The Geography of Unfreedom

Ann M. Eisenberg

University of South Carolina School of Law

Follow this and additional works at: https://repository.law.umich.edu/mlr

Part of the Criminal Law Commons, Law and Race Commons, and the Legal Writing and Research Commons

Recommended Citation

Available at: https://repository.law.umich.edu/mlr/vol121/iss6/10

https://doi.org/10.36644/mlr.121.6.geography

This Review is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.
**THE GEOGRAPHY OF UNFREEDOM**

*Ann M. Eisenberg*


**INTRODUCTION**

*Injustice anywhere is a threat to justice everywhere.*  
—Dr. Martin Luther King, Jr.

When I picked up Judah Schept’s *Coal, Cages, Crisis: The Rise of the Prison Economy in Central Appalachia,* I expected a particular story, with which I was already somewhat familiar. I expected to read about how, although life under King Coal in the Appalachian coalfields had been grueling and abusive, the loss of coal had pushed these communities even further into economic desperation. I expected a narrative of how localities in West Virginia, Kentucky, and Tennessee, distressed and yearning to replace the livelihoods of yore, turned to the short-term Band-Aid of prison construction and management, swapping one morally and physically hazardous mono-economy for another. I expected white supremacy and prison gerrymandering as themes—to learn about how low- and middle-income white people, despite their own hardships, can assuage themselves that they are not on the bottom of society’s hierarchy by taking on positions of power over Black and Brown people trafficked from cities and disingenuously counted as local residents to attract benefits. In short, I expected a variation of an urban-rural divide story.

* Associate Professor of Law, University of South Carolina School of Law. I am grateful to Lisa Pruitt and Nick Stump for their thoughtful feedback on this Review, and to Gabe Chess and Elena Meth of the *Michigan Law Review* for their editorial insights.


2. Judah Schept is an Associate Professor in the School of Justice Studies, Eastern Kentucky University.


Schept does include this story in his book. But he artfully complicates it, highlighting it in some ways and turning it on its head in others. Schept walks a delicate line, managing to neither diminish predominantly Black and Brown suffering under mass incarceration nor vilify or patronize the predominantly white populations who lobby for prisons based on false promises that their children will have a chance to live and work locally in the new prison economy. Racial erasure, violence, cruelty, and entrenched anti-Blackness and anti-Indigeneity are central themes of Coal, Cages, Crisis (pp. 9, 18–20). Yet, by centering diverse experiences—including those of Black and immigrant coal miners, Indigenous women prisoners, and white prison abolitionists—Schept commingles and enriches storylines that might typically be told separately (pp. 129, 136, 143–44, 199–225).

Schept’s purest ire is reserved for racial capitalism and the vehicle through which it reproduces itself: the carceral state. Coal, Cages, Crisis characterizes the carceral state as an amoeba, hungry for human bodies (p. 222). Schept portrays the amoeba as ready to shapeshift to meet new terrains and conditions across space and time (pp. 199–200). Disinvestment, exploitation, and abuse in one place will pop up in some other form somewhere else. Schept asserts. The amoeba consumes bodily autonomy, hope, and human breath down the shafts of coal mines, inside prison walls, in the toxins of poisoned landscapes and neighborhoods, and through the hands of police.

Coal, Cages, Crisis illuminates subtle connections in the ways large-scale systems of oppression take root and reproduce themselves through flows of capital, resources, and people. Yet, Schept establishes this interconnectedness with a diverse set of seeming minutiae, having pored over local government records, institutional symbols, local newspaper stories, and other archives and interviews in order to take the reader on a regional tour across space, place, and time. Through this tour, point by point, Schept makes the carceral state’s relentless hunger clear. Racial capitalism and the carceral state are friends to no one, he argues, except perhaps the handful of local and distant elites that enable, enforce, and rationalize them. After all, he points out, if Kentucky continues its current rate of incarceration, every single person in the state will be incarcerated by the year 2135 (p. 121).

In Schept’s analysis, law is merely another structural factor shaping human life alongside institutions, corporations, collective psychology, landscapes, individuals, and groups. Law—as Schept illustrates by examining the Surface Mining Coal and Reclamation Act and the National Environmental Policy Act—can be a vehicle for subjugation, a tool of empowerment, or a mix of both. By contrast, Coal, Cages, Crisis presents multiracial class organizing as the only conceivable way out of a “long, violent history,” even if such organizing is inevitably imperfect and never finished (pp. 233–34).

6. See pp. 143, 185–89.

7. Cf. Catherine L. Fisk, The Once and Future Countervailing Power of Labor, 130 YALE L.J.F. 685, 688 (2021) (noting “the many ways law can both support and thwart the formation of sustainable and transformative class-based social movements”).
I argue in this Review that Coal, Cages, Crisis is an invaluable story of how the strictures of racial capitalism transcend urban and rural locales often considered more alien to each other than alike. In other words, the story in Coal, Cages, Crisis is one of urban-rural interconnectedness in varied states of unfreedom under racial capitalism. The universality of unfreedom in one shape or another, even outside the cage, illustrates the necessity of radical solidarity politics and the futility of moderation. Schept’s work demonstrates that the central fight for justice in the United States and beyond is less between urban and rural populations than it is between our socioeconomic hierarchy’s (small, overwhelmingly white) top and (voluminous, multiracial, disproportionately nonwhite) bottom. That fight is never easy, in part because racial capitalism coerces the subordinated to trade solidarity for survival.

Part I summarizes Schept’s effort in Coal, Cages, Crisis to document the rise of the carceral economy in Appalachia, the carceral economy’s relationship to coal, and the significance of both coal and cages to the human suffering created by racial capitalism. Although Coal, Cages, Crisis is not aimed at comparing urban and rural conditions due to its explicit focus on rural Appalachia (p. 5), Part II draws out the book’s themes of urban-rural interconnectedness. Oppression in one place signifies, shapes, or mirrors oppression in another—revealing the unfreedoms under racial capitalism’s structures and ideologies that transcend U.S. populations and landscapes. In particular, Schept’s framing of how racial capitalism treats urban and rural communities as waste people in waste places illustrates how common cycles of disinvestment and abuse manifest in ways tailored to their racial and geographic contexts. While those contexts vary, subordinated populations become similarly unfree even when not incarcerated. Part III highlights how the rare phenomenon of multiracial class organizing emerges convincingly from Schept’s narrative as the only chance for even a sliver of hope in beating back—or maybe just delaying for a time—the amoeba’s hungry maw.

I. Coal, Cages, Crisis: A Summary

Drawing on Schept’s “eight years of periodic ethnographic and archival research,” Coal, Cages, Crisis “examines how the prison came to shape, and take shape in, Central Appalachia” (p. 5). The study focuses on West Virginia, Virginia, Tennessee, and Kentucky (pp. 5–6). The book includes a thematic focus throughout on shrewd local government officials and their allies, actors...
keen on courting prisons as a path to local economic viability (pp. 8–9, 14). And indeed, Schept acknowledges, “[i]t is tempting to argue that the prison simply replaces the coal industry in Central Appalachia as a primary source of regional employment,” and as a much-needed source of revenue for local governments with strained budgets (p. 14).

However, Schept’s central thesis is not that prisons are the new coal. In fact, they likely can never be. Coal dominated Central Appalachia for more than a century and employed tens of thousands of local workers at its peak, dwarfing the number of prison jobs that can ever realistically exist (p. 15). “Rather than as punishment or economic development,” Schept argues, these coalfield prisons are proliferating “to manufacture capitalist social order amidst very real crises in the region” (p. 15).

Schept’s main argument is that “the rise of cages in the coalfields reflects a new strategy for an old project: the state’s ongoing need to manufacture and maintain capitalist social order and social relations” (p. 5). In other words, racial capitalism⁹ and the carceral state work together to produce crises, including prison overcrowding, “deindustrialization, structural joblessness, and revenue shortages” (p. 10). In turn, the state must “try to solve crises it also helped to create” (p. 14). And it does so by putting many people in prison, employing others to imprison them, and compelling everyone who is not yet caged or caging to envision their lives and communities in relation to prisons (pp. 181–82, 190). While prisons may be branded as paths to criminal justice or economic revitalization, their main function is to maintain and secure the racial, economic, and geographic hierarchies at the heart of racial capitalism.

Coal, Cages, Crisis is organized in three parts: “Extraction and Disposal” (Part 1), “Profit and Order” (Part 2), and “Carceral Social Reproduction” (Part 3). Part 1, “Extraction and Disposal,” “examines the spatial and political relationships among coal, waste, and incarceration, focusing on sites of mountain-top removal that subsequently became the locations for prisons” (p. 29). The two chapters in Part 1 emphasize “the prison as part of a regional historical geography of waste and enclosure” (p. 29).

This account includes an analysis of how the War on Poverty and the War on Crime converged during the same era to catalyze rural prison proliferation. The former failed to address Appalachian inequality structurally, meaning regional precarity and joblessness would persist. The latter kickstarted the era of mass incarceration, creating the need for the state to find places to put caged people (pp. 70–72). The need to create jobs in Appalachia and the need to find places for caged people would subsequently work together to create a synergistic impression of the natural inevitably, and desirability, of the Appalachian prison economy for locals and nonlocals alike. The enmeshment of coal and cages is a theme throughout the book, with Schept highlighting coal’s carceral

---

⁹ I understand “racial capitalism” to refer to how “capital accumulation and labor expropriation in the United States have always relied on a racial hierarchy and the deep inequalities that hierarchy produces.” Dorothy E. Roberts, The Supreme Court, 2018 Term—Foreword: Abolition Constitutionalism, 133 HARV. L. REV. 1, 14 n.60 (2019).
essence and characterizing the modern and increasingly rural carceral economy as only a slight variation on coal’s origins in extraction and waste disposal (pp. 120–21).

Perhaps the most compelling narrative in Part 1 is the story of Mitch Whitaker, a resident of Letcher County, Kentucky, whose land was targeted for a federal prison—a development which would have interfered with Mr. Whitaker’s own use for his property as a site to rehabilitate injured birds (pp. 53–62). Mr. Whitaker had been a coal miner and was not “anti-coal” but nonetheless saw both the coal and prison industries as making “real take advantage type business move[s]” (p. 60). Concerned about the safety of his birds, the future of the community, and his quality of life in his home, Mr. Whitaker’s opposition to the prison—opposition that earned him harassment from some of his neighbors who wanted prison jobs—would eventually play an integral role in the prison’s defeat (p. 217).

Part 2, “Profit and Order,” includes two chapters focused on the relationship between prisons and profit. While profit may seem like the most obvious motivator for prison proliferation, Schept challenges this narrow relationship by illustrating past, present, and future prisons as sites of carceral social reproduction (pp. 30–31). In other words, carceral ideologies and physical conditions are more transcendent than profit. The ways in which residents project their hopes and dreams onto prisons speak to something deeper about the carceral state’s role in regional geographies.

Part 2 includes a vivid account of Schept visiting the decommissioned Brushy Mountain State Penitentiary in Morgan County, Tennessee, which now operates as a tourist destination branded around the prison’s history, regional ecology, and local crafts. Described by a radio exposé as “a violent hell” (p. 100), Brushy was built in 1896 using the side of an Appalachian mountain as one of its walls—illustrating, Schept proposes, how Appalachian carceral geographies are both longstanding and physically and ideologically embedded in the landscape, making them seem all the more natural and inevitable (pp. 91–92, 114).

Once a site of conflict over Tennessee’s convict-lease system, in which prisoners were forced to mine coal until 1966, Brushy Mountain now cheekily advertises itself as “Dangerous since 1896” and celebrates the prison’s violent past with stories of hauntings and righteous punishments of evil and depraved inmates (pp. 103–15). A gift shop sells locally distilled whiskey; other Appalachian-themed goods; and Brushy Mountain products lauding the mountain’s history as a site of public service and sacrifice, embracing conceptions of Appalachia as a hinterlands at “the end of the line” where dirty work is done (pp. 110, 113). In light of local nostalgia for the prison’s past and eagerness for the prison as a new site of tourism and associated revitalization benefits, Schept emphasizes that Brushy Mountain, despite being decommissioned,

10. See generally DOMINIQUE MORAN, CARCERAL GEOGRAPHY: SPACES AND PRACTICES OF INCARCERATION (2018) (detailing the geographical perspective on incarceration and notions of “carceral” as spatial phenomena).
does “not . . . signal[] or enact[] decarceration,” but rather “sustain[s] . . . the carceral state while also providing it with new forms of ideological legitimacy” (pp. 107, 117, 119).

Another closed prison, Otter Creek Correctional Center, further illustrates the enmeshment of coal and cages. Specifically, Otter Creek exemplifies the book’s oft-repeated theory that the miner and the mine guard have transformed and merged into the modern prison guard. In coal’s early days, the miner and the mine guard were frequently at odds, with miners, sometimes in mixed-race groups, periodically agitating against mine guards’ violent rule in and outside of mines and the dire living and working conditions of company towns (pp. 129–30). In modern Appalachian prison towns, Schept asserts, the miner and the mine guard have become one in the form of the prison guard, reflecting both a deeper convergence and further racialization of carceral geographies (pp. 129–30, 196, 200). Wheelright, Kentucky, where Otter Creek is located, illustrates this evolution of the racial capitalist social order, with consistent themes over decades “of processes of extraction and disposal” under “patterns of capitalist uneven development” (pp. 124–25). The Otter Creek site in Wheelright morphed “from mountain to mine, from mine to garbage dump, from garbage dump to prison, and from operational to decommissioned prison”—though as of Coal, Cages, Crisis’ writing, there were discussions of reopening the prison (p. 124). In turn, Otter Creek also sustained white masculinities compromised by the loss of coal, by threats to gendered work (and its associated violence), and by uncertain local economic viability. In sum, Otter Creek was a site of the preservation and entrenchment of capitalist social order in its varying forms.

Part 3, “Carceral Social Reproduction,” includes three chapters focused on Letcher County, Kentucky, and the yearslong fight that resulted in the eventual defeat of “what would have been the newest prison in the coalfields, USP Letcher” (pp. 31–32). These chapters examine the centrality of regional planning to the carceral state through local elites’ courtship of prisons, management of local discourse, and framing of prisons as the only hope to save the region (p. 32). Part 3 ends with a focus on the coalition of activists who fought back against efforts to sustain the prison economy, and who achieved the rare feat of keeping a planned prison out of their community (p. 33). The coalition fought USP Letcher for years, strategically using the National Environmental Policy Act’s environmental review process to force prison advocates to acknowledge “that [their] claims of prison-driven economic development were dubious” (pp. 211–12, 221). The coalition’s defeat of USP Letcher was unlikely and historic, especially after Congress had appropriated hundreds of millions of dollars to build the federal prison (p. 221).

Poignantly, in coordination with Atlanta activists, local youth pursued a social media campaign, “#our444million,” demanding that people imagine all of the life-sustaining infrastructure and provisions that could be provided with

---

11. Otter Creek was closed “reluctantly” in 2012, p. 123, after “allegations that . . . employees had sexually assaulted nineteen women prisoners from Hawaii.” P. 143.
the amount budgeted for the prison (pp. 210, 214–15). Despite the success, those involved opined that the win over Letcher “[w]asn’t a win” because it had merely averted one moment in the broader crisis of structural “organized abandonment” of the region, and because the prison’s defeat would not result in fewer people being incarcerated (pp. 221–23). The concluding chapter updates the book to account for changed conditions during the COVID-19 pandemic and the 2020 racial uprisings, recognizing the movement to defund the police as a demand, comparable to #our444million, for life-sustaining investments as alternatives to carceral geographies (p. 33).

Coal, Cages, Crisis offers an overwhelming immersion in racial capitalism’s carceral geographies and their relationship to extraction, disposal, and the maintenance of social order. The vivid account clearly reflects years of meticulous labor and insight. Its relevance sheds light both on the plight of Appalachia and on communities beyond, urban and rural, that are affected by racial capitalism and the carceral state. Significantly, the book calls attention to inequality within distressed places, and to how local elites—referred to at one point in the book as “Mountain Royalty” (p. 32)—and outsiders work in conjunction to keep local underclasses in a state of disinvestment, isolation, and decline (p. 205).

II. URBAN-RURAL INTERCONNECTEDNESS IN UNFREEDOM

This Part offers an analysis of some of the underemphasized points of significance in Coal, Cages, Crisis. In particular, Schept periodically references similarities between urban and rural disinvestment and marginalization. He acknowledges, for instance, that the concept of “[w]aste people” has “been deployed in urban and rural contexts alike” (p. 23). Because of the book’s focus on Appalachia, these urban-rural similarities are only mentioned in passing. I argue here that those similarities are important and illustrative of how, where, and why modern subordination manifests in conditions that are both contextual and universal, challenging typical narratives about “urban-rural divides” and illustrating a commonness across diverse, marginalizing, geographic circumstances.

Section II.A introduces the concept of “unfreedom,” which helps to capture the confinement associated with incarceration and other barriers to full participation in life along a spectrum of constraints on dignity, autonomy, and capability. This spectrum synthesizes incarceration, place-based disinvestment, and noncarceral abuse as part of the same systems of constraint and domination. Section II.B argues that the concept of unfreedom—carceral and otherwise—and its transcendence across diverse geographies and populations offers some additional clarity to the phenomena Schept describes. Specifically, the concept reveals another way to understand how racial capitalism constrains, deprives, and limits devalued people and places under its reign. This argument challenges more common urban-rural divide narratives by illustrating urban-rural interconnectedness in states of unfreedom under racial capitalism and carceral geographies, suggesting a universalism to regional problems, and thus, the potential for universalist responses to those problems.
Section II.C draws out the theme of normalization that repeats throughout *Coal, Cages, Crisis*, and proposes that radicalism and solidarity—both in individual and collective imaginations and in social movements—offer a rare but powerful bulwark against the oppressive systems Schept describes.

A. Freedom versus Unfreedom

Longstanding debates have grappled with what it means to be free. "Perhaps the most basic and common understanding of freedom is that it allows you to choose, and then to achieve, a goal without anything or anyone intentionally impeding your actions." One prominent thread of philosophical discourse has framed the debate over freedom around whether freedom means freedom from interference or freedom from domination. According to almost any framework, those in prison clearly occupy a state of unfreedom because the incarcerated are, by definition, interfered with, dominated, and unable to choose and achieve goals independently. Whether unincarcerated people are free or unfree is less clear.

Some lines of thought, perhaps most prominent in the work of Amartya Sen and Martha Nussbaum, have converged around a set of conditions that are necessary to freedom, the absence of which constitutes unfreedom. While those conditions, too, are contested, and the lines between them may even be considered indivisible—understandably, scholars and activists argue that there is no perfect "checklist" to measure freedom and justice—certain conditions emerge consistently in diverse fields as more or less essential characteristics of freedom. Those necessary conditions include autonomy, or the ability to exercise agency in general; the ability to exercise agency across...
space, and to have a place to go without physical threats;\(^{17}\) dignity, or some variation on being treated with respect;\(^ {18}\) the ability to work or seek employment;\(^ {19}\) access to education;\(^ {20}\) and a healthy environment, including some measure of control over that environment.\(^ {21}\)

Unfreedom has received its own attention, sometimes as the absence of the conditions for freedom but also as the presence of certain other conditions. Sen refers alternately to economic unfreedom, social unfreedom, and political unfreedom, which can each be reflected in diverse conditions including poverty, lack of economic opportunities, neglected public facilities, tyranny, and repressive government.\(^ {22}\) Extreme inequality itself has been deemed a form of unfreedom because it reflects how the privilege of personhood is bestowed only on limited segments of the populace.\(^ {23}\) A population’s uncertainty, conformity, obsequiousness, and existence under “unchecked authority” are “all symptoms of domination,” and therefore, characteristic of unfreedom.\(^ {24}\) Unfreedom can also involve the internal operations of the human mind, as when, to survive, workers must “conform their preferences to the constraints, actual or potential, that are placed upon them.”\(^ {25}\)

The discussion below centers on three conditions of nonincarceral unfreedom that emerged most saliently in Coal, Cages, Crisis—conditions mirrored in both urban and rural geographies and suggestive of universal themes of subordination across the United States and beyond: (1) Labels of Social and

---


19. See Rhee & Scott, supra note 14, at 544–45.

20. See id. at 545.

21. See generally Craig Anthony (Tony) Arnold et al., Resilience Justice and Community-Based Green and Blue Infrastructure, 45 WM. & MARY ENV’T L. & POL‘Y REV. 665 (2021) (proposing a cogovernance approach aimed at improving the environmental conditions of communities most vulnerable to environmental, political, and socioeconomic disturbances); Clayton Rosati, Development as Freedom After Flint: A Geographical Approach to Capabilities and Antipoverty Communication, 13 J. MULTICULTURAL DISCOURSES 139 (2018) (arguing that access to clean water is necessary for individual and social wellbeing).

22. SEN, supra note 14, at 8. Sen refers to these unfreedoms throughout his discussion of five “instrumental freedoms,” including “(1) political freedoms, (2) economic facilities, (3) social opportunities, (4) transparency guarantees and (5) protective security.” Id. at 10 (emphases omitted). As characteristic of economic unfreedom, Sen points to constraints on freedom “to participate in the labor market,” “to enter markets,” and “to participate in economic interchange.” Id. at 7. He refers to a state of political unfreedom as the systematic denial of “political liberty and basic civil rights” and the denial of “the opportunity to take part in crucial decisions regarding public affairs.” Id. at 15–16. He in turn links social unfreedom to religious intolerance, oppressive social mores, and limited access to education. Id. at 9, 11, 245.


24. Acevedo, supra note 13, at 816–17; see also Dickerson, supra note 12, at 1120.

25. Acevedo, supra note 13, at 823.
Spatial Inferiority; (2) Severe Lack of Economic Opportunity; and (3) Denial of Necessary Infrastructure.

B. Racial Capitalism’s Unfreedom for Its Waste People in Waste Places

“Rural America Is the New ‘Inner City,’ ” headlines have proclaimed over the past several years. Losses of regional economic activity, poverty, weakened institutions, and “predictable social dysfunction” have garnered attention to rural regions’ decline and status as objects of concern. Commentators have observed how rural places are now experiencing what cities did a half-century ago, when white flight, middle-class outmigration to suburbs, outsourced jobs, segregationist policies, destructive land-use planning, and related social problems left many city governments “starved of resources,” with all these ills combining to fuel a state of socioeconomic decay and distress in urban cores.

In the rural context, deindustrialization, the decline of extractive industries, and the rise of urban agglomeration economies, alongside increasing socioeconomic inequality, are fueling similar trends today, contributing to widespread local government fiscal distress, structural joblessness, and public health crises like the opioid epidemic.

Yet, these conditions once associated with the “old” inner city have not exactly been ameliorated. It is true that some formerly distressed urban cores have seen more stabilization and vitality in recent years. While some of this change reflects gentrification that drives displacement, gentrification can also benefit longtime residents, and its effects vary depending on the city. But in


30. Sheila R. Foster, The Limits of Mobility and the Persistence of Urban Inequality, 127 YALE L.J. 480, 488 (2017). (“[W]oraking class and low-income workers and their families are being pushed out of the urban core and further away from job opportunities as more affluent workers concentrate around the urban center.”); Ganesh Sitaraman, Morgan Ricks & Christopher Serkin, Regulation and the Geography of Inequality, 70 DUKE L.J. 1763, 1779 (2021) (discussing the increasing trend of segregation by education); John Whitlow, Community Law Clinics in the Neoliberal City: Assessing CUNY’s Tenant Law and Organizing Project, 20 CUNY L. REV. 351, 369 n.79 (2017) (discussing how “years of disinvestment, deindustrialization, and suburbanization . . . [are] precisely what makes [urban zones] potentially profitable sites for future
any case, the urban problems of the mid-century are largely still here.\textsuperscript{31} Many inner-city issues have simply not changed since they were in the spotlight decades ago, or they have gotten worse.\textsuperscript{32} Cities with histories of prominent urban inequality and neighborhood-specific disinvestment and poverty, such as St. Louis,\textsuperscript{33} the Bronx,\textsuperscript{34} Detroit,\textsuperscript{35} Baltimore,\textsuperscript{36} Chicago,\textsuperscript{37} Washington,\textsuperscript{38} Philadelphia,\textsuperscript{39} and Syracuse,\textsuperscript{40} as well as smaller cities, continue to face those same challenges.\textsuperscript{41} The legacies of redlining and racial segregation remain deeply entrenched in U.S. urban centers.\textsuperscript{42} Despite some recent \textsuperscript{40}suburbanization of development." Then, state-supported capital investments drive gentrification and displacement; Richard Florida, \textit{This Is What Happens After a Neighborhood Gets Gentrified}, ATLANTIC (Sept. 16, 2015), https://www.theatlantic.com/politics/archive/2015/09/this-is-what-happens-after-a-neighborhood-gets-gentrified/432813 [perma.cc/GR4W-G7CX] (discussing the mixed effects of gentrification).

\textsuperscript{31} See Foster, supra note 30, at 487–89 (noting "growing inequality within metro regions" and urban cores attracting "a new cohort of mobile migrants" who are relatively affluent).

\textsuperscript{32} Sharkey & Marsteller, supra note 28, at 354 ("Never has there been a systematic effort to deal with the problem of urban poverty through sustained, large-scale investments in the people and the institutions of the nation’s urban neighborhoods. Our national urban policy has been characterized by abandonment rather than investment.").


\textsuperscript{34} Fahd Ahmed et al., Discussion, \textit{The Long Crisis: Economic Inequality in New York City}, 18 CUNY L. REV. 153, 159 (2014).

\textsuperscript{35} Laura A. Reese, Jeanette Eckert, Gary Sands & Igor Vojnovic, "It’s Safe to Come, We’ve Got Lattes": Development Disparities in Detroit, 60 CITIES 367 (2017).


\textsuperscript{42} See generally RICHARD ROTSTEIN, \textit{THE COLOR OF LAW} (2017) (showing that governments purposefully employed racially explicit policies to keep metropolitan areas segregated by neighborhood and by school during the mid-twentieth-century).
[p]overty” and renewed upper- and middle-class interest in urban living, the most disadvantaged neighborhoods are still typically located in central cities, while the neighborhoods most associated with wealth and opportunity remain in the suburbs.43

Parts of rural America can be understood as a proverbial “inner city,” to the extent that term serves as a useful shorthand for places ravaged by willful neglect. But the geographic inner city still carries the weight of many of the burdens associated with that term. Ultimately, the new, rural “inner city” and the old, urban inner city—those areas that endure the most extreme versions of disinvestment and poverty—share significant commonalities, including infrastructural deprivation and socioeconomic precarity.

The new inner city and the old inner city also share designations, spoken or unspoken, as “waste places” where “waste people” reside.44 Schept situates Appalachia as a receptacle for racial capitalism’s waste. In doing so, he highlights a key connection between the neglect and exploitation of the worst-treated urban communities and the worst-treated rural communities. Because of a lack of public investment in life-sustaining infrastructure and systems—schools, hospitals, internet access, and centers for creativity, for instance—inner-city residents and coal country residents alike are left with little to do. Racial capitalism and the carceral state then collude to find something to do with both of these groups of the “surplus population.” The answer, then, is prisons—their planning, construction, staffing, healthcare, infrastructure connections, and of course, the filling of their beds. From the point of view of the carceral state’s need to address the crises it manufactures, the problem is fixed.

Yet, constraints on these populations persist even outside of literal carceral contexts. In fluctuating and varied ways that incorporate spatial, social, and economic characteristics, residents of the old and new inner city are kept unfree, even when they are not incarcerated—a phenomenon which is perhaps most prominent in outsiders’ perceptions that these are people and places that matter less than others.

I now turn to a discussion of three symptoms of unfreedom shared by marginalized urban and rural localities, places I refer to collectively as Geographically Disadvantaged Spaces (GDS).45

43. Elizabeth Kneebone observes that “[p]overty in the United States has long been associated with large urban centers or rural communities, where it has historically been most concentrated.” Elizabeth Kneebone, The Changing Geography of US Poverty, BROOKINGS (Feb. 15, 2017), https://www.brookings.edu/testimonies/the-changing-geography-of-us-poverty[perma.cc/DX39-RF75]. However, a rapid rise in poverty in the 2000s also affected small metropolitan areas and suburbs. Id.; see also PENDALL WITH HEDMAN, supra note 41, at 5 (“[T]hough poverty may have grown in suburban areas, distressed tracts are still predominantly either dense urban neighborhoods or low-density rural areas.”).

44. See NANCY ISENBERG, WHITE TRASH (2016); CARL A. ZIMRING, CLEAN AND WHITE (2015); Jill M. Fraley, Appalachian Stereotypes and Mountain Top Removal, 19 PEACE REV. 365 (2007).

45. Priya Baskaran, Thirsty Places, 2021 UTAH L. REV. 501, 503 (defining “Geographically Disadvantaged Spaces” as communities subject to “unequal distribution of key resources” and “interlocking systems of subordination based on race and class”); Priya Baskaran, Respect the
1. Labels of Social and Spatial Inferiority

GDS are characterized by external (and sometimes internal) labels of social and spatial inferiority, a caste-like constraint that makes these communities less free. For instance, accusations of a “culture of poverty” plague Appalachian and urban residents alike, with outsiders believing that GDS populations’ deficiency means they bring their difficult conditions on themselves. While many view cities and distressed urban neighborhoods as “hellholes of crime and depravity” populated by “lunatics, prostitutes and other deviant groups,” many also view rural places as dangerous and depraved, and media commonly depicts rural residents as incestuous, violent, and otherwise backward. These narratives tend to suggest that GDS residents live in poverty because they choose to or because they are unworthy of anything more.

As Schepț points out, these labels of socio-spatial inferiority are also highly racialized. “Inner city” has historically been considered synonymous with “Black,” and as such, depictions of the inner city and its residents as deficient embrace longstanding anti-Black racism. Meanwhile, Appalachia is considered synonymous with “white trash,” which not only erases Appalachians of color but also associates the region with “a degraded form of whiteness” linked to deficiency, depravity, and the status of “waste people” (pp. 9, 22–25). Cultural and racial inferiority become connected to the spatial environment where GDS populations live. William Rhee and Stephen C. Scott have argued that “[t]he ‘hillbilly’ epithet long hurled at Appalachians is one of the oldest examples of locational prejudice in U.S.[.] history.” Appalachian’s degraded whiteness is performed “in part by and through geography,” with distance, wilderness, and mountainous terrain functioning as signs of depravity, danger, and backwardness (pp. 22–25). Urban neighborhoods are viewed as

---


50. Toussaint, supra note 46.

51. Rhee & Scott, supra note 14, at 533 (emphasis added).
spatially deficient in a manner more tailored to population density, frequently depicted as “nightmare zones of crime and pathology” that are physically rundown, subject to vandalism, and rife with drugs and vermin.\textsuperscript{52}

Of course, these depictions are myths and stereotypes; GDS have “no prismatic existence outside of how [they have] been fabricated, both in the sense of being brought into material reality and in the sense of being a socio-spatial invention” (p. 12). Overall, portrayals of GDS “form a composite representation of deficiency and dependency,” drawing on race, class, and space (p. 10). The stories associated with GDS in turn rationalize inequitable distributions of resources from and to them.

2. Severe Lack of Economic Opportunity

Globalization and deindustrialization over the past several decades have hit GDS particularly hard.\textsuperscript{53} From the mid-century, GDS residents dependent on manufacturing and extractive industries often recognized that their livelihoods were being traded out from under them and agitated against outsourcing, plant closures, and automation.\textsuperscript{54} But Republicans and Democrats alike reassured those who stood to lose out that measures to liberalize trade and push the economy in new directions would be worth it in the long run, and that blows to livelihoods would be offset.\textsuperscript{55}

The jobs have more or less not come back to GDS—at least, not in the quality or quantity that they once were:


\textsuperscript{55} Recognizing that facilitating outsourcing and the relocation of manufacturing plants overseas would hurt American workers, Congress has implemented “trade adjustment assistance” for the past several decades to provide offsetting benefits and training opportunities for workers hurt by liberalized trade. See 19 U.S.C. § 2271(a) (establishing a program for affected workers to apply for relief); Paul T. Decker & Walter Corson, International Trade and Worker Displacement: Evaluation of the Trade Adjustment Assistance Program, 48 INDUS. & LAB. RELS. REV. 758, 759–60 (1995) (summarizing the Trade Adjustment Assistance program). For many workers, though, this system of mitigation has not been enough. During a Senate debate over trade adjustment assistance reform in 2011, Senator Sherrod Brown of Ohio, noting that he had voted against the North American Free Trade Agreement (NAFTA), recalled “the promises, the promises from the free-trade-at-any-cost crowd, that NAFTA would create hundreds of thousands of jobs.” 157 CONG. REC. S5744–45 (daily ed. Sept. 20, 2011) (statement of Sen. Sherrod Brown). Observing the harms free trade had brought to mid-sized cities and small towns, Senator Brown condemned the convergence of left-wing and right-wing commentary insisting that free trade had “worked so well for our country” despite the loss of “these hundreds of thousands of jobs”—and declared that “[t]he United States of America practices trade according to an economics textbook that is 20 years out of date.” Id.
Rural restructuring has meant a loss of good blue-collar jobs and agriculture-based livelihoods as the new staples of rural economies, manufacturing and service jobs, have supplanted or replaced extractive industries. This has brought lower wages and diminution of other terms and conditions of employment, as well as greater economic stratification between the rich and poor.  

Economic restructuring combined with persistent racial segregation in cities has similarly concentrated structural joblessness in distressed, disproportionately Black urban neighborhoods.  

GDS experience higher rates of poverty and unemployment than non-GDS, and as such, people struggling to make a living become vulnerable to absorption into the carceral state. In Appalachian coal country, the unemployment rate is as high as 14% in some counties; in disadvantaged urban neighborhoods, the unemployment rate is as high as 14.6%. The national unemployment average as of this writing is 3.7%. In Appalachia, the poverty rate is as high as 41% in some places; in particularly distressed urban centers, the poverty rate is as high as 41%, with rates consistently higher for Black residents. The national poverty rate is 12.8%. The lack of economic opportunity in GDS makes residents less free by depriving them not only of sustenance but also of “the capacity and space to make meaningful economic choices” as a path to self-determination.

---

56. Pruitt & Showman, supra note 53, at 483–84 (footnote omitted).
3. Denial of Necessary Infrastructure

Challenges in GDS are often “driven by long-term patterns of disinvestment in core community institutions that provide the foundation for collective life.” 66 These “core community institutions” comprise services and systems that are usually considered “infrastructure.” Infrastructure is characterized by its importance to the public, its tendency to not be provided organically by the private sector, and, often, its centrality to downstream uses. 67 Common public or quasi-public institutions and services considered infrastructure include schools, hospitals, electricity, roads, transit systems, wastewater and drinking water treatment facilities, public safety resources, and civic centers. 68 Common services that might be provided by the private sector, but could nevertheless be considered infrastructure, include telecommunications systems, elder care facilities, daycare facilities, and grocery stores. 69

Infrastructure is important to thriving people and places in large part because it promotes freedom: freedom of movement, freedom to pursue economic opportunities, and freedom to be healthy, for example. 70 Yet, GDS share common trends in poor infrastructure quality and barriers to accessing infrastructure. Disadvantaged rural regions have “historically been marked by sub-standard infrastructure” 71 while disadvantaged urban neighborhoods “were intentionally and systematically disinvested over decades.” 72 GDS’ barriers to infrastructure institutions and services are often denoted with the shorthand, “desert.” GDS may be characterized as transportation/transit deserts, 73 food

---

70. Cf. Tyson, supra note 67, at 884 (linking investments in neighborhoods to residents’ ability to prevent their displacement, make a living, and influence decisions that affect them).
71. Pruitt & Showman, supra note 53, at 483.
72. Tyson, supra note 67, at 885.
deserts,74 healthcare/medical deserts,75 legal/justice deserts,76 broadband/internet/digital deserts,77 or school/education deserts.78

Of course, a “desert” tends to be a natural phenomenon, and the term’s allusion to natural landscapes can be misleading. There is nothing natural or inevitable about GDS’ barriers to infrastructure. GDS residents have often demanded better infrastructure, only to have it denied—in a fashion that might be justified by the narratives described above of social and spatial inferiority. Many infrastructure deserts can be traced back to a policy choice. Deregulatory trends starting in the 1970s, for instance, facilitated the withdrawal of a variety of services from rural regions, rendering rural access to transportation, telecommunications, and other infrastructural services more difficult.79 In cities, the policy of “benign neglect” meant that “working-class Black and Brown neighborhoods” were intentionally “starved of resources” for the latter half of the twentieth century.80 In short, policymakers deny GDS populations the resources and systems they need to survive and thrive, in turn making them less free.


79. Sitaraman, Ricks & Serkin, supra note 30.

80. See John Whitlow, Gentrification and Countermovement: The Right to Counsel and New York City’s Affordable Housing Crisis, 46 FORDHAM URB. L.J. 1081, 1095 n.64 (2019).
Labels of social and spatial inferiority, a severe lack of economic opportunity, and the denial of necessary infrastructure all work together to constrain GDS populations into a state of unfreedom. Even when “waste people” in “waste places” are not incarcerated, racial capitalism and the carceral state operate to confine them for the sake of inequality’s beneficiaries. This confinement operates in a cycle of deprivation and domination that eventually begins to seem self-rationalizing. The interconnectedness of GDS in unfreedom suggests both that freedom is denied even outside the cage, and that the fight for freedom transcends terrains often considered more distinct than alike.

C. Radical Imaginaries and the Prison of the Mind

According to Schept, racial capitalism and the carceral state do not operate only through physical, economic, and social constraints. They also work through psychological constraints, insisting that waste people in waste places have limited options aligned with capitalism’s aims. Various social, political, and physical conditions in Appalachia conspire to position prisons “as the commonsense form of economic development” (p. 149). Schept describes two prisons in Kentucky that withstood a tornado while the main street nearby was devastat ed. “The effect,” he explains, “was a feeling of the prisons’ permanence, a naturalization of their place in the landscape amidst the ruins of the town” (p. 4). Prisons are often presented in “a kind of redemption narrative . . . as the sole and rational choice” for a struggling area (p. 173).

In the face of this psychological conditioning, the sheer act of thinking creatively—challenging assumptions and contemplating alternatives—constitutes an act of radical reimagining, and therefore, an act of protest. And indeed, Schept observes that those caught up in carceral landscapes often have alternative intuitions and imaginaries, despite having been told explicitly and implicitly, time and again, that prisons were all they could ever hope for. Otter Creek, for example, did “not seem to capture the imaginations of people in Wheelright” (p. 147). One local resident proclaimed about the prison’s potential reopening, “I don’t care if you reopen it as a donut factory as long as there’s jobs in there!” (p. 149).

So, what is the path to breaking free of the prison of the mind—and the carceral geographies that fuel unfreedom both in and outside of literal cages? In Schept’s story, neither Republicans, Democrats, local elites, nor corporate

---

81. This discussion has not addressed a variety of other factors constraining GDS residents, and such an exploration would help illuminate urban-rural unfreedom in its universal and contextual contours. Policing, for example, demands obsequiousness, creates uncertainty, limits autonomy, and subjects people to violence and constraint as a precursor to incarceration. Policing is a clear factor in urban unfreedom and remains underexplored in rural contexts, although Schept’s work does touch on this theme. See Alysia Santo & R.G. Dunlop, “Shooting First and Asking Questions Later,” MARSHALL PROJECT (Aug. 13, 2021), https://www.themarshallproject.org/2021/08/13/shooting-first-and-asking-questions-later [perma.cc/4RHA-2U6W].
executives, with their complicity in mass incarceration, environmental de-
struction, and the wasting of people and places, are friends to the inner-city
resident or the mountaineer. No, members of the underclasses of the new in-
ner city and the old inner city are on their own. But their best bet may be, as
described in the account of the defeat of USP Letcher, if they opt to be on their
own together.

The type of social movement Schept convincingly describes as the possi-
ble way out of the “long, violent history” (p. 233) is characterized not only by
coalition-building and collaboration across race, place, and even time, but also
by an insistence on the mind’s freedom to imagine alternative futures that oth-
ers declare impossible. The coalition that defeated USP Letcher—a group led
by the Letcher Governance Project (LGP), formed by young people in 2015 to
oppose the prison (p. 208)—used all of these tools. Their strategy included
mobilizing comments during the National Environmental Policy Act (NEPA)
environmental review process to reveal falsehoods about prisons as purported
avenues to economic development. One particularly poignant comment stood
out as an example of insistence upon alternative imaginaries. A Philadelphia
pastor, who had “spent most of [his] life in rural areas,” said,

I know that prisons can create jobs. However, I also know from personal ex-
perience that prisons do not meaningfully address rural poverty, they pro-
vide some jobs . . . to a few people, but leave many people behind. I know that
community members in Eastern Kentucky have generated a list of programs
that would have a greater positive impact on the region, where the $444 mil-
lion set aside for the prison could be better put to use. Please consider some
of these alternatives:

- Build a cutting-edge community healing facility and needle ex-
change programs across the region
- Fund “maker spaces” for skill sharing, community training,
and re-tooling
- Organize participatory budgeting to drive civil engagement
and governing transparency
- Run fiber optic internet to homes and businesses to support
digital literacy and economic growth
- Grow local food economies by supporting farmers and
farmer’s markets
- Create an endowment for young people to run and use to in-
vest, keeping them there[.] (p. 215)

NEPA’s environmental review is central to the story of the defeat of USP
Letcher. But while NEPA proved a helpful tool in the struggle—as did the law-
yers who knew how to take advantage of it82—perhaps the most robust power

82. The lawyers that helped defeat USP Letcher might be described as engaged in “com-
unity lawyering,” in which lawyers act as partners “in collective ventures to change the world.”
came from the coalition itself learning from past struggles against coal and from urban struggles against policing. #our444million was inspired by an Atlanta youth movement called “10 Mil 4 Real?” in which local students succinctly expressed their incredulity that the Atlanta school district was planning to budget ten million dollars to fund additional police in schools instead of funding the schools themselves or educational resources like textbooks and musical instruments. The young, Black Atlanta organizers decided to “tell them all the ways they could spend those ten million dollars differently.” One of the Atlanta leaders then describes “these hillbillies from Appalachia” reaching out and saying, “That’s a really good idea. Let me tell you what we could do with all this money they’re about to spend on this federal prison” (p. 210).

Thus, in these instances of southern activism against subordination and for life-sustaining investments, conversations about public budgets were at the heart of both creative thinking and urban-rural coalition building. The movement to defund the police reflects a similar demand to restructure capital, by insisting that the capital used to fund the police be directed toward meaningful community revitalization. This demand also signals that police and prisons are not inevitable, boldly contradicting the dominant narratives of carceral logic.83

Schept is not alone in recognizing coalition building, radical solidarity, and social organizing as the pathway out that law by itself fails to provide and indeed, often works against. Schept illustrates law’s potential antagonism to justice in his account of the Surface Mining Coal and Reclamation Act facilitating the rise of mountaintop removal despite the law’s stated aims to mitigate coal mining’s hazards.84 Scholars of antisubordination argue that “[o]vercoming capitalist unfreedom is possible only through the profound transformation of capitalist social relations,”85 which requires “a multidimensional approach” that treats seemingly disparate rights as interconnected.86 With unionization


83. See Tyson, supra note 67, at 910; Amna A. Akbar, An Abolitionist Horizon for (Police) Reform, 108 CALIF. L. REV. 1781, 1785 (2020) (describing modern abolitionist movements as “an approach to reform rooted in hope rather than cynicism . . . demand[ing] that resources be withdrawn from [police and prisons] and redistributed elsewhere as part of a larger strategy of transforming the state and society”).

84. P. 87; Lienau, supra note 65, at 89 (acknowledging the “cross-cutting alliances that the contemporary moment requires”); Toussaint, supra note 28, at 396 (emphasizing the importance of “[b]road-based coalition building as a participatory democratic strategy to foster political equality”).


drives, mass protests, and growing threats to even more human and civil liberties, it is tempting to wonder whether the post-2020 world is ready for a new era of mobilization.\textsuperscript{87}

CONCLUSION

Some disparities between urban and rural communities are meaningful and worth discussing. In fact, “urban” and “rural” can be misleading designations, as they fail to distinguish between these respective localities’ elites and underclasses and the role of race and racism in regional subjugation. But not enough attention has been paid to the fact that exploited rural regions and urban neighborhoods—the new inner city and the old—share much in common; they are both treated as capitalism’s waste places, meant for waste people, where residents are kept unfree even when not in cages.

Schept’s \textit{Coal, Cages, Crisis} illuminates a critical part of this story. Appalachian carceral geographies and the transition from coal to cages reveal the depth and breadth of how racial capitalism and the carceral state work together to extract, exploit, and dispose of natural resources, people, and even hope. But power is not static; just like people, resources, and capital, it can flow across populations, space, and time. When the subordinated learn from each other and insist upon their worth and the worth of the places they call home, unfreedom’s hold starts to crack, letting light through the walls of the prison or the mineshaft.

\textsuperscript{87} Fisk, \textit{supra} note 7, at 686.