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A Rhetorical Analysis of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*

Eva Seuntjens
S4812921
Supervisor: Dr. L. Visser-Maessen
Second Supervisor: Prof. dr. F. Mehring

The Faculty of Arts
American Studies
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Abstract

The United States is the number one incarcerator in the world. The system of mass incarceration disproportionally targets colored people. America is no longer incarcerating individuals, but whole social groups. In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness,* Michelle Alexander provocatively argues that mass incarceration is not a system of public safety but a racial caste system. Her book attracted the attention of many Americans by becoming a success nationwide. This thesis serves as a rhetorical analysis of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander (2010).The goal of this thesis is to examine in what ways rhetoric and rhetorical devices such as *ethos, pathos, logos*, the Toulmin model, strategic framing, metaphors, and the 'New Jim Crow' analogy have strengthened Alexander's main argument. An analysis of the above-mentioned theories reveals how Alexander herself makes ample use of these rhetorical devices to persuade her readers of her argument. Moreover, it was found that framing, metaphors, and analogies are extremely powerful tools to persuade people.

Keywords: Aristotle, colorblindness, ethos, framing, logos, mass incarceration, metaphor, pathos, rhetoric, The New Jim Crow, Toulmin Model

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Introduction

1.1 Introduction

"Close your eyes and imagine an illegal drug user. What do you see?" The result of a national survey conducted in the 1990s concluded that 95 percent of people described an African American. Contrary to popular belief, people of color are no more likely to use or sell drugs. That defies our basic racial stereotypes about who a drug dealer is. Some studies even show that whites are more likely to engage in illegal drug dealing (Alexander 103).

Why then is it possible that black people are more likely to get arrested for violating a drug law? Most Americans violate drug laws in their lifetime, but the enemy in this war has been racially defined. This war has been waged almost inclusively in poor neighborhoods of color. In the state of Illinois, people incarcerated for drug crimes almost exclusively consists of one race, the colored one. It shows some unconscious racial bias that is pervaded throughout our society. In an age of perceived colorblindness, many people do not recognize that they still discriminate people based on race, but they do. We have been blinded to realities of race in our society and facilitated the emergence of a new caste system (Alexander 12). For too long people have not fought back against the multilayered assault on black and poor communities. Their communities have been devastated by mass unemployment, social neglect, economic abandonment, and intense police surveillance. There has been a powerful top-down movement that incarcerated hundreds of thousands of young black poor men, largely as a consequence of the War on Drugs (West x). Academics, such as Michelle Alexander, have referred to a 'New Jim Crow' analogy which states that mass incarceration serves not as a form of public safety but as a form of social control to relegate poor black people to a racial undercast (13).

Michelle Alexander, a former civil rights lawyer and activist, illuminates this problem in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2010).* A book like that is highly engaging given the racial climate today. She is able to lay bare a structure of a racial caste system that still lives today in an age of colorblindness. Once someone reads this book there is no turning back. *The New Jim Crow* is able to shatter a silence. Alexander has convinced the reader that they have now been awakened to a dark and ugly truth of a racial underside of American history that has cast a long shadow since the first days of slavery.

Her book is groundbreaking and eye-opening at the same time, and there are but a few who have been able to unfold such a complex issue. The point of this thesis is to make a rhetorical analysis of Alexander's argument, in order to fully understand how Michelle Alexander has used rhetorical strategies as a successful means of activism to help counter the problem of mass incarceration. With this knowledge in hand, others could possibly make further useful attempts to attack the problem of mass incarceration in the future.

1.2 Background Information

Michelle Alexander is an acclaimed civil rights lawyer, social reformer, and author of *The New Jim Crow*. She graduated from Stanford Law School and Vanderbilt University, and continued to work at several universities as an associate law professor. When she worked at Stanford Law School, she directed the Civil Rights Clinic which focused on the intersection of race and the criminal justice system. Prior to entering the academic field, she worked as the director of the Racial Justice Project for the American Civil Liberties Union of Northern California (Alexander 3). She currently serves as a professor at the Theological Seminary in the City of New York, and as a columnist for *The New York Times.* Here, she writes about issues like the criminal justice system, mass incarceration, and justice. Still, her bestselling work *The New Jim Crow* has been her biggest achievement.

The book is divided in six chapters, each unfolding a new piece of her argument. These are preceded by an introduction in which she lays out her main thesis. Alexander argues that that the system of racial control has never ceased to exist and has just redesigned itself into a system of mass incarceration. Due to the War on Drugs colored men are labeled criminals and stripped away from all their rights. In chapter 1 "The Rebirth of Caste," she provides a brief history of previous racial caste systems which date back to slavery. The structured racism within the criminal justice system, with a focus on the War on Drugs is described in detail in chapter 2 "The Lockdown." Chapter 3 "The Color of Justice" shows the readers through legal cases how colored people have been disproportionally targeted by the system. Chapter 4 "The Cruel Hand" shows the readers how the prison label relegates colored people to a undercast. The similarities between mass incarceration and Jim Crow are examined in chapter 5 "The New Jim Crow." Lastly, chapter 6 "The Fire this Time" deliberates on what people should do to dismantle the new caste system.

The problem of mass incarceration has sparked academic debate over the years, but Alexander's *New Jim Crow* spurred an even wider conversation about justice and inequality. A long-running debate among scholars, lawyers, criminologists, and social advocates has gone on about the central question being how much of black incarceration is due to differences in behavior vs a biased criminal justice system (Crutchfield & Weeks 4). Firm believers of one side of the debate argue that the overrepresentation of race among detainees is defensible because people of color inherently commit more crime. This has been a matter of dispute, as the other side argues that disproportionate rates can be traced back to the racial biased War on Drugs, in which poor black communities are the target of harsh police practices and long mandatory sentences (Roberts 1278). Dorothy Roberts recognizes that academics on this side of the debate mainly try to identify the causes of the problem (1278). Michelle Alexander has been a prominent leader on this side of the debate. Alexander blames the War on Drugs as the number one cause of mass incarceration. Notably, there are some rebuttal works that dispute the War on Drugs as the number one cause for mass incarceration. James Forman's secondary work *Racial Critiques of Mass Incarceration: Beyond the New Jim Crow (2012)* is such an example.

It is indisputable however, that since the war was first waged in 1973 the prison population quintupled from 200,000 to over 2,000,000. prisoners, something unprecedented in human history (Alexander 9). That makes the United States the number one incarcerator in the world. The War on Drugs can be traced back to President Richard Nixon, who held office from January 1969 to August 1974. During his presidency, crime rates rose significantly which caused national unrest (Mauer 9). Although the extent of this has been disputed by some scholars, it was caused by the 'baby boom' generation coming to age and the increase of urbanization (Mauer 14). Nixon responded with a "tough on crime" movement that manifested itself in the War on Drugs. Due to stringent drug enforcement policies, drug arrests have tripled since 1980 (Alexander 59). Mandatory sentences and aggressive police practices targeted predominantly black young men. Young black men are 8 times as likely to be imprisoned for drug crimes than their white fellow citizens (Roberts 1255) Penalties were made so severe that innocent people accepted plea bargains to avoid harsh mandatory sentences (Alexander 59). Once swept into the system a chance of true freedom is minimized. Notwithstanding the difficulties that come along with imprisonment, offenders are often placed under formal control through probation and parole. When released, ex-offenders are legally discriminated against. They are denied basic rights like voting, serving on a jury, equal

employment, and public housing. They have become relegated to a second-class status for the rest of their lives.

Although Alexander has been a prominent leader on this side of the debate, there are many others who tackled this problem before her. Intellectuals and advocates including Marion Wright Edelman, Angela Davis, Loïc Wacquant, Glenn Loury, Marc Mauer, and many others. Loïc Wacquant, a prominent African American scholar, has written extensively about racial caste in relation with mass incarceration and the ghetto. He talks about the enormous disruptive impact it has had on poor black communities (Wacquant 96). He recognizes four peculiar institutions throughout the history of the United States that have successfully put the colored community in a racial undercast. These are: slavery, Jim Crow, the ghetto, and the carceral system (98-99). He has also elaborately written about the vicious relationship between the ghetto and the prison system, arguing that both 'race making' institutions were employed for social and cultural purging (112). Michelle Alexander has thus not been the first to consider the problem of mass incarceration as an extension of racism, but her work is more deeply and systematically explored than the work of Loïc Wacquant. Whereas Wacquant focuses on the four peculiar institutions, Alexander solely focuses on Jim Crow. Both works are compelling, but Alexander's offers more depth. Her work has supplemented previous work on the issue, and it serves as a great contribution to the problem of mass incarceration.

Unlike other scholars, Michelle Alexander has been able to raise enough awareness to put the issue on the national agenda. *The New Jim Crow* offers convincing arguments and ideas that are hard to revoke. She argues that since Obama has become the first black president of the United States people see discrimination as something of the past. How is discrimination based on race still a problem if colored persons get the chance to become president? She argues that we live in a colorblind era in which we are blinded to the existence of a racial undercast, and that the system lives on such exceptionalism and tokenism. She has used the birdcage metaphor to underscore the structural racism that marks mass incarceration. This theory first used by Iris Marion Young explains how structural racism works. Every separate wire operates to restrict the freedom of colored people. When we look at one separate wire, we might not understand how it can serve the purpose of caging people. However, when all wires are connected the purpose of caging the bird is served. "The system of mass incarceration is therefore a metaphorical bird cage, as a wide variety of laws, institutions, and practices trap African Americans in a symbolic and actual cage" (Alexander 179).

Alexander thus recognizes that there is a huge problem in American society regarding race and discrimination. She has laid out a huge and complex argument and got at the core of the problem. She knows that it is not possibly to change this system before people recognize that there is a problem. Unsurprisingly, Alexander's book was well received. She has won multiple prizes including the NAACP Image Awards (2011), National Council on Crime and Delinquency's Prevention for a Safer Society Award, and the Constitution Project's Constitutional Award (2010). Several newspapers have rated her book as extraordinary and groundbreaking. *The New York Review of Books* said: "Striking… Alexander deserves to be compared to Du Bois in her ability to distill and lay out as might human drama a complex argument and history." Likewise *The San Francisco Chronicle* called it "The Bible of a social movement," and it has also appeared on the *New York Times* bestseller list for over a year. Like no other, her book has reached a variety of academic fields, beyond academia into the public sphere due to its commercial achievement. The most significant thing about the book is its moral relevance to the present. In many universities for example, it is used as a teaching tool or instrument where students and faculty are interrogating the great moral, ethical, and intellectual questions of mass incarceration.

1.3 Thesis

Therefore, deconstructing how Michelle Alexander does this is essential to this thesis objective. Critical reading skills should be used, to break down her argument and become aware of the rhetoric that she has used in her argument. While critically looking at *The New Jim Crow*, this thesis aims to answer the question: In what ways does Michelle Alexander use rhetorical strategies of Aristotle's three rhetorical devices: *ethos, logos,* and *pathos,* the Toulmin model, strategic framing, and metaphors to build a convincing case about the racial disparity within the criminal justice system in *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*? To answer this question several sub questions must be answered first in the following chapters; in what ways does Alexander use Aristotle's three rhetorical proofs and the Toulmin model to strengthen her argument; in what ways does Alexander make use of the rhetorical device of framing to enhance her argument; in what ways does she make use of the rhetorical tool of metaphors and the 'New Jim Crow' analogy to support her overall thesis?

Whereas the first chapter has introduced the main topic, the second chapter provides a brief history of the most important rhetorical theories and models. Among those, Aristotle's

three rhetorical proofs *ethos, pathos,* and *logos,* and the Toulmin model are particularly important. Key moments in the book are critically examined to answer the question in what ways Michelle Alexander has used Aristotle's three rhetorical proofs, and the Toulmin model to strengthen her argument.

In the third chapter, relevant theories of the rhetorical device of strategic framing are presented. These theories are then applied to Michelle Alexander's argument, particularly focusing on the theories that the FrameWorks Institute has provided.

The fourth chapter provides the most prominent theories and frameworks relevant to the studies of metaphors and analogies. Finally, the role of metaphors and the 'New Jim Crow' analogy is described by deconstructing and analyzing pivotal examples in the book.

The final chapter then provides the overall conclusion.

1.4 Methodology

The study of text from particular authors helps understand people how words are used to describe certain ideas, events or beliefs. This thesis therefore is a critical discourse analysis using scholarship on rhetoric is conducted. The practical purpose of this methodology is to help increase consciousness on how language is used to persuade and convince people. Discourse analysis is a method that considers how language, both spoken and written, interact with social and cultural perspectives. Critical discourse analysists want to understand the relation between language and social practice. Critical discourse analysis finds it origins in Europe, but has become extremely popular in the United States during the last decade (Andrus, Clary-Lemon & Huckin 107). Critical discourse analysis has proven itself as a useful methodology for rhetoric. Rhetoric has always been an interdisciplinary study borrowing from many other fields. Rhetoric's core function is to be concerned with argument persuasion. One of the most fundamental practices of rhetoric has probably been the study of discourse in context (Eisenhart & Johnstone 5). Aristotle already established an important connection between rhetoric and civic discourse (Eisenhart & Johnstone 6). Critical discourse analysis aligns itself with these the same purpose as rhetoric (Andrus, Clary-Lemon, Huckin 109).

This thesis uses contemporary and past rhetorical theories and devices. This methodology includes examples from major rhetorical theorists like Aristotle, Stephen Toulmin and George Lakoff. The theoretical frameworks applied are based on concept *ethos, logos, pathos,* the Toulmin model, strategic framing, and metaphors. This thesis will then

apply these rhetorical tools on key moments in Michelle Alexander's book: *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.

II. Rhetoric: The Use of Language for Persuasive Purpose

*"Rhetoric may be defined as the faculty of observing in any given case the available means of persuasion. This is not a function of any other art" (*Aristotle I.II).

2.1 Introduction

Simply put, rhetoric is defined as the art of persuasion. All reasoning is argumentative and the aim of reasoning is to form arguments intended to persuade and to convince others (Sage & Stucki 382). Rhetoric is inescapable in our lives today. A parent constantly uses rhetoric on a child, a teacher on a student, and politicians on people. People who watch television are constantly subjected to someone trying to sell them something. Advertising might be the most ubiquitous example of what Aristotle once preached. "Rhetoric is marked with ambivalence toward language, the feeling that it can be both beneficial and dangerous" (Jasinski xiii). Nowadays one might feel a negative connotation towards rhetorical speech. Think of hateful right-wing advocates or politicians who use empty rhetoric to gain support. Many people have become suspicious of rhetoric. On the other hand, it could also prompt interest. It might be fascinating to know how people are able to convince others. Opinions about rhetoric have always been very divided. They have ranged from "helpful and constructive to deceptive and manipulative" (Herrick 3). Plato called rhetoric "foul" and "ugly" (Herrick 55). Yet, rhetoric lives everywhere and therefore it should not be ignored. If rhetoric is such a pervasive activity in this society, it is important that people are aware of its basic strategies and principles. In this chapter, section 2.2 presents a brief history of the most important rhetorical models throughout history emphasizing on the three rhetorical proofs of Aristotle and the Toulmin model, and then section 2.3 applies these on Alexander's book: *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, using the following question: In what ways does Michelle Alexander use the rhetorical device of *ethos, pathos,* and, *logos,* and can the Toulmin model be applied to strengthen her argument of seeing mass incarceration as a new system of structural racism in *The New Jim Crow*?

2.2 Rhetorical Models

The origins of rhetoric can be traced back to the Greek philosophers Plato and Aristotle. Because rhetoric has been an area of study over a 2500 years, it is impossible to summarize all of this in just a couple of paragraphs. However, it is a good place to start when trying to

understand rhetoric. The next few sections will demonstrate several different theories within the field of rhetoric.

Plato was the first Greek philosopher who stressed that language could be manipulative. If rhetoric was able to convince others, it must be, because it deals with alternative viewpoints. These untruths were formally the same to the real answers, which made it easy to persuade an audience (Meyer 2). He therefore saw rhetoric as a pseudo art, and despicable in its character. Plato entirely disregarded *ethos* and *logos*, and emphasized *pathos.* To him, rhetoric's sole purpose was to persuade other people (Jasinski xiii). Since Plato, rhetoric was displayed as something negative, intertwined with a marked ambivalence toward language.

On the other hand, a substantial number of other thinkers have leaned in the opposite direction, such as Aristotle and Cicero. Among them a more positive understanding of rhetoric emerged. They stressed the beneficial capacity of language, speech, and discourse (Jasinski xiii). Due to this more positive understanding of rhetoric, people began to travel across the country to teach young men the art of rhetoric. These people who taught rhetoric were called Sophists. The most important Sophistic school was led by Isocrates. He believed that language and rhetoric were required for civilization and human advancement. His celebration of rhetoric and language eventually extended to Aristotle and other Ancient philosophers like Cicero and Quintilian (Jasinski xiv). Among them, Aristotle made the most contributions to the development of the study of rhetoric. His ideas of *ethos, pathos*, and *logos* which were presented in his work *The Art of Rhetoric*, became the foundation for further research within the field of rhetoric (Meyer 29).

While rhetoric was extremely important within Ancient Greece and Rome, its popularity declined during the Middle Ages until the Renaissance, when humanist thinkers like Descartes, Kant, and Locke showed new interest in rhetoric (Meyer 44). However, just like Plato they perceived rhetoric with suspicion. Descartes for instance, denied probable and false answers and demanded only the absolute truth (Meyer 17). Locke claimed that since the first days of rhetoric, men love to persuade and be deceived by rhetoric (Abbott 276). Finally, Kant criticized rhetoric "as an art of deluding by means of a fair semblance and thereby depriving men's minds of their clear judgement and reducing them to mere machines" (Bender & Wellbery 10).

Rhetoric knew a definite revival in the mid-late 20th century (Meyer 49). Interest in ancient rhetoric and its relevance to modern society increased dramatically. Rhetorical theories were further developed by scholars like Burke, Perelman, Olbrechts-Tyteca, and

Toulmin, who had a lasting influence on the field. Chaïm Perelman and Lucille Olbrechts-Tyteca founded the 'new rhetoric' when they published their work *New Rhetoric* in 1958 (Meyer 49). Stephen Toulmin's *Uses of Argument*, also published in 1958, provided a systemic model that laid out an argument for analysis (Brockriede & Ehniger 44). All these scholars expanded on the traditional tools of rhetoric by combining them with new understandings from modern philosophy and linguistics. Rhetoricians also no longer solely applied rhetorical analyses to historical texts, but to contemporary works like speeches, tv commercials, or social media. A growing interest of persuasion in the mass media had thus led to a new interest in rhetoric (Sage & Stucki 374).

2.2.1 Ethos, Pathos, and Logos

Rhetorical criticists can draw from a rich history of rhetorical tradition. As the father of rhetoric, Aristotle's theories have been of great importance, therefore it is important to explain them in more depth. *Ethos* can be defined as the credibility of the author's character, but also as a form of showing one's authority (Gottweis 242, Finlayson 760, Sage & Stucki 378). It means that an argument is accepted by an audience merely on the fact of who is making it. According to Aristotle, *ethos* is the most effective means of persuasion. It is most important when opinions are highly divided and where exact certainty is not possible. Aristotle mentioned three important characteristics that made someone's character believable: *phronesis* (practical wisdom), *arete* (good moral character), *eunoia* (goodwill). If these three characteristics are apparent, he believed that the argument could be persuasive (Jasinksi 229). In line with Aristotle's characteristics, Alan Finlayson who wrote about rhetoric and political theories, mentioned that other attributes of *ethos* are "trustworthiness, honesty, sincerity, expertise, and intelligence" (760). Besides possessing this set of values, an author can show *ethos* through different techniques such as the use of quotations. Quoting thus contributes to the character of the speaker (Atkins & Finlayson 164). Kenneth Burke, an American rhetorician, described *ethos* as the creation of community through forms of identification. Quotations, metaphors, proverbs, irony, humor, exaggeration, and figures of speech are powerful cultural symbols in language that allow people a sense of collective participation (Sage & Stucki 376) . *Ethos* therefore holds two important functions: displaying the credibility of the author and the quality of the speaker to gain the readers' sympathy (Sage & Stucki 376).

The second appeal of Aristotle's theory is *pathos. Pathos* is the quality of a persuasive argument, which appeals to the emotions of the readers (Atkins 761, Atkins & Finlayson 164, Gottweis 242, Sage & Stucki 374). Aristotle identified 14 different emotions or emotional states, all either affiliated with pain or pleasure: anger, calmness, enmity, friendship, fear, confidence, shame, shamelessness, kindness, unkindness, pity, indignation, envy, and emulation (Jasinski 422). By stirring the emotions of anger or fear, an argument can become very persuasive. For example, President George Bush declared the war on terrorism in the aftermath of 9/11. In his first statement after the attack, he used the word "evil" in combination with terrorists five times (Kellner 624). Furthermore, the mass media became weapons of mass hysteria which evoked fear and panic by continually portraying that "America was under attack" (Kellner 630). People sought protection from the government, which conveniently manipulated them into complying with conservative laws and policies, like the Patriot Act. Fear had thus become a powerful tool and motivator to set the political agenda (627). People might not like to admit this, but they are emotional creatures whose opinions can be changed by strong feelings of emotion. This has of course great effect on the strategies of rhetoric. An author would be foolish not to "exploit" these tactics of persuasion. Aristotle acknowledged this too, and that is why he suggested to emphasize on what type of people usually experience the emotion, the objects that stimulate the emotion, and the ground for the emotion. He stated that "unless we do not know all three of them we are not able to arouse a particular emotion in someone" (Jasinksi 422). With a systematic understanding of emotions, Aristotle believed that rhetors could arouse particular emotions in an audience, which is the essential goal of rhetoric.

The third emotional appeal is *logos.* Today's society values logic and logical reasoning. More than 2000 years ago in ancient Greece, Aristotle thought of *logos* as highly important too. He said that the ability to reason distinguished the human from the animal. Through reasoning one can see the difference between "just and unjust, good and evil" (Jasinski 351). In rhetoric, *logos* is characterized by reasoning and the presentation of facts, evidence, and empirical proofs (Sage & Stucki 376). While speech has a certain limitation on the complex of the argument, writing allows the author to create a complex and multifaceted argument. Aristotle acknowledged two different types of arguments: deductive and inductive reasoning. Deductive reasoning is based on the fact that it starts out with an generalization which is applied to a specific case and inductive reasoning takes a specific case and generalizes that idea. One of the most famous examples of deductive reasoning is the following: All men are mortal. Socrates is a men. Therefore, Socrates is mortal. On the other

hand, inductive reasoning has the potential to provide false statements as shown in the next example. Most men in ancient Athens had beards. Socrates was a man who lived in ancient Athens. Therefore, Socrates probably had a beard (Groarke 30). Understanding these different forms of argumentation is a key component of critical thinking.

2.2.2 Argumentation

The three rhetorical proofs of Aristotle are really three different forms of argumentation. Argumentation is one of the most fundamental concepts in rhetorical studies. After Aristotle, numerous contemporary scholars like Stephen Toulmin, have offered new conceptions. Toulmin criticized the abstract approach that many academics took to the construction of arguments. He thought Aristotle's deductive approach was abstract and misguided. He claimed that arguments are used to provide rational justification for a claim. He posited an argument model that allows rhetorical critics to analyze the validity of every single rational argument. As Stephen Toulmin describes, an argument is a movement from *data* to *claim* through a *warrant*, which is displayed in figure 1.1. In this theory the *claim* is the conclusion of the main argument. The *data* is the original evidence that is used to support the *claim.* The *warrant* then helps draw a connection between the *evidence* and *claim.* To further nuance the argument, an argument can possess secondary components. *Backing* are arguments that support the *warrant,* a *rebuttal* is a counterargument which proves that the claim has its limitation, and the function of the *qualifier* is to measure to what extend the author believes his or her own claim (Brockwiede & Ehninger 45).

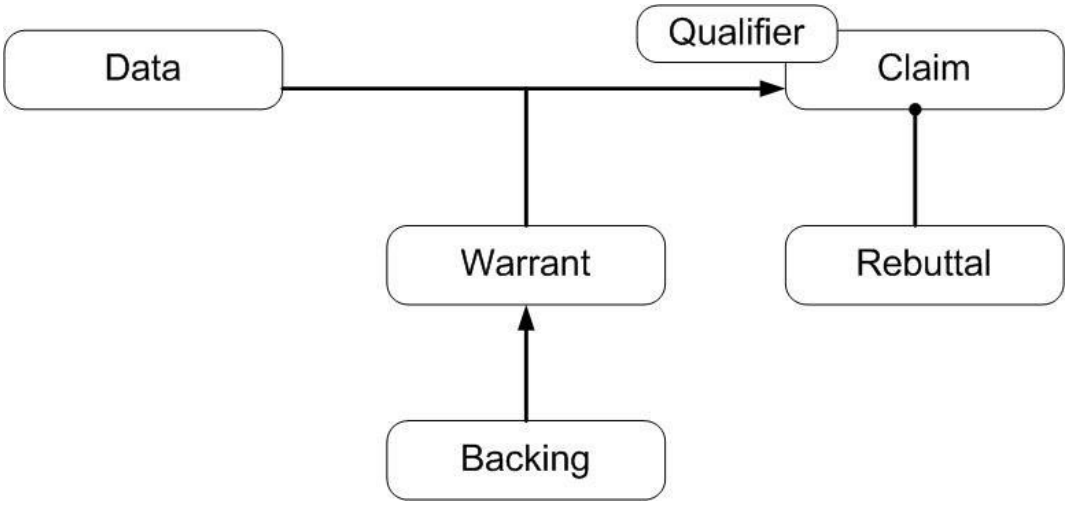


Figure 1.1 Toulmin Model (Brockwiede & Ehninger 45)

2.2.3 Conclusion

So how does a writer convince the readers of his or her argument? In Kenneth Burke's terms: How does a writer get others to identify with him or her? According to Aristotle, the answer lies within the three rhetorical appeals: (1) the appeal of their reason *(logos),* (2) the appeal of the writer's character *(ethos),* (3) the appeal to the emotions *(pathos).* These categories are interrelated with each other and *ethos* and *pathos* are not merely complements but integral parts of public reasoning. Most of the time these are all used in one argument, but one can be used predominantly or exclusively as well. In Aristotle's rhetorical framework, *ethos, logos,* and *pathos* rely on one's reinforcement as seen in figure 1.2. In this case, backing the evidence is an important feature of the interconnection between *logos* and *ethos.* By backing one's argument with evidence, someone provides a stronger argument but also a new sense of trust in their character. It was previously mentioned that cultural symbols that are created by *ethos* can have an influence on the emotional appeal of readers *(pathos).* Through cultural symbols, the author tries to identify oneself with the audience and their cultural milieu. Lastly, cultural symbols found in special words and phrases are also able to increase the emotional appeal of the audience (Sage & Stucki 376-377).

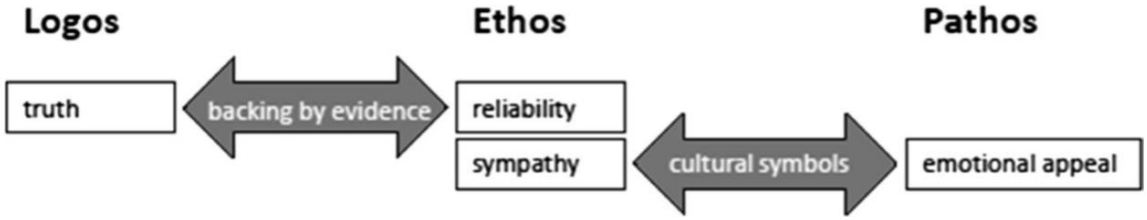


Figure 1.2 Interaction between logos, ethos, and pathos (Sage & Stucki 376)

2.3 Rhetorical Models in the New Jim Crow

Michelle Alexander has deployed all three appeals *ethos, logos,* and *pathos* to strengthen her argument that racial discrimination has not ceased to exist since the days of Jim Crow, but has merely been redesigned into the system of mass incarceration. The examples of the three forms of appeals which are presented next are only a few out of a large number in her book. The examples chosen, however, exemplify key moments in her entire book. These key moments are personal anecdotes, the display of her own credentials, and some multifaceted arguments.

Michelle Alexander uses real life anecdotes to appeal to the emotions of her readers. For instance, in the very opening of the book, Alexander used *pathos* to tell the readers that the Cotton family has been unable to vote for four generations. Here, Alexander presents a heartbreaking story about a family who has been targeted by racial discrimination. Alexander is trying to create empathy among her readers in order to make them more willingly to accept her truth. She might have designed her opening in such a way that some readers already feel ashamed about the condition of the criminal justice system and want a solution. Important to notice here, is that emotions do not have to be positive to be effectively persuasive.

> Jarvious Cotton cannot vote. Like his father, grandfather, great-grandfather, and great-great grandfather he has been denied the right to participate in our electoral democracy. … Cotton's great-great-grandfather could not vote as a slave. His great-grandfather was beaten to death by the Ku Klux Klan for attempting to vote. His grandfather was prevented from voting by Klan intimidation. His father was barred from voting by poll and literacy tests. Today, Jarvious Cotton cannot vote because he, like many black men in the United States, has been labeled a felon and is currently on parole (Alexander 1).

The following passage, which can be found in chapter 4 "The Cruel Hand," also shows how Alexander uses *pathos* to force the readers into an emotional state. By using this quote Alexander draws on a set of values that might be important to the readers. In this case, a story of a hardworking man who gave his life for his country and served as a soldier, now devasted by one mistake he made many years ago. Alexander is trying to gain sympathy from her readers. Here is a man who sacrificed his life for his country so that the rest of Americans could live in a free nation. Freedom has since the founding of the American nation been an important value for Americans and knowing that this man fought for their freedom might make the readers more receptive to Alexander's point.

> I put my life on the line for this country. To me, not voting is not right; it lead to a lot of frustration, a lot of anger. My son's in Iraq. In the army just like I was. My oldest son, he fought in the first Persian Gulf conflict. He was in the Marines. This is my baby son over there right now. But I'm not able to vote. They say I owe $900 in fines. To me, that's a poll tax. You've got to pay to vote. It's "restitution," they say. I came off parole on October 13, 1999, but I'm still not allowed to vote. … I was on the 1965 voting rights march from Selma. I was fifteen years old. At eighteen, I was in Vietnam

> fighting for my country. And now? Unemployed and they won't allow me to vote (155).

Alexander also uses *ethos* in her book. In her introduction, Alexander introduces herself as an esteemed public figure by saying that she has held jobs of high repute, such as being a lawyer and criminal justice advocate. By stating this, she obtains a sense of authority and credibility to talk about the subject of race and mass incarceration. She needs to convince the readers of her truth, and using her background facilitates this purpose.

> As a lawyer who had litigated numerous class-action employment-discrimination cases, I understood well the many ways in which racial stereotyping can permeate subjective decision-making processes at all levels of an organization, with devastating consequences. … While at ACLU, I shifted my focus from employment discrimination to criminal justice reform and dedicated myself to the task of working with others to identify and eliminate racial bias whenever and wherever it reared its ugly head (Alexander 4).

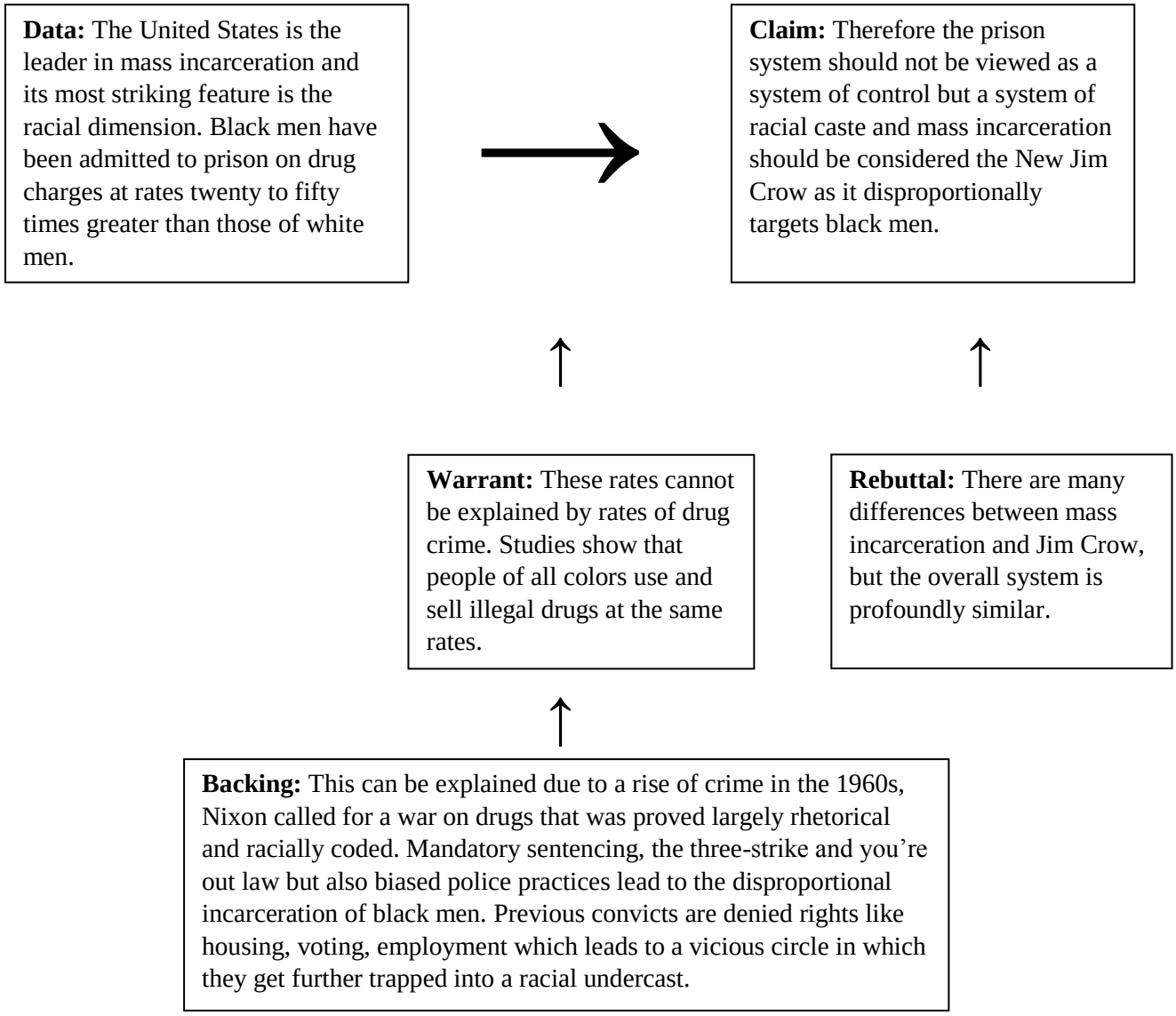
Here, Alexander does not only try to show her authoritative position, but also the long-lasting fight she has had with racial bias. In this passage, she also shows her moral and benevolent character. She is willing to do whatever it takes to try and get rid of racial bias in the United States.

Moreover, she uses *ethos* to eliminate readers' skepticism regarding her main argument by linking it to herself. In the following passage, Alexander talks about how she once was a non-believer of 'The New Jim Crow' analogy, but through years of experience she altered her attitude towards a more nuanced opinion. Through these years of experiences, Alexander has gained the knowledge to credibly attack a rigid system.

What she essentially does here is trying to gain the readers' sympathy. She basically tells them that "I was once at a point in my life where you are right now." Alexander did not believe that a racial caste system was still in existence, but through years of experience and education she was able to change her view. She is persuading her readers that even though they might be sceptic now, after reading this book and after being fully educated on the subject they might change their opinion, just like she did herself.

> It is possible – quite easy, in fact- never to see the embedded reality. Only after years of working on criminal justice reform did my own focus shift, and then the rigid caste system slowly came into view. Eventually it became obvious. Now it seems odd that I could not see it before (Alexander 12).

There are also many examples of *logos* in her book, and a few examples stand out. This can be made clear by applying the Toulmin model to her argument. The Toulmin model does not only help criticists to figure out how an argument is put together, but it gives people an opportunity to actually visually see the relationships between the various pieces of the argument. In the following example, Alexander has provided the readers with some sweeping facts about the realities of mass incarceration. She claims that because the system disproportionally targets colored men, it should be viewed as a system of racial oppression. The Toulmin model is applied to her argument in figure 1.3.



Here, Alexander links the *data* with her *claim* through the warrant. She states that these rates cannot be explained by the rates of drug crimes, because people of all colors use and sell drugs at the same rate. These rates can be blamed on the War on Drugs, as she explains by backing her *warrant*. In this case, the rebuttal functions as a way of a reservation on the claim. She acknowledges that there are many differences to mass incarceration and Jim Crow, but the system as a whole is very similar. Acknowledging that there are certain limits to her claim can be of value from a persuasive standpoint. If Alexander would not have recognized that the two systems are not entirely the same, but the readers would figure them out, then their confidence in the soundness of Alexander's argument can be compromised. A similar model like this can be found in the next argument. In the following example, Alexander argues in chapter 2 that the War on Drugs was the one single cause for mass incarceration. The Toulmin model is applied to her argument in figure 1.4, on the next page.

In this argument, Alexander presents the readers with striking facts about the increasement of prisoners since the War on Drugs. Hence, she claims that the War on Drugs is the number one cause for mass incarceration. This *claim* is warranted by the argument that mass incarceration was structured and facilitated in such a way that led to the conviction and imprisonment of a unprecedented number of people. This argument is further backed up by specific factual information. It states that certain policies like legalized drug testing of students and employees, increased random searches, huge cash rewards for the police, and legal misrepresentation of people accused of drug crimes were implemented to facilitate the War on Drugs. In this case, Alexander does not put any limitations on her *claim.* She is absolutely convinced that the War on Drugs is the number one cause for mass incarceration.
Here, Alexander provides us with a well-constructed argument that is backed up with factual information which should convince the readers of the solidity of her argument.

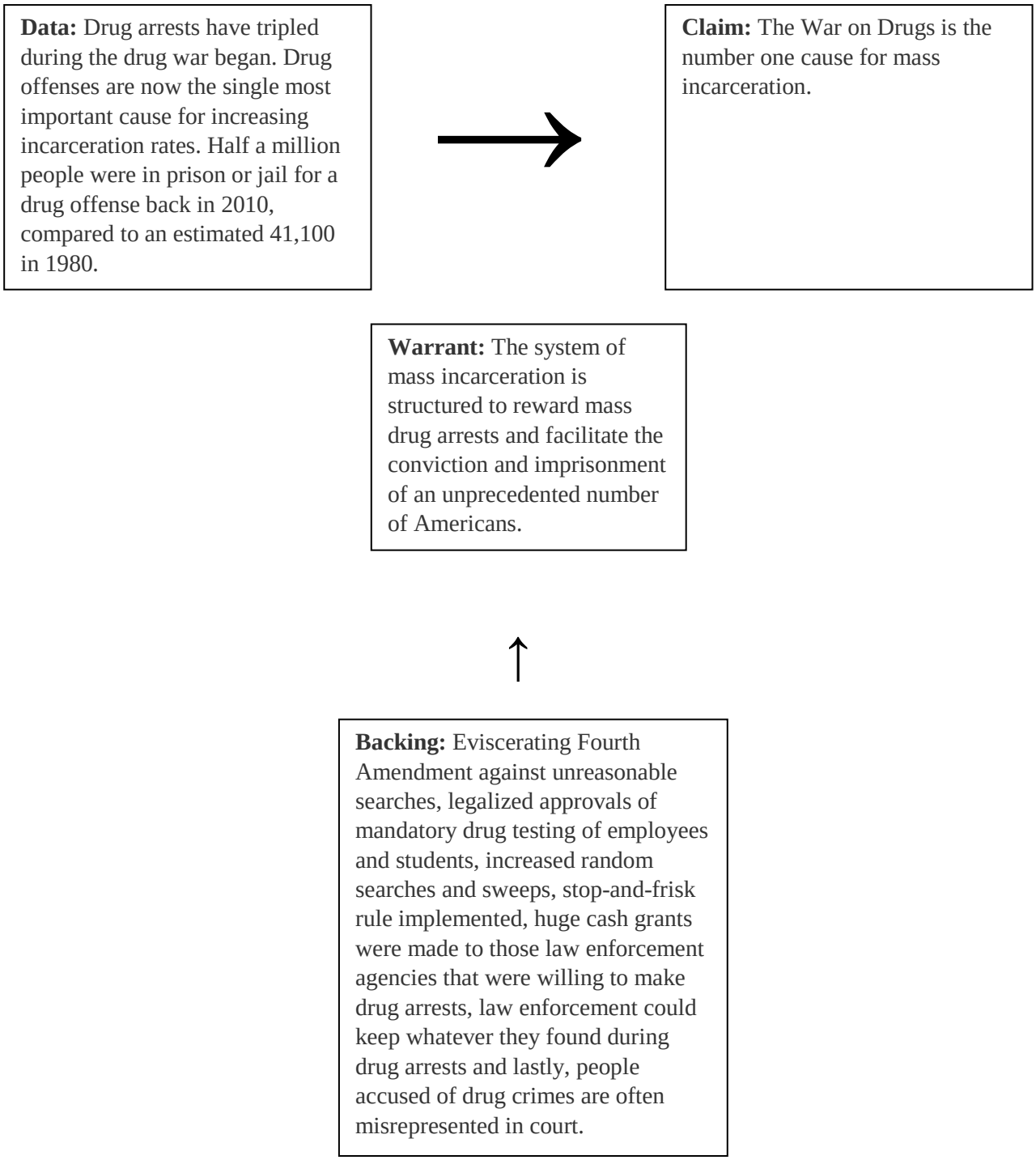


Figure 1.4 Toulmin model applied on Michelle Alexander's argument

2.4 Conclusion

This chapter revolved around the manners in which Michelle Alexander uses Aristotle's three rhetorical proofs *ethos, pathos,* and *logos,* and the Toulmin model to strengthen her argument

that mass incarceration is a racially oppressive system. Writers often use rhetoric to persuade their audiences, it would then be expected that Alexander uses this too. Research has found that Alexander indeed uses the three rhetorical appeals of Aristotle extensively. Through the use of the three rhetorical proofs she makes a convincing argument. Alexander's use of personal stories, personal credentials, and well-constructed arguments helped her convince the audience of her argument that mass incarceration has become a new system of racial oppression. When the Toulmin model is applied on Alexander's argument, it shows that her argument is constantly backed up with specific factual information, such as statistics about the increasement random searches by the police. The use of a rebuttal, where she puts certain limitations on her claim, can also be of value from a persuasive standpoint. By carefully deconstructing her arguments, the validity of her argument can be determined. In her case, she has created well-written arguments that are hard to subvert. No wonder then, that the *Counterpunch* praised her work as "written with rare clarity, depth, and candor."

III. Framing of Mass Incarceration in *The New Jim Crow*

"The social world is a kaleidoscope of potential realities, any of which can be readily evoked by altering the ways in which observations are framed and categorized" (Entman 54).

3.1 Introduction

Many scholars have engaged in framing and reframing the problems of mass incarceration to contribute to a radical transformation within the criminal justice system (Gandy 61). Progressive advocates consistently underscore the fact that the U.S is the number one incarcerator in the world (Alexander 8, Forman Jr. 993, Gandy 61, Gottschalk 483, Wacquant 383). Since the rise of crime in the 1970s, scholars, such as Marie Gottschalk, Marc Mauer, and, Loïc Wacquant, have tried to explain the cause of mass incarceration. In matters of the reforming the criminal justice system there are several arguments that have been used by scholars and advocates (Forman Jr. 995). Paul Butler, for example, argues that criminalizing petty drug offenders is harmful for the American society. Upon release, these once harmless drug offenders have become dangerous, because they have been exposed to criminal offenders in prison. The most common argument, however, emphasizes that the criminal justice system targets racial minorities, with most naming the War on Drugs was the number one cause of mass incarceration (Forman Jr. 995). Michelle Alexander has therefore argued to think about mass incarceration as the new system of Jim Crow.

Americans to some extent have recognized the problem of mass incarceration as a racially biased one. But why then, is it so hard to actually change policies? Section 2.2 explores the role and effectiveness of strategic framing plays in Alexander's argument and in section 2.3 the theory of framing is applied on Alexander's text using the following question: In what ways does Michelle Alexander use the rhetorical device of strategic framing to strengthen her argument of seeing mass incarceration as a new system of racial control in *The New Jim Crow*?

3.2 Framing Theory and its Value for Social Criticism

The main principle of framing theory is that an issue or social problem can be regarded from different perspectives by the way it is framed. People can thus develop or change a certain opinion of an issue because of the way it is framed, that is, the constructed way it is presented to them (Chong & Druckman 104). Frames essentially work to organize or structure the

meaning of a certain message. Framing often refers to subtle changes in one's statement or presentation, which can lead to major changes in opinion. The following example of KKK rallies exemplifies frame theory: more people tend to accept rallies by the KKK if it is framed around free speech and less people tend to accept them if they are framed around public safety (Druckman 225). This form of framing is also indicated as "emphasis framing." Emphasis framing is often used by scholars, social advocates, and politicians. Much of political campaigns for example revolve around how an issue is framed. "This could be in debates about abortion (rights of mother or rights of unborn child), gun control (right to bear arms or public safety), or hate group rallies (free speech or public safety), and many more" (Druckman 235).

Research has shown that public opinion is often based on arbitrary information and followers are often subject to manipulation by different actors. James Druckman has often spoken of the incompetence of the citizen and are therefore easily susceptible to framed messages (Druckman 236). Even though scholars often recognize the 'incompetence' of the mass public, individuals do not mindlessly respond to frames (Peffley & Hurwitz 998). Frame theory has certain limitations when frames conflict with citizens' values or when they are presented with less credible sources. Moreover, people are often not exposed to merely one frame, and different frames can compete with each other (Chong & Druckman 112). Citizens then choose the one that is consistent with their values and principles.

Yet research has shown that when people react to arguments on intense issues like the death penalty they are more likely to base their beliefs on biased stereotypes. When these citizens are exposed to a counterargument, a "backlash" or "boomerang" effect is likely to occur. People who hold strong beliefs often challenge counterarguments with so much skepticism that it allows themselves to stick to their original beliefs with renewed force, which scholars then call a "backlash" effect (Peffley & Hurwitz 1005). Mark Peffley and Jon Hurwitz have researched the effects of framing the death penalty. Their research has shown that whites who believe that the reason blacks are being punished because they deserve it, not because the system is racially biased against them, reject arguments against the death penalty which are based on race with such force that they end up giving more support for the death penalty. Peffley and Hurwitz have therefore concluded that frames used as persuasive tools are often less effective and thus paradoxically create unintended consequences (1007).

One academic institute that is devoted to the study of framing is the FrameWorks Institute in the United States. The FrameWorks Institute is an independent nonprofit organization that

conducts research to identify the communication strategies that will advance public understanding of a social issue. Researchers affiliated with this institution have particularly advanced understanding of framing in the case of of the criminal justice system regarding race and public safety. They have for instance shown the value for advocates of criminal justice reform of emphasizing facts that have a shock value, such as that the United States is the number one incarcerator in the world (Alexander 8, Forman 993, Gandy 61, Gottschalk 483, Wacquant 383), or there are more colored people in prison today than were enslaved in 1850 (Alexander 175), and many more.

Scholars have recognized that a 'right' form of framing an issue can enhance public conversations and increase support for policy change. However, this cannot be reached solely through the representation of facts; a combination of values is required. According to the FrameWorks Institute, "values are broad perspectives that help orient people's thinking by directing them to certain perspectives on what an issue is about and why it matters. Values thus serve as fundamental organizing principles that people use to evaluate issues and reach decisions. Values can motivate and shape judgment while the facts can then persuade within that context" (4). Through content analysis and interviews with 8,000 respondents who match the population of the United States, the FrameWorks Institute has examined which value based frame can be best used as a strategic tool for criminal justice advocates. The FrameWorks Institute has identified four different values: *Prevention, Pragmatism, Fairness,* and *Cost Efficiency. Prevention* supports emphasizing approaches aimed at prevention which can decrease crime and increase public safety. *Pragmatism* revolves around taking a common sense approach to criminal justice. It is known that communities with high unemployment, poor schools, and a lack of other things have higher numbers of crime. Therefore, the community should invest in proven alternatives to wasting resources on mass incarceration. *Fairness* conveys a traditional moral appeal that everyone should be treated equally. Lastly, *Cost Efficiency* relies on an economic argument and emphasizes that "using public resources in cost-efficient ways will enhance public safety" (6).

In combination with framed facts, these value based frameworks can be very effective. The FrameWorks Institute recognizes three different types of facts: Neutralized Facts, Racialized Facts, and Internationalized Facts. Neutralized Facts revolve around the state of all Americans; Racialized Facts makes a comparison between colored and white people; and Internationalized Facts compare the United States to other countries in the world. Researchers of the FrameWorks Institute have found that a combination of *Pragmatism* with Racialized Facts is the most effective way to convince an audience of mass incarceration as a racially

biased system. They found that unframed Racialized Facts alone neither cause strongly positive nor strongly negative reactions. This is in contrast with the "backlash effect" mentioned earlier, because it is expected that using facts that explicitly mention African Americans and use racial comparison would receive strong negative reactions. The problem with just representing Racialized Facts is that it illuminates a problem, but it does not provide a solution. Besides that, merely representing Racialized Facts could strengthen the stereotype of black people as criminal. Since they are incarcerated in such high numbers there must be something wrong with them. But what if these facts are combined with the value of *Pragmatism*? It shifts people's attention to a systematic level away from seeing the problem as one of blacks' immorality or a black deficient culture (30). Within this frame people can interpret the facts and think in terms of; addressing the system via policy could be achievable. This combination of facts and value has established an effective narrative in which people see the problem, recognize that change is needed, and start to think in solutions (30).

3.3 Framing and *The New Jim Crow*

The problem of racial disparity in mass incarceration is extremely problematic and many advocates have pleaded for reform, as has Michelle Alexander in the *New Jim Crow*. Cries for reform typically begin with indicating how bad the situation is, which is also apparent in Alexander's argument. She also makes use of Internationalized and Racialized Facts to underscore her statement. Statements like: "The United States now has the highest rate of incarceration in the world, dwarfing the rates of nearly every developed country, even surpassing those in highly repressive regimes like Russia, China, and Iran." (6), and "African Americans are incarcerated at grossly disproportionate rates throughout the United States." (99), and in "some states, black men have been admitted to prison on drug charges at rates twenty to fifty times greater than those of white men" (7). The main point of stating these facts is so people begin to care. These advocates argue that the criminal justice system harms minorities (Forman Jr. 995). The moral claim, as some scholar define this, is grounded in race, and it evolved around the fact that the number of black people in the prison system has grown increasingly in the past fifty years (Forman Jr. 996). Alexander argues then that black felons have become part of a new racial undercast which embodies the 'New Jim Crow' (11).

Alexander's argument is quite compelling and according to the FrameWorks Institute this is explained by the fact that she has combined the value of *Pragmatism* and Racialized

Facts. Combining such Racialized Facts with the value of *Pragmatism* creates a highly effective narrative.

Alexander advocates that it is necessary to take a common-sense approach to handle the problem of mass incarceration. She looks at instances of different laws to explain cases of systematic racial injustice. Alexander shows the readers that there is a problem on a systemic level, and not an individual one. Alexander focuses on the Anti-Drug Abuse Act of 1996, which included tougher mandatory sentences for crack, associated with colored people, than powder cocaine, associated with whites (52). These mandatory sentences are often so harsh that even innocent people plead guilty so they can accept a plea bargain to avoid prison time (59). Besides mandatory sentences, Alexander focuses on the *Terry v. Ohio* Supreme Court ruling in 1968. Known as the stop-and-frisk rule, it allows a police officer to search everyone as long as there is reasonable doubt. Research has shown that colored men are five times more likely to be stopped and searched by the police than white men (Alexander 133). Yet, almost 95 percent of these people are innocent. Yet, the media only presents cases of people who are guilty, stories of innocent people are rarely heard (69). By examining these laws and its implications on black people, Alexander tries to illuminate the system's structural racism.

Furthermore, in order to solve the problem of racial injustice, societal factors that create and perpetuate racism should be unveiled. Alexanders argues that the system of mass incarceration is rooted in unconscious racial stereotypes, and the only way to change the system is to overcome these (103). In order to intervene in the problem, it is important to explore how these stereotypes are formed. Alexander argues that through the justification of degrading people with a prison label, Americans have perpetuated structural racism. She claims that once a person is labeled a felon, it is perfectly legal to strip them away of all their rights and relegate them to a second class status. Even if they have not served time in prison, they are discriminated against, stigmatized and excluded from mainstream society (92). The criminalization and demonization of black men damages the black community as a whole (17). The shame and stigma is not limited to the individual who is labeled a felon, but it is extended to his or her family and friends (193). Like all stigmatized groups do, they try to cope by uniting and embodying their stigma to regain a sense of self-respect. Alexander argues that society then heaps even more shame upon them by saying that "they are nothing but criminals" (167). Loïc Wacquant likewise argues the young African-American men from the ghettos have become to personify the reigning public image of a criminal (118). Society might not allow people to openly hate African Americans, but it is allowed to hate felons (Alexander 194). Alexander argues that "mass incarceration defines the meaning of blackness

in America: black people, especially black men, are criminals. That is what it means to be black" (192). Therefore, breaking the prevalence of inaccurate negative racial stereotypes by educating people is necessary in gaining support for reform.

By using both Racialized Facts and a value based frame, Alexander provides not just depressing facts but a more optimistic view of the ability of solutions. The value based frame serves as an interpretative bridge in which readers move from merely observing uncontextualized facts towards a more comprehensive view about the criminal justice system (28). As people begin to learn about the truth, they will hopefully learn to care as well. Alexander has shown the readers that it is not black culture or black immorality that is to blame for disproportional incarceration rates, but it is a systematic problem. Therefore, Alexander argues for radical restructuring of society (247). Difficult to achieve but not impossible. She argues that America should not strive for a colorblind society but should accept and embrace its racial differences. Readers might realize that they are actually part of the problem too. Recognizing this responsibility could be the first step to dismantling the system of racial mass incarceration.

According to the FrameWorks Institute, a racial argument is often built around a value proposition, a problem statement, a set of explanatory factors, and a plethora of policy recommendations. The set of explanatory factors in Alexander's argument is framed around the War on Drugs. The entire second chapter of the book is devoted to the fact that she believes that the War on Drugs is a racially coded policy created to perpetually place black felons in a second-class status. Alexander blames a shift in punitive government policies, harsh sentencing, and police efforts which stratified society along racial lines. "The impact of the drug war has been astounding. In less than thirty years, the U.S. penal population exploded from around 300,000 to more than 2 million, with drug convictions accounting for the majority of the increase" (6). Alexander then dwells on the individual stories and narratives of people who have been targeted by the War on Drugs (142-144, 148-151, 153-156, 159-172).

Even though Alexander's work has been celebrated by many, some scholars disagree with her argument. James Forman Jr. wrote an elaborate evaluation of Alexander's book, arguing against her notion that the War on Drugs is the number one force of mass incarceration. He argues that drug offenders only constitute a quarter of the prison population and that people convicted of violent crime make up one-half (Forman Jr. 104). "To focus just on drug crimes is a byproduct of framing mass incarceration as a new form of Jim Crow

(Forman 124).” In *Locked In: The True Causes of Mass Incarceration- And How to Achieve Real Reform (2017)*, John Pfaff has likewise argued that Alexander’s argument is too narrowly framed around the War on Drugs. He argues that instead of the War on Drugs, the harsh demands for felonies by prosecutors are to blame for mass incarceration (Austin & Clear 1016) . While these scholars may be right to nuance her position, the point is that by framing it as such, Michelle Alexander succeeds in giving the problem of mass incarceration the type of urgency needed to propel change in a way that books like Forman’s and Pfaff’s do not. Her framework has thus become essential for het objective, that is, achieving attention to the problem.

3.4 Conclusion

This chapter revolved around the manners in which Michelle Alexander uses framing to strengthen her argument that mass incarceration is a racially biased system. In what ways did Michelle Alexander make use of framing to strengthen her argument? She does this by using a racial argument that was framed around the War on Drugs. Besides that, she has made use of a combination of Racialized and Internationalized Facts, and a value based frame of *Pragmatism* to lead people to a more favorable attitude on reform within the criminal justice system. Alexander argued that since the War on Drugs, poor black males convicted of crime have been subject to marginalization into a new racial undercast. While some scholars, such as James Forman Jr. and John Pfaff have criticized Alexander’s framework of the War on Drugs as too narrow, this is exactly where her strength lies. She has been able to create such a powerful framework that her goal of gaining awareness has been achieved. Moreover, this chapter has underscored how important framing is for understanding and improving attitudes toward the criminal justice system. Research by the FrameWorks Institute displayed that advocates need to include values combined with facts to further enhance their message. The best combination to do this is by using Racialized Facts in combination with *Pragmatism*. Michelle Alexander has employed this combination effectively. She has not only been able to provide a bridge between facts and values, and has thus shown that the problem is a systematic one, she has also destroyed the myth that black men “choose” to be criminals.

IIII. The Use of Metaphors and Analogies as Persuasive Tools

"I am an invisible man… I am a man of substance, of flesh and bone, fiber and liquids – and I might even be said to possess a mind. I am invisible, understand, simply because people refuse to see me." (Ellison 3).

4.1 Introduction

The criminal justice system has become a huge problem in the United States, but how best to address and conceptualize such as problem? Statements about crime in the media are infused with metaphors. The spreading of crime is referred to as a *crime epidemic*, criminals are *preys,* and criminal investigations are *hunts* in which the criminal is *tracked* and *caught* (Thibodeau & Boroditsky 2). The word metaphor originates from the Greek word "metapherin". Early Greek philosophers, like Aristotle, recognized the rhetorical value metaphors in language (Kirby 541). He once said that: "The greatest thing by far is to be a master of metaphor (Shibles 1)." Metaphors, but analogies too, are highly used in the English language and live in the cultural, political, and linguistic fields. People use them to make sense of abstract or complex ideas. Just like language itself, people do not simply employ metaphors and analogies as a passive tool for depicting the world. Throughout history, metaphors and analogies have been recognized as powerful rhetorical tools to persuade people to believe something. In this chapter, section 4.2 presents a theorical framework of metaphors and analogies. Section 4.3 analyzes the metaphors and the 'New Jim Crow' analogy, using the following question: how does Alexander use metaphors, or alternatively the 'New Jim Crow' analogy, to gain support for her argument that mass incarceration serves as a racially oppressive system of control?

4.2 Theory of Metaphors

A myriad of studies have been conducted on metaphors, dating back to Aristotle. Since Aristotle, Western literary, linguistic, and traditional traditions have been interested in differentiating between literal and figurative language (Punten 11). In the rhetorical context, it seems to be a transfer of a name from one ordinary item to a new figurative item (Kirby 532). If a concept can be hard to grasp or is rather vague, then a metaphor may enable us to better understand the issue in hand. In Aristotle's view, metaphors were appropriate for poetry but not for philosophical or scientific use. His metaphors are also framed within a "comparison

view," meaning that he threated metaphors as a form of analogy. He saw metaphors as a simile: X is like Y. For example, Max is a lion (being he is as brave as a lion) (McGlone 110).

Many contemporary scholars such as, Breal, Richards, and Lakoff, however, think this is a too simplistic take on the subject. Up until the late 19th century, metaphors were studied by solely literary scholars who primarily focused on the interpretation of metaphors in poetry and fiction. This changed when Michel Breal sparked excitement among linguists and philosophers with his argument on metaphors in *Essai de Semantique (1897).* He argued that metaphors were more than ornamental and were pervasive throughout language and a principal device of linguistic change. Other scholars who have built on Breal's work are Ivor Armstrong Richards and Max Black. Richards introduced two terms to describe the effect of metaphors: *vehicle* and *tenor.* In "My Laywer is a shark," "My Lawyer" is the *tenor* and "Shark" is the *vehicle* which means that the *tenor* is the main subject (132 Bilsky). The meaning of the metaphor is then called the *ground* (McGlone 110).

Many theories have been published on how Richards' *tenor* and *vehicle* could interact with metaphoric meanings. The "conceptual model," first used by George Lakoff (1987) has since been the most significant. Lakoff does not consider metaphors as only a linguistic phenomena but also as a mode of conceptual representation. In this case, metaphors should not be understood in words but in conceptual domains. The conceptual domain from which we draw metaphorical expressions to understand another conceptual domain is the source domain. The conceptual domain that is understood this way is the target domain. The conceptual metaphor "Love is a journey" for example, indicates a relation between the travelers and lovers. For instance, "look how far we have come," "we are at a crossroad in our relationship," and "it's been a long and bumpy road" (McGlone 111).

The theories of conceptual metaphors stretch far beyond the domain of linguistics into that of cognitive science. These scientists developed models that process language comprehension. The most recent attempt was made by scholars, such as Jamrozik, McQuire, Cardillo, and Chatterjee (2016), who tried to describe the understanding of abstract concepts that are embodied in sensorial experiences. They have found that using a metaphor activates the sensorimotor system associated with experiencing the base concept in the metaphor. For example, when using a metaphor whose base names a manner of movement (run for the office) should activate the visual motion system (1089). This research has offered new understandings about conceptual metaphors.

Another important rhetorical device that is related to metaphors that is an particularly apt tool for the goal of inciting support for criminal justice reform is the analogy. The study of analogies also dates back to the earliest times of Ancient Greece. Analogy was first used within mathematics, but ultimately achieved huge importance within language and rhetoric. Plato was the first who resorted to analogies to facilitate the understanding of certain complexities (Apostolatu 333). Analogies were then widely used as a means of argumentation within rhetoric. For example, to express the similarities between two different things (Apostolatu 333). Regarding the applicability of reasoning by analogy, Aristotle admits that the analogy is not itself an instrument of logical reasoning, because one cannot always infer true sentences by analogy. However, analogy can be undoubtedly an effective means of argumentation and persuasion.

To this day, analogy is still of extreme importance. It is one of the few phenomena used by a number of sciences such as linguistics, mathematics, logic, psychology, and rhetoric. Contemporary professor of psychology, Dendre Gentner (1983), laid out a theoretical framework of analogies in her work *Structure Mapping: A Theoretical Framework for Analogy.* She argued that analogies derive their meaning when information from a base domain is mapped into a target domain (155). An example of an analogy she uses is "An electric battery is like a reservoir." Gentner claims that analogies do not depend on the overall degree of featural overlap. Within analogies it is not important that all features match. In this case, the analogy does not lose its strength by remarking that both batteries and reservoirs differ in shape, color, and size. The only feature important here, is that they both store potential energy. Structure-mapping theory essentially posits that an analogy is a way of noticing related commonalities independently of the objects in which those relations are embedded (155). Gentner's theory has been crucial for the understanding of analogical reasoning.

Both metaphors and analogies are often used within rhetoric and strategic framing. Chapter 2 and 3 have elaborated on the theories of rhetoric and strategic framing. This section only considers the use of metaphors and analogies within these contexts. Many scholars like Cornelissen, Holt, and Zundel have recognized the use of metaphors and analogies to bridge abstract or complex problem into a simpler and less complicated analogy or metaphor. Both are described as statement of similarity in which properties of one domain transfer to a different domain. Metaphors however, typically involve a more extended reach in terms of domains of knowledge and language, and analogies often revolve around the transference of more specific features(Cornelisen, Holt & Zundel 1705-1706). Because both metaphors and

analogies can shift someone's perspective of an issue when framed differently, they should be considered powerful rhetorical devices (Thibodeau & Boroditsky 4).

4.3 Metaphors in Michelle Alexander's *The New Jim Crow*

Unsurprisingly, Michelle Alexander makes ample use of metaphors as a means to incite support for criminal justice reform as well. She is particularly versed in using conceptual metaphors and the analogy, making the 'New Jim Crow' as the title of the book her strongest rhetorical device. The following section explores several metaphors that Alexander has used to encourage support for reform within the criminal justice system.

The most mentionable metaphor Alexander has used, is the "birdcage" metaphor, which was also briefly mentioned in the introductory chapter. This metaphor deliberately explains how structural oppression works by comparing it to a birdcage. Alexander states: "if one wants to understand race by examining only one wire, it is difficult to understand why the bird is trapped" (179). Looking closely at one wire will prevent someone from seeing its surrounding wires. From this microscopic perspective it seems that the birdcage is a futile device that can never restrain or contain someone. This is why people do not see oppression when it is so clearly exists to the oppressed. It is only when one steps back and sees the cage as a whole, one will understand why the structure is so constraining. Oppression is like this birdcage. Without understanding certain disadvantages in relation to the larger context of oppression they could seem mildly unfavorable, and in the grand scheme of things unimportant. It is only when one appraises all of the barriers an oppressed group is burdened with, that one will understand why this system is so limiting, debilitating, and harmful (Alexander 179).

In the case of mass incarceration, a wide variety of laws, policies, and practices each represent a specific wire. These systematically constructed wires all act together to place poor colored people in a restricted place. One specific law might not be purposely created to victimize black people, yet it still operates to trap them at the bottom of society. Especially black people born in the ghettos are essentially born in this cage. Alexander argues that the ghetto serves as a means to racially segregate colored people. Born in this community, people are faced with a variety of laws that are structed to virtually guarantee that they are trapped for life. Alexander argues that in order to break this cage, people should see the whole picture. They need to understand how the systematically forces conspired together, create the harmful

picture of oppression. Instead of fighting battles over one wire, they should be trying to lift the entire cage by challenging the system as a whole.

The school-to-prison pipeline is another metaphor that Alexander has used (212). It explains how children are being funneled out of public schools directly into the juvenile and criminal justice system, primarily victimizing colored students. Schools do not provide opportunities anymore, but channel children straight to prisons. Changing suspension to incarceration, trapping them in a cycle of discipline and incarceration. Americans schools have increasingly managed the controlment of students' defiant behavior through a prism of crime control (Hirschfeld 85). Disciplinary codes like the "zero-tolerance" policy for violence are heavily influenced by the War on Drugs and the "get tough" politics. These policies blurred the lines between schools and prisons. By using this metaphor, Alexanders wants to raise awareness to this problem. The metaphor has proven to be very effective for its simplicity and straightforwardness. The school-to-prison pipeline metaphor portrays a simple narrative that criticizes the relationship between schools and the criminal justice system. Through the use of this metaphor Alexander portrays yet another way structural racism negatively affects African Americans.

4.3.1 Analyzing the 'New Jim Crow' analogy in Michelle Alexander's The New Jim Crow

Another important rhetorical device that is related to metaphors that is an particularly apt tool for the goal of inciting support for criminal justice reform is the analogy. Essentially the 'New Jim Crow' refers to the idea that the contemporary prison system of mass incarceration functions in a similar fashion as the structurally racist Jim Crow system did in the South following the Civil War until the mid-1960s – an idea that appears controversial and shocking at first hand but also makes the reader curious. By naming her book like this, she thus lures the reader in, and step by step, as explained below, uses this analogy in such a way that by the end of the book the reader cannot but agree with the validity of the analogy.

However, Michelle Alexander was not the first to use this analogy. James Forman Jr. gives a short compilation of the history of the New Jim Crow Analogy in his article *The Racial Critiques of Mass Incarceration: Beyond the New Jim Crow (2012).* In relation to Forman Jr., it also gained adherents among other scholars. Forman Jr. states that in 2001, Temple University Beasley School of Law, featured a series of lectures and articles backing the analogy. This symposium was called *U.S. Drug Laws: The New Jim Crow?* (Forman 105).

He mentions that writers first acknowledged in the late 1990s that Jim Crow was still very much alive on America's highways, trains, and airports. Racial minorities are considered suspects when in public, especially when they are traveling (Forman Jr. 105). Not just scholars began using this term in the 1990s and 2000s, but also advocates of prison reform. For example, ACLU Executive Director Ira Glasser who argued that the War on Drugs had become a replacement system for segregation. He compared it to the victimization of Japanese-Americans during WW2. During WW2, over 120,000 Japanese Americans were incarcerated. They did not commit any crime, but solely based on the color of their skin and their nationality they were suspected and arrested (Glasser 1). Almost 70 years later, and Americans still suspect and arrest innocent people on the basis of their skin color. Graham Boyd, who led the ACLU's Drug Policy Litigation Unit, made similar claims in 2002. He referred to the New Jim Crow system as the American apartheid (Boyd 7). Forman Jr. too, admits that he "quite belatedly" came to see that mass incarceration is a well disguised system of racial control (Forman Jr. 107).

Yet no one has been more effective in popularizing this analogy then Michelle Alexander, because she does not mention the analogy just in passing but makes it her key argument and amplifies its usage throughout the book. Yet because of its controversial nature, she carefully sets up the reader to follow her argument. She does not even explain the analogy in depth until chapter five, which is also titled "The New Jim Crow," when the reader is already presented with multiple arguments regarding the systematic racist nature of mass incarceration through her use of other rhetorical devices as discussed in the previous chapters.

In this chapter five, she carefully constructs and deconstructs her argument using the rhetorical technique of counterarguments. It can be a persuasive tactic to enhance one's argument. Alexander presents herself as a writer who weighs alternatives before arguing for one, and who confronts difficulties instead of ignoring them. Besides that, it improves her credibility as a writer as she shows that she has a deep understanding of the issue. In Chapter 5 "The New Jim Crow" she maps out the parallels between the system now and the system back then. She concludes that there are many similarities such as political disenfranchisement, exclusion from juries, closing the courthouse doors, racial segregation, and a symbolic production of race (Alexander 201). What makes her argument so strong is not when she draws the parallels between mass incarceration and Jim Crow, but when she discusses the limits of the analogy. For instance, she starts by arguing that the analogy does not add up because it is impossible to compare two different time periods. After all, slavery was not the same as Jim Crow, and those who claim that mass incarceration is "just like" Jim Crow ignore

that "[e]very system of control has been unique – well adopted to the circumstances of its time" (Alexander 201). But then she turns the argument around, saying that it is important to acknowledge the differences so we can overcome them. Simultaneously we cannot exaggerate them or believe that they exist when they do not. What she then does is analyzing these limitations of the analogy to prove the reader that they are less significant than at first and that, in fact, the analogy actually is more than correct.

She for instance then continues by arguing that one could simply state that Jim Crow was explicitly race-based and mass incarceration is not. However, Alexander explains that Jim Crow was based on colorblind laws like poll taxes, literacy tests, and felon disenfranchisement. They did not say anything explicitly about race but were highly discriminatory in practice, just like the laws that were implemented during the War on Drugs. Another argument used against the analogy is the absence of overt racial hostility in today's era. Colored people are not subject to public lynching in the street as they were back in the early 1900s. Alexander states that this might be true but she argues that racism has evolved: "It has been rationalized, legitimated, and channeled through our criminal justice system (Alexander 202)." Violence might not be manifested in lynching anymore but now it is expressed as police brutality, solitary confinement, and the death penalty (Alexander 202).

She also counters the argument that mass incarceration cannot be a racial caste system because it incarcerates white people too. Alexander explains that this is necessary for the preservation of the image of a colorblind criminal justice system that is fair and unbiased. She argues that whites need to be regarded as collateral damage whereas colored and brown people are the main target. She brilliantly argues that similar mass incarceration of white men would be unimaginable, and would disturb Americans to the core (200).

She buttresses her argument that mass incarceration as we know it today would not exist if it primarily targets white people with several studies and examples. She refers to the problem of drunk drivers back in the mid-1980s. Drunk drivers who killed people were primarily white men. They were annually responsible for 22,000 deaths, compared to almost no deaths related to crack. Tougher laws were mandated to punish drunk driving. What is baffling is that people who commit this offense are jailed for 2 days and up to ten days for a second offense (206), while possession of a minimum amount of crack can get someone in jail for at least 5 years (Alexander 52-53).

She finally tries to undermine the argument of people saying that mass incarceration is supported by colored people through "get-though" policies whereas Jim Crow was not. It is argued that African Americans want tougher laws and more police control because the living

circumstances are abhorrent in the ghettos due to a high level of crime. Alexander argues that people who believe that are inaccurate. The fact that these people support punitive policies should not be understood in terms of support but of complicity with mass incarceration (210). Living in the ghetto means living in a constant state of fear and insecurity. They might favor constructive social polices like better education, job training, and community investment over more prisons, but they are not given that choice. It is somewhat understandable that African Americans trapped in ghettos are then complicit to punitive policies that create more prison. This is not the first time however, that colored people are complicit to a system that controls them. It has happened before during the Jim Crow era. Cooperating with the system provided them a sense of security. People who dared to risk these rules were faced with violence by the Ku Klux Klan.

During that same period leaders such as Booker T. Washington and W.E.B. Du Bois, promoted argued for the advancement of the black race through education and moral uplift. Thoughts about how to respond to segregation differed widely, however. Disagreement within the African American community about how best to respond to system of control is thus not new. Scholars and activists today, also argue that the best solution to respond to black criminality is through moral uplift and education. During the height of Jim Crow, the "politics of respectability" gained many adherents, especially among middle-class colored people. They no longer wanted to be judged by the color of their skin, but by their good character. There was no other way to exercise any influence than to control their own behavior. Many believed that they simply had no choice but to comply with the system while showing their best behavior. This way they hoped to one day be accepted by whites. This strategy mainly worked for the elite and those who had access to education, but a large segment of the population did not benefit. The black elite started to condemn the uneducated and poor and distanced themselves, while at the same time presenting themselves as spokesmen for the deprived (213).

Today, this course of thought is still apparent among many civil rights activists. Especially because it seems that this system of control is "voluntarily," in which committing crime is a deliberate choice. Alexander argues that once again, complicity with the system may seem like the only option. Parents and teachers for instance, constantly encourage their children and students to be on their best behavior in the hope to escape the system, or at least so that they not end up in prison (215). Here, Alexander has carefully constructed her opposing view of the argument that African Americans support the current system of control. She has offered the readers a new perspective in which they should not regard black support

on “tough on crime” policies as full-fledged support, but it should be rather understood in terms of complicity. Alexander thus succeeds in offering us a new comprehensive narrative that can be used to reframe a system that desperately needs change.

4.5 Conclusion

This chapter aimed to answer in what ways Michelle Alexander used metaphors and the ‘New Jim Crow’ analogy to incite support for criminal justice reform. Alexander has used the “birdcage” and “school-to-prison pipeline” metaphors, to reveal the complex mechanism of structural racism. Moreover, she has framed her entire book with a particular focus on chapter 5 around the ‘New Jim Crow’ analogy. After having read *The New Jim Crow*, it is harder for readers to deny that this criminal justice system is not based on the discrimination of race. Even if someone does not fully agree with her argument readers have become aware that the entire system is based on inequity. Michelle Alexander has brilliantly laid bare a complex argument on the basis of discussing the differences of the new and old system. She makes the reader aware that differences within both systems are often more complex or exaggerated, making people believe there is no real connection between the two. Alexander has taken a huge step forward in raising awareness for the need to dismantle what could be considered an oppressive incarceration system

Conclusion

"Now and then a book comes along that might in time touch the public and educate social commentators, policymakers, and politicians about a glaring wrong that we have been living with that we also somehow don't know how to face. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander is such a work." – *The New York Review of Books*

In *The New Jim Crow*, Michelle Alexander has argued that mass incarceration in consequence of the War on Drugs in America is a new racially caste system permanently subjecting black and brown criminal to a second class citizen state by the use of the prison label.

Almost 10 years later and this book has known enormous popularity among scholars, racial advocates, and students. It even reached momentum outside of the academic world, but most of all it has spawned a whole generation of criminal justice reform activists and organization motived by her memorable claim that "we have not ended racial caste; we have merely redesigned it" (2).

Because her book has been so extremely popular within her field of study, the aim of this thesis was to deconstruct and critically analyze Alexander's argument in order to fully understand how she has used rhetorical strategies as successful mean of activism to help counter the problem of mass incarceration. The thesis aimed to answer the following question: In what ways does Michelle Alexander use rhetorical strategies of Aristotle's three rhetorical devices: *ethos, logos,* and *pathos,* the Toulmin model, strategic framing, metaphors and the 'New Jim Crow' analogy to build a convincing case about the racial disparity within the criminal justice system in *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*?

Chapter 2 "Rhetoric: The Use of Language for Persuasive Purpose" answered the question: in what ways Alexander made use of *ethos, pathos,* and *logos¸* and the Toulmin model to strengthen her argument? By critically analyzing Alexander's argument, it was concluded that these three rhetorical appeals were extensively used throughout key moments in her book. The indicating key moments were the moments when she wrote about personal anecdotes of people who were victimized by the criminal justice system, her own credentials, landmark legal decisions, and convincing statistics on drug offenses. By using personal stories of victims, she was able to evoke emotions of injustice within the readers *(pathos).* She also highlighted her work as a lawyer and civil rights advocate to increase her authority and

trustworthiness as a writer *(ethos)*. Finally, her well-constructed, multifaceted arguments helped her convince the audience of her main argument *(pathos)*. If the Toulmin model is applied, it is again shown that Alexander builds a well-constructed argument that is hard to revoke.

Michelle Alexander blamed the War on Drugs as the number one cause of mass incarceration in one of her main arguments, leaving no room for another explanation. While some scholars may be right to nuance her position, the point is that by framing it as such, Michelle Alexander succeeds in giving the problem of mass incarceration the type of urgency needed to propel change in a way that books like Forman's and Pfaff's do not. Her framework has thus become essential for het objective, that is, achieving attention to the problem. Chapter 3, moreover showed the importance of framing within the context of the criminal justice system. The FrameWorks Institute emphasized the importance of a value based frame. These values work in similar ways as metaphors and analogies described in chapter 4.

Chapter 4 "The Use of Metaphors and Analogies as Persuasive Tools," aimed to answer the question: how does Alexander use metaphors, or alternatively the 'New Jim Crow' analogy, to gain support for her argument that mass incarceration serves as a racially oppressive system of control? Alexander has used the "birdcage" and "school-to-prison pipeline" metaphors, to reveal the complex mechanisms of structural racism. Another rhetorical device she used to incite support for criminal justice reform was the use of the 'New Jim Crow' Analogy. There has been no one who has been more effective in spreading the 'New Jim Crow' analogy than Michelle Alexander. She does not aimlessly mentions the analogy but makes it her key argument.

Besides the fact that this thesis has shown the power of rhetoric and rhetorical devises, it has shown in what ways Alexander has made use of them to convince many that the War on Drugs has been the exclusive cause for mass incarceration, to expose structural racism in an era of colorblindness, and to make a metaphorical comparison between the criminal justice system and the New Jim Crow system to dismantle a new racial caste system. Her argument got Americans to see mass incarceration as a civil rights issue of historic proportion, in a way they had not seen before. As mentioned in the Introduction, the study of text from particular authors helps understand people how words are used to describe certain ideas, events or beliefs. With this knowledge in hand, people who feel compelled to further raise awareness for criminal justice reform can use this knowledge of power to frame similar effective arguments. Because consciousness is the first step to emancipation.

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