Waning Freedom in the Land of the Free:  
Neoliberal Penalty, Mass Incarceration, and the Politics of Crime Prediction

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April 20th, 2018

Introduction: Crime Risk and Neoliberal Competition

In 2013, the Chicago Police Department began using a computer algorithm to rate every arrested person with a numerical “threat score” from 1 to 500 with the goal of predicting and preventing violent crime in the city. The so-called Strategic Subject List uses analytics to predict the likelihood that an individual will be a victim or a perpetrator of gun violence. These scores are used in a multitude of ways: they are displayed automatically on police computer dashboards when an officer is stopping a suspect; they determine who gets targeted for proactive police intervention, which can range from a home visit by an officer to an invitation to a “community meeting;” and they can be used to legitimize increased police surveillance of individuals. By 2016, violent crime rose to a 19-year high—726 murders in total—and by 2017 398,582 Chicago residents had an official police risk score. In a city with a police force that was found to be “plagued by systemic racism” by a 2016 city task force, it is unfortunately not surprising that 53% of the list is made up of African-Americans and another 25% is made up of Hispanic-identifying people. (Davey and Smith 2016, City of Chicago Data Portal 2016). While the algorithm itself does not take into account race or sex in its calculations, that does not prevent a heavily-biased and skewed list from emerging.

One of the most inconspicuous and yet formative developments of the 2000s revolution in digital technology has been the process of accumulating, storing, and analyzing vast amounts of personal data on individuals and their actions; this process is colloquially
referred to as Big Data. While Americans have witnessed truly remarkable technological advancements in recent years—whether it be the ubiquity of smartphones and voice-powered assistants like Alexa and Siri in daily life or the ongoing development of self-driving vehicles—the use of Big Data analytics to manage human populations represents one of the most threatening developments to individual freedom in our late capitalist era.

The City of Chicago is not unique in its use of computer algorithms for predictive analysis of crime risk. Other cities—including New York and Los Angeles—have begun using the same types of systems to supposedly predict and apprehend criminal activity before it occurs. Companies such as Palantir Technologies sell products to city governments that integrate structured and unstructured data to undertake quantitative and predictive analytics to fuse said data into a “single, coherent model” used for increasingly predictive and invasive purposes of regulating and disciplining individuals and seeking to develop a definitive discursive model which applies to all citizens (Palantir 2018). The word *palantir* originates from J. R. R. Tolkien’s *Lord of the Rings*, and, translated from his constructed language of Sindarin, it means “far-sighted” (Rothman 2013). I see this reference as a not-so-subtle way of acknowledging Palantir’s somewhat sinister business model: profits are made from predictive analytics, which invite invasions of privacy and socially regulatory practices onto citizens. Valued at over $20B as of October 2015, the company is regarded as one of the most promising Silicon Valley startups; its largest shareholder is Trump advisor and billionaire investor Peter Theil (WSJ 2018). In general, the company is representative of a trend in American governance that has taken place in the past decade and is uniquely tied to the rise of neoliberal rationality across American political life.
The drive to create a “single, coherent model” of application follows from a particular subset of neoliberal politics that French theorist Michel Foucault refers to as biopolitics. Biopolitics is a twofold form of power: it refers to both the “disciplining of the individual” as well as “the regulatory control of the population” (Lemke 36). This development is both profoundly complex and seemingly paradoxical, for neoliberalism as a normative political movement is commonly thought of as the deregulation of market systems and limiting of government control and scope to increase the economic freedom of the individual so that s/he can attain what the neoliberal philosopher Milton Friedman refers to as “total freedom”—the joining of economic freedom with political freedom. In practice, neoliberalism often paradoxically manifests as government using force to create, institute, and maintain free market systems that I believe limit individual freedom and increase governmental and social control over the individual subject. Through the instituting of free market systems, neoliberalism’s economizing logic frames every individual in terms of competition—a system of winners and losers, with the losers experiencing profound unfreedom. In this paper, I will argue that the rise of neoliberalism and the ongoing expansion of big data collection have transmogrified the American criminal justice system into one which increasingly treats the individual as a data point, further ossifying the American system of racialized mass incarceration and increasingly limiting individual freedom.

The Paradox of the Neoliberal Project: Crime

By 1968, the number of American troops in Vietnam had grown from 16,000 at the start of the war to more than 500,000 (Britannica 2014). Televisions blasted coverage of the “living-room war,” sparking the antiwar movement and inspiring millions to protest against
what they saw as an immoral and imperialist proxy war in a country that should determine its own destiny. President Johnson’s use of the draft—which disproportionately affected lower- and middle-class American families—sparked outrage and led to widespread sentiment against involvement in Vietnam. Students became the most prominent protestors against the war, citing the moral imperative of preventing civilian deaths as well as the potential deaths of many young American men (Gilbert 2001).

After poor turnout in the New Hampshire primary, President Johnson shocked the nation when he announced on March 31st that he would not pursue reelection (Britannica 2014). The country plunged further into chaos after the assassination of Dr. Martin Luther King, Jr. only four days after Johnson’s announcement. Riots erupted in more than 100 cities across the country, with Baltimore being the most destructive. More than two months later, Robert F. Kennedy was assassinated after winning the California Democratic primary, leading the Democrats to nominate Vice President Hubert Humphrey at their convention in Chicago which was marred by disorder among the delegates and televised clashes between police and anti-war protestors. The country was in turmoil.

Richard Nixon, who had run for president in 1960 and lost by less than a percentage point to John F. Kennedy, saw himself as the answer to the disorder of 1968. He proclaimed that he was the candidate of the “silent majority,” the supposed group of law-abiding Americans who had felt drowned out by the spectacle of social upheaval and protest. “The First Civil Right” was one of Nixon’s first television advertisements out of that election year. It perfectly captured the campaign’s goal of stoking the anxiety and fear of voters, drawing on bloody imagery of men and women protesting and getting into conflict with police officers. Flashing images of building fires, bright lights, dead bodies, and picket signs were
juxtaposed with images of police officers wielding rifles, sending a powerful message to voters that the very social fabric of the country was being undone, and in a bloody way. Ominous music with a snare drum and dissonant piano chords give an uneasy feeling to this advertisement, with Nixon stating:

'It is time for an honest look at the problem of order in the United States. Dissent is a necessary ingredient of change, but in a system of government that provides for peaceful change, there is no cause that justifies resort to violence. Let us recognize that the first civil right of every American is to be free from domestic violence. So, I pledge to you, we shall have order in the United States.'

The "problem of order" was a powerful rhetorical tool that worked to taint protestors—whether they be Civil Rights activists or antiwar protestors—with criminality. Crime became one of the most important symbols and sources of slogans in American politics and has remained as such through the present day. Law-and-order politics stoked the anxieties of everyday Americans had about violence coming close to home, and ultimately handed politicians a new rhetorical tool to give the state renewed authority to exert its control over society.

However, this rise in law-and-order politics coincided with the rise of neoliberalism, a loose and shifting signifier that most commonly refers to the combination of classical liberalism with capitalism that was first explored in the work of economists in the Chicago School, namely Milton Friedman and Frederich Hayek, both of whom were vehement anti-Communists due to their family histories in Eastern bloc nations (Brown 2015). Hayek and Friedman's policy proposals—deregulation, reduced state involvement in the economy, and privatization—were the most visible manifestations of neoliberalism.

Friedman and Hayek were both advisors to President Ronald Reagan—another "law-and-order" politician and the posterchild of the neoliberal project—along with British Prime
Minister Margaret Thatcher (Cooper 2014). Reagan’s project of supply-side (or trickle-down; voodoo) economics was emblematic of the neoliberal idea, and his assertion that “Government is not the solution to the problem; government *is* the problem” changed the way that American government was perceived by the Republican Party and by the country at large (Prasad 2012). Reagan is also remembered for his War on Drugs, a culmination of the law-and-order politics that had begun with Nixon. Overly harsh sentences, three-strikes laws, and the militarization of the police are all associated with the War on Drugs. In fact, Reagan’s enforcement of anti-drug and crime laws represents one of the largest expansions of the state in history with regards to crime and punishment.

A paradox, then: neoliberalism professes to deregulate, reduce the state’s involvement in everyday life, and to privatize. How can these phenomena be interconnected and interdependent? Neoliberalism is far more than just a reframing of the state’s involvement in the economy. It is a political ideology, one that has remade the state and subject in a way that twists the logic of incarceration to increase the state’s involvement with the subject and punish him or her even more harshly. In order to understand neoliberalism and its function as an ideology, we must first answer the question: *what* is an ideology?

**Waning Freedom: Neoliberalism as Ubiquitous, Inconspicuous (Non)Ideology**

To explain neoliberalism’s manifestation as a powerful ideology that has profound implications for the role of the state in society and individual freedom, I look to Hannah Arendt and her work *The Origins of Totalitarianism* to frame my understanding of how ideologies operate. In her essay *Ideology and Terror*, Arendt described the ways in which the totalitarian forces of Nazism and Stalinism functioned as ideologies (Arendt 1968). Arendt believed that at some point in “the middle of the last century,” or in the mid-19th
century, people began to see the forces driving society as “suprahuman” and constantly in motion (465). As opposed to the more general term superhuman, suprahuman is a more specific term that means above or beyond the limits of human.

Arendt intended to show how Nazism and Soviet Communism used Nature (racism and Social Darwinism) and History (Marxist theory of class conflict) to justify terror against people within and outside of the state. In these countries, “the term ‘law’ itself changed its meaning: from expressing the framework of stability within which human actions and motions can take place, it became the expression of the motion itself” (464). In this context, lawmakers did not “claim to be just or wise, but only to execute historical or natural laws; they do not apply laws, but execute a movement in accordance with its inherent law,” the law of some suprahuman force (465). For Arendt, “the essence of government itself has become motion” under totalitarian ideologies (466). That motion is key to the function of an ideology.

Ideologies, which Arendt believed were a very recent phenomenon that until the last century played a “negligible role in political life,” are defined by a messy combination of scientific approach—the logoi—and philosophy, creating a false “scientific philosophy” (468). Ideologies claim to fully understand “the secrets of the past, the intricacies of the present, the uncertainties of the future” through their logical structure (469). The ability to pretend through a logical structure that explains “all historical happenings” is one of the ways in which ideologies remain fluid and constantly in motion, always able to adapt to a new subject or problem, even if it is a question of something that has just come to pass” (470).
Because the logical structure of an ideology claims to have all the answers to life’s happenings, the ideology will always adapt to a new problem or subject. This is what distinguished these totalitarian ideologies from their predecessors: the most appealing aspect of the ideology is no longer the idea but the logical process which can develop out of it. This brings me to the reigning ideology that I see manifesting itself in the carceral logic of today: neoliberalism. When academics invoke that loose and shifting signifier they can mean a variety of things. The term “neoliberalism” is almost always used in critique. Neoliberals do not refer to themselves as neoliberals; rather, they’d say they are libertarians, or classical liberals.

But neoliberalism in the sense of “deregulation” or “privatization” is not the subject of this paper. Rather, I take neoliberalism to be an ideology that has fundamentally changed how we understand what it means to be human, extending the hand of economic logic across all spheres of life. As opposed to Arendt’s understanding of totalitarian ideologies, which operated quite visibly and used propaganda to expand their influence over subjects, neoliberalism operates its logical structure out of sight.

In fact, neoliberalism purports to not be ideological at all. And yet, its logical structure is arguably more dominating and pervasive than the logical structures inherent in Nazism or Stalinism. In *Undoing the Demos: Neoliberalism’s Stealth Revolution*, political theorist Wendy Brown builds on Michel Foucault’s conception of neoliberalism as “an order of normative reason that, when it becomes ascendant, takes shapes a governing rationality extending a specific formulation of economic values, practices, and metrics to every dimension of human life.” Instead of Nature or History, society’s suprahuman driving force is the free market.
Neoliberalism purports to govern without ideological motivations, instead operating “as sophisticated common sense, a reality principle” that has the power to remake “institutions and human beings everywhere it settles, nestles, and gains affirmation” (Brown 35). Under neoliberalism, Plato’s ancient Greek ideal homo politicus, or political man, is “vanquished” by Foucault’s homo oeconomicus, or economic man (31). Brown defines homo oeconomicus as “human capital seeking to strengthen its competitive positioning and appreciate its value, rather than as a figure of exchange or interest” (33). Accordingly, neoliberal rationality “disseminates the model of the market to all domains and activities” and views all human beings as bits of human capital in constant competition with each other (31, 36). Ultimately, “we are everywhere homo oeconomicus and only homo oeconomicus” (33). The free market, in this sense, is shifted from Smithian exchange between actors to that of competition (36). Thinkers like Adam Smith, David Ricardo, and Jean-Baptiste Say focused intensely on the relationship between political and economic life “without ever reducing the latter to the former or imagining that economics could remake other fields of existence in and through its own terms and metrics” (33). They did not anticipate the effects that competition as primary mode of human interaction could have on political life. Competition is a frame of mind completely different from exchange. While exchange is still in itself a selfish act—as Marx informs us in *Das Kapital*—there is a *quid pro quo* involved in which each actor receives something out of the exchange (Marx 1978). In exchange, each actor wins something out of it. In competition, there is always a winner and a loser; it is a given. A free market system based on competition views all market actors as “little capitals (rather than owners, workers, and consumers) competing with, rather than exchanging with each other” (Brown 36). What does this mean, then, for the logic of crime and punishment?
Neoliberal rationality presents *inequality* as mankind’s natural state of being instead of *equality*. Brown states that under neoliberalism, “inequality, not equality, is the medium and relation of competing capitals,” for competition inherently requires both a winner and a loser—even if there are varying degrees of “winning” and “losing” (Brown 38). Under this logical structure, “inequality becomes normal, even normative,” in a way that extends across all domains of human activity (38). Inequality is seen as the way things ought to be because “everything [and everyone] is capital” (38). When inequality becomes the norm, some individuals are seen as more deserving than others because of their status as a winner or loser. This selfishness inherent in capitalism coupled with the competitive mindset of neoliberal rationality eliminates the basis for citizenship “concerned with public things and the common good” (39). The decline of the value of civic engagement, according to Brown, is because of the valence and venue of neoliberal citizenship, where “homo oeconomicus approaches everything as a market and knows only market conduct” and political life is remade under the lens of neoliberal rationality, where politics is purely transactional (39). One seeks only to gain for oneself rather than the collective.

When political life is remade in neoliberal rationality’s view, this has a profound effect on one of the most cherished rights of the liberal tradition: liberty. Under neoliberal citizenship, liberty becomes “subject to the inherent inequality” present in economic life and, ultimately, is a “part of what secures that inequality” (Brown 41). Thus, the neoliberal citizen has the liberty to perpetuate that inequality. This aspect of Brown’s theory of neoliberal rationality is key to understanding the way in which attitudes towards marginalized communities as well as incarcerated folks in general differ from those of the past. However, this still does not explain the paradoxical notion of the supposed decrease of state
involvement with the real increase of state enforcement of crime policies. Even neoliberalism’s notion of natural inequality and competition does not explain a bloated state apparatus for law enforcement.

Neoliberal Penalty, Biopolitics, and Predictive Penalism

In *Punishment and Inclusion: Race, Membership, and the Limits of American Liberalism*, Andrew Dilts discusses the idea of “neoliberal penalty” when it comes to crime and punishment. Theorists such as Loïc Wacquant and Bernard Harcourt identify how the idea of “neoliberal penalty” is a paradoxical one (Dilts 2014). Yet the rise of neoliberalism as an ideology has witnessed increased state concern for crime and punishment and what these theorists call contradictory “double-movements” in which neoliberalism rhetorically professes to mean “less state” when in reality it “entails a thoroughgoing reorganizing of governmental systems and state-economy relations” (57). That reorganization of governmental systems and state-economy relations operates to further neoliberalism’s “insistence that a single discursive regime covers all social life.” This insistence disavows difference, renders some individuals as “permanent sources of danger and potential harm” in an actuarial risk-managing sense, and blocks the analysis of “inter-discursive dependencies,” thus thwarting the meaning of justice (80). As mentioned in the previous section, when competition becomes the frame of interaction among peoples, the “new punitive commonsense” of the recent decades in fact “directly maintains and supports” neoliberalism (57). This “single discursive regime” is indeed also subject to that inherent inequality present in neoliberal logic, assigning some individuals as risks to be perpetually managed by and forever embedded in the American system of racialized mass incarceration.
Race and class are hypothetically irrelevant to neoliberalism’s economizing logic but are in fact “central to its deployment” (57). Indeed, legislation which dismantles the welfare state and replaces it with “workfare”—such as the Personal Responsibility and Work Opportunity Act signed into law by Democratic president Bill Clinton in 1996—uses punitive sanctions against already-disadvantaged and racialized subjects, keeping them underemployed and without much social mobility (57). The “free” neoliberal state, according to Dilts and Wacquant, takes a distinctive form: “(neo)liberal and noninterventionist at the top, in matters of taxation and employment; intrusive and intolerant at the bottom,” with pervasive underemployment and the “retrenchment of social protection and profligacy of services” (57). In other words, the neoliberal state protects and rewards the “winners” while neglecting and often penalizing the “losers” in the overall competition of socioeconomic achievement, despite the entrenched disadvantages afforded to these “losers” already. Thus, the neoliberal state must maintain this inequality because to do otherwise would represent an aberration from the normal rate of crime.

This brings us to Foucault’s Biopolitics, which Dilts argues simultaneously appears “as disciplinary power through ‘anatamo-politics of the human body’ and “in the ‘biopolitics of the population,’ focused on the life of the entire population” (62). Because biopolitics prioritizes “the management of crime rates over punishing or rehabilitating offenders,” it seeks to discover some normal rate of crime among the population (65). The problem with this, which Dilts identifies through his analysis of neoliberal economist Gary Becker, is that under this “economy of punishment” of little human capitals, the “rationalized application of the law requires a criminal anthropology, the ability to identify the criminal before the crime” (70).
The ability to identify the criminal before the crime occurs may seem reminiscent of popular films and other science fiction narratives—think *Minority Report*—but with the rise of predictive analytics and their application in law enforcement and the ongoing privatization of the probation system, the American criminal justice system creeps closer and closer to these narratives in reality. Each of these phenomena represent a new political phenomenon which I call *predictive penalism*. Emerging out of the neoliberal project and the subsequent rise of ubiquitous digital technology, predictive penalism refers to the ways in which the increasing privatization of the criminal justice system combined with advances in predictive data analytics results in the ever-pervasive need for conformity and the adherence to a single model for the population as a whole. It is biopolitical in the sense that it seeks to decipher and maintain a normal rate of crime among peoples while increasingly placing blame on the individuals for their actions, rejecting “interdiscursive dependencies” in favor of a single analytical model which frames the subject as mere data point. Because “everything is capital,” the use of big data for crime analytics increasingly frames the individual as a number and judges their worthiness of freedom based on that number—whether it be their ability to pay probation fees or their 1-500 rating on the Strategic Subjects List.

**Predictive Penalism in Practice: Predictive Analytics and Privatized Probation**

*Crime Prevention in the Windy City*

The use of predictive analytics for the prevention of crime in Chicago, Illinois represents one of the starkest examples of predictive penalism’s reach into law enforcement and the state’s steady creep of control over citizen-subjects in society. As articulated in the beginning of this paper, the Strategic Subjects List ranks arrested subjects from 1-500, with 500 being an indication of those with the greatest risk. That risk includes being a perpetrator
of a violent crime—and only violent crime—or being a victim of it. In general, the List is “an attempt to apply a public health approach to violence” that is deeply connected to the biopolitical need to focus on the health of the entire population (Ferguson 2017, Dilts 2014).\footnote{In fact, according to the Centers for Disease Control and Prevention, public health is “concerned with protecting the health of entire populations. These populations can be as small as a local neighborhood, or as big as an entire country or region of the world.”}

While taking a “public health approach” to the prevention of violence may seem benevolent on its face, in practice it is rife with problems including the perpetuation of racial biases and massive invasions of privacy.

These threat scores, which are generated by a computer algorithmic model and are said to be objective, often “impact the fairness of how police interact with people on the streets,” because a police officer who encounters a person with a high score is more likely to detain or arrest said person. In this sense, the threat scores “distort the day-to-day police decisions about use of force and reasonable suspicion.” These threat scores appear on computer dashboards in police officers’ vehicles, ultimately increasing suspicion and perceived danger, leading to “more frequent and more aggressive interactions” with those deemed “high-risk” based off of the Strategic Subjects List. Moreover, while these scores are determined by a supposedly objective computer algorithm, they are “impacted by the all-too-human discretionary decisions of police officers as they patrol or investigate suspected crime,” because information is gathered and entered by police officers. While the algorithm may be objective, the recorded information is hardly free from human biases.

Threat scores from the Strategic Subjects List have been used by police as a justification for the active regulation and control of the formerly-arrested population of Chicago through increased mass arrests and contacts with police offering social services to
those deemed at-risk. For example, the SSL has been used to direct roundups of suspected criminals across the Windy City. In February of 2017, 81 arrests were made in a single night; 65 of those arrested were on the SSL, signifying the importance of the list in determining who should be arrested and in what numbers (Tellez 2017). In contrast, they are used in individual meetings to warn at-risk subjects that they have a high score and should consider engaging in social services (Asher and Arthur 2017). To many, offering social services to subjects deemed at-risk seems like a positive development from the Strategic Subjects List. However, it is clear from the data that the SSL is primarily used for arrests and detainment.

A Freedom of Information Act request from a data activist at the nonprofit Lucy Parsons Labs in Chicago uncovered that in 2016, 1,024 notifications were attempted, 558 were actually completed, and only 26 people attended social services in total (Kunichoff and Sier 2017). In other words, it is evident that the SSL is not used to promote community and individual well-being; rather, it is a justification for mass arrests and detentions of citizens in Chicago. If it was even true that the List was mostly used for proactive intervention by social services, it is necessary to consider the implications of assigning a risk score to someone and using that as justification for intervening in their lives and invading their privacy. Offering social services may seem harmless, but there is nothing harmless about having the state assign individuals risk scores that can have profound implications for their freedom.

In the previous section, I described how predictive penalism operates under neoliberal ideology’s economizing logic, which inconspicuously professes to not be ideological at all while framing everyone as “little capitals,” some of whom are more deserving of freedom than others. Under this logic, computer-generated risk scores that are
used to determine whether or not a subject will be arrested represent one of the ways in which the state has attempted to find a normal rate of crime among the population while disciplining those individuals within it. Protections for individual freedom can be violated and even eliminated if they are not in compliance with the single discursive model applied to the entire population. Because neoliberal penalty rewards the “winners” and punishes the “losers,” it must perpetuate this inequality manifests through the biopolitical application and maintenance of this model across arrested peoples in Chicagoland.

"Individual Responsibility” and Probation Privatization

The “offender-funded” model of privatized probation is emblematic of predictive penalism’s need to place blame on individuals for their crimes, despite entrenched disadvantages afforded to said individuals based on, say, their race or class. Privatized probation has emerged as austerity-stricken courts allow private corrections corporations to have the right to charge fees from offenders on probation, ultimately allowing them to determine whether an offender is deserving of freedom from incarceration based off of how much they are able to pay. This is a form of outsourcing that is a reflection of the neoliberal late capitalist age and is not entirely surprising under neoliberalism’s economizing and market-creating logic. Here, the state is creating a new market for investors through privatizing a function that had hitherto been managed through the court system: it has “outsourced its probation services to private companies, the executives of which have huge financial incentives for charging as many people as much as possible for ‘services’ that would keep them out of jail” (Cohen 1). What has emerged out of this new market is essentially a new form of debtors’ prison which threatens the freedom of individual citizens and is allowed and sponsored by the state.
Georgia was the first state to outsource probation to private entities. In 2000, the state created new avenues for private companies to “supervise low-level offenders, claiming it freed up overburdened state probation workers while costing taxpayers nothing” (Cohen 2). Ultimately the industry has profited from large fees “while, in at least some cases, doing little to supervise those under their watch” while often illegally forcing offenders “to pay for things, such as electronic monitoring and drug testing, beyond what was ordered by the courts” (2). As it so often happens with neoliberal austerity projects—the Flint, Michigan water crisis is an excellent example—this outsourcing of probation has cost taxpayers far more than state-controlled probation ever has.

Because offenders owe money to the company—not the courts—taxpayers end up covering the cost when probationers are arrested and jailed (2). It is not necessarily a consequence of privatized probation; rather, these problems arise “because public officials allow probation companies to profit by extracting fees directly from probationers, and then fail to exercise the kind of oversight needed to protect probationers from abusive and extortionate practices,” often due to lack of funding in the courts themselves (2). These are, essentially, private entities that are protected by law and prey on people “who traditionally have had little access to the courts or political power” (5). It is a vicious cycle, and a deeply profitable one for private corrections companies. Why else would privatized probation be practiced in over 1,000 courts across the United States?

The practice of private probation places blame on individuals who are seen as individual bits of capital responsible for paying their debts to society in an increasingly monetary form that is reflective of both austerity measures taken in indebted or impoverished states and of the desire to remove blame from the systems of oppression which perpetuate
the circumstances that probationers often find themselves in and place it on individuals themselves. By finding a new market sponsored by the state itself, private corrections companies have discovered a way to win in a competitive world determined by free market logic. Probationers become a part of a vicious cycle of exploitation that predictive penalism seeks to ossify within society, for inequality must be maintained at all costs.

A Reflective Conclusion: Understanding and Considering Neoliberalism

There is no easy solution to ending predictive penalism, for it is deeply reflective of powerful political forces of our time. This paper is not meant to create a hopeless feeling in the reader; in discourse surrounding neoliberalism, I often find that authors and scholars see little hope for combatting it. I hope that this paper has shed light on abusive and invasive penal and “corrective” practices going on in this country at present. While there are entrenched problems within our system of government and its reframing under neoliberalism, I believe that there is a reckoning coming. We are on the brink of a new movement in government to uphold freedom—and I do not mean individual freedom over others—that could work to eliminate systems like the Strategic Subjects List or new markets for privatized probation. The first step, in my opinion, is for Americans of all kinds to engage with explanations and critiques of neoliberalism, because by not doing so, they will remain unaware of the forces that this powerful ideology has on their freedom, whether that be their own individual freedom or the freedom of their friends and family. I have often said in my academic career that Wendy Brown’s *Undoing the Demos: Neoliberalism’s Stealth Revolution* is required reading. That still holds true for me today.

I believe that further awareness of neoliberalism can in fact bring hope to combatting it across our society. Furthermore, I believe that political mobilization in the form of
organizations such as the Movement for Black Lives can have profound effects on the American political consciousness, even if it is merely in the form of exposure to unfamiliar ideas and concepts. While some see the fight against neoliberalism as hopeless—and indeed, it is easy to see neoliberalism everywhere you look—we must remind ourselves that powerful and destructive ideologies, like those outlined by Hannah Arendt, have been overcome on a mass scale. I believe that active political engagement—whether it be community organizing, fighting for prison abolition, or even explaining neoliberalism to a friend—can be a powerful force for change in our society. This may sound shocking, but I am hopeful.
Works Cited


