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The new 'peculiar institution':

On the prison as surrogate ghetto

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Abstract			

Not one but several 'peculiar institutions' have operated to define, confine, and control African-Americans in the history of the United States: chattel slavery from the colonial era to the Civil War; the lim Crow system in the agrarian South from Reconstruction to the Civil Rights revolution; the ghetto in the northern industrial metropolis; and, in the post-Keynesian age of desocialized wage labor and welfare retrenchment, the novel institutional complex formed by the remnants of the dark ghetto and the carceral apparatus with which it has become joined by a relationship of structural symbiosis and functional surrogacy. In the 1970s, as the urban 'Black Belt' lost its economic role of labor extraction and proved unable to ensure ethnoracial closure, the prison was called upon to shore up caste division and help contain a dishonored and supernumerary population viewed as both deviant and dangerous. Beyond the specifics of the US case, this article suggests that much is to be learned from the comparison between ghetto and prison as kindred institutions of forced confinement entrusted with enclosing a stigmatized category so as to neutralize the material and/or symbolic threat it poses for the surrounding society.

Key Words			·			
African-Americans	• caste	• ghetto	• prison	• racial	dominatio	on

• stigma • United States

Not one but several 'peculiar institutions' have operated to define, confine, and control African-Americans in the history of the United States. The first is *chattel slavery* as the pivot of the plantation economy and inceptive matrix of racial division from the colonial era to the Civil War (Stampp. 1956; Berlin, 1998). The second is the *Jim Crow* system of legally enforced discrimination and segregation from cradle to grave that anchored the predominantly agrarian society of the South from the close of Reconstruction to the Civil Rights revolution which toppled it a full century after abolition (Woodward, 1957: Litwack, 1998). America's third special device for containing the descendants of slaves in the northern industrial metropolis is the ghetto, corresponding with the conjoint urbanization and proletarianization of African-Americans from the Great Migration of 1914-30 until the 1960s, when it was rendered partially obsolete by the concurrent transformation of economy and state and by the mounting protest of blacks against continued caste exclusion, climaxing with the explosive urban riots chronicled in the Kerner Commission Report (Spear, 1968; Kerner Commission, 1988). The fourth, I contend here, is the novel institutional complex formed by the remnants of the dark ghetto and the carceral apparatus with which the ghetto has become joined by a linked relationship of structural symbiosis and functional surrogacy.

Viewed against the backdrop of the full historical trajectory of racial domination in the United States, the glaring and growing 'disproportionality' in incarceration that has afflicted African-Americans over the past three decades¹ can be understood as the result of the 'extra-penological' functions that the prison system has come to shoulder in the wake of the crisis of the ghetto. Not crime, but the need to shore up an eroding caste cleavage, along with buttressing the emergent regime of desocialized wage labor to which most blacks are fated by virtue of their lack of marketable cultural capital, and which the most deprived among them resist by escaping into the illegal street economy, is the main impetus behind the stupendous expansion of America's penal state in the post-Keynesian age and its de facto policy of 'carceral affirmative action' toward African-Americans (Wacquant, 1998, 1999: 71–94).

Beyond the specifics of that recent US phenomenon, this article suggests that there is much to be learned from an historical-cum-analytic comparison between ghetto and prison. For both belong to the same class of organizations, namely, *institutions of forced confinement*: the ghetto is a manner of 'social prison' while the prison functions as a 'judicial ghetto.' Both are entrusted with enclosing a stigmatized population so as to neutralize the material and/or symbolic threat that it poses for the broader society from which it has been extruded. And, for that reason, ghetto and prison tend to evolve relational patterns and cultural forms that display striking similarities and intriguing parallels deserving of systematic study in diverse national and historical settings.

Vehicles for labor extraction and caste division

America's first three 'peculiar institutions,' slavery, Jim Crow, and the ghetto, have this in common that they were all instruments for the conjoint extraction of labor and social ostracization of an outcast group deemed unassimilable by virtue of the indelible threefold stigma it carries. African-Americans arrived under bondage in the land of freedom. They were accordingly deprived of the right to vote in the self-appointed cradle of democracy (until 1965 for residents of the southern states). And, for lack of a recognizable national affiliation, they were shorn of ethnic honor, which implies that, rather than simply standing at the bottom of the rank ordering of group prestige in American society, they were barred from it ab initio.²

Slavery is a highly malleable and versatile institution that can be harnessed to a variety of purposes (Drescher and Engerman 1998) but in the Americas property-in-person was geared primarily towards the provision and control of labor. Its introduction in the Chesapeake, Middle Atlantic, and Low Country regions of the United States in the 17th century served to recruit and regulate the unfree workforce forcibly imported from Africa and the West Indies to cater to their tobacco, rice, and mixedfarming economy. (Indentured laborers from Europe and native Indians were not enslaved because of their greater capacity to resist and because their servitude would have impeded future immigration as well as rapidly exhausted a limited supply of labor.) By the close of the 18th century, slavery had become self-reproducing and had expanded to the fertile crescent of the southern interior, running from South Carolina to Louisiana, where it supplied a highly profitable organization of labor for cotton production and the basis for a plantation society distinctive for its feudallike culture, politics, and psychology (Wright, 1978; Kolchin, 1993).

An unforeseen by-product of the systematic enslavement and dehumanization of Africans and their descendants on North American soil was the creation of a racial caste line separating what would later become labeled 'blacks' and 'whites.' As Barbara Fields (1990) has shown, the American ideology of 'race,' as putative biological division anchored by the inflexible application of the 'one-drop rule' together with the principle of hypodescent, crystallized to resolve the blatant contradiction between human bondage and democracy. The religious and pseudo-scientific belief in racial difference reconciled the brute fact of unfree labor with the doctrine of liberty premised on natural rights by reducing the slave to live property—three-fifths of a man according to the sacred scriptures of the Constitution.

Racial division was a consequence, not a precondition, of US slavery, but once it was instituted it became detached from its initial function and acquired a social potency of its own. Emancipation thus created a double dilemma for southern white society: how to secure anew the labor of former slaves, without whom the region's economy would collapse, and

how to sustain the cardinal status distinction between whites and 'persons of color,' i.e. the social and symbolic distance needed to prevent the odium of 'amalgamation' with a group considered inferior, rootless, and vile. After a protracted interegnum lasting into the 1890s, during which early white hysteria gave way to partial if inconsistent relaxation of ethnoracial strictures, when blacks were allowed to vote, to hold public office, and even to mix with whites to a degree in keeping with the intergroup intimacy fostered by slavery, the solution came in the form of the 'Jim Crow' regime.³ It consisted of an ensemble of social and legal codes that prescribed the complete separation of the 'races' and sharply circumscribed the life chances of African-Americans (Woodward, 1957) while binding them to whites in a relation of suffusive submission backed by legal coercion and terroristic violence.

Imported from the North where it had been experimented in cities, this regime stipulated that blacks travel in separate trains, streetcars, and waiting rooms: that they reside in the 'darktown' slums and be educated in separate schools (if at all); that they patronize separate service establishments and use their own bathrooms and water fountains; that they pray in separate churches, entertain themselves in separate clubs and sit in separate 'nigger galleries' in theaters; that they receive medical care in separate hospitals and exclusively from 'colored' staff; and that they be incarcerated in separate cells and buried in separate cemeteries. Most crucial of all, laws joined mores in condemning the 'unspeakable crime' of interracial marriage, cohabitation, or mere sexual congress so as to uphold the 'supreme law of self-preservation' of the races and the myth of innate white superiority. Through continued white ownership of the land and the generalization of sharecropping and debt peonage, the plantation system remained virtually untouched as former slaves became a 'dependent, propertyless peasantry, nominally free, but ensnared by poverty, ignorance, and the new servitude of tenantry' (McMillen, 1990: 126). While sharecropping tied African-American labor to the farm, a rigid etiquette ensured that whites and blacks never interacted on a plane of equality, not even on the track field or in a boxing ring—a Birmingham ordinance of 1930 made it unlawful for them to play at checkers and dominoes with one another.⁴ Whenever the 'color line' was breached or even brushed, a torrent of violence was unleashed in the form of periodic pogroms. Ku Klux Klan and vigilante raids, public floggings, mob killings and lynchings, this ritual caste murder designed to keep 'uppity niggers' in their appointed place. All this was made possible by the swift and near-complete disenfranchisement of blacks as well as by the enforcement of 'Negro law' by courts which granted the latter fewer effective legal safeguards than slaves had enjoyed earlier by dint of being both property and persons.

The sheer brutality of caste oppression in the South, the decline of cotton agriculture due to floods and the boll weevil, and the pressing shortage of labor in northern factories caused by the outbreak of the First World War created the impetus for African-Americans to emigrate en masse to the

booming industrial centers of the Midwest and Northeast (over 1.5 million left in 1910-30, followed by another 3 million in 1940-60). But as migrants from Mississippi to the Carolinas flocked to the northern metropolis. what they discovered there was not the 'promised land' of equality and full citizenship but another system of racial enclosure, the ghetto. which, though it was less rigid and fearsome than the one they had fled. was no less encompassing and constricting. To be sure, greater freedom to come and go in public places and to consume in regular commercial establishments, the disappearance of the humiliating signs pointing to 'Colored' here and 'White' there, renewed access to the ballot box and protection from the courts, the possibility of limited economic advancement. release from personal subservience and from the dread of omnipresent white violence, all made life in the urban North incomparably preferable to continued peonage in the rural South: it was 'better to be a lamppost in Chicago than President of Dixie,' as migrants famously put it to Richard Wright, But restrictive covenants forced African-Americans to congregate in a 'Black Belt' which quickly became overcrowded, underserved, and blighted by crime, disease, and dilapidation, while the 'job ceiling' restricted them to the most hazardous, menial, and underpaid occupations in both industry and personal services. As for 'social equality,' understood as the possibility of 'becoming members of white cliques, churches, and voluntary associations, or marrying into their families,' it was firmly and definitively denied (Drake and Cayton, 1962 [1945], vol. 1: 112-28).

Blacks had entered the Fordist industrial economy, to which they contributed a vital source of abundant and cheap labor willing to ride along its cycles of boom and bust. Yet they remained locked in a precarious position of structural economic marginality and consigned to a secluded and dependent microcosm, complete with its own internal division of labor, social stratification, and agencies of collective voice and symbolic representation: a 'city within the city' moored in a complexus of black churches and press, businesses and professional practices, fraternal lodges and communal associations that provided both a 'milieu for Negro Americans in which they [could] imbue their lives with meaning' and a bullwark 'to "protect" white America from "social contact" with Negroes' (Drake and Cayton, 1962 [1945], vol. 2: xiv). Continued caste hostility from without and renewed ethnic affinity from within converged to create the ghetto as the third vehicle to extract black labor while keeping black bodies at a safe distance, to the material and symbolic benefit of white society.

The era of the ghetto as paramount mechanism of ethnoracial domination had opened with the urban riots of 1917–19 (in East St Louis, Chicago, Longview, Houston, etc.). It closed with a wave of clashes, looting, and burning that rocked hundreds of American cities from coast to coast, from the Watts uprising of 1965 to the riots of rage and grief triggered by the assassination of Martin Luther King in the summer of 1968 (Kerner Commission, 1988). Indeed, by the end of the 1960s, the ghetto was well on its way to becoming functionally obsolete or, to be more

precise, increasingly *unsuited* to accomplishing the twofold task historically entrusted to America's 'peculiar institutions.' On the side of *labor extraction*, the shift from an urban industrial economy to a suburban service economy and the accompanying dualization of the occupational structure, along with the upsurge of working-class immigration from Mexico, the Caribbean and Asia, meant that large segments of the workforce contained in the 'Black Belts' of the northern metropolis were simply no longer needed. On the side of *ethnoracial closure*, the decades-long mobilization of African-Americans against caste rule finally succeeded, in the propitious political conjuncture of crisis stemming from the Vietnam war and assorted social unrest, in forcing the federal state to dismantle the legal machinery of caste exclusion. Having secured voting and civil rights, blacks were at long last full citizens who would no longer brook being shunted off into the separate and inferior world of the ghetto.⁵

But, while whites begrudgingly accepted 'integration' in principle, in practice they strove to maintain an unbridgeable social and symbolic gulf with their compatriots of African descent. They abandoned public schools, shunned public space, and fled to the suburbs in the millions to avoid mixing and ward off the specter of 'social equality' in the city. They then turned against the welfare state and those social programs upon which the collective advancement of blacks was most dependent. A contrario, they extended enthusiastic support for the 'law-and-order' policies that vowed to firmly repress urban disorders connately perceived as racial threats (Edsall and Edsall, 1991; Quadagno, 1994; Beckett and Sasson, 2000: 49–74). Such policies pointed to yet another special institution capable of confining and controling, if not the entire African-American community, at least its most disruptive, disreputable and dangerous members: the prison.

The ghetto as ethnoracial prison, the prison as judicial ghetto

To grasp the deep kinship between ghetto and prison, which helps explain how the structural decline and functional redundancy of the one led to the unexpected ascent and astonishing growth of the other during the last quarter-century,⁶ it is necessary first to characterize accurately the ghetto. But here we come upon the troublesome fact that the social sciences have failed to develop a robust *analytic concept* of the ghetto; instead they have been content to borrow the *folk concept* current in political and popular discourse at each epoch. This has caused a good deal of confusion, as the ghetto has been successively conflated with—and mistaken for—a segregated district, an ethnic neighborhood, a territory of intense poverty or housing blight and even, with the rise of the policy myth of the 'underclass' in the more recent period, a mere accumulation of urban pathologies and antisocial behaviors.⁷

A comparative and historical sociology of the reserved Jewish quarters in the cities of Renaissance Europe and of America's 'Bronzeville' in the Fordist metropolis of the 20th century reveals that a ghetto is essentially a sociospatial device that enables a dominant status group in an urban setting simultaneously to *ostracize and exploit* a subordinate group endowed with *negative symbolic capital*, that is, an incarnate property perceived to make its contact degrading by virtue of what Max Weber calls 'negative social estimation of honor.' Put differently, it is a *relation* of ethnoracial control and closure built out of four elements:

- 1 stigma;
- 2 constraint;
- 3 territorial confinement; and
- 4 institutional encasement.

The resulting formation is a distinct *space*, containing an ethnically homogeneous *population*, which finds itself forced to develop within it a set of interlinked *institutions* that duplicates the organizational framework of the broader society from which that group is banished and supplies the scaffolding for the construction of its specific 'style of life' and social strategies. This parallel institutional nexus affords the subordinate group a measure of protection, autonomy, and dignity, but at the cost of locking it in a relationship of structural subordination and dependency.

The ghetto, in short, operates as an ethnoracial prison: it encages a dishonored category and severely curtails the life chances of its members in support of the 'monopolization of ideal and material goods or opportunities' by the dominant status group (Weber, 1978: 935) dwelling on its outskirts. Recall that the ghettos of early modern Europe were typically delimited by high walls with one or more gates which were locked at night and within which Jews had to return before sunset on pain of severe punishment (Wirth, 1928: 32), and that their perimeter was subjected to continuous monitoring by external authorities. Note next the structural and functional homologies with the prison conceptualized as a judicial ghetto: a jail or penitentiary is in effect a reserved space which serves to forcibly confine a legally denigrated population and wherein this latter evolves its distinctive institutions, culture, and sullied identity. It is thus formed of the same four fundamental constituents, stigma, coercion, physical enclosure and organizational parallelism and insulation, that make up a ghetto, and for similar purposes.

Much as the ghetto protects the city's residents from the pollution of intercourse with the tainted but necessary bodies of an outcast group in the manner of an 'urban condom,' as Richard Sennett (1994: 237) vividly put it in his depiction of the 'fear of touching' in 16th-century Venice, the prison cleanses the social body from the temporary blemish of those of its members who have committed crimes, that is, following Durkheim, individuals who have violated the sociomoral integrity of the collectivity by infringing on 'definite and strong states of the collective conscience.'

Students of the 'inmate society' from Donald Clemmer and Gresham Sykes to James Jacobs and John Irwin have noted time and again how the incarcerated develop their own argot roles, exchange systems, and normative standards, whether as an adaptive response to the 'pains of imprisonment' or through selective importation of criminal and lower-class values from the outside, much like residents of the ghetto have elaborated or intensified a 'separate sub-culture' to counter their sociosymbolic immurement (Drake and Cayton, 1962 [1945], vol. 2: xiii). As for the secondary aim of the ghetto, to facilitate exploitation of the interned category, it was central to the 'house of correction' which is the direct historical predecessor of the modern prison and it has periodically played a major role in the evolution and operation of the latter (Spierenburg, 1991). Finally, both prison and ghetto are authority structures saddled with inherently dubious or problematic legitimacy whose maintenance is ensured by intermittent recourse to external force.

By the end of the 1970s, then, as the racial and class backlash against the democratic advances won by the social movements of the preceding decade got into full swing, the prison abruptly returned to the forefront of American society and offered itself as the universal and simplex solution to all manners of social problems. Chief among these problems was the 'breakdown' of social order in the 'inner city,' which is scholarly and policy euphemism for the patent incapacity of the dark ghetto to contain a dishonored and supernumerary population henceforth viewed not only as deviant and devious but as downright dangerous in light of the violent urban upheavals of the mid-1960s. As the walls of the ghetto shook and threatened to crumble, the walls of the prison were correspondingly extended, enlarged, and fortified, and 'confinement of differentiation,' aimed at keeping a group apart (the etymological meaning of segregare), gained primacy over 'confinement of safety' and 'confinement of authority'-to use the distinction proposed by French sociologist Claude Faugeron (1995). Soon the black ghetto, converted into an instrument of naked exclusion by the concurrent retrenchment of wage labor and social protection, and further destabilized by the increasing penetration of the penal arm of the state, became bound to the jail and prison system by a triple relationship of functional equivalency, structural homology, and cultural syncretism, such that they now constitute a single carceral continuum which entraps a redundant population of younger black men (and increasingly women) who circulate in closed circuit between its two poles in a self-perpetuating cycle of social and legal marginality with devastating personal and social consequences.9

Now, the carceral system had already functioned as an *ancillary* institution for caste preservation and labor control in America during one previous transition between regimes of racial domination, that between slavery and Jim Crow in the South. On the morrow of Emancipation, southern prisons turned black overnight as 'thousands of ex-slaves were being arrested, tried, and convicted for acts that in the past had been dealt

with by the master alone' (Oshinsky, 1996: 32) and for refusing to behave as menials and follow the demeaning rules of racial etiquette. Soon thereafter, the former confederate states innovated 'convict leasing' as a response to the moral panic of 'Negro crime' that presented the double advantage of generating prodigious funds for the state coffers and furnishing abundant bound labor to till the fields, build the levees, lay down the railroads, clean the swamps, and dig the mines of the region under murderous conditions. ¹⁰ Indeed, penal labor, in the form of the convict-lease and its heir, the chain gang, played a major role in the economic advancement of the New South during the Progressive era, as it 'reconciled modernization with the continuation of racial domination' (Lichtenstein, 1999: 195).

What makes the racial intercession of the carceral system different today is that, unlike slavery, Jim Crow and the ghetto of the mid-century, it does not carry out a positive economic mission of recruitment and disciplining of the workforce: it serves only to warehouse the precarious and deproletarianized fractions of the black working class, be it that they cannot find employment owing to a combination of skills deficit, employer discrimination and competition from immigrants, or that they refuse to submit to the indignity of substandard work in the peripheral sectors of the service economy—what ghetto residents commonly label 'slave jobs.' But there is presently mounting financial and ideological pressure, as well as renewed political interest, to relax restrictions on penal labor so as to (re)introduce mass unskilled work in private entreprises inside American prisons (Wacquant, 1999: 82-3): putting most inmates to work would help lower the country's 'carceral bill' as well as effectively extend to the inmate poor the workfare requirements now imposed upon the free poor as a requirement of citizenship. 11 The next decade will tell whether the prison remains an appendage to the dark ghetto or supersedes it to go it alone and become America's fourth 'peculiar institution.'

Notes

1. Three brute facts need only be recalled here: the ethnic composition of the inmate population of the United States has been virtually inverted in the last half-century, going from about 70 percent (Anglo) white at the midcentury point to less than 30 percent today; the black/white incarceration gap has jumped from one for five to one for 8.5 in just the past 20 years; the lifetime cumulative probability of 'doing time' in a state or federal prison based on the imprisonment rates of the early 90s is 4 percent for whites, 16 percent for Latinos and 29 percent for blacks. Michael Tonry (1995) provides a systematic analysis of the increasing enmeshment of African-Americans in the criminal justice system over the past two decades.

2. Among the groups commonly considered unassimilable, the Negro people is by far the largest. The Negroes do not, like the Japanese and the Chinese, have a politically organized nation and an accepted culture of their own outside of America to fall back upon. Unlike the Oriental, there attaches to the Negro an historical memory of slavery and inferiority. It is more difficult for them to answer prejudice with prejudice and, as the Orientals may do, to consider themselves and their history superior to the white Americans and their recent cultural achievements. The Negroes do not have these fortifications of self-respect. They are more helplessly *imprisoned* as a subordinate caste, a caste of people deemed to be lacking a cultural past and assumed to be incapable of a cultural future.

(Myrdal, 1944: 54, emphasis added)

- 3. The term 'Jim Crow' comes from a song and dance by that title first performed in 1828 by Thomas Dartmouth Rice (1808–60), a popular traveling actor considered the father of the minstrel show, in which a blackfaced white minstrel caricatured the singing and dancing of African-American slaves. Such shows enjoyed great popularity in the United States as well as England, peaking in the decade leading to abolition.
- 4. The legislature of Mississippi went so far as to outlaw the advocacy of social equality between blacks and whites in a law of 1920 that subjected anyone 'found guilty of printing, publishing or circulating printed, typewritten or written matter urging or presenting for public acceptation or general information, arguments or suggestions in favor of social equality or of intermarriage' (cited in McMillen, 1990: 8–9) to a fine of \$500 and six months' imprisonment.
- 5. This was the meaning of Martin Luther King's 'Freedom Campaign' in the summer of 1966 in Chicago: it sought to apply to the ghetto the techniques of collective mobilization and civil disobedience used with success in the attack on Jim Crow in the South to reveal and protest 'the slow, stifling death of a kind of concentration camp life' to which blacks were condemned in the northern metropolis (M.L. King, cited by Oates, 1982: 373). The campaign to 'make Chicago an open city' was swiftly crushed by a formidable combination of state repression (spearheaded by 4,000 National Guard troops), white mob violence, vitriolic media campaigns of denunciation by the *Chicago Tribune* and *Chicago Sun Times*, furious resistance from City Hall, the real estate industry, and the courts, all with the knowing acquiescence of the White House and Congress.
- 6. It must be recalled that, as of the mid-1970s, the carceral population of the US had been steadily declining for nearly two decades to reach a low of 380,000 inmates in 1975. The leading analysts of the penal question, from David Rothman to Michel Foucault to Alfred Blumstein, were then unanimous in predicting the imminent marginalization of the prison as an institution of social control or, in the worst-case scenario, the long-term stability of penal confinement at a historically moderate level. No one

- foresaw the impending quadrupling of America's incarcerated population over the ensuing 20 years, via runaway growth that has catapulted that figure past the 2-million mark in 2000 even as crime levels remained stagnant over that period.
- 7. See Wacquant (2000a) for a historical recapitulation of the meanings of 'ghetto' in American society and social science, leading to a diagnosis of the curious expurgation of race from a concept expressly forged to denote a mechanism of ethnoracial domination, which ties it to the changing concerns of state elites over the nexus of poverty and ethnicity in the metropolis.
- 8. Describing the London Bridewell, the *Zuchthaus* of Amsterdam, and Paris's *Hôpital Général*, Rusche and Kirschheimer (1939: 42) write: 'The essence of the house of correction was that it combined the principles of the poorhouse, workhouse and penal institution.' Its main aim was 'to make the labor power of the unwilling people socially useful' by forcing them to work under close supervision in the hope that, once released, 'they would voluntarily swell the labor market.' On the social organization and goals of the *Hôpital Général*, see Mary Bosworth (this issue, pp. 265–284).
- 9. A fuller discussion of this 'deadly symbiosis' between ghetto and prison in the post-Civil Rights era is provided elsewhere (Wacquant, 2000b).
- 10. This is not a figure of speech: the annual mortality rate for convicts reached 16 percent in Mississippi in the 1880s, where 'not a single leased convict ever lived long enough to serve a sentence of ten years or more' (Oshinsky, 1996: 46). Hundreds of black children, many as young as 6 years old, were leased by the state to the benefit of planters, businessmen and financiers, to toil in conditions that even some patrician southerners found shameful and 'a stain upon our manhood.'
- 11. Expert testimony presented to the Committees on the Judiciary and Crime of the US House of Representatives during discussion of the 'Prison Industries Reform Act of 1998' (still under deliberation at this writing) explicitly links welfare reform and the need to expand private prison labor.

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