OPEN PEER REVIEW

Legal Infrastructures of Mass Incarceration: Political Economy and Penal Expansion

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1. Round 1

1.1. Reviewer 1

Reviewer:

You mention, "Sources published between 2021 and 2025 have been selected…" — it would strengthen transparency and replicability to briefly state how many sources were ultimately included and categorized (e.g., number of journal articles, legal cases, etc.).

The reference to "governance through crime" is important but underdeveloped. A short explanation or citation of Jonathan Simon's seminal work would help situate this concept more clearly for unfamiliar readers.

When stating "Critical legal studies challenge the assumption that law is autonomous and apolitical…", the claim would benefit from one or two citations from foundational CLS scholars (e.g., Duncan Kennedy or Roberto Unger) to lend historical depth.

You write, "These dynamics illustrate how legislative and administrative legal frameworks not only authorize punishment but also generate economic incentives…" — this would be more impactful with a short example of such a clause (e.g., a state's contract mandating 90% bed occupancy).

The claim "plea bargaining… renders due process largely symbolic" is provocative and should be supported with a citation and perhaps a statistic (e.g., percentage of federal criminal convictions via plea deals).

In "Judges, probation officers, and parole boards exercise significant authority…", consider elaborating on how judicial training or prosecutorial discretion may further shape these decisions.

The mention of civil asset forfeiture and immigration law as "civil-criminal entanglements" is well-placed but would benefit from a short example or reference to landmark legislation (e.g., Immigration and Nationality Act).

Authors revised the manuscript and uploaded the document.

1.2.   Reviewer 2

Reviewer:

The description of inclusion criteria is robust, but the sentence "works that were not available in English…" could be clarified. If the focus is exclusively U.S.-centric, this exclusion makes sense; otherwise, it may be limiting given valuable comparative studies in other languages.

The statement "Legal infrastructure also encompasses informal practices…" is theoretically rich. Consider briefly giving a concrete example (e.g., stop-and-frisk policing) to clarify the concept for interdisciplinary readers.

The description of the Anti-Drug Abuse Act of 1986 lacks the racialized dimension of sentencing disparities (e.g., 100:1 ratio for crack vs. powder cocaine). This is essential given your article's emphasis on racialized penal outcomes.

The phrase "occupancy quotas or 'bed mandates'…" is striking. Consider naming a specific contract (e.g., Arizona's 90% occupancy agreement with Corrections Corporation of America) to solidify the claim.

When discussing prison labor, cite recent examples such as California's use of incarcerated firefighters or major corporations sourcing goods from prison labor to emphasize ongoing relevance.

The observation "prosecutors often receive financial backing…" would be strengthened with data or case examples (e.g., campaign donation figures from GEO Group to state prosecutors).

Authors revised the manuscript and uploaded the document.

2.   Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.