


## [Rosen on Berger and Losier, 'Rethinking the American Prison Movement'](#)

Review published on Monday, August 23, 2021

**Dan Berger, Toussaint Losier.** *Rethinking the American Prison Movement*. New York: Routledge, 2017. viii + 206 pp. \$135.00 (cloth), [ISBN 978-1-138-78684-4](#); \$39.95 (paper), [ISBN](#)

[978-1-138-78685-1](#). 

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**Printable Version:** <https://www.h-net.org/reviews/showpdf.php?id=56379>

In their sweeping history of the American prison movement, *Rethinking the American Prison Movement*, Dan Berger and Toussaint Losier offer a comprehensive and accessible guide to the history of prisoner resistance and the broader fight against criminalization and confinement in the United States. Much like Jacquelyn Dowd Hall's field-altering call for US historians to push beyond the narrow "master narrative" of the US civil rights movement, Losier and Berger bring to the fore a much longer tradition of prisoner resistance in the history of US social movements than is commonly acknowledged, offering critical historicization of growing contemporary movements to decarcerate and even abolish prisons altogether. At a moment when the 2020 George Floyd rebellions thrust the politics of racialized criminalization, policing, and punishment into the mainstream—a phenomena only heightened by the contradiction of the state's active and violent repression of protestors alongside their clear abandonment of individuals suffering during the COVID-19 pandemic—Berger and Losier's text provides precisely the teachable resource educators need to disrupt the deceptive presentism and absence of imprisoned voices that frame popular discourse around dismantling the prison industrial complex. In doing so, they not only refute portrayals of imprisoned people as marginal figures or "idle victims" but also situate prisoners and their free world allies as central actors driving major struggles on the pathway to racial, gender, and economic justice.

Recovering this history of prisoner resistance and the struggle against state punishment is not merely about filling a gap in the historiography, although such revisions are indeed urgent given the relatively sparse integration of the prison movement history in standard pedagogical approaches to US social movement history. But Berger and Losier's text also recognizes that historiography is an inherently political act, and even more so in the case of the prison movement, given how the United States' current role as the world's leader in incarceration has incentivized the state to intentionally obscure, downplay, and tarnish a history of prisoner struggle that directly challenges the narratives told by the state to justify the maintenance of its carceral regime. Although primarily a text concerned with the history and features of a social movement, the authors' recounting of the history of prisoner resistance offers an inherent historical argument about the actual—and nefarious—operation, purpose, and function of imprisonment and criminalization in the US political economy.

While attendant to historical and geographic particularity as well as important periodization markers within the history of the prison movement, Berger and Losier make clear that the prison movement is not a new or narrowly bounded phenomenon but rather encompasses a lengthy history of struggle against state punishment, social control, and confinement. Although their focus is primarily on the twentieth and twenty-first centuries, Berger and Losier importantly mark the origins of prisons and carceral control in the nation's foundational anti-Black and settler colonial political organization and legal systems, where the first jails and prisons constructed in the late eighteenth century operated to control, confine, and discipline poor people, disproportionately people of color. But Berger and Losier also make clear that the development of the prison and of carceral modes of surveillance and control more broadly are inextricably linked to the histories of chattel slavery, Indigenous genocide, and racialized exploitation—systems that are themselves carceral in nature (“chattel slavery had been a vast prison,” they write on p. 20). This clear, grounding expression of “racial criminalization” as the “fundamental component” of US prisons from the moment the first penitentiary brick was laid importantly situates prisons and prisoner movements within a more expansive history of racialized state violence and exploitation, thereby refuting presumptions that prisons are or ever were legitimately moral, rehabilitative, or necessary institutions, a line of reasoning that continues to justify racialized carceral violence today (p. 6).

Recognizing that the prison movement contained multifaceted politics, strategies, and locales, Berger and Losier cover a wide range of prison movement activity, including litigation, hunger strikes, work stoppages, unionization, peer education and mutual aid, cultural production, prisoner defense campaigns, and of course, rebellion. Perhaps the most instructive chapters are those that uncover lesser-known histories of prisoner resistance, revealing new layers and historical precursors to the more widely known era of prison rebellion in the late 1960s and early 1970s charted by Black revolutionary figures like George Jackson, Angela Davis, and the multiracial group of imprisoned leaders of the 1971 Attica rebellion.

In chapter 1, Berger and Losier locate the origins of the modern prison movement in the fight against convict leasing and chain gangs in the Jim Crow South. The 13th Amendment's allowance of enslavement for those convicted of crimes legally re-sanctioned anti-Black slavery, entrapping formerly enslaved people in a Southern criminal punishment system that forced them into extremely repressive and deadly convict leasing and later, chain gangs whose forced labor rebuilt Southern infrastructure after the Civil War. Although it was not organized through formal political organizations, Berger and Losier importantly root this early prison movement in the insurgent activity of Black prisoners directly impacted by the horrors of these “mobile prisons.” Through escaping, creating their own informal economies, and stealing time to partake in pleasurable activities like dancing and partying, Black prisoners did what they could to resist and disrupt the dangerous and dehumanizing conditions of their confinement and forced labor.

Progressive reformers got involved too, namely a diverse coalition of unions and women reformers (both Black and white) who vigorously protested convict leasing. Here, Berger and Losier usefully historicize—and thus offer more evidence of its veracity—a common adage of contemporary decarceration movements: that movements that call for mere *reforms* to prisons fail to address their inherently criminalizing and violent operation. In turn, these seemingly progressive reforms often end up intensifying or strengthening the racial power of the criminal punishment system. While this coalition saw convict leasing as both a barbaric, even torturous, practice and a system that undercut

free labor's demands for higher wages and safer working conditions, their critique of convict leasing contained myopic, paternalistic, and sometimes outright racist assumptions that failed to challenge the underlying white supremacist assumptions about Black criminality and often fueled the prison's expansion, if in a newly mutated form.

Equally as significant is Losier and Berger's inclusion of the fights against state repression of radicals during the early twentieth century and especially during World War I as central to the historiography of the prison movement. As Losier and Berger detail, the era featured a massive expansion of the government's power to surveil, criminalize, and punish the anarchists, communists, socialists, Black nationalists, pacifists, and other labor movement leaders who criticized the United States and challenged the power of capital to repress and exploit workers. Imprisonment became a badge of honor for political dissidents such as anarchist Emma Goldman, socialist (and one-time presidential candidate) Eugene Debs, a host of Wobblies, and Black nationalist Marcus Garvey who theorized the state's labeling of them as "criminal" as further evidence of the state's systemic assault on the poor and oppressed. As Losier and Berger put it, these revolutionaries "provided a political logic of solidarity between prisoners and social movements" that instructively tethered anticapitalist politics to antiprison and antilynching politics (p. 39). Perhaps the most distinctive example of these linkages comes through the history of the Communist Party's defense of the Scottsboro Boys, which the authors rightfully discuss. But almost more important is their analysis of other, lesser-known examples of organized Black radical opposition to Jim Crow carceral violence, such as Black sharecroppers' labor militancy in Phillips County Arkansas and subsequent defense against attacks from white supremacist mobs. In devoting attention to such moments, Losier and Berger bring to the surface a core historical insight into the purpose of criminalization and imprisonment in the United States: vigorously repressing anticapitalist, anti-imperialist, and antiracist forms of dissent.

In chapter 2, Losier and Berger synthesize perhaps the most overlooked era of prisoner resistance, that of spontaneous prisoner protests in immediate post-World War II era prisons and the pathbreaking organizing of Black imprisoned Nation of Islam converts whose novel legal activism arguably christened the modern prisoner rights movement. In the 1940s and 1950s, imprisoned people in the South went to great and harrowing lengths to express their discontent with their breathtakingly abusive conditions of confinement, namely through self-mutilation, while prisoner revolts proliferated in "Big House" state penitentiaries across the nation and in the federal prison system. In 1954, for example, nearly 2,500 imprisoned people took control of Missouri State Penitentiary, where they successfully set fire to four buildings.

While this moment of disconnected but steady prisoner revolt launched significant challenges against prison systems, it was ultimately short-lived and failed to generate a robust movement among the free public. Correctional officials often responded by punishing those identified as leaders of the revolts, even as some also sought to implement "therapeutic" programming aimed at reforming prisoners' "incurable" behaviors, which they deemed to be the cause of the uprisings (p. 52). By contrast, imprisoned Black Nation of Islam (NOI) converts' innovative organizing helped upend the courts' previously iron-clad "hands off" approach toward imprisoned people, effectively developing and helping to define the very notion of "prisoner rights." Attracted to the Nation's offering of "spiritual succor" and "racial pride," and over opposition to prison Jim Crow, NOI converts faced immense challenges inside the prison for their beliefs, ranging from guard brutality, extensive time in solitary confinement for minor infractions, extended sentences, and denied access to the Holy Quran

(pp. 56-57). In response, NOI converts across the nation launched a flurry of lawsuits to win official recognition of their religious beliefs, through which they also “sought to secure the moral and legal foundation from which they might attack prison Jim Crow” (p. 58). In cases like *Sewell v. Pegelow* (1961), *Pierce v. LaVallee* (1961), *Fulwood v. Clemmer* (1962), and *Cooper v. Pate* (1964), Muslim prisoners won big, establishing prisoners’ ability to sue in federal court over alleged violations of prisoners’ constitutional rights and securing unprecedented federal judicial review over imprisoned people’s conditions of confinement. More than simply rely on the court system, however, Losier and Berger detail how Muslim prisoners “joined activism in the courtroom with demonstrations in the prison yards and mess halls,” thereby constructing a “new sense of prisoner collectivity” that would “lay the foundation for the radicalization of the prison movement during the late 1960s and 1970s” (p. 67).

While historical precursors to the canonical “prison rebellion” often get short shrift in common renderings of the prison movement, so too do the prison organizing and movement politics that came immediately after. Although there is ample room for more scholarship on this period, Losier and Berger offer grounding analyses and a helpful chronology of the “complicated” politics of this immediate post-Attica moment, which they characterize as one of “opportunity and adversity, stunning gains and tragic reversals” (p. 108). On the one hand, this era featured a massive opening of the federal judiciary as a venue for challenging unconstitutional and abusive prison conditions, with some courts finding entire correctional systems in violation of the Eighth Amendment’s provision against cruel and unusual punishment. Imprisoned people and their allies won some major reforms in the courts—but in the end, many of these judicial interventions, no matter how well intended, ultimately helped strengthen and normalize what legal scholar Margo Schlanger called “lawful prisons,” where “prisons became more bureaucratic and their violence more administratively managed” (p. 122).[1]

At the same time, the post-Attica moment was an era of profoundly radical experiments in Black radical prisoner organizing, prisoner unionization, and other forms of grassroots, prisoner-directed governance, many of which are regrettably overlooked in popular histories of the carceral state. After prison rebellions at Illinois’s Pontiac and Stateville in 1978 led to the indictment of Black and Latino prisoners for property destruction and guard deaths, the New Afrikan Prisoners Organization (NAPO), a revolutionary Black nationalist and prisoner-led organization, and the related Pontiac Prisoners Organization developed a “federation of coalitions” called the Pontiac Prisoners Support Coalition that drew together Black prisoners, parents and relatives of the “Pontiac Brothers,” and white supporters to launch a massive legal and political defense of the Pontiac Brothers. Their tireless efforts resulted in a jury returning a “not guilty” verdict on all fifty-seven of the charges for ten of the Pontiac brothers in 1981—a major victory during an era when virulently anti-Black law and order politics were quickly becoming the norm. Similarly, this era featured several powerful Black and Third World feminist-led coalitions to defend Black, brown, and Indigenous women on trial for defending themselves against male sexual violence. This burgeoning politics of “anticarceral feminism,” which positioned itself in striking opposition to the growing, state-incentivized, and largely white carceral feminist approaches, won major triumphs. The notably multiracial and multitendency mass movement in defense of Joan Little, a Black woman prisoner at North Carolina’s Bedford Hills who killed a white prison guard who was forcing her to perform oral sex by holding an ice pick to her head, helped secure her stunning acquittal in 1975.

Another notable example is the New England-based National Prison Reform Association (NPRA), which sought to frame “prisoner rights” as “worker rights,” which would then trigger “accepted and legally protected” rights and processes. NPRA’s largest chapter was at Massachusetts’s Walpole prison, where prisoner members vigorously contested the administration’s exploitation of their labor and fought for collective bargaining. While Walpole was a primarily white facility, Black prisoners at Walpole engaged in rigorous political education, developed relationships with Boston’s Black Panther Party, and eventually formed the Black African Nations Towards Unity (BANTU), an organization specifically for Black prisoners that worked in coalition with NPRA to disrupt the administration’s “racist divide-and-rule tactics” (p. 115). After NPRA and BANTU forced the warden to resign, the guards’ union launched an illegal strike and walked off the job, leaving the prisoners in control. Akin to Attica prisoners’ development of a thriving, politically principled, and multiracial community during the Attica rebellion, NPRA and BANTU quickly established an “army of committees” that demonstrated the power of “prisoner self-determination and cellblock democracy” by effectively running a number of programs and providing for members’ basic needs. Unfortunately, as with many of the radical possibilities for prisoner governance during this period, prison officials ultimately repressed the NPRA, subjecting NPRA leadership to horrific brutality and lengthy terms in solitary confinement. But this striking moment of prisoner self-governance and unionization in the decades after the prison rebellion years importantly counters too- neat narratives of the prison movement’s retrenchment and decline, demonstrating instead a more contested history of the rise of racialized mass criminalization and imprisonment in the late twentieth century.

At its core, *Rethinking the American Prison Movement* is a teaching tool, meant to offer educators a guide for teaching about a much longer history of a prison movement that may appear to only just be gaining traction and breaking into the mainstream. But it is also a visionary example of how historical education and the tactical curation of historical knowledge can serve political education and movement building in our present moment. Throughout, Losier and Berger infuse the text with the powerful claim that a historical excavation of prisoner resistance—which has been, until recently, largely suppressed by a regime of racialized mass imprisonment that thrives on the structural denial of imprisoned people’s humanity—is fundamental for building a world without prisons.

#### Note

[1]. Margo Schlanger, “Beyond the Hero Judge: Institutional Reform Litigation as Litigation,” review of *Judicial Policy Making and the Modern State: How the Courts Reformed America's Prisons*, by M. M. Feeley and E. L. Rubin, *Michigan Law Review* 97, no. 6 (1999): 1994-2036, 1998.

**Citation:** Charlotte Rosen. Review of Berger, Dan; Losier, Toussaint, *Rethinking the American Prison Movement*. H-Pennsylvania, H-Net Reviews. August, 2021. **URL:** <https://www.h-net.org/reviews/showrev.php?id=56379>

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