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Life Capacity Beyond Reentry: A Critical Examination of Racism and Prisoner Reentry Reform in the U.S.[1]

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Reentry, the process whereby more than 650,000 people leave the walls of prison for return to "life on the outside," is the latest go-to site for policy makers and reformers intent on addressing the mounting cost inefficiencies of accommodating more than two million state prisoners in the United States each year.

While a growing number of reformers believe that the enormous costs of prison and policing are forcing an about-face on criminal justice policy, we are not so sanguine about possibilities for reform through reentry. This paper outlines how the racial structures informing mass incarceration remain unnamed and untouched by virtually the entire gamut of reentry reforms, models, and proposals. Further, the racism that has been central to mass incarceration may be undergoing transformation to a crude evolutionary or "biopolitical" racism that makes the measure of a population's life capacity or the seeming lack thereof come to represent its risk to the vitality, the security, or the future of the society as a whole.

W ith nearly 700,000 people leaving U.S. prisons each year and the federal government legitimizing and assisting faith-based and community-based programs that support *prisoner reentry*, legislators, policy makers, programmers, and funders have been

experiencing what Glenn Martin of The Fortune Society calls *reentry mania.*[3] The Council of State Government's Reentry Policy Council (RPC) already has released a report containing seven hundred pages of recommendations for policy and best practices in reentry.[4] Reports like this propose to be about assisting those who have been incarcerated in successfully returning to society; more assuredly, they are establishing reentry reform as the most pragmatic way to address criticism of the U.S. criminal justice system and the mass incarceration it has produced over the last forty years.[5]

As reentry reform shapes public discourse about crime and its punishment with the growing support of conservative political forces,[6] it seems unlikely that there will be a sustained discussion about what is understood to be the deeper sociohistorical and political-economic causes of mass incarceration or how racial, gender and class oppression, exploitation, and exclusion are related to reentry. Without such discussion, it can be expected that those who have been most affected by mass incarceration will be suspicious about reentry reform. It seems necessary, therefore, that these suspicions be articulated and carefully examined, if not only to inform public discourse on reentry reform, then also to mark what may be erased from the record in this transition in the criminal justice system, an erasure that especially affects those who have been called convicts/ex-convicts, felons/ex-felons, inmates/ex-inmates, and most recently, *prisoners-in-reentry.*

We, members of CLEAR (Community, Leadership and Education After Reentry), a research group of women and men with criminal convictions, want to share our perspective on reentry, drawing both on our experiences of imprisonment and our experiences since leaving prison. In our evaluation of reentry and its future, we especially want to address the opportunity that higher education has provided us for critical reflection on discussions aimed at legislating and programming reentry. While we remain critically engaged with reentry reform in hopes of contributing to the ongoing discussion of programs, policy, and legislation that profoundly affect us, our analysis of the current state of reentry research and programming has left us with a number of worrisome suspicions.

First, we are concerned that we are facing a future hopelessly mired in the system of criminal justice, with its historical legacies of racism, civil death, and perpetual punishment that make criminal justice more aptly defined as a system of *criminal punishment.* Second, we fear that with reentry, we are entering a new phase of institutionalization of the criminal justice system, with the increasing likelihood of extension of the carceral system of punishment and control beyond prison walls. Third, we sense a new form of racism tied to the institutionalization of reentry, one that *devalues* populations with practices that continually target and mark them as objects for surveillance, control, and life management beyond the prison. What we are calling *population racism* is intensifying, if not transforming, the

racism that has been characteristic of the disciplining and punishing of individuals under the supervision of the criminal justice system.

Virtually all current policies and programming for reforming the criminal justice system through reentry fail to critically engage the racializing structures informing and being informed by mass incarceration. The mainstream assumption that we live in a mulitcultural, "post-civil rights" or "colorblind" society has blinded even many reformers to the enduring forms of "white" privilege represented so starkly in the mass incarceration of African Americans, people of color, and immigrants, as well as in the forms of control—the management of life capacity for these populations—that presently shape reentry reform of the criminal justice system. It seems urgent for us to inquire into the way racism is informing reentry, making it a new institution for imprisoning beyond the prison.[7]

Racism, Mass Incarceration, and Reentry Reform

Criminal justice professionals often now recognize that the dehumanization of people of color, mostly African Americans, by marking them as criminal, has become a normal part of the way "justice" is done in the United States. The statistical data that are circulated to support this claim increasingly are used to call for reform of criminal justice policy, to rethink mass incarceration as the primary means of dealing with those communities that have become defined by nothing so much as their people being overrepresented in the prison population. The circulation of data that once meant to tell of the necessity and rightness of mass incarcerating, now point to mass incarceration as a failed criminal justice policy in need of reform.

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So when criminal justice professionals now report that the United States allocates more than $35 billion annually to exile and penalize men and women, mostly African Americans,[8] that the electorate has supported policies that include mandatory minimum sentences that nullify judicial discretion, that prosecutorial power has been expanded to support the adult prosecution of juveniles, that there has been an elimination of parole, an increase in the public humiliation of selected defendants, and a reinstitution of the death penalty in numerous states, they do so with dismay. Still, with just over 5 percent of the world's population, the United States presently holds 24 percent of the world's prisoners,[9] including one in three of all female prisoners. Of the 2.1 million men and women in U.S. jails and prisons at the end of 2003, 44 percent were African Americans,[10] though African Americans comprised only 12.3 percent of the U.S. population.[11] Black males[12] have a 32 percent chance of serving time in prison at some point in their lives; Hispanic

males have a 17 percent chance; and white males have a 6 percent chance.[13] Women of color are the fastest-growing prison demographic, having increased by more than 400 percent since 1977.[14]

Statistics like these have for some time shaped the future in establishing the probability of African American men and women, and men and women of color, becoming incarcerated. They also point to the past, to the drug laws of the early 1970s that were designed to punish with mandatory prison terms those who possess crack cocaine (used in the black community), while penalties for possession of the powder form (used by middle- and upper-class whites) usually take the form of monetary fines and do not include mandatory prison sentences. They point as well to the supporting, or, better, provoking rhetoric, most memorable perhaps in the emotion-laden tirades turned into media-ads that were part of the "tough-on-crime platform" of presidential campaigns. The laws, the rhetoric, and the statistics made "urban ghetto" a label for a "sick" and "dangerous" community where blacks (the public face of criminals) resided. Being black was made equivalent in the public eye with being criminal, so that being convicted of a crime and sentenced to imprisonment has meant being *devalued by association with blackness*, becoming subjects of the racializing effects of mass incarceration.

With mass incarceration, the racial divide has deepened. For some, prison has become a replacement for state welfare and a way of avoiding the treatment of problems such as homelessness, drug abuse, mental illness, illiteracy, and poverty as social problems. Others, who are hypnotized by the sensationalized version of crime and justice depicted in the media, have been caught in a cycle of misperceptions of and reactionary responses to those being criminalized and incarcerated. While the latter group seem assured that to be against crime is not to be racist, experience tells others that just being caught up in the criminal justice system is tantamount to being devalued in a racialized way.

There are those who feel that criminals breach the social contract and should be punished without taking into account the history of racism that conditions the probabilities of committing crimes and shapes the way crimes are punished. There are those who find it difficult to grasp how they can be held accountable—not for crimes they may have committed—but to a society that has not held itself accountable for racist institutions from slavery to mass incarceration. For them, the U.S. practice of mass imprisonment is closer to a new-age slavery, unrecognizable as a system of justice. For them, the violence of mass incarceration is the norm of the justice system, a norm based on prevailing racist policies of the U.S. state with its historical ties to the institutions of slavery, reconstruction, and ghettoization.[15]

As Loïc Wacquant has argued, these institutions have functioned historically to restore equilibrium to the imbalanced po-

litical economy of capitalism by supplying cheap labor when needed; however, his analysis of mass incarceration suggests that since the 1970s in neoliberal capitalism, the "carceral continuum" between ghetto and prison has served to contain "segments of the African American community" that may never again be needed as cheap labor and therefore are "devoid of economic utility and political pull."[16] While Wacquant argues that the racism of slavery, reconstruction, and ghettoization served an economic function, his analysis of the carceral continuum suggests that it is functioning only as, or primarily as, a "race making machine"[17] that will shape the meaning and significance of race for the future.

That most of New York's imprisoned population comes from certain African American and Latino neighborhoods in New York City and that they will return to these neighborhoods[18] seems to offer support for the carceral continuum as a race-making machine. Communities where residents are disproportionately represented in the prison population have not only been destabilized by the removal of a large number of citizens who may have previously contributed to the social fabric and economic structure. They are further disadvantaged by their inability to respond to the needs of formerly incarcerated men and women on their return, since the financial resources needed to face the challenges of those returning are lacking, having been committed instead to mass imprisonment.

When out of prison, persons returning to the community have found little support for staying out of prison. There are "the collateral consequences of conviction,"[19] the state and federal laws that impose penalties such as electoral disenfranchisement for people with felony convictions, even after they have served their sentences. There is limited access to education, public housing, health care, and certain trades and professions for all formerly incarcerated men and women. Facing civic death, poor employment prospects, homelessness, and social stigma, many people released from prison are reincarcerated within three years: two thirds of state prisoners are rearrested, and half of them will return to prison—some for a new crime, but most due to minor parole violations such as missed curfews, missed appointments, or failed drug tests.[20]

The communities, where this cycle of imprisonment-release-imprisonment is occurring, have reached what researchers refer to as a criminal justice "tipping point"—the juncture at which state policies that cause mass incarceration incapacitate neighborhood social networks to the point where people of these communities are seen as nothing other than *imprison-able*. Mass imprisonment of the people in these communities has come to be recognized by criminal justice professionals as an endogamous variable, that is, the best variable for determining probabilities of future imprisonment.

It would seem that the institution of mass incarceration is a necessary complement to a society where governance reaches

to individual subjects through what Michel Foucault described as the disciplining or normalizing practices of everyday social life—in work-family-consumption.[21] However, Dylan Rodriquez argues that it is necessary in addressing mass incarceration to supplement the conceptualization of a disciplinary society[22] offered by Foucault. It is necessary to add a consideration of racism that might explain how the biopolitic of a disciplinary society that generally aims to foster and manage life such that death is tabooed, instead comes to violently subject populations to punishment that leads to their social, political, and economic death. In fact, Foucault did suggest that in a disciplinary society, a justification is necessary for a biopolitic that goes deadly. He found that justification in what he described as a crude evolutionary kind of racism that marks some populations as having capacities for life that others do not—a racism that permits estimating the security of the society as a whole, if not the value of the capacities of certain populations, against the seeming incapacity—"sickness," "degeneracy," and "criminality" of other populations.[23]

Not only would we argue that mass incarceration has been shaped by the history of U.S. racism—indeed it initially served to confine African Americans and people of color just at a time when representatives of these populations were severely criticizing the racial structure of the U.S. state and economy. We also would argue that in making the confinement of African Americans and people of color a normal practice of a disciplinary society, mass incarceration has opened up the possibility of a racism beyond the disciplining of individuals, a racism that defines all those who have been in prison as an incapacitated population—just for having been in prison. While African Americans and people of color are differently marked by having been in prison, mass incarceration has constituted what we would describe as *a devalued population*, a population of *prisoners-in-reentry*. In this context, racism surely needs to be a primary concern in any analysis of reentry policy and practice.

We also would argue that in making the confinement of African Americans and people of color a normal practice of a disciplinary society, mass incarceration has opened up the possibility of a racism beyond the disciplining of individuals, a racism that defines all those who have been in prison as an incapacitated population—just for having been in prison.

We are proposing that in a neoliberal capitalism, the racism that has motivated mass incarceration may be undergoing a transformation. We are proposing that there is an intensification of a racist politics of populations that makes *the measure of a population's life capacity or the seeming lack thereof* come to represent its risk to the vitality, security, or future of the society as a whole. As domestic policy of mass incarceration becomes linked to immigration policy, antiterrorism, and homeland security, those populations slated for reentry might well be on the leading edge of practices that go beyond disciplining norms and the making of docile bodies, to focus more on practices aimed at populations defining and delimiting them in terms of

distributions of capacities for development, creativity, and leadership—-the capacities to live life, to live it creatively. This not only is a matter of restricting political freedom including the rights of citizenship and such. It also is an economic matter. In a service economy where human potential is put to work and leadership and creativity increasingly are the means to *a* living, the denial of education and the possibility to develop creativity and leadership is tantamount to a sustained "letting to die"[24] of certain populations accompanied by ongoing evaluation and measurement of incapacitation.

Populations marked for control rather than for encouragement of creativity and leadership, such as those of us now labeled *prisoners-in-reentry*, become the very objects of a service economy and the stuff of risk-management industries. As a population, *prisoners-in-reentry* are motivating, if not necessitating, the ongoing *business* of research, policy, and programming. Subjected to endless study, assessment, and evaluation, differing (racial) profiles of groups within the population are established that require attendance at various therapeutic, training, and rehabilitation programs.

We are concerned that this continuous refinement of categorizations that both catalogue and determine the life capacities of populations is central to the planning of reentry programming. Worried, we make note of a political will and an economic interest expressed in the creation and manipulation of statistical and other kinds of data, including, for example those provided by the Re-entry Policy Council, which reports that of those released from prison and jail each year, 3 out of 4 have substance abuse problems, 2 out of 3 lack a high school diploma, 40 percent have neither a diploma nor a GED, only 1 out of 3 has received vocational training at any point during incarceration, 1 out of 3 reports some physical or mental disability, and nearly 1 out of 2 never earned more than 600 dollars per month immediately prior to incarceration.[25] We are concerned that reentry reform is becoming a race-making machine by adding to the unaddressed perceptions of crime and criminals a fast-growing body of data about women and men who have been released from prison, thereby hardening the distinction of white and black, and *devaluing* those who have been in prison and who now are living with criminal convictions beyond prison.

What we are referring to as a *population racism* that *devalues* the population of *prisoners-in-reentry* concerns us especially for the way it serves to limit access to education and the development of capacities and potential. Therefore, we are not simply pointing to the way reentry turns those of us who have been imprisoned into data; we often are compelled to make use of various bodies of data as well. We are more interested in the way racism is being shaped through the statistics and data accompanying reentry policy and programming, as *prisoners-in-reentry* comes to appear as an incapacitated population, surely making those of us living with criminal convictions seem not

like citizens ready to take up their lives, never mind take them up creatively and as leaders.

We are concerned with population racism as a process of subjugation and subject formation as much as we are concerned with the inequality, maldistribution of resources, and sheer exploitation that have been part cause and effect of mass incarceration and may only be intensified by reentry reform. It is precisely the way that reentry policy and programming choose to separate matters of subjectivity from matters of political, social, and economic infrastructure that we will take up in our criticism of reentry programming. On the one hand, matters of subjectivity are usually addressed by reentry through "responsibilization strategies"[26] that are often modeled on drug addiction programming. On the other hand, models of restoration of political, social, and economic infrastructure are treated as controlled experiments in reducing recidivism in communities marked by high rates of incarceration without the full or often any participation of those most affected by incarceration in determining the aims and goals of such programs. In these experiments, communities instead often become the object of reform, and are studied and assisted only in terms of their becoming "less criminal," while no effort is made to address the effect of categorizing and assigning limited life-capacity to the population of *prisoners-in-reentry* that in turn denies them opportunities for education, creativity, and leadership.

This divided approach to reentry concerns us in the way it makes it impossible to register the need for higher education and access to leadership and creativity for those who are marked as *prisoners-in-reentry*. It makes it seem that we first have to address all the social problems suggested with the statistical profiles made of us, problems such as drug addiction, lack of housing and jobs, illiteracy, and ill health, in order that then it would be permissible for us to address opportunities for education, creativity, and access to leadership. Yet, it is these opportunities that make it necessary for us to fully participate and offer leadership in the planning for and administering of reinvestment in communities devastated by mass incarceration. To get beyond the divided approach of reentry policy and programming and to insist on the need for higher education and access to leadership, we see the necessity for an autonomously organized movement among those marked as *prisoners-in-reentry*, that would allow us to draw on this categorization of us as a means for us to establish ourselves as a *population-for-itself*.

In evaluating reentry reform, we therefore are not so much concerned to suggest better programs or best practices for legislators, criminal justice, and reentry professionals; at least this is not primarily what we are concerned to do here. Rather, we want to examine the ways reentry fails to address the racism of mass incarceration along with two decades of "tough-on-

crime" and "war-on-drugs" rhetoric that defined men and women as ceasing to be deserving of being thought of or treated as (moral) persons upon being accused of a crime and who now may be thought of and treated as nothing more than a severely damaged population of *prisoners-in-reentry.*

To focus on the racism that has transformed the communities from which large numbers of people go to prison is neither to ignore the fact of crime nor the objective condition of the populations that have been suffering mass incarceration. This, we would argue, turns out to be more often the unacknowledged effect of most proposals and programming of reentry reform, which focus either on personal transformation or on community reconstruction in terms of the needs and values of legislators, program founders and funders, policy-oriented scholars, and programs officers. Together these professionals often only address the failures of mass incarceration by focusing on the deficiencies of the individuals and the communities affected by mass incarceration. Not surprisingly then, the reentry programs that have been invited by funding agencies to reform the criminal justice system mostly have the characteristics that have been central to reentry programming since *prisoner reentry* was first proposed. These programs often do little more to change the perception of crime and of those who are accused of crimes than to incite those individuals to self-transformation on the one hand and social economic responsibility on the other.

Enter Reentry: Reorienting the Criminal Justice System of Mass Incarceration

Prisoner reentry was first brought to the attention of policy makers, legislators, and criminal justice professionals by leading researchers such as Jeremy Travis, who imagined that those who were incarcerated would "all come back."[27] These early proposals often made no reference to race or racism or the political and economic links between mass incarceration and the racial division that mass incarceration had only deepened. These proposals instead focused on strategies stressing responsibility skills, aimed at the individual's change. While focused on the individual, reentry strategies were intended as a reform of the criminal justice system, especially the institutional and organizational barriers that separated sentencing and correction institutions, including prison, parole, and probation. Travis, for one, argued that the process of reentry should begin at sentencing. The judge should serve as "a reentry manager" and draw up a plan for the prisoner addressing recovery in prison and after prison. This would allow a prisoner to use his or her time in prison to organize reentry, to find out how to handle drug abuse or an abusive partner, and to learn how to reintegrate into the family, community, and society, especially by making restitution to the victim.[28]

Concerned with the failures of the criminal justice system, the focus of reentry on the individual was really about high recidivism rates, styled, however, in the individualistic terms of *relapse*, a concept taken from addiction programs and appropriate to the emerging forms of what we are referring to as *population racism*. Not only was reentry imagined as a way to "assist" the individual prisoner in recognizing his or her vulnerability to repeat "antisocial behavior"—strengthening the individual prisoner's will to reform. But a close surveillance of the prisoner in reentry was argued to be warranted, thus replacing the anonymity of traditional social work with the "in-your-face contact" of community justice teams that would "camp outside the door" and share "a common purpose with the police."[29]

From the start, reentry's focus on the individual was not so much meant to evaluate the specific needs and capacities of individuals but rather to reconstitute the individual in reentry as one in need of therapeutic management and control. The individual is constituted in terms of a statistical category, a racial profiling of groups within the population of *prisoners-in-reentry* (groups in need of drug programming, in need of jobs-skills training, in need of anger management, etc.). The individual is thereby made presentable to the community as re-formable, and as such, safe to reenter the community and deserving of a "second chance." The causes and effects of mass incarceration, which are not articulated but which we have been arguing have the potential to be intensified if transformed in reentry programming, are reduced to issues of managing victimization—the victimization of those who have experienced crime and those who now can be made presentable as victims of their own criminality.

It has been our experience that policy makers who emphasize personal transformation often have done so while concerned about what would encourage legislators and their constituents to support reentry programming. Policy-making criminal justice professionals imagine that reentry programs focused on the personal transformation of those in reentry would offer a useful public relations strategy: the public is more easily convinced that a formerly incarcerated person is worthy of a "second chance" if that person appears to be penitent and re-formable. Indeed, the funding of reentry programs was a concern from the start, so when it first was proposed, reentry programming was offered in terms that might be attractive to private sector investment, as a good market opportunity, an "opportunity to produce a commodity—safety—that is highly valued."[30] With investment in community-based reentry reform initiatives, *the business* of reentry promised to become, as Travis described it, "imbued with the enthusiasm usually seen in high-risk business ventures and too rarely seen in criminal justice reform efforts."[31] Thus, a neoliberal vision of therapeutic control of *prisoners-in-reentry* is joined with the promise of reentry programming's marketability and fiscal potentiality.

More recently, the business of reentry has also been taken up by the national government and state agencies. Since 2001, the federal government's Department of Justice has made modest grants to states—to promote initiatives in reentry programming or to expand existing ones.[32] Today, policing and corrections experts, and legislators and policy makers, have joined reformers, advocates, activist, nonprofit organizations, and faith-based organizations in taking their best shot at coming up with proposals for *viable* solutions to the problem of reentry. Having become a problem in its own right, reentry is now a target of competition for funds as the *viable* solution is translated into a *fundable* solution: *reentry mania*. But even with government recognition of reentry, a focus on personal transformation still characterizes what is deemed fundable reentry programming.

We find nothing inherently invalid about practices of personal transformation, knowing that women and men in and out of prisons find it helpful to engage in such practices. We are only arguing that when personal transformation is a disciplining or policing strategy, a required exercise, or a marketing tool, it can easily partake of the racism that created and is the effect of mass incarceration, as well as become a vehicle for contemporary political ideologies such as familialism, heterosexism, and classism. Such programs work by granting a subjectivity to the transformed individual, but only when the individual is "clean," "a good parent," "working"—forever an offender and a prisoner-in-reentry. [33]

Such programs work by granting a subjectivity to the transformed individual, but only when the individual is "clean," "a good parent," "working"—forever an offender and a prisoner-in-reentry.

In promoting the taking of personal responsibility, there is the danger that reentry programming will strengthen the perception that all people who are sent to prison are evil, aberrant, or sick people and of promoting the idea that leading such people to and through an externally imposed method of transformation will address all that is wrong with the criminal justice system, never mind with mass incarceration. That is to say, in investing too much in the uncritically held belief that the causes and effects of mass incarceration are primarily a problem to be solved by the criminal justice system, we are investing the cultural and political system of racial control or population racism.

Aware as we are that reentry's focus on the individual comes with statistical categorization, a racial profiling of groups within the population of *prisoners-in-reentry*, we fear that reentry policy only means to create more government-supported, community-based, and faith-based programs for those who must bear the label *prisoners-in-reentry*, where transformation is made a personal issue rather than a collective and political one that would necessarily provoke an encounter with the legacies of racism, segregation, disenfranchisement, ghettoization, and mass incarceration. As programs for women and men leaving prison focus on personal transformation

through family, work, and mental and physical normalcy, they divert energies from those legally oriented reforms demanding less intrusive policing, less prosecutorial authority, abolition of mandatory minimum sentences, a constitutional amendment restoring voting rights to all prisoners and former prisoners, and the elimination of all laws that restrict postincarceration rights and privileges—all reforms aimed at the collateral consequences of mass incarceration.

While programs aimed at personal transformation and resocialization fail to transform the relations of political economic and social power that have informed mass incarceration; there are other small-scale reforms of the criminal justice system that do propose to rebuild the capacities of those who have been in prison, by restoring support to the communities from which they have come. Some of these proposals are linked to "justice reinvestment" or "community resettlement," which address those communities that have been most damaged by existing criminal justice policy and practice. Reevaluating social economic and political priorities, these reforms propose that some portion of the billions of dollars the United States now spends on prisons go to provide resources to the communities that have been most affected by mass incarceration. Building better schools, health care facilities, parks, and public spaces would not only supply neighborhoods with the infrastructure needed to support women and men returning from prison, but might also offer opportunities for employment in the rebuilding.

While reinvestment and resettlement seem to us to be important and to be supported, we know that for these reforms to be taken up by the larger public, they have to be "sold" as a matter of financial accountability and the public's safety. Focusing on the amounts of money supporting mass incarceration and its failure, which only leads to increased insecurity, the arguments for rebuilding communities are usually presented in terms meant to appeal to those in power and their constituencies. This often means that such proposals most likely will be limited, not concerned with who gets this money, who plans the rebuilding, or what social norms will be encouraged in the reformed institutions of civil society—all matters of leadership and its development. Without the will to change the politics of mass incarceration by encouraging leadership and full participation of formerly incarcerated persons, it is doubtful that these worthy goals of reinvestment and resettlement will be accomplished, or if accomplished, that they will be on a sufficiently large scale to benefit more than a minority of the millions caught up in the criminal justice system.

We believe that the distinction between programs for personal transformation and programs for the redistribution of political and economic resources is the very condition for ignoring both the development of leadership and the enabling of self-autonomous organizing among those who have been in prison and are living with criminal convictions. We propose that

higher education and its adjunct activities of political organizing and leadership should be strongly supported above all, or at least along with all other proposals. In turning to look at some of the existing practices of current reentry programming, we not only want to underscore the failure of these programs to take higher education, creativity, and leadership as aims of reentry. We also want to emphasize that the vested interests in continuing such programming is a hindrance to affording life capacities to those of us who live with criminal convictions even though doing so would offer the possibility for a deeper participation in civic life.

Programming Reentry

The Reentry Policy Council (RPC) Report, a document to which we referred above, acknowledges the reality of postconviction legal sanctions that create barriers to employment, housing, education, and health care, and warns service providers that these barriers make the job of facilitating reentry difficult at best. It would appear that the intent of the report is not to create a movement for systemic change in these areas. As is the case with the first proposals for reentry programming, the RPC report's recommendations are replete with the language of individual transformation forced by social control and packed with punitive institutional corrections and policing terminology.

It is clear from this report that "experts" are suggesting a type of reentry that is more about surveillance and control then it is about assisting people to live good lives as fully integrated members of the community. We determined that the word *supervision* is mentioned more than thirty-five times in twenty-four pages of the report's preview.[34] Furthermore, the report seems to promote dependence upon state and federal departments of corrections, parole, and law enforcement to facilitate successful reintegration. We believe that while departments of corrections, parole, and law enforcement in prison and in the community may be effective vehicles to market public safety as a commodity, they cannot, and should not, be expected to be vehicles for social change or human development.

Our aim was to focus on those programs that supported higher education and research, but we found that the report profiled only one college program in prison, for which the prisoners had to pay. Otherwise there were no other education-oriented programs featured, even though programs do exist. Sociologist John Irwin founded Project Rebound, an alternative to incarceration based on higher education, at San Francisco State University in 1967. Furthermore, in New York State alone there are five privately funded college programs in prison, and at least two post-prison programs that focus on college education.[35]

> *It is clear from this report that "experts" are suggesting a type of reentry that is more about surveillance and control then it is about assisting people to live good lives as fully integrated members of the community.*

We want to be careful in our criticism of reentry programming for its failure to address higher education; we know that housing, employment, substance abuse treatment, and health care are indeed among the most prevalent self-expressed needs of people leaving prison and returning to the community. And it is primarily these needs that current reentry programming purports to address and for which it has garnered public and private support. We do not deny the need for subsistence; however, we do not see the newly visible population of people in reentry as uniquely needy. The tools of subsistence are things that all people need, whether in reentry or not. We do not want to continue to frame the meeting of those needs as creating an additional drain on a healthy society by a sick and dying, undeserving population, certain that such an approach leads to policing, monitoring, and control, effectively extending the prison into the community.

Indeed, the social services and community-based and faith-based programs engaged to assist by resocializing women and men who have been in prison have become the site of their evaluation, surveillance, and control. Funded to engage in reentry, these programs and services necessarily have to be oriented to fiscally responsible risk management focused on producing the absence of recidivism, acting to anticipate antisocial behavior or criminal behavior and averting undesired program results by managing the data and statistical analysis of affected populations. Surely these programs are favored by government for investment because they often offer *good* data: for example, large numbers of formerly incarcerated reported to be employed or housed or drug free in the early stages of release. Just what this good data actually means (the participants in work-related programs typically end up in minimum wage jobs that fail to lift them out of poverty and thus ensure their continued marginality, even if they do not return to prison) or how long the statistics do hold (usually only short-term data is available) are questions.

For example, a much reviewed and applauded residential reentry program claims to have successfully assisted a total of 14,000 people over the past thirty-five years. Using the language of the organization's Web site, their clients are "drug addicts, alcoholics, and ex-felons." According to their reported numbers, 10,000 of the participants who have joined the program since its inception have earned high school equivalency diplomas, 1,000 have earned vocational certificates, 31 have graduated from high school, and 30 have earned bachelor degrees.[36] It is interesting that in a society in which 27 percent of adults over age twenty-five hold college degrees,[37] and where the demand for higher education and specialized vocational education is on the rise,[38] reentry programs are deemed successful when only 7 percent earn vocational certification and less than one-quarter of 1 percent get bachelor degrees. The bottom line is that most people (more than 90%) leave this highly acclaimed program with a GED or no education at all, enabling

them to perhaps acquire a low wage job that will not even sustain them. This is defined as successful reentry in many circles.

This program also claims to offer services: residential treatment, temporary housing, education, job training, and so on, at no cost to clients, when in reality the clients are running the facility and working for their keep. Clients do all the cleaning, maintenance, and clerical work in the facilities. They wait on tables in the organization's restaurant, they work in the bookstore, drive trucks for the organization's moving company, and perform other duties, all without pay. According to the program's statement, the idea is that participants reinvest in the program so that the opportunity will be there for others who come along. They do not pay salaries to the resident workers, claiming instead that they are "giving them room, board, and education."[39] The fact that the residents of the program are working for everything they get and being denied the dignity of receiving a pay check and the opportunity to decide what to do with it is not a concern for the program's creators. The not-so-implicit message to program residents is that even after they have served their time in prison, they must continue to pay in order to gain access to what every other citizen has a right to. The residents do not complain but are also not receiving the type of education that might empower them to better understand and respond to what is happening to them.

Finally, we know that many of us seek or find work in the fields of social service, including with populations of people living with criminal convictions, where they are identified as such and where they are not identified—for example, when they are in generic drug programs, housing programs, or job-readiness programs. The programs we have been critiquing from the perspective of the client, we can also critique from the perspective of the worker. Considering the many restrictions to our working in various fields, it is not surprising that a number of us select or wind up working in the kinds of programs where we had been clients. Our experience of the transition from client to worker often is difficult but instructive.

As professionals in the field of reentry, we have learned for ourselves and from others of us working in the field. We have been afforded experiences through which we have come to a self-reflective realization: the ideologies of programs which we, too, internalized are in actuality very diminishing, offering very limited expectations, and certainly are not expectations that can be experienced with higher education. When as professionals we tell the groups whom we are training that they should take any job at any wage, to be grateful for being part of programs even though they will not be paid for working in them, when we discipline their bodies and behaviors, it often is out of habit and an imaginary idea that those of us living with criminal convictions still are to be treated as if we are in prison.

We can wind up doing what was done to us, and while we may have meant to do good and in fact have often done good

for some individuals, and although we have worked in and admire some programs that do offer refuge and inspiration for personal transformation to formerly incarcerated persons, we more often have experienced programs that do not realize that it is possible to explore the needs and desires of their clients. We have come to realize that there is and must be another way. Along with ways of assisting with survival, there must be inspiration that is not only about personal transformation but which allows those who have been in prison to recognize the political struggle that we are subject to and must become subject of.

Part of this struggle involves our insistence on removing what we call the *conviction ceiling* or the barrier we face when, for example, a less senior but often white person without a criminal conviction moves up in the hierarchy of reentry programs. We have experienced a resistance both conscious and unconscious from fellow colleagues to take us as seriously as they take others who work in programs but who are not living with criminal convictions. We have been invited to be interns without pay in programs where sometimes we had previously been paid, usually some small stipend, when we worked there as clients. Or we are expected when hired with pay to work closely with the client population rather than being encouraged to move into administrative positions that pay more and often garner more respect. Where one or two of us may move to administrative positions, we are treated often as a token in administration.

Many of us have responded to the *conviction ceiling* by going further in higher education. But this is not simply to concur with those who argue that we are "not ready" to take up leadership at higher levels of administration; we have found that those in administration of reentry programs often only know one kind of knowledge/expertise, one kind of administration, or one style of management. There is little room for diversity in language, demeanor, dress, or behavioral protocols. Indeed, while learning a wide range of skills is important to us—indeed, education is even precious to us—we also have observed a need for change in education in fields that license those who most likely will serve formerly incarcerated persons, as well as in those funding foundations and research establishments concerned with the issues of incarceration and reentry where we still are not represented well enough, if at all.

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Higher Education, Leadership, and Self-Organizing

Our point in this brief review of proposed reentry programming and of existing programs is to suggest that the reentry re-

form of criminal justice fails to provide a means of redistributing power among those who have been most affected by mass incarceration. We understand that the disciplinary power of the criminal justice system, particularly in the form of reentry programming, fails to distribute power to those of us living with criminal convictions in not supporting our higher education, leadership, and autonomous self-organization. Instead, the system only hopes to kindle a desire in us to adhere to established norms of the "right way of living." We interpret this failure as part of the productive use of power that subjects those who live with a criminal conviction to a racist politics of populations.

And yet, it is the case that those formerly incarcerated people who do not go back to prison, at least one-third judging by the statistics, reach "success" not as an effect of a better program for taking responsibility or support for a more effective personal transformation. We believe these are merely by-products of more "radical" approaches, which up until ten years ago were considered the norm within the criminal justice system: the autonomous self-organization of women and men in prison (and now in reentry), higher education (everything from bachelor's degree to doctoral programs) and various kinds of civic leadership and participation in transformative social, political, and cultural action.

Hence, while formal higher education seems essential, even the most cursory review of education programs suggests that not every kind of education accomplishes, or is intended to accomplish, critical learning; nor is education, itself, free from racist practices. It is essential to enhance higher education with opportunities for leadership, creativity, and self-organizing. Supporting such goals along with higher education is especially a concern because very many of the formerly incarcerated who go on to pursue postgraduate and professional degrees do so in the fields of social work and social services. In our experience, education for social service and social work often encourages aligning with the norms of society as well as with a reentry programming shaped by the criminal justice system; what is not achieved is a critical engagement of the racism of mass incarceration.

If many of us who live with criminal convictions continue to assume work in the social services and reentry fields, we must be cautious in believing that higher education alone is sufficient for transforming the criminal justice system and the racist causes and effects of mass incarceration. Our experience with our education since release from prison and with the ways higher education transformed prisons and prison populations in the previous decades, indicates that coupled with education, there must be structures of opportunity established for ongoing learning in leadership development and civic participation as well as support for our organizing so that we are enabled to take up a transformative engagement with the criminal justice system and social service status quo and their racist practices. This is a matter of ensuring our self-determined participation in

research, planning, and programming for social change, especially in relationship to the racism of mass incarceration. Our hope is that *prisoners-in-reentry* will not only be a population to be studied, assessed, evaluated, and managed, but will be listened to, followed, and promoted.

It has been our experience that the powerful knowledge of those living with criminal convictions has not been engaged in a systematic way. And so it has been hard to put to use that which we have learned from our education and now from working within the field of, and with various agencies concerned with, reentry. Our situations have quickly shattered any illusion that reentry programs are contributing to any substantive change. We know and we have experienced enormous resistance to our participation. Often we are stigmatized even by those with whom we work in reentry programming; at best we are treated as tokens when working in such organizations. It is one thing to acknowledge *intellectually* that a system based on punishment and retribution when applied disproportionately to African Americans and people of color only subjugates and destroys them and therefore should go. It is another thing when those who argue that the system should go must surrender their *own* power, their *own* status, their advantage. Yet this is the kind of change that is necessary.

This is why autonomous self-organizing is necessary: it makes it possible to ensure the pressure to challenge the status quo and gives directly affected leaders the backing needed in their efforts to bring about change. We also think that we are living in a historic moment that makes the success of such organizing more probable. By this we mean that reentry has made those of us who have been imagined by criminal justice professionals as "coming back" and as "staying out," a population of *prisoners-in-reentry*. We have criticized the potential of this designation to produce practices of imprisoning outside prison to those who have been in prison as well as others, including African Americans, people of color, and immigrants who have not been imprisoned but who are continuously under surveillance and controlled as potentially criminal. But we also want to underscore the potential for change in this designation. We know the possibility of our taking back to ourselves the designation of *prisoners-in-reentry* so that we become a population-for-itself. This is not a matter of being separated from the larger society but a one of calling upon ourselves to articulate to the larger society the social, economic, and political conditions of the racism of mass incarceration and reentry reform.

We are coming to understand more fully for ourselves and others, the specificity of the racism that has been both cause and effect of mass incarceration, particularly in making clear the way in which those living with criminal convictions are at the leading edge of expanded practices of surveillance and control of those merely suspected of criminality. As we move into

civic leadership, policy advocacy, and community organizing, those of us who have experienced prison and reentry stigmatization begin to view the power of policy change, legislative reform, and community-building more critically and on a more subjective level. That is to say, we begin to sense for ourselves the transformative power of collective social and political change as we feel an internal desire for a new kind of governing for all.

Endnotes

1. This paper draws on fifteen interviews conducted by CLEAR members with persons who have criminal convictions and who are engaged in work with and for those who are or have been incarcerated. The interview subjects were chosen because they resonate with our experiences of imprisonment, reentry, and reentry reform. The interviews are not drawn from a random sample.

2. CLEAR is composed of formerly incarcerated women and men who earned higher education degrees as members of the College and Community Fellowship, an education-based program for formerly incarcerated people located at the Graduate Center, City University of New York and who now have or are pursuing postgraduate degrees. CLEAR was first convened in 2003 by Dr. Patricia Ticineto Clough, Professor of Sociology and Women's Studies, who continues to serve as the groups' advisor. Dr. David Staples worked with the group as a consultant. Since 2003, fifteen formerly incarcerated students have participated in the monthly discussions that have culminated in the ideas presented in this paper. The five named members of CLEAR, Dr. Clough, and Dr. Staples conducted the research and wrote this paper.

3. While 700,000 women and men leave prison each year, 7 million different individuals are being released from jails.

4. *Re-Entry: Charting the Safe and Successful Return.*

5. The reduction of recidivism has been the aim of nearly all criminal justice reform including reentry. Defining recidivism as a relapse into criminal activity generally measured by a former prisoner's return to prison, rates of recidivism purport to reflect the degree to which people who have been released from prison are rehabilitated. The current rate of recidivism in the United States is estimated to be about 67 percent, over three years nationally, which means that about two-thirds of people released from prison will be reincarcerated within three years.

6. Suellentrop, "The Right Has a Jailhouse Conversion."

7. Recently the governor of California recommended building what are being called "reentry prisons." While these are planned for nonviolent, nonserious female offenders who it is argued do not need to be incarcerated, the reentry prisons actually are prisons and the plan to build them should be seen as a matter of prison expansion. We are particularly interested in the term *reentry prison* for the way it points to how reentry is easily understood as part of an imprisonment continuum. See: *http://www.nctimes.com/articles/2007/02/04/perspective/15_30_462_3_07.txt*

8. Myser, "Inside the 37 Billion Dollar Prison Economy."

9. Parenti, *Lockdown America*.

10. Bureau of Justice Statistics,"Lifetime Likelihood."

11. United States Census 2000.

12. The rate of incarceration of black men in federal and state jail and prison populations increased at ten times the rate of white men between 1985 and 1995. See Tonry, "Crime and Punishment."

13. Bureau of Justice Statistics,"Lifetime Likelihood."

14. Frost, Greene, and Pranis, *Hard Hit.*

15. Wacquant, "Deadly Symbiosis."

16. Ibid., 103.

17. Wacquant, "From Slavery to Mass Incarceration."

18. Justice Mapping Center, *Million-Dollar Blocks.*

19. Mauer and Chesney-Lind, eds., *Invisible Punishment.*

20. Bureau of Justice Statistics, "Lifetime Likelihood."

21. See Foucault, *Discipline and Punish* and *The History of Sexuality*.

22. Rodriguez, *Forced Passages*, 39–74.

23. Foucault puts forth this argument in *Society Must Be Defended,* 239–63. We also are reminded of Omi and Winant's argument about racial formation as we focus on a population that is given the brush of blackness because of the experience of mass incarceration such that such that the life fate of the population is profoundly affected. See Omi and Winant, *Racial Formation.*

24. Foucault, *Society Must Be Defended*, 254. At the conference "Punishment: The U.S. Record," held at the New School for Social Research in November 2006, the relevancy of Foucault's work on prison for the current situation of reentry reform was questioned. Among Foucault scholars it has long been understood that his work is not merely about prison but rather about the relations of power, the state, and governance. Throughout this paper, we are drawing on the understanding of Foucault's work that focuses on liberal governance and populations in order to apply it to neoliberal governing which reentry reform seems to exemplify. Particularly, we have noticed the increasing relevancy of Foucault to the analysis of racialized and ethnicized mobilizations of populations to meet neoliberal market conditions, as well as to meet "graduated" forms of sovereignty, to use Aihwa Ong's terms. See Ong, *Neoliberalism*. However, *population racism*, as we are calling it, does not mean that disciplining or the making of docile bodies as well as subjugation or the creation of subjects are not also ongoing processes. We take reentry to be a mix of these deployments of power and governance.

25. *Re-Entry: Charting the Safe and Successful Return*, "Executive Summary," 1

26. Garland, *The Culture of Control,* 124.

27. Travis, *But They All Come Back.* Often now at conferences and gatherings about reentry, we hear the story that was recently reported in the *New York Times* article mentioned above that reentry has its origin in a 1999 conversation between Janet Reno and Jeremy Travis, then the director of the National Institute of Justice. In that conversation, it is reported, Reno asked Travis what was being done about people coming back from prison. Reno and Travis would later hold a news conference promoting the idea of prisoner reentry "to rebrand prisoner rehabilitation." While we recognize the important work of Travis and others of our colleagues in the work of reentry, it is important for us to note the erasure here of all the work of men and women in prison and after prison who have initiated and supported programs that now are being relabeled reentry programs. The history of reentry would serve us all better if those who acted often coura-

geously to get programs going in and outside of prison were fully recognized.

28. We are drawing from an early work by Travis, "But They All Come Back."

29. Ibid., 7–8.

30. Ibid., 6.

31. Ibid., 6–7.

32. The Office of Justice Programs of the United States Department of Justice recently issued a RFP stating that they would award up to 20 grants of $450,000 under the Prisoner Reentry Initiative program depending on the availability of funding. The minimum project period is 24 months; the maximum project period is 36 months. This amounts to 9 million dollars to fund reentry initiatives to cover the more than 650,000 people being released annually—or $13.84 per individual. See Office of Justice Programs.

33. See Rose, *Powers of Freedom.*

34. *Re-Entry: Charting the Safe and Successful Return.*

35. Bard Prison Initiative is at Eastern, Bayview, Elmira, and Woodbourne correctional facilities for men. Marymount is at Bedford correctional facility for women. Hudson Link is at Sing Sing (men) with degrees conferred by Nyack College and Mercy College. New York Theological Seminary runs a certificate program at Sing Sing. The Niagara Consortium (consortium of three schools: Niagara University, Canisius College, and Daemen College) is currently running classes at Collins, the medium-security prison for men at Attica. The College and Community Fellowship (CCF) a post-prison program supporting reentering people who are pursuing higher education is located at CUNY Graduate Center and has been running since 2000. College Initiative at John Jay Prisoner Reentry Institute (a spin-off of CCF) has been running since 2003.

36. The Delancey Street Foundation (*http://www.eisenhowerfoundation .org/grassroots/delancey/*) is self-described as a model that that "takes in as residents representatives of our society's most serious social problems and, by a process of each one helping another, with no professionals, no government funding, and at no charge to the clients, we have been solving these problems: generations of poverty, illiteracy, lack of job skills, hardcore substance abusers, homelessness, repeat felons, gang members, teen pregnancies, perpetrators, and victims of every kind of abuse. After an average of four years (a minimum stay of 2 years), our residents gain an academic education, three marketable skills, accountability and responsibility, dignity, and integrity. We have successfully graduated over 14,000 people from America's underclass into society as successful taxpaying citizens leading decent legitimate and productive lives."

37. U. S. Census Bureau.

38. The total number of college graduates in the United States rose to 40,621,000 in 2003, an increase of 40 percent in the decade between 1993 and 2003. National Science Foundation. *2003 College Graduates.*

39. On September 14, 2006, a CLEAR member called the Delancey Street Foundation and asked to speak to the director. When she told the receptionist why she was calling, she was transferred to their media representative. The CLEAR member specifically asked why the residents of Delancey Street are not paid for their work at real jobs that generate income for the organization. The response: "They live here for free; work is how they earn their keep." She had no knowledge about the market value of the work the residents were doing and

whether or not the value of their labor was equal to, more than, or less than the services they received at Delancey.

40. "In 1965, Congress passed Title IV of the Higher Education Act, which permitted inmates to apply for financial aid in the form of Pell Grants to attend college. By 1982, there were more than 350 college programs available in 90% of the States. Numerous studies were conducted to evaluate these programs. Success was measured by the rate of re-arrest and the offender's ability to maintain employment upon release. The results were overwhelmingly positive. In the 1990s, elected officials began introducing legislation to prohibit tuition assistance to inmates. The United States Department of Education resisted this change of policy, and continued to support the use of Pell grants in America's prisons. The Department's Office of Correctional Education issued a Facts and Commentary in 1995 entitled 'Pell Grants for Prisoners,' in which it stated that 'Pell grants help inmates obtain the skills and education needed to acquire and keep a job following their eventual release.' Despite the position of policy experts within the federal and state government, including both educators and correctional officials, the Violent Crime Control and Law Enforcement Act effectively dismantled correctional higher education." For more information see Karpowitz and Kenner, *Education as Crime Prevention.*

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