



BIROn - Birkbeck Institutional Research Online

Wells, Karen (2023) Theorizing 'Surplus Populations' in racial capitalism through juvenile justice. In: Balagopalan, S. and Wall, J. and Wells, Karen (eds.) *The Bloomsbury Handbook of Theories in Childhood Studies*. Bloomsbury Handbooks. London, UK: Bloomsbury, pp. 309-321. ISBN 9781350263840.

Downloaded from: <https://eprints.bbk.ac.uk/id/eprint/52842/>

Usage Guidelines:

Please refer to usage guidelines at <https://eprints.bbk.ac.uk/policies.html> or alternatively contact lib-eprints@bbk.ac.uk.

Chapter 23

Theorizing ‘Surplus Populations’ in Racial Capitalism through Juvenile Justice

Karen Wells

This chapter theorizes ‘surplus population’ and asks what this concept means for child welfare policy, focusing on juvenile justice. My argument is that ‘child welfare,’ regardless of whether it is framed through child rights, or child saving or a hybrid of these two, is animated by an ongoing preoccupation with cultivating and developing the productive capacities of children to ensure the development of a productive adult. Productive here simply means activity that adds value to privately owned capital. It does not mean: active, alive, creative, generative, dynamic, social, etc. When the imagined future of the child falls outside of the scope of a productive future and locates the child now and in the future as part of a surplus population, juvenile justice and other mechanisms of abandoning and containing children and exposing them to premature death are mobilized. Surplus population here is the corollary of productivity: it is that part of the population that is permanently surplus to the needs of capital and outside of the logic of productivity for capital. It does not, of course, mean that people are surplus for one another or that they are outside of community and family or that their lives are intrinsically useless or lack value. Surplus population is a concept specifically tied to how capitalism values life.

Liberal political theory rests on the premise that the purpose of human activity is to add value to what already exists, to transform nature in the first instance, and to keep developing the means of production to extract more value from the same resources. The importance of the legal architecture connected to the expansion of capitalism during European colonial rule was to enable the freedom to accumulate private property through the appropriation of land and labor and the concomitant shift of the organization of community from social to personal wealth. From colonization to the present day, liberal capitalism is

legitimated through the claim that it is a developmental force, that it energizes and activates what other modes of production have merely used. The aim of capital has been to ‘fill the earth and subdue it’ and, as Peter Harrison (2005) shows in his paper on biblical warrants for colonization in 17th century England, this task is rarely described as a simple wielding of power for the sake of profit but is soaked in religious significance. Liberal political theory is imbued with an almost moral, indeed often religiously sanctioned, repulsion towards unproductive land and unproductive human activity (where ‘unproductive’ means not leading to the private accumulation of capital on one scale or another). In my theorization of the significance of this for children and Childhood Studies, children’s rights and child saving are understood as being primarily intended to ensure the development of the productive forces of the child and to sort the imagined productive futures from the imagined unproductive or surplus futures.

While, in some sense, non-productivity is axiomatic of childhood, given the exclusion of modern childhood from the realm of economic and political life, a move that has been characterized as a shift from the (economically) useful to the (economically) useless but emotionally priceless child (Zelizer 1994), it is nonetheless the case that multiple fields of child policy (health, education, social work, juvenile justice) are directed either towards developing and improving the child in order to increase the likelihood that in adulthood they are productive and value productivity or towards abandonment, containment and premature death. Given that government acts at the level of population, this sorting of children into imagined futures of surplus to capital or productive for capital, is organized mostly at the level of population sub-groups, especially by race and disability. The imagination of non-productive futures renders some categories of children as always at risk and risky and subject to constant surveillance, containment and risk of premature death.

The theoretical frame that this chapter develops and applies to juvenile justice is taken from the Marxist concept of surplus populations. While the concept of surplus population (in the context of racial capitalism) has been used to explain the explosion of incarceration, especially of Black and Latinx populations in the USA (Gilmore 2007, Muller and Schrage 2021, Rehmann 2015, Wacquant 2009), it has not, as far as I am aware, been used to theorize child welfare policy. I show that the concept of surplus population explains the exposure of specific groups of people to premature death, abandonment and containment and I then apply these concepts to an account of the operation of the juvenile justice system in the US. In using juvenile justice which is recognised by many as being part of the carceral state as a paradigm case, I am gesturing towards a reading of the entire child welfare system as carceral. Indeed, the uneasy switch between juvenile justice as part of the criminal justice system and as part of child welfare which has marked its operation since its formation demands attention to the carceral aspects of child welfare (Case and Haines 2021). Other parts of the welfare system also lead to the containment and abandonment of children, including foster care, children's homes, and what are called in the UK, rather ironically, 'looked after' children. I conclude by arguing that the concept of surplus population and its associated concepts of abandonment, containment and premature death, can be applied to other fields of child welfare, whether framed as child saving or child rights, to show how these practices at the scale of the population cannot escape the logic of racial capitalism and its generation of surplus populations. Depressing as this claim is, I think it is important for Childhood Studies to acknowledge that childhood in the Global North is structured, just as adulthood is, by racial capitalism and that our efforts towards improving child welfare/child rights while necessary at an individual or community level, since to act otherwise is to further abandon children and to accept their containment, cannot be successful at a national/regional or global level. Increasingly, scholars are acknowledging that the problem for many people is

not that they are being exploited directly by capital, but that capital has no use for them (Bhattacharyya, G. 2018, Rajaram 2018, Veracini 2019); in a capitalist state in which people depend on selling their labor to be able meet the costs of social reproduction for themselves and their children, that is a terrifying prospect. We need to work towards a decentering of productivity as the rationale of life and development, for example by resisting the conceptualization of education as the development of human 'capital'. Juvenile Justice has already demonstrated its potential to be pushed in the direction of abolitionist politics (Case & Haines 2021, Washington et al 2021); a potential that could extend into the wider field of criminal justice and policing. Childhood Studies is well positioned to contribute to furthering this task because of our attention to children's lives as they are lived now, rather than only in terms of the impact of current policies on their adult futures.

Surplus Population

Why would capitalism, especially liberal capitalism, in which liberty and the right to private property is central to regimes of accumulation and which elevates productivity to a moral principle, want to take a part of the population and leave it to die, figuratively or literally? One answer is that capitalism produces, through the processes of primitive accumulation and technological development, a population that is larger than its future or current labor needs. Marx insisted that a relative surplus population (relative because it is not the absolute surplus population that Malthus theorized) is produced by and within capitalism and that it constitutes a reserve army of labor that is called into action when capital needs it and left to shift in various modes of precarity at other times. However, several commentators loosely connected to Marxist theorizing have also noted that increasingly capitalism creates a

surplus population that is not intended to be deployed as labor but simply contained, eliminated, or permanently excluded.

While contemporary theories of surplus population in the Global North connect surplus populations to technological development and therefore to a new global era of a declining demand for human labor on the part of capital (Klein 2008, Sassen 2014), Lorenzo Veracini (2019) argues that this is not a new phenomenon, but a structure derived from and enacted by settler colonialism. He notes that “Marx saw the creation of a waged labor force as a necessary precondition of capital accumulation ... but indigenous peoples under settler colonialism are typically forced onto reservations, not into selling their labor; their labor remains a secondary consideration” (124).

Similarly, Kalyan Sanyal argues that while capitalism, including postcolonial capitalism, produces a reserve army of labor, it is also incapable of absorbing all the population that is theoretically available as free labor following primitive accumulation. In his seminal text *Rethinking Capitalist Development* Sanyal addressed the question of how the process of primitive accumulation generated not only a reserve army of labor but also this surplus population, produced by but remaining outside of capital, which was absorbed by migration and conflict through much of the 18th and 19th centuries. In the foreword to Sanyal's book Partha Chatterjee notes that ‘within its strictly economic logic, this surplus population, unlike the reserve army of labor, was outside the domain of capital. Capital literally had no need for it and could not care less about its outcome’ (xi). In the political context of the postcolonial state, which cannot afford the total disregard for the surplus population that colonial states deployed, the informal economy should be seen as a subsistence economy ‘outside of the domain of capital’ (xii) rather than, as other scholars have conceptualized it, a domain articulated with and necessary to capitalism. This subsistence economy is different to the subsistence economy of peasant agriculture and is

what Sanyal conceptualizes as a 'need economy' of petty commodity producers. For Sanyal, this is a specific character of postcolonial capitalism, which does not include the settler colonialism of the type manifested in the white settler states of the USA, Australia, New Zealand, and Canada, or the creole states of Latin America. However, we can see that in the USA at least, this same phenomenon also exists of a significant part of the population being permanently excess to the needs of capital and thrown back on their own resources and only in contact with the state through the state's disciplinary mode.

Bhattacharyya connects the existence of this surplus population to necropolitics and, like Sanyal and Chatterjee, distinguishes between a reserve army of labor that capital produces and intermittently deploys and a surplus population. She argues that "most inhabitants of the necropolis do not serve as a reserve army of labour for the biopolis because they are not available for such work, are not sufficiently mobile and, most importantly of all, because the economies of the biopolis are not expanding in a manner that requires or desires such supplies of cheapened but hard to access labour." (Bhattacharyya 2018:12, emphasis added). For Bhattacharyya, racial capitalism does not only expropriate the land and labour of a racialized working class and exploit it, but it also expels populations from the 'possibilities of exploitation and of expropriation' (2018:17) rendering them surplus and without utility.

Premature death

Scholars have argued that exposure to premature death is a fact of life for Black people living under racial capitalism. Exposure to premature death is a consequence of how surplus populations are spatialised and racialised and these in turn are linked to the concepts of abandonment (Woods 2017, 267 - 279) and containment (Gilmore 1999). To be part of a surplus population is to be "rendered disposable, wasted, or precarious" (Tyner 2013:703).

Rarely does the research on surplus populations specifically consider what it means to be a child within a surplus population (for an exception see Cowen and Siciliano (2011)). While premature death has primarily been used to describe the real, material effects of racism on Black lives in the USA, it can also be used to think about the exposure of people with disabilities to premature death, including disabled children and, more controversially, of children who would be disabled if they were born (e.g., children with down syndrome). To be clear, it is not my intention to suggest here that women's right to abort fetuses should be in any way reduced, or to argue for the right to birth of fetuses who have been identified through ultrasound, genetic testing, or other techniques to have a high probability of being born with a disability. Rather, my point is to ask why it has become axiomatic that some disabilities are presumed to make life not worth living to the extent that most pregnant women will come under intense pressure to abort a fetus who would become a baby born with down syndrome; in other words, to ask how does 'worth' enter the calculation of the value of life under racial capitalism?

Tania Li claims that to 'let die', in Foucault's formulation of state practice under biopolitical government is, if not a deliberate strategy, then a simple, unavoidable fact for capital and the institutions that enable capitalist development. While to 'let die' was always an outcome of colonial policies, the indifference to the premature death of sections of the population continued into contemporary development regimes. She cites the fact that following the implementation of Structural Adjustment Programs in the period 1990 – 2003 that dispossessed the poor of land while removing social protections, '21 countries experienced a decline in the Human Development Index, which includes factors such as life expectancy and infant mortality (Li 2010:80 citing UNDP (United Nations Development Program) 2003). Li also suggests, somewhat against Foucault's argument, that a politics of 'making live' emerged from social struggles by myriad forces who first demanded and then

came to expect welfare entitlements. While her suggestion that a politics of 'letting die' can be resisted in specific social conjunctions is an important one, Foucault's theory of bio-politics claims that being included in the population whose health and welfare will be augmented and cultivated (make live) is divided from those (the non-population) who will be 'let die' by the cut/caesura of race(ism). People can struggle to have this redefined and move themselves, individually or as a collective into who gets included as part of the population, but it is not their struggle for life that produces the biopolitical as a mode of government (Wells 2011).

Foucault's comments on race as the 'caesura' or cut in the population that divides those who will be given life from those who will be left to die are very brief. Indeed, in his account, the emergence of the modern idea of race, one that stratifies the population, is brought into existence by European fascism/antisemitism. Most theorists of race, especially of Empire and slavery, would agree that the 'cut' between those who live and those who are left to die is racialized, but would place the modern idea of race much earlier, either to the early European empires in the Americas or to transatlantic slavery or to the defeat of Black reconstruction after the Civil War (Fields 2014). Indeed, Cedric Robinson (1983) insists that the concept of race already structured government in Europe prior to the Atlantic Slave trade and that European colonizers/enslavers activated these discourses in their instantiation of anti-Black racism and acceptance of premature death for Africans. While Robinson's claim may seem transhistorical and therefore difficult to square with his Marxist analysis, I think the point he is making is not that the racism that structured colonialism and transatlantic slavery is the same racism that structured European antisemitism or anti-Slavism prior to transatlantic slavery, but that the idea of race, of a differential structuring of the human population, was already in play in the European socio-political imaginary in a way that it was not, for example, in Africa. A fully-fledged system of race-based power built on these early

modern social imaginaries but it was the accumulation of private property and the inequalities these practices inscribed that produced race as a system of classification and naturalization of systematically produced inequalities, dispossessed people of their land through various legal fictions of non-productivity and empty-ness tied to emergent concepts of race and indigeneity and connected the freedom to accumulate in the Americas to 'whiteness'.

Robinson's analysis notwithstanding, the term 'racial capitalism' generally insists that the structuring of a population into races and through this process the exclusion of Black people from (political and economic) freedom is a historical, empirical fact and may be either a necessary or a contingent feature of capitalism. This claim may seem tautological, because if race is defined as a social fact produced through practices of racialization and only loosely, if at all, connected with superficial physiological differences between humans, then all exclusionary stratification, especially those exclusions that are spatialized, can be regarded as producing a racialized population. Tautological or not, the concept of race is useful to capture how government broadly categorizes some people as being part of the population (and therefore made to live) and others as not part of the population and can be left to die.

Juvenile Incarceration and the Governance of Surplus Child Populations

Child welfare policy is a technique of government. Which children get to be identified as at risk is itself a political question underpinned by economic structures. In the context of racial capitalism and the generation of surplus populations that are excess to capital's needs and that subsist outside of capital but within capitalist formations, how is the governance of children's welfare managed?

Children's separation from or non-availability to labor markets in the Global North does not render children as a surplus population as it does for other categories of people. The

focus of government activity is towards the development of children as a future productive force. This is neatly embedded in the idea of education as the formation of human capital. One of the main roles of government in relation to children in capitalist economies is to prepare them to become capital. As Marx puts it in the Economic and Philosophical Manuscripts ‘the *worker* has the misfortune to be a *living* capital’ (2011 [1844]). The child is in preparation for becoming capital. However, although a child is not, or not yet, part of a surplus population, already in the life of the child, governance has started to project an imagined future for the child based on whether or not the child belongs to those categories of people who form surplus population(s). It is important to emphasize that some differentiation between children and the populations of which they are a part is both possible and common. Indeed, as we know, much of child welfare has precisely aimed at separating children from the (surplus) populations that they can claim membership of in order to increase the likelihood that they will become human capital.

Conversely, it is not only the children of surplus populations who encounter the law, although they do so disproportionately. But when children encounter the law, their contact will be determined by the presumption, not of innocence, but of future (non)-productivity related to the racialized construction of surplus populations. It is for this reason that, juvenile incarceration rates and child protection removals/placements are significantly higher for black children in the US than for white children and Latino children; it is why juvenile incarceration, far from delivering a welfare response, is punitive, violent, and abusive and why death by suicide is higher for law-connected youth and especially young detainees than for the general youth population.

In the following sections I show that children’s experiences in the juvenile justice system align with those of adults in the adult system and more generally with the governance of surplus populations who are left to die.

Premature death

Children and young people who are involved with the legal system are channeled through that system in different ways that are racialized and spatialized. Black and Latino/a youth are more likely to be referred out of juvenile justice to adult adjudication and even if they stay in juvenile justice are more likely to be detained. Once in prison they are exposed to premature death, through violence from other detained youth and from officers and death by suicide. Those who manage to stay alive in the juvenile justice system are still likely to die at younger ages in adulthood than their peers. Incarcerated youth are at a much higher risk of suicidal ideation than other youth. Gallagher and Dobrin 2006 found that the risk of death in juvenile justice facilities is 7.8% higher than those in the general population and that the 'risk of suicide for young people in juvenile justice facilities is nearly three times greater than the rate for the general population of adolescents' (664) . The annual suicide rate for young people in juvenile justice facilities is 21.9 per 100,000, while for the general population it is 7.9 per 100,000. Stokes et al (2015) found that that 'youth who are more deeply involved in the juvenile justice system have higher prevalence rates of suicidal ideation and behavior' (p.7). Similarly, Wasserman et al (2010) found that 'Rates of affective, anxiety, disruptive and substance use disorder, recent and lifetime suicidal attempts as well as rates of comorbidity increased as a youth moved from intake to detention to post adjudication commitment' (cited in Scott, Underwood and Lamis 2015: 519).

Abandonment

Nowhere is the gap between the architecture of international and national law and policy on juvenile justice and its practice (Goldson and Muncie 2012) wider than in the conditions of detention in which children in conflict with the law are held. Some of the worst violators of human rights are the private providers of detention facilities. There has been a reversal in incarceration rates for juveniles in the US and a diversion to other forms of detention and to secure care homes. Some of these detention facilities are run by private firms who profit significantly from the state's right to deprive children of their liberty. Florida privatized its entire juvenile commitment system at a cost of \$183 million contracting it out to International Youth Services (IYS). In 2016 IYS surrendered its contracts with Florida state to avoid having to defend itself against a lawsuit for document fraud. The use of private detention for youth by state varies substantially from less than 14.5 per cent to between two-fifths and two-thirds of facilities in seven states. And about one in three juveniles are in privately-run facilities.

There are many examples of the violation of children's rights in private detention that could be cited. The abuse at a facility managed by the international firm GEO is cited here as a case study that is typical of the kinds of violations that children are subjected to in detention. Other international firms in the business of detention include GS4, Sodexo, Serco and MTC, all of whom have been involved in similar cases.

GEO held the contract for the management of Walnut Grove Youth Correctional Facility. Walnut Grove was a 1,500-bed prison for boys and young men aged 13 – 22 years in the custody of the Mississippi Department of Corrections (MDOC). It opened in March 2001 for the incarceration of boys and young men who were convicted as adults in criminal court. Between May 2001 and March 2010, the population tripled from 350 to 1200 adolescents, of which 20 per cent were white and 79 percent were black, reflecting racial disparities in sentencing that have been a consistent feature of juvenile justice in the US and again

substantiates the claims of surplus population theory under racial capitalism that surplus populations are racialised and spatialized.

Walnut Grove was investigated from 2010 - 2012 by the US Department of Justice for its infringement of the constitutional rights of youth. They found that youth were subjected to sexual abuse, and excessive force by staff. That peer-violence and suicide risk were ignored, and that staff were employed who were known to have gang affiliations. The DOJ reported that ‘The sexual misconduct we found was among the worst that we have seen in any facility anywhere in the nation’ (1). Despite this finding GEO continues to be in the business of incarceration, including of youth. That a court can find a firm guilty of allowing or enabling extreme sexual misconduct against youth without the firm suffering fatal reputational damage is indicative, I am suggesting, of the extent to which children in the juvenile justice/welfare system are abandoned and contained because their families are governed as part of surplus populations.

Walnut Grove was also the subject of a class action lawsuit by the Southern Poverty Law Center (SPLC) together with the ACLU and civil rights attorney Robert McDuff. They sued the Mississippi Department of Corrections in November 2010, ‘alleging a culture of violence and corruption that endangered youths’. This included guards not intervening in and in fact actively enabling fights between prisoners. Youth were held in solitary confinement. Children and teenagers were detained on the same wards as older inmates (up to 22 years). Sexual abuse was common, including rapes by inmates of other inmates, and sexual exploitation by prison staff. U.S. District Judge Carlton Reeves wrote that GEO Group Inc., “has allowed a cesspool of unconstitutional and inhuman acts and conditions to germinate.”

Despite the US DoJ report and the comment of U.S. District Judge Reeves on the conditions in which youth were held, GEO continues to manage youth detention and other youth facilities. GEO’s youth and family services group, Abraxas (acquired from Cornell

Corrections in 2010) runs 12 residential and 7 non-residential facilities in the USA with 1,267 beds (GEO 2017).. One of these facilities, Hector Garza Residential Treatment Center in San Antonio, Austin, Texas can house up to 139 children between the ages of 10 and 17 "who are experiencing emotional, behavioral, psychological, educational, and social problems". Some of these youth are in care and others have been referred through the juvenile justice system. In 2019 a 15 year old girl died by suicide at the institution. In the previous 3 years it had been cited 49 times for violating state standards. Hector Garza is part of Texas's foster care system, which was the subject of a class action lawsuit in 2011. In 2015 a federal judge ruled the system unconstitutional finding children "almost uniformly leave state custody more damaged than when they entered" Another GEO - Abraxas facility in Pennsylvania was responsible for 45 per cent of citations in the reviewed facilities in research conducted by the Pennsylvania Children's Rights Education Law Center.

Containment

The US is a carceral state. Despite falling rates of arrest and detention, it has the highest incarceration rate and the highest number of incarcerated people in the world (Gramlich 2021). Incarceration of juveniles in the US has decreased in recent years, but it remains exceptionally high in comparison to global rates of youth detention and incarceration (Wells 2021, 176). Detention is also disproportionately used against youth of color (Fader et al 2014), even after controlling for the effects on sentencing decisions of neighborhood disadvantage (Rodriguez 2013). In one state, Michigan, youth of color (Black, Latino, Asian, American Indian) are 30 percent of the population, yet they make up 70 percent of the youth in the justice system. Most children in the juvenile justice system are boys, but rates of detention for girls of color are increasing rapidly, and most are detained for status and

nonviolent offenses. As youth are moved deeper into the system the rates of racial disparity increase. Nationally, black youth are five times more likely and Latino youth twice as likely to be incarcerated as white youth (Weemhoff and Smith 2020:32). Despite significant reductions in youth detention in the US in recent years, racial disparity in incarceration and arrest rates have increased by 15 percent nationally and in Michigan the gap between incarceration for black and white youth has risen by 73 percent over the last decade (2010 to 2020) (Weemhoff and Smith 2020, 32). In the decade 2003 to 2013, over 20,000 youth under age eighteen were convicted as adults in Michigan State, with over half of them incarcerated in adult jails or prisons. Michigan is one of four states that automatically treats seventeen-year old offenders as adults. The majority of those convicted were detained for non-violent offenses. Nearly two thirds of them (59 per cent) were Black, although Black people are only 18 percent of the total youth population. Black youth were both more likely than whites to be incarcerated for similar offenses and less likely to be given probation, fines or community service (Weemhoff and Smith 2020, 45; Weemhoff and Staley 2014).

The disproportionate response to Black youth and white youth has been in place since the introduction of the juvenile justice system in the US. It is important to remember that the development of a separate system of law enforcement for children was developed in order to offer children a welfare response to their violations rather than punishing them (Wells 2021: 163 – 166). Racialized from the outset, Black children were overrepresented in the early juvenile courts, were detained for longer periods than white children and ‘were prohibited from rehabilitative services that were accessible only to white youth’ (Weemhoff and Smith 2020:32) and most of the Black youth incarcerated in the early years of the juvenile justice-welfare system were placed in adult prisons for nonviolent offenses and given adult punishment including working in chain gangs and on penal farms (Ward 2012).

This racial disparity has continued to characterize juvenile justice in the US and was further entrenched by reforms of the Juvenile Justice and Delinquency Prevention Act (JJDP)1974. The Act moved juvenile justice administration from the Department of Health, Education, and Welfare (HEW) to the Department of Justice except for youth or who were ‘acting out’ or ‘troublesome’ who continued to be diverted to HEW. Social welfare and juvenile justice were treated as separate arms of the federal government even though the stated purpose and justification for a separate justice system for juveniles is that it is a welfare system. The social welfare arm then treated white and middle-income youth. Policymakers ‘associated the category of “delinquency” in general and “serious juvenile offenders” in particular with racially marginalized youth. For “hard-core delinquents” and “potential delinquents,” the 1974 act expanded the formal system of juvenile detention. The policy effectively criminalized black children and teenagers and decriminalized white youth’ (Hinton 2016:222).

White girls are more likely to be referred for welfare services and to have their offenses attributed to low self-esteem or abandonment, whereas the offenses of girls of color are more likely to be attributed to lifestyle choices. Consequently, African American girls are far less likely than white girls to have their cases dismissed and they make up nearly half of those in secure detention (American Bar Association and National Bar Association 2001). Even though white girls are two-thirds (65 per cent) of the at-risk population and African American girls make up only 18 percent of New York’s youth population, 54 percent of girls sent to New York’s juvenile facilities are African American (Chesney-Lind and Irwin 2008:172).

Conclusion

The news footage of police violence in predominately Black neighborhoods after the murder of teenager Michael Brown in Ferguson and the murder of George Floyd in Minneapolis was shocking for many reasons. Not the least of these was witnessing how the police behaved like an occupying force in working-class African American neighborhoods. At the time I was also reading reports of inquiries into the juvenile justice system in the US for the third edition of *Childhood in a Global Perspective* (Wells 2021). Here also it was evident that children, especially African American children, who were supposed to be in a protective, welfare-oriented system, were in fact in a brutal and coercive system that abandoned them to both state and private institutions where they were contained and often exposed to premature death. Of course, scholars and activists have been saying this for generations. Yet, for me the puzzle that remained was why capitalism, a system based on the constant development of productive forces for the extraction of private profit, would simply abandon a population, spatially contain them, and expose them to premature death.

Foucault's biopolitics offered some explanation. Foucault had argued that the shift from sovereignty to bio-politics occurs because the economic underpinnings of the state shift from a zero-sum game of extraction of resources to an ever-expanding process of developing economic resources, including human beings. In this shift, the target of government becomes the increase in the health and welfare of the population. Consequently, the question of who is 'the population' becomes increasingly important for how the state acts. For Foucault, as mentioned above, 'race' is the concept that government deploys to separate the population who will be made to live from the non-population who will be let die. Race, in this account, is an extremely labile concept. Sometimes it means religion, sometimes it means nationality/citizenship, sometimes it means skin color, sometimes it means diaspora and sometimes it means formerly colonized.

Foucault's account, however, simply describes what has happened to the state and government following the shift from mercantile capitalism to industrial and finance capitalism. It still does not explain why government in an era of ever-expanding economic growth would simply contain and abandon parts of the population and expose them to premature death. For Afro-pessimists the answer is that liberal capitalism cannot escape its roots in slavery and colonialism, that it was, is and always will be structured by anti-Black racism. However, we know that capitalism itself is not a moral force, it has no inherent antagonism to any group other than the working class and even the working class it wants to yoke to its project of a constant expansion of productive forces for the accumulation of private profit.

I began to think about productivity as a concept and to consider how the premature death of children with intellectual disability is accepted and how a discourse of eradicating people with Down Syndrome, the major genetic cause of intellectual disability, has become acceptable, even morally desirable. This exists alongside a significant expenditure of resources on identifying, eradicating and managing autism, ADHD and other communicative, intellectual and behavioral disabilities. I considered if the governance of juvenile justice and childhood disability, indeed of child social policy more broadly, could be considered through the lens of the management of productivity. This took me to the concept of surplus population in the Marxist sense, a population surplus to the needs of capital and generated by the processes of capital, what is usually glossed as a 'reserve army of labor'. But what if the technological development of capitalism has created a population that it neither needs nor wants? This is a different meaning of surplus, and it is present in most accounts of racial capitalism but especially in abolitionist theory as it seeks to account for the mass incarceration of racialized populations in the US.

It is this concept of surplus population within a theory of racial capitalism that answers the puzzle of why capitalism spatializes inequality and organizes people into population groups that are then broadly sorted into those who are imagined as having productive futures and those who are not; those who are considered *the* population, and those who are surplus. Who gets to be that surplus population depends on socio-political imaginaries, that were external to and were then mobilized by capitalism. Robinson's argument that transatlantic slavery and colonialism mobilized race discourses that had long circulated in the European social imaginary can then be seen not as a transhistorical affirmation of the existence of race but as an explanation for how such a superficial and erroneous claim, that our species consists of distinct races with distinct capacities, has been sustained and continues to sustain the organization of political economy and society.

If this analysis is correct then the spatial and racialized distribution of surplus populations will be a constant and expanding characteristic of contemporary capitalist governance, regardless of the political form (liberal, authoritarian, fascist) that it otherwise takes. What does that mean for children and for theories of childhood? Firstly, it does not mean that all children in populations marked as 'surplus' will themselves join that surplus population as adults. Individuals do and will escape such marking through personal solutions enabled by various other practices, events and people and their own resources, capacities and dispositions. Indeed, it is the success of some individuals from otherwise marked as surplus populations that enables liberal capitalist governments to continue to assert that it is character not group membership that determines life chances. The majority of Black children in the US will not enter the child welfare system. In 2019 the detention rate for Black children in the US was 114 per 100,000 children. Less than 500,000 children are in foster care but the

majority that are were taken into care because of neglect, itself often a proxy for poverty¹ My point, rather, is that the child welfare system is a system of containment, abandonment and exposure to premature death of the children of surplus populations in the US, and not an exercise in securing the best interests of the child. I could have examined less spectacular and more general forms of containment, abandonment and exposure to premature death of the children of surplus populations that are spatialized and racialized, for example poor housing, inadequate schools, food insecurity and water pollution (Wells 2018: 67 – 80). I focused on juvenile justice because it is one of the points at which the claims that governance of children is done in their best interests and in ways that treat children as always a developing potential are most visibly and brutally at odds with the actual practice of child social policy. Like all brutal policing it also produces a disciplinary effect on the population it threatens. But I also focused on juvenile justice because scholars and activists have secured in that field some gains that are suggestive for how Childhood Studies can contribute theory for political struggle. In contrast to the criminal justice system, juvenile justice has secured decreases in detention and developed forms of restorative and community justice that if extended to adult populations could contribute meaningfully to the argument for abolition. Juvenile justice as a field also makes it clear that children are as in need of protection from the arbitrary actions of the state and government as much as adults are. The representation of the state as the paternal benefactor and provider of last resort of children's welfare led to children being less protected from the state than adults are, and in the US a series of legal challenges, starting with *Re Gault* (Wells 2021, 165 – 7, 171 –2) has gradually extended the right of children to due process and the presumption of innocence that is now embedded in international guidelines.

¹ See <https://datacenter.kidscount.org>,
<https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>,
<https://www.childrensdefense.org/state-of-americas-children/soac-2021-child-welfare/>.

More generally, the concept of surplus populations and the recognition that increasing numbers of people are being marked as in excess of capital's needs, makes it necessary to think about and advocate towards a future in which worth is not evaluated according to what capital can successfully develop and capture surplus value from. Childhood Studies attention on the child's present and on the child as an active socio-cultural figure in the present rather than a developing potential for the future means that Childhood Studies scholars have many theoretical and empirical resources to bring to such a reimagining.

References

Bhattacharyya, Gargi. 2018. *Rethinking Racial Capitalism: Questions of Reproduction and Survival*. 1st ed. Cultural Studies and Marxism. London: Rowman & Littlefield International.

Case, Stephen, and Kevin Haines. 2021. 'Abolishing Youth Justice Systems: Children First, Offenders Nowhere'. *Youth Justice* 21 (1): 3–17.

<https://doi.org/10.1177/1473225419898754>.

Chesney-Lind, Meda, and Katherine Irwin. 2008. *Beyond Bad Girls: Gender, Violence and Hype*. New York: Routledge.

Cowen, Deborah, And Amy Siciliano. 2011. 'Schooled In/Security': In *Accumulating Insecurity Violence and Dispossession in the Making of Everyday Life*, Edited By Shelley Feldman, Charles Geisler, And Gayatri A. Menon, 104–21.. University of Georgia Press.

<http://www.jstor.org/stable/j.ctt46nfj0.8>.

Fader, Jamie J., Megan C. Kurlychek, and Kirstin A. Morgan. 2014. 'The Color of Juvenile Justice: Racial Disparities in Dispositional Decisions'. *Social Science Research* 44 (March): 126–40. <https://doi.org/10.1016/j.ssresearch.2013.11.006>.

Fields, Karen E., and Barbara Jeanne Fields. 2014. *Racecraft: The Soul of Inequality in American Life*. London: Verso.

Gallagher, C, and A Dobrin. 2006. 'Deaths in Juvenile Justice Residential Facilities'. *Journal of Adolescent Health* 38 (6): 662–68.

<https://doi.org/10.1016/j.jadohealth.2005.01.002>.

GEO. 2017. 'GEO Annual Report 2017'.

http://www.annualreports.com/HostedData/AnnualReportArchive/t/NYSE_GEO_2017.pdf.

Gilmore, Ruth Wilson. 1999. 'Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism'. *Race & Class* 40 (2–3): 171–88.

<https://doi.org/10.1177/030639689904000212>.

———. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. American Crossroads 21. Berkeley: University of California Press.

Goldson, Barry, and John Muncie. 2012. 'Towards a Global "Child Friendly" Juvenile Justice?' *International Journal of Law, Crime and Justice* 40 (1): 47–64.

<https://doi.org/10.1016/j.ijlcrj.2011.09.004>.

Gramlich, John. 2021. 'America's Incarceration Rate Falls to Lowest Level since 1995'. Pew Research Center.

<https://www.pewresearch.org/fact-tank/2021/08/16/americas-incarceration-rate-lowest-since-1995/>.

Harrison, Peter. 2005. "'Fill the Earth and Subdue It": Biblical Warrants for Colonization in Seventeenth Century England'. *Journal of Religious History* 29 (1): 3–24.

<https://doi.org/10.1111/j.1467-9809.2005.00258.x>.

Hinton, Elizabeth. 2016. 'Juvenile Injustice'. In *From the War on Poverty to the War on Crime, The Making of Mass Incarceration in America*. 218–49. Harvard University Press.

<http://www.jstor.org/stable/j.ctvj2w72.9>.

Klein, Naomi. 2008. *The Shock Doctrine: The Rise of Disaster Capitalism*. London: Penguin Books.

Li, Tania Murray. 2010. 'To Make Live or Let Die Rural Dispossession and the Protection of Surplus Populations'. *Antipode* 41 (s1): 66–93.

<https://doi.org/10.1111/j.1467-8330.2009.00717.x>.

Marx, Karl. 2011. *Economic and Philosophic Manuscripts of 1844*. Blacksburg, Va.: Wilder Publications.

Muller, Christopher, and Daniel Schrage. 2021. 'The Political Economy of Incarceration in the Cotton South, 1910–1925'. *American Journal of Sociology* 127 (3): 828–66. <https://doi.org/10.1086/718045>.

Rajaram, Prem Kumar. 2018. 'Refugees as Surplus Population: Race, Migration and Capitalist Value Regimes'. *New Political Economy* 23 (5): 627–39.

<https://doi.org/10.1080/13563467.2017.1417372>.

Rehmann, Jan. 2015. 'Hypercarceration: A Neoliberal Response to "Surplus Population"'. *Rethinking Marxism* 27 (2): 303–11.

<https://doi.org/10.1080/08935696.2015.1007790>.

Robinson, Cedric J. 1983. *Black Marxism: The Making of the Black Radical Tradition*. London : Totowa, N.J: Zed ; Biblio Distribution Center.

<https://libcom.org/files/Black%20Marxism-Cedric%20J.%20Robinson.pdf>.

Rodriguez, Nancy. 2013. 'Concentrated Disadvantage and the Incarceration of Youth: Examining How Context Affects Juvenile Justice'. *Journal of Research in Crime and Delinquency* 50 (2): 189–215.

Sanyal, Kalyan. 2014. *Rethinking Capitalist Development: Primitive Accumulation, Governmentality & Post-Colonial Capitalism*. 1. paperback ed. London: Routledge.

Sassen, Saskia. 2014. *Expulsions: Brutality and Complexity in the Global Economy*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press.

Scott, Michelle, Maureen Underwood, and Dorian A. Lamis. 2015. 'Suicide and Related-Behavior Among Youth Involved in the Juvenile Justice System'. *Child and Adolescent Social Work Journal* 32 (6): 517–27. <https://doi.org/10.1007/s10560-015-0390-8>.

Stokes, Marquita L., Kathleen P. McCoy, Karen M. Abram, Gayle R. Byck, and Linda A. Teplin. 2015. 'Suicidal Ideation and Behavior in Youth in the Juvenile Justice System: A Review of the Literature'. *Journal of Correctional Health Care* 21 (3): 222–42. <https://doi.org/10.1177/10783458155587001>.

Tyner, James A. 2013. 'Population Geography I: Surplus Populations'. *Progress in Human Geography* 37 (5): 701–11. <https://doi.org/10.1177/0309132512473924>.

Veracini, Lorenzo. 2019. 'Containment, Elimination, Endogeneity: Settler Colonialism in the Global Present'. *Rethinking Marxism* 31 (1): 118–40. <https://doi.org/10.1080/08935696.2019.1577611>.

Wacquant, Loïc J. D. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Politics, History, and Culture. Durham [NC]: Duke University Press.

Ward, Geoff K. 2012. *The Black Child-Savers: Racial Democracy and Juvenile Justice*. Chicago: The University of Chicago Press.

Washington, Durrell M., Toyon Harper, Alizé B. Hill, and Lester J. Kern. 2021. 'Achieving Juvenile Justice through Abolition: A Critical Review of Social Work's Role in Shaping the Juvenile Legal System and Steps toward Achieving an Antiracist Future'. *Social Sciences (Basel)* 10 (6): 211. <https://doi.org/10.3390/socsci10060211>.

Wasserman, Gail A., Larkin S. McReynolds, Craig S. Schwalbe, Joseph M. Keating, and Shane A. Jones. 2010. 'Psychiatric Disorder, Comorbidity, and Suicidal Behavior in

Juvenile Justice Youth'. *Criminal Justice and Behavior* 37 (12): 1361–76.

<https://doi.org/10.1177/0093854810382751>.

Weemhoff, M, and K Staley. 2014. 'Youth Behind Bars: Examining the Impact of Prosecuting and Incarcerating Kids in Michigan's Criminal Justice System.' Lansing, Michigan: Michigan Department of Corrections.

Weemhoff, Michelle, and Jason Smith. 2020. 'Youth of Color and Michigan's Juvenile Justice System'. In *Incarceration and Race in Michigan*, edited by Lynn Orilla Scott and Curtis Stokes, 31–58. Grounding the National Debate in State Practice. Michigan State University Press. <http://www.jstor.org/stable/10.14321/j.ctvq2vzv6.7>.

Wells, Karen. 2011. 'The Politics of Life: Governing Childhood'. *Global Studies of Childhood* 1 (1): 15–25. <https://doi.org/10.2304/gsch.2011.1.1.15>.

———. 2018. *Childhood Studies Making Young Subjects*. Cambridge, UK; Malden, MA, USA: Polity.

———. 2021. *Childhood in a Global Perspective*. 3rd edition. Cambridge, UK ; Medford, MA: Polity.

Woods, Clyde A. 2017. *Development Drowned and Reborn: The Blues and Bourbon Restorations in Post-Katrina New Orleans*. Geographies of Social Justice and Social Transformation 35. Athens, GA: University of Georgia Press.

Zelizer, Viviana A. Rotman. 1994. *Pricing the Priceless Child: The Changing Social Value of Children*. Princeton, N.J: Princeton University Press.