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## Race as a Carceral Terrain: Black Lives Matter Meets Reentry

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# Race as a Carceral Terrain: Black Lives Matter Meets Reentry

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## Abstract

In the United States, racialized people are disproportionately selected for punishment. Examining punishment discourses intersectionally unearths profound, unequal distinctions when controlling for the variety of victims' identities within the punishment regime. For example, trans women of color are likely to face the harshest of realities when confronted with the prospect of punishment. However, missing from much of the academic carceral literature is a critical perspective situated in racialized epistemic frameworks. If racialized individuals are more likely to be affected by punishment systems, then, certainly, they are the foremost experts on what those realities are like. The Black Lives Matter hashtag came about during the aftermath of the George Zimmerman non-verdict in the killing of Trayvon Martin, and it helped to cultivate the organization which turned into a multiracial international movement in defense of Black dignity and humanity. While Black Lives Matter was initially inspired by police violence, it has expanded its reach to include causes beyond police malpractice and brutality. This special issue of *The Prison Journal* seeks to merge principles associated with Black Lives Matter (as noted on their website) with critical issues endemic to community reentry after incarceration and the racialized and gendered impediments it produces. The empirical pieces included are qualitative to reflect the epistemologies of the affected, as we believe that narratives more powerfully capture these hard-to-reach (or deviant in comparison

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to the norm) perspectives. This special issue includes articles that critically foreground the voices of formerly incarcerated citizens (including some who are mothers and fathers) and reentry service providers. Importantly, it provides suggestions for new directions in reimagining a more democratic and racially equitable society without current punishment regimes.

### **Keywords**

intersectionality, Black Lives Matter, reentry, racialized punishment, motherhood, fatherhood

### **Introduction**

Prisoner reentry or reintegration are common terms operationalized by academic criminologists to denote one's transition from incarceration to the community. However, critical scholars have cautioned using terms that are not aligned with the lived experiences of those navigating these terrains (see, for example, Thompkins, 2010). Inherent in the term reentry is the assumption of freedom. In contrast, seminal research on such issues continues to document that many "clients" caught up in processes of reentry are not living freed lives (Hattery & Smith, 2010; Middlemass, 2017; Petersilia, 2003; Travis, 2000; Travis & Waul, 2003). Indeed, commentators continue to draw the conclusion that race is a major determinant of one's experience in and out of prison (Alexander, 2010). Just as Black Lives Matter has taken issue with police violence, the organization and Movement is also addressing issues of the carceral state. And, the State's disproportionate occupation with Black bodies is not only historic (see, for example, Muhammad, 2010; and for a gendered perspective, Davis, 1981), it is a factor worth unpacking from the perspective of those who must live it under the context of reentry.

During the reemergence of conservative ideology in criminal justice policy during the 1980s, the pendulum swung away from rehabilitative ideals inspired by civil and human rights movements of the 1960s and 1970s (Hudson, 1993). Emerging ideological and theoretical frameworks of this era helped to establish the neoliberal, actuarial models of justice and punishment administration in practice today (Alexander, 2010; Wacquant, 2009; Western, 2006). The 1980s wave of reformation sowed seeds of conservative radicalism, embracing rational choice theories of criminal offending and a belief in hyper-individualism that insured individual decision-making processes were not related to macro-level factors. Such significant changes in criminal justice processing instantly rolled back whatever hopes marginalized groups had thought to achieve based on the promise of the earlier social movements. For

Blacks, race became a carceral terrain into which they were reintroduced in a New Jim Crow Era (Alexander, 2010). The logics of neoliberal justice nullified any defenses offered by social structure or institutional depravities as viable explanations for why marginalized people disproportionately engaged in crime. Meanwhile, contemporaneously, radical changes within welfare systems (and other once-embraced safety nets) were evolving that primarily disfavored impoverished mothers of color—who were later blamed for their circumstances of poverty and disarray even as the state mass-incarcerated their partners, precisely for the same reasons. Thus, this theme of personal responsibility, colorblindness, and ahistoricism took root, and it had a devastating effect on the administration of justice.

Race as a carceral terrain became a way of life and an expectation during the beginning days of neoliberal penology. Neoliberal penology replaced altruistic values with so-called progressive, for-profit ideas (Schept, 2015), and masked the discursive racialized emphases behind the Southern Strategy that inspired the ideological takeover during the 1980s. Thus, neoliberal ideology necessitated hyper-individualism which created what Bonilla-Silva (2018) lamented—a society of racism without racists. The contours of state-sanctioned racism via the apparatuses of “justice” would soon find its holy grail in its ability to claim colorblindness once again as it inflicted pure harm onto undeserving marginalized bodies in plain sight. Importantly, even before the 1980s Civil Rights backlash (Alexander, 2010), it can be argued that race has always been carceral terrain for colonized groups (for a discussion on colonized peoples in the United States, see, for example, Blauner, 2001).

While slavery and Jim Crow served carceral purposes against Blacks, it is important to note that these systems materialized from the construction of race. Thus, it is Blackness itself that was (and is) criminalized (Muhammad, 2010), and, therefore, just existing as Black contemporaneously identifies one with a carcerality of Blackness—which is the expectation of racialized never-ending punitiveness, especially when in contact with the “justice” system and even as one navigates traditionally non-punitive geographies (i.e., Trayvon Martin, walking to his father’s home, or Deborah Danner, sitting in the confines of her Bronx home). Williams and Battle (2017) argued that punishment of Black Americans, in particular, is ideologically connected to the logics of slavery that sustained Blackness as animalistic, dangerous, and in need of taming and absolute control. Race alone is a carceral terrain within which even so-called law-abiding Blacks must navigate. But if the carcerality of Blackness is a default status, then what happens when one is labeled a criminal by the state?

So, this issue—“Race as a Carceral Terrain: Black Lives Matter Meets Reentry”—attempts to unpack some aforementioned questions and ideas by addressing past (and contemporary) abolitionist calls for a new society

outside the current carceral frameworks (see, Davis, 2005, 2011). Yet, even in cultivating a call for change, both in the administration of justice and in academic criminology, Potter (2015) reminds commentators about the importance of *intersectionality*—a rallying call to which we certainly respond here. This special issue of *The Prison Journal* promotes a theme of serious engagement with questions around the racial carceral state while foregrounding the lived realities of those most affected by the system. While great attention is paid to post-incarceration experiences, some focus is also given to social welfare systems as extensions of the surveillance state that create the carceral reality that many mothers of color (and some fathers) disproportionately and fearfully navigate as an obstacle course of presumed parental unfitnes. Taken altogether, we answer Georges-Abeyie's (2001) call for more assessments on his theory of Petit Apartheid (originally published in 1990 in a chapter fully articulating the implications of Petit Apartheid for the criminal justice system, see, MacLean & Milovanovic, 1990. In the foreword of Milovanovic and Russell's (2001) under-cited edited book, *Petit Apartheid in the U.S. Criminal Justice System*, Georges-Abeyie foresees the application of his theory in social science research: "the analysis of 'petit apartheid,' however, is best served by grounded theory, participant observation studies, and open-ended interview guides . . ." (2001: p. xiii). This special issue being qualitative in its entirety (minus a critical essay), is encapsulated in the spirit of Georges-Abeyie's sentiments, as we take aim at racialized injustices that plague those who are simply trying to survive as they regain their lives, family, and citizenship upon reentry from prison.

## Special Issue Contents

The first article in the series by Smiley establishes a broad context for race relations in the United States. He underscores intricacies of the Black Lives Matter Movement (or the Movement for Black Lives) and makes clear the inevitable connection the Movement has with those under correctional supervision. In doing so, he shares results from a collective of men who are all under community supervision. His results are grounded in questions about these men's perceptions of Trayvon Martin's death and the non-verdict George Zimmerman received after trial. The largest takeaway from this piece is Smiley's suggestion that we must center returning citizens' collective ideas around justice in contemporary movements against not only the carceral state but as it pertain to other social injustices as well. Having been in the beast's belly, they know best about how the state constricts and enacts power on those who dare act against its will. He concludes by imagining Black Lives

Matter chapters in prisons as a way of radically building solidarity and bringing into fruition a non-carceral society.

The next piece by Mitchell and Davis underscores the lived experiences of Black mothers in Texas as they navigate returning home from prison to their children. Results in this study are grounded in questions about participants' understanding of motherhood. Embedding the analysis of narratives in Black Feminist Theory, Mitchell and Davis contextualize their findings within the participants' cultural and racial backgrounds. They link connections between past systems of gendered punishment and contemporary processes to depict how Black motherhood, in particular, has always been under attack. They argue that Black motherhood has been criminalized since slavery, and their findings show that a criminal label further exacerbates these mothers' already presumed incompetence. This is mirrored in a recurring theme—the need to be resilient for one's child (despite their carceral realities). According to Mitchell and Davis, this is consistent with the spirit of Black motherhood adopted since slavery. That is, Black mothers have always had to “find a way out of nowhere” to take care of themselves and their children. A major insight from this study is the effect of carceral control on participants' self-worth and self concept which is ultimately transmitted to their children.

The third article in the series by Williams, Wilson, and Bergeson reflects narratives collected in Paterson, New Jersey, an urban setting steeped in poverty and other structural inequalities. The authors interviewed Black men about their experiences navigating so-called reentry. Results indicate a series of collateral consequences (physical and psychological) that have had devastating consequences for their social sobriety and their relationships with offspring and extended families. The men also report extreme hardship in locating employment and paying insurmountable child support expenses. Many have indicated that, in fact, it is their children who have forced them to withstand returning to prison, while others report just simply wanting to “do right.” However, for some men, being “free” (no longer under state supervision) is not necessarily a lived experience of genuine freedom, as they report feelings of being exploited by employers (mostly temporary job agencies), landlords, and harassed by agents of the state because of their criminal histories. Most telling is the robust sense of exploitation reported by subjects, which the authors relate back to historical accounts of Black exploitation during slavery and the Era of Reconstruction. They conclude with an analysis of how the state via its carceral logics has democratically reinvented past systems of racialized social control that extend far beyond one's stay in the system.

Garcia-Hallet's article is fourth in the issue, and it is grounded in various feminisms that contextualize the lived realities of formerly incarcerated women of color she interviewed. The author takes aim at how the contextual

reality of the United States defaults to the patriarchy, and how it is reflected in the lives of women of color navigating reintegration. Garcia-Hallet argues that public opinion cloaked in racist depictions of women of color has and continues to play a significant role in how they are treated once released from prison. For instance, she finds that gendered racial stereotypes bolster many of the gendered discriminations the women faced. Participants believed that both their gender and race played an overarching role in how they were disengaged from being women and relegated to a status below White women whom they believed had it easier after release. Gendered forms of employment exploitation were also noted in the findings, with startling economic implications. While there are themes of resilience in this study, Garcia-Hallet's biggest conclusion lies in the reality of reentry for these women. She laments that reintegration for women of color is an impossible concept, as it presupposes a reality when they were fully integrated into society—but how can one be reintegrated into a society in which she has never belonged?

The next article in the series is by Ortiz and Jackey. They interviewed both returning citizens and client service providers, encasing the study in the framework of Critical Race Theory, and focusing on societal structures and institutions that create and sustain the Prison Reentry Industry (PRI). They, too, connect current racialized carceral logics to past practices that were intentionally harmful. The authors argue that the PRI is a manifestation of purposeful harm, disguised as progressive communal social control. The experiences of participants display a malign neglect by service providers that are institutionally immoral and financially incapable of ensuring social sobriety for their clients. Service providers also revealed how the PRI represents a general lack of genuine concern for clients, especially as clients are forced to cover fees for (oftentimes poor) services rendered (even though many of these agencies already receive state funding), and as agencies enforce rules, that often work against their clients' commitment to proper reintegration. For example, respondents were held back from jobs which ultimately affected their ability to pay bills and attend to other important interests in their lives. The authors provide a damning conclusion, iterating that the PRI is designed to fail—and that although its victims are disproportionately racialized, spectators ought not to be surprised since it reflects what America has always been.

Michalsen's final essay encapsulates the urgency of building solidarity around feminisms to abolish the carceral state. The author focuses on child welfare agencies and how they have developed zero tolerance logics that produce harms similar to those associated with larger and more obvious carceral systems. Michalsen illustrates the disproportionate effect of surveillance systems in controlling mothers of color, underscoring hegemonic

feminisms, and arguing that feminisms of the oppressed must be highlighted. While addressing the literature around motherhood, she produces an analysis that urges researchers to challenge current risk assessment tools in use in child welfare systems. She argues that these mechanisms have become new weapons of racial carcerality to entrap mothers of color in the web of state-sanctioned punishment. Moreover, she explains how Black motherhood can serve as a distinct lens for understanding the urgency of developing and building new solidarities around abolishing the carceral state. As the implications for children and the future are dire, Michalsen concludes with suggestions on how we might reimagine a society without vicious, racist punishment regimes and their everlasting progenies.

In sum, this special issue of *The Prison Journal* provides an understanding of race as a carceral terrain. It does so in an unapologetically critical tone that emphasizes structural factors and the lived realities of those affected, while creatively linking analyses to the urgency of current social and political movements. To uncover racial injustice within the administration of justice according to the model of Georges-Abeyie (1990, 2001) requires that investigators go beyond statistical analyses. Narratives of those affected by injustice matter, and Black lives matter too! Narratives allow us to capture the core essence of what it is like to navigate the criminal justice system, and when conducted intersectionally, the contribution to literature is profound and paradigmatic. I conclude with a powerfully relevant quote from Georges-Abeyie (2001) regarding the inner workings of Petit Apartheid in the criminal justice system:

The reality of “petit apartheid in criminal justice” remains the reality of advantage, and thus, the subordination of some by others. The reality of “petit apartheid” is not always the overt conscious act of a subjugating agent who knowingly brutalizes the subjugated, although it too often is. The core reality of “petit apartheid” remains advantage, and thus disadvantage (p. xii).

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