

On the Road to Prison

by Yoann Demoli

How is it that the car, a symbol of freedom for the American people, leads them into a cycle of debt and imprisonment?

Reviewed: Julie Livingston and Andrew Ross, *Cars and Jails. Freedom Dreams, Debt and Carcerality*, New York and London, OR Books, 2022, 200 pp.

How does the car, a symbol of freedom, lead to the gates of the penitentiary? This book, somewhere between an essay and an academic paper, sets out to answer this original question.

To conduct their research, the authors used a novel theoretical framework and original materials. The theoretical approach is characterized by the authors as *holistic* (p. 19); we might be tempted to call it functionalism, insofar as each social and cultural element fulfills a function in the system: traffic stops, police revenues from fines and taxes, excessive surveillance, the car loan economy, court debts and the racial inequalities that plague each of these social facts combine to create a system that automatically and implacably ends in incarceration. The survey material is based primarily on an atypical interview process, the majority of which was conducted with peer researchers—i.e. students who were formerly incarcerated, trained in the social sciences—under the auspices of the NYU Prison Education Program Research Lab. The survey also draws on an extensive review of the scientific literature on incarceration, debt, poverty and racial inequality, supplemented by social statistics provided by various U.S. agencies.

The expansion of the automobile and the universalization of surveillance

The book begins by disputing the theory that American car culture is in decline. Admittedly, the automobile industry is no longer as dominant in the USA as it once was, and the distance travelled by car has been falling since its peak in 2004. However, the car remains an indispensable commodity for most Americans: almost 90% of households now own at least one car. These observations are not confined to the US: in France, despite claims that car ownership is waning, there are signs that the automobile is in fact becoming more widespread: driving licenses are becoming more common, and the number of people with multiple vehicles is on the rise. This near-complete spread of the automobile has been theorized by several authors, under the term *automobility*¹, to the extent that the origins of the automotive system are now well known², even if the classic works on the subject are scarcely cited by Livingstone and Ross.

Nevertheless, their analysis is original in the way it recalls the stages and manifestations of automobile dependence in American society, in relation to the logics of racial domination. In particular, the authors emphasize the fact that controlling and restricting the (spatial) mobility of Blacks has always been at the heart of American history. The famous *Plessy vs Ferguson* Supreme Court decision is analyzed in an extremely enlightening and original way from the standpoint of Black mobility, since the “separate but equal” doctrine specifically concerned the use of public transport³(p. 29).

In the authors’ view, the car is precisely the key to giving minorities freedom of mobility, albeit subject to constraints. It provides access to recreation activities and a way out of the ghetto. But this freedom has always had its limits: Gretchen Sorin (historian quoted on p. 30⁴) has stated that the road may have been public, but the roadsides were private and bristled with humiliation and danger for non-white motorists passing through and looking for services.” The spread of the automobile

¹ John Urry, “The ‘System’ of Automobility”, *Theory, Culture & Society*, Vol. 21, No 4-4, 2004, pp. 25-39.

² For a summary, see Yoann Demoli, Pierre Lannoy, *Sociologie de l’automobile*, La Découverte, Paris, 2019.

³ In 1892, a mixed-race man, Homer Plessy, knowingly violated the law by sitting in a whites-only rail carriage, for which he was prosecuted, resulting in the Supreme Court decision cited above.

⁴ Gretchen Sorin, *Driving While Black: African American Travel and the Road to Civil Rights*, New York, New Press, 2020.

posed a challenge to a society that controlled Black mobility. However, the democratization of the car has been accompanied by the militarization and consolidation of traffic stops; The authors provide a brilliant illustration of how traffic policing has gradually taken hold in the USA (and elsewhere). Police powers over drivers and passengers have become both stronger and more natural (over 50,000 roadside checks per day in the USA—see p. 5). Traffic policing is becoming universal (since almost everyone has a car) and boasts particularly sophisticated equipment.

In the shadow of the car

The authors then explore the prison environment, noting the considerable and paradoxical importance of the automobile. The car is the topic of countless conversations and acts as a social marker just as it does in the rest of society. It can be a temporary and uncertain tool for escaping subordinate and dominated positions within the social stratification. In this respect, David Gartman's work⁵ could have strengthened the authors' argument: Gartman shows that the design of automobile models has undergone significant changes over the course of the 20th century, and defends the theory that the automobile is, and remains, a kind of opium for the people in response to the frustrations of Ford-style labor.

The cost of owning a car is very high; an expensive model, which is not very common among poor and racialized populations, necessitates loans at usurious rates and exposes the owner to frequent checks by suspicious police officers. These symbolic aspects of car culture are compounded by the need to own a car once released from prison: for example, the requirements of judicial supervision mean frequent journeys, for which tardiness may constitute an offence; the search for housing and work also depends on individual access to a car in areas where public transport remains limited or time-consuming. The chapter concludes with a discussion of the dual constraints faced by poor and/or racialized populations: while providing independence and freedom, the car is also a source of risk and danger.

⁵ David Gartman, *Auto Opium: A Social History of American Automobile Design*, London, Routledge, 1994.

Fines: from tickets to incarceration

The authors shed light on the role of traffic fines in the incarceration of racialized populations. They begin by reminding us that the system of fixed fines is strongly anti-redistributive, and that it was abused as a providential source of revenue for states and municipalities undergoing severe budget cuts in the 1970s. Following a line of reasoning similar to David Graeber's on the boundaries of debt, the authors consider that traffic fines and charges constitute debts owed to the State, quasi-obligations, with interest accruing in the event of non-payment. In fact, the authors state that traffic fines are highly original legal instruments, since "the State plays the combined role of enforcer, judge, punisher, debt collector and creditor" (p. 74). In a society where car ownership is the norm, every citizen becomes liable to these hidden taxes. Non-payment of such debts can lead to criminal sanctions and even imprisonment, in a relentless vicious circle: if a fine is not paid immediately, it may be increased, followed by late payment penalties and debt collection costs. This can lead to suspension of the driver's license, which, if violated—especially for those who cannot manage without a car—can lead to imprisonment.

The risks of falling into debt

Another form of debt, incurred in purchasing a car, plays an important role in the system described by the authors. Although it ranks third after student debt and housing debt, car debt continues to be ignored by the public authorities. With a total outstanding debt of 1.047 trillion dollars (equivalent to 40% of France's GDP in 2022!), auto debt is huge. It originates in the purchase of extremely expensive cars, which often requires credit: 87% of new vehicles are bought on credit. The authors add that the vehicle financing market is fully liberalized and poorly regulated. The most vulnerable creditors are frequently lured by a type of contract known as a retail installment sales contract, which is not classed as a loan with an upper limit on the usury rate, but which adds numerous extras and significantly increases the cost of the vehicle. Finance companies with dubious practices target people with particularly low credit scores (or none at all, as in the case of prisoners with no recent credit history).

By purchasing expensive vehicles with unfavorable financing terms, the most vulnerable customers also fall victim to debt collection agencies, which demand that

debtors appear in court or face imprisonment if they fail to do so. Car dependency means that car loans are a priority for many households, even though there are many different costs associated with owning a car: purchase, repair, registration, maintenance, insurance, fines, legal costs and so on. As a result, Americans now spend 17% of their budget on cars, more than on food. And this budget is even higher for the poorest, as other authors have shown for the UK, leading to a situation where the poor pay more than the rich for their cars⁶.

The relentless penalty of license suspension

One of the priorities for people released from prison is often to reinstate their driving privileges. For license suspension is very common in the United States (190,000 suspensions in 2016) due to “Smoke a joint, lose your license” laws. It should be noted that license suspension can be triggered by offenses unrelated to driving. However, the reinstatement procedure has a significant cost, often increased by the amount (plus interest...) of old fines. Prisoners often have particularly high insurance premiums because of their situation.

Big Data and Big Brother

One final factor is car-related monitoring devices. The authors observe that increasingly connected cars are data-generating machines. The geolocation of cars and the pairing of cell phones can provide information on places frequented, musical tastes, braking and accelerating behaviors, etc., all of which are data capable of creating a market for automotive data. Traffic stops are increasingly carried out using technological devices; by reading license plates, the police can obtain information on previous offences, enabling them to target vulnerable populations. Technologies such as automatic license plate readers are capable of scanning thousands of plates per minute, which are then checked against a database of problematic license plates, frequently producing false positives.

⁶ David Caplovitz, *The Poor Pay More: Consumer Practices of Low-Income Families*, New York, Free Press, 1968.

Pro-active policies to counter technological solutionism

The book presents two viewpoints. The first addresses the fears associated with new forms of mobility (electric vehicles, car-sharing, car-sharing applications, etc.), which are ultimately based on the commodification of data, which often adversely affects the most vulnerable. In this respect, the authors cast doubt on the ability of technological progress to mechanically produce social progress: with capitalism being intrinsically linked to racial inequalities⁷, Silicon Valley companies are no exception to the rule—as the highly racialized dimension of a company like Uber clearly illustrates in the French context⁸.

The second viewpoint contains a number of public policy proposals designed to break the vicious circle of automobility: among other things, the authors propose a reorganization of road policing, abolishing armed traffic stops and introducing a system of fines proportional to income. With regard to financial markets, the authors propose the regulation of automobile credit, with the introduction of a federal cap on rates and the removal of predatory financial actors. As for surveillance tools, the authors call for a general regulation of data, similar to that adopted by the European Union.

The reader is convinced by the authors' demonstration of an extremely perverse system, and outraged by the implacable mechanisms described. We are shown that the car and its many dimensions can lead to darkness—a far cry from the mythologized automobile seen as a cathedral⁹. The reader comes away convinced that the car is indeed a core feature of contemporary society, in which automobility “might be thought to be as powerful a structure as any that confronts people.”¹⁰

Translated by Susannah Dale with the support of CASBS.

⁷ Racial capitalism is a concept developed by Cedric J. Robinson (*Black Marxism : The Making of the Black Radical Tradition*, London, Zed Books) who considers the history of capitalism to be grounded in the extortion of surplus value from racialized people by dominant groups.

⁸ Sophie Bernard, *UberUsés. Le capitalisme racial de plateforme à Paris, Londres et Montréal*, Paris, Presses universitaires de France, 2023.

⁹ Roland Barthes, *CŒuvres complètes I*, Paris, Éditions du Seuil, 1957.

¹⁰ John Urry, *Sociology Beyond Societies: Mobilities for the Twenty-First Century*, London and New York, Routledge, 2000, p. 60.

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