

Incarceration, Detention, and the Growth of the Industrial Immigration Complex

Jonathan SIMON (1998). "Refugees in a Carceral Age: The Rebirth of Immigration Prisons in the United States." Public Culture 10(3): 577 - 607.

In this article, Simon rescues the history of detention from its status as forgotten relic to relevant factor in contemporary criminological, political, and socio-legal practice in the US. Referring to “the second great confinement”, Simon locates detention in a history of “absolutist power mediated, in part, by unaccountable local (and, today, transnational) hierarchies.” (600, 604)

Simon employs a broad judicial-historical sweep to explain the “awesome” and “vast formal power of the U.S. government” to detain. (585) Simon notes that the shifting gaze of disfavour historically fell on Central Americans, Chinese, Mariel Cubans, and, particularly, Haitians. Indeed, racist US stereotypes of African Americans as prone to welfare dependence and criminality further disadvantaged the Haitians and made them more vulnerable to prolonged detention. (590 – 595) Covering the modern history of imprisonment, nationalism, Foucauldianism, and democracy and the rule of law, Simon argues that “imprisonment... remains what it was at the birth of the prison in the eighteenth century: a tool of accountability, guaranteeing that a person is on hand and in a certain condition.” (600) Yet, he concludes, while US imprisonment was historically intended to shape populations for participation in a market economy and democracy, the conditions of the contemporary detention estate exemplify the traits of flexibility, low cost, and conditions “appropriate” to subjects socialized in low-wage, racist societies with archaic notions of belonging and exclusion.

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