justice contact has exacerbated racial disparities in infant mortality, child well-being, academic participation and achievement, and economic stability.⁵⁵ It also appears to have succeeded in curtailing Black political participation and political power.⁵⁶ This book will take up each of these bodies of evidence to suggest what they tell us about the racial harm of mass incarceration, how it might be repaired or redressed, and what a nation that has managed to settle these ugly accounts could look like for our children.

To embark on real reckoning and repair for mass incarceration demands more than just evidence on the nature of its damages, however. We must be able to identify precisely the individuals and communities who have borne these burdens so that our reparative efforts are directed appropriately. In other transitional justice initiatives, a lack of reliable documentation on who was harmed has presented a formidable obstacle, and it remains a potential challenge for reparations proposals aimed at descendants of enslaved people in the United States.⁵⁷ Fortunately (for this purpose, at least), the identities of those targeted for criminalization and imprisonment have been meticulously tracked by law enforcement and criminal justice agencies at multiple levels of government.⁵⁸ Public officials can enumerate each person who has been or is held in local, state, and federal correctional facilities; by extension, their family members and communities can also be definitively identified.

Transitional justice work presents undeniable challenges in any context, and efforts to address the harms of mass incarceration in the United States are no exception. It is equally undeniable, however, that the knowledge and data required to support this work are already at our fingertips.

FROM RECKONING TO REPARATION

The question of how to achieve “extraordinary justice” in the wake of what legal scholar David Gray calls “radical evil” has occupied legal scholars and political scientists for decades, even centuries.⁵⁹ Reparations, broadly speaking, are the means to this end: the material and cultural practices designed to achieve collective repair and closure following large-scale breaches of human decency and collective trust. It comes as no surprise that many policy scholars, historians, and economists have been calling for reparations to Black Americans since at least the late 1700s.⁶⁰ Among the most enduring political debates in American history, reparations proposals have been taken up in legislative sessions, adjudicated by courts, and debated in popular media since shortly after emancipation. Most such proposals focus on the idea of extending benefits to those targeted for enslavement (or their descendants) and the various forms of government-sponsored or government-abetted racial discrimination that have followed—particularly the legal discrimination of the Jim Crow era.

Opponents have been quick to dismiss the idea of reparations with references to its complexity: how could we possibly quantify the harms to be rectified, or determine responsibility for those harms, or agree on the mechanisms by which they will be redressed?⁶¹ Each of these challenges is surmountable, however. Its existential unknowability notwithstanding, greater precision about racial harm in America is well within our reach, particularly in an age of rigorous social scientific research. Remaining in a state of perpetual doubt and ignorance about the history and nature of racial harm, whether we are laypeople or policy makers, is a potent choice in favor of the racial status quo. So, too, is the preoccupation with assigning (or rebutting) blame for racial harm. As Gray notes, “‘I didn’t do it’ is a non sequitur in debates about reparations where the fundamental question is, ‘How do we make it right?’” Every individual who reaps the

benefits and privileges of membership in a collectivity, including a nation, must also accept a share of responsibility for its collective debts and transgressions—whether or not that individual was directly involved in incurring them.⁶²

The contention that reparation is a nebulous concept, impossible to enact in practice, is equally distracting. The material and cultural work of reparations can be accomplished through a wide range of mechanisms, from “official acknowledgments of wrongdoing to reparations involving monetary compensation, government programs that invest in wronged communities, repatriation, or restitution of lost property or rights.”⁶³ Any transitional justice initiative involves identifying the mechanisms best suited to repairing the particular harms at issue. Much scholarly work on reparations for racial injustice in the United States has focused on assessing the relative feasibility of legislative and judicial mechanisms. Work in this vein considers whether symbolic acknowledgment and material compensation for harm would be better achieved by pressuring elected officials to legislate it or by petitioning the courts to grant it. While neither strategy is uncomplicated or assured of success in the American context, adjudication carries the significant advantage of not requiring a shift in popular awareness of racial harm (particularly among white Americans). It also carries the significant disadvantage of failing to contribute to such a shift.⁶⁴ Reparation serves, ideally, as a project of both recompense and cultural transformation.⁶⁵ From this perspective, the transformative possibilities of grassroots mobilization and broad-scale, legislative action for reparations outweigh the potential pragmatic advantages of using the courts to secure compensation for victims.

Still, more than two centuries after the first documented proposal for reparations to Black Americans, a national reparations program remains unaccomplished. Continued inattention to righting racial injustice—and the ongoing apathy or opposition from white Americans that underlies it⁶⁶—has far-reaching implications for American democracy and the well-being and life chances of all Americans. The more doggedly we ignore the ghosts of racist harm, the more fiercely they will haunt us. Engaging this irony in her preface to a reprint of *Beloved*, Morrison describes how, amid the Reconstruction-era refusal to reckon with the brutality of enslavement, “the order and quietude of everyday life would be violently dis-

rupted by the chaos of the needy dead. . . . The herculean effort to forget would be threatened by memory desperate to stay alive.”⁶⁷ Attempting to ignore a violent history so consequential, Morrison suggests, simply secures its prominence over the present. Left unaddressed, racism’s enduring and subterranean harms quietly undermine a host of collective endeavors that should be well within reach for a country of America’s wealth: achieving low infant mortality, ensuring all children are housed and fed, providing equitable access to education, and ensuring broad democratic participation. These basic milestones of human decency remain out of reach in the twenty-first-century United States, leaving the nation grossly out of step with its peers.⁶⁸

For most of its history, reparations debate in the United States has focused overwhelmingly on the question of compensation for the labor and suffering of enslaved Black Americans prior to legal emancipation. Randall Robinson, a leader in the solidarity movement to end South African apartheid and an American reparations advocate, eloquently summarizes the argument of reparations-for-slavery scholars in his contention that no remedy save reparations could begin to right “the savage time-release social debilitations of American slavery.”⁶⁹ As such, the unreconstructed harms of slavery have continued to compound under every American government since Lincoln’s. At the close of Barack Obama’s presidential tenure, economist Sandy Darity lamented that Obama had joined the ranks of every American president since the Civil War by failing to deliver meaningful economic reparations to Black Americans.⁷⁰

Calls for reparations have drawn impassioned attention from a widening cast of supporters and opponents in recent years.⁷¹ With this fresh debate has come new attention to the possibility of redressing postbellum racial harms. From segregationist housing and education policies to contemporary barriers to Black occupational attainment and economic security, reparations scholars and activists point to numerous other forms of racial violence and theft that demand official recognition and repair.⁷² Still, despite expanded interest in reparations for postenslavement harm and growing recognition of mass incarceration as a weapon of racial destruction, the idea of reparations for mass incarceration has received very limited consideration.⁷³ The notion of bringing the “criminal justice system” itself to justice challenges the perverse focus on individual blame

and punishment for transgression that has obsessed us as a culture and as scholars of crime and violence in particular.⁷⁴ We have poured stunning public resources into marginally effective strategies for correcting individual wrongdoing.⁷⁵ It is past time to confront and rectify our collective wrongdoing as well.

Accounting for and repairing the harm of four centuries of racial terrorism in the United States is no simple task. Ongoing racist violence by white settlers and the government they came to control has wrought catastrophic damage in Indigenous communities across the continental United States, Alaska, Hawaii, and Puerto Rico. State violence has also been heavily deployed to suppress ongoing contestation of the Mexican-American border by those who live south of it. Criminalization and imprisonment have been key tools in the US government's efforts to maintain repressive control of lands stolen from their original inhabitants.⁷⁶ This reality is reflected, in part, in the disproportionate confinement of Indigenous and Latinx Americans in jails and prisons.⁷⁷ Poor race and ethnicity data and small subsamples in major administrative and research data sets have helped to keep a rigorous quantitative accounting of harms to Indigenous and Latinx communities out of reach.⁷⁸ The broader work of redressing legacies of genocide, enslavement, and forced relocation of Indigenous peoples on this continent is urgent. Acknowledging and addressing the harms of mass incarceration for Black Americans is a timely and important place to begin.

The aim of this book, then, is to contribute to the broader project of reparations for racist mass violence in America by presenting the scientific case for reparations to Black Americans for mass incarceration. Robust evidence on the repercussive effects of mass incarceration for Black Americans, and the imperative of countering the pervasive marginalization and devaluation of Blackness, motivate the decision to center Black experiences in this book. The brilliant thought leadership and dogged persistence of Black activists and intellectuals in illuminating the harm of mass incarceration and arguing for its repair will be plainly apparent in these pages. The book aims to highlight their pivotal intellectual and strategic leadership while also encouraging white scholars and laypeople to shoulder responsibility for this work. Centuries of atrocities have sapped the material and psychic resources of communities targeted for racial vio-