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Carcerality In Transition: The Productive Relations of Reentry Governance in New Orleans

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Carcerality in Transition:
The Productive Relations of Reentry Governance in New Orleans

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A DISSERTATION
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Abstract

Carcerality in Transition: The Productive Relations of Reentry Governance in New Orleans is an ethnographic critique of contemporary carceral reform. Tracing the emergent infrastructure of prisoner reentry in New Orleans, Louisiana, this work interrogates the political economy and aspirational ethics of progressive city governance that reconfigure and are refracted through racializing techniques of punitive justice, capital investment and spatial regimes.

While anthropologists and political theorists of governance have offered important critiques of the neoliberal city, they have not adequately attended to the processes of racialization that constitute the ethics of progressive governance. Drawing upon the scholarly repertoires of Black Studies, my dissertation intervenes upon conceptualizations of neoliberal urban governance by mobilizing theories and histories of racial capitalism and carceral geographies. *Carcerality in Transition* examines how the private/public infrastructures of reentry, from the experimental workforce development court to the nonprofits that provide professional training and transitional housing, impel certain social, material and ideological relations while foreclosing the potentials for others that could challenge neoliberal racial capitalism. Through this critique, I attend to the relational processes of racecraft and statecraft in the American City.

This work explores the institutional and intimate socialities of formerly incarcerated men and their families, legal professionals, nonprofit operatives, city planners and municipal bureaucrats that differentially construct and participate within the emic landscape of the reentry space. I situate their life histories and experiences within the racialized histories of the city of New Orleans, from slavery and plantation economies to the more recent histories of urban divestment, post-Katrina devastation and dispossession. In studying what I call “reformist New Orleans,” I argue that progressive innovations in carceral governance—characterized by a valorization of entrepreneurialism, design-thinking, data-driven best practices and technologies of care—ultimately defer racial justice while attempting to attend to racial inequality. Yet the vernacular practices of my interlocutors evade and exceed this framework to animate, even if only momentarily, a more radical distributive politics. *Carcerality in Transition* concludes by discussing the potentials for abolitionist futures.

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¹ *See also* **Chum Chum**

The Reentry Space

Carcerality In Transition is an ethnography of urban racial governance in motion. It traces not only the movements of people through the late liberal American City but the trajectories, dependencies, separations and possibilities that constitute carceral geographies in the United States today. These geographies emerge from the institutional and intimate socialities of multiple actors whose relations are contoured by and bound to carceral capacities.¹ Built on an ethnographic study of prisoner reentry programming in New Orleans, Louisiana, the dissertation probes the political economy and aspirational ethics of progressive city governance. In my extended fieldwork, I engaged formerly incarcerated men and their families, legal professionals, nonprofit operatives, city planners and municipal bureaucrats as they differentially constructed, populated and experienced what I came to call *the reentry space*. I situate the experiences of my interlocutors within overlapping historical arcs, from antebellum plantation economies to post-war racializing processes of urbanization and privatization to post-Katrina racial and security regimes. By putting Political and Legal Anthropology in critical conversation with Black studies, *Carcerality in Transition* theorizes racialization as constitutive of contemporary liberal reform under racial capitalism. My ethnography shows that innovations in urban governance – characterized by a valorization of entrepreneurialism, design-thinking and data-driven, “best practices” and carceral care – ultimately defer racial justice even while attempting to attend to racial inequality in “reformist New Orleans”. It demonstrates the social formations of neoliberal racial capitalism through which certain relations of dependence and belonging are engendered and others are destroyed or foreclosed.

¹ Schoenfeld, *Building the Prison State*.

Building the Plane as You Fly It

“I’ve worked in the reentry space for about a year now. It is a really exciting time to be involved. I mean you have such creative solutions being developed to help people and help our economy at the same time. It is amazing to see things built to serve a need. Like Reentry Court and the new workforce programs I’m working on... *It’s like building the plane as you fly it,*” Sherry Travis told me with great enthusiasm in February 2016. This conversation with a representative from the Louisiana Workforce Development Commission in February 2016 would be the first time I would hear this metaphor for criminal justice reform. Sherry and I were sitting next to each other at the Orleans Parish Reentry Court. In the rows in front of us there were twenty-seven reentrants, formerly incarcerated men enlisted in a new experimental court program. I wrote down Sherry’s statement in my fieldnotes: *Building the plane as you fly it*. What did this say about the criminal justice reform movement? It was an unsettling yet familiar concept repeated over and over by various interlocutors as my exploration of prisoner reentry policy and programming unfolded.

I soon came to understand this metaphor as a kind of celebratory refrain to describe the potentials of criminal justice reform. But just as a thought experiment, I tried to really unpack the phrase. A plane in flight has the view from above – a top-down perspective. Yet to envision the building of a plane evokes a construction on the ground. One builds most things from the ground up. The plane’s parts are sourced from multiple manufactures; each material is entangled in its own chains of production and distribution. The plane’s engineers each contribute their labor with specialized expertise. To have the plane being built while flying means that its passengers, or at least some of its passengers, are its very engineers, technicians and pilots. This plane is unfinished but it is in motion from an origin to an aspirational destination – a destination that is uncertain

because the plane is in process. The plane's "lines of flight" are undetermined.² The plane built as it flies travels a profoundly ambivalent path.

Recent criminal justice reform legislation and increased allocation of private and public funding have been directed toward decarcerating Louisiana. In 2016, Louisiana had the highest per capita incarceration rate in the United States with 1,143 people incarcerated per 100,000, nearly double the national average of 693 people per 100,000.³ And the city of New Orleans still has the highest nationwide jail population.⁴ African Americans are four times more likely to be incarcerated than white residents in the state. After holding the title of "Incarceration Capital of the World" for over twenty years, there has been growing bipartisan consensus in the state that mass incarceration is unjustifiable on both economic and moral grounds. Such a political shift was evinced by the 2017 Justice Reinvestment Legislation package which implemented an overhaul in criminal justice sentencing and prisoner eligibility for release and invested funds toward the growth of prisoner reentry services. As New Orleans leads the state of Louisiana in its push toward criminal justice reform, the city government has committed funds and supported the growth of reentry services. As I would soon learn, reentry was being framed as an economically prudent reinvestment of state and city resources and described by many reformists as a project toward racial equality through decarceration. New Orleans aspires to no longer be "the most incarcerated city in the most incarcerated state in the most incarcerated country."⁵

² Deleuze and Guattari, *A Thousand Plateaus*; Deleuze and Guattari, *Anti-Oedipus*.

³ Prison Policy Initiative, "States of Incarceration: The Global Context 2016." This study includes number of people in state prisons, local jails, and federal prisons from each U.S. state and D.C. per 100,000 people in that state or territory.

⁴ In 2016, Louisiana had the highest per capita incarceration rate in the United States, with 816 people in prison for every 100,000 residents. That was nearly double the national average of 450 per 100,000 residents.

⁵ Landrieu, "With Jail Diversion Program, New Orleans Follows Seattle's Lead."

During my two years of fieldwork in New Orleans (2016-2018), I observed how criminal justice reform became a key nexus for many municipal initiatives in New Orleans. Retrofitting water infrastructure, revitalizing depressed neighborhoods and growing the city's idea economy all became projects partially coordinated and funded through criminal justice reform agendas, especially reentry. The *reentry infrastructure* emerged through the efforts of a diverse range of institutional actors which included law enforcement and legal agencies, nonprofits, universities and private industry – all tasked with innovating aspects of criminal justice. The individuals who attempted to implement such innovations are referred to as reformists or social entrepreneurs within this manuscript. A constellation of loosely coordinated experimental and start-up programs focusing on transitional housing, substance abuse and mental health treatment and workforce development were established to triage the anticipated needs of formerly incarcerated people coming back to the city. The people who work within this reentry constellation like city bureaucrats, court officials, NGO operatives, and social service providers referred to this this proliferating network of policy and programming as “the reentry space.”

Carcerality In Transition charts the reentry space as both a novel public-private institutional infrastructure and a burgeoning speculative market. Throughout the dissertation, I argue that the guiding ethos of progressive liberal governance obscures the durable-but-ever-shifting racializing practices constitutive of capital investment and citizenship. At the same time, I explore the reentry space as a site of resistance and potentiality. By theorizing the vernacular practices of my interlocutors as moments of Black radical praxis, I evince how people challenge, refuse, evade and exceed the carceral geographies and neoliberal socialites of reformist New Orleans—even if only momentarily.

I think of the *reentry space* as a landscape of what legal and policy scholarship has deemed “New Governance” in the United States and the European Union. When I began to explore the literature of New Governance, I couldn’t help but recalling Sherry’s saying, “It’s like building the plane as you fly it!” New Governance values experimentation, “soft law,”⁶ flexibility, and the collaborative deregulated participation of diverse stakeholders.⁷ New Governance projects in the United States have been mobilized in higher education diversity initiatives,⁸ health care reform⁹ and environmental conservation.¹⁰ In these cases, private-public collaboration and non-bureaucratic stakeholders were brought together to participate in transforming the practices and priorities of governance. While many New Governance theorists have considered its positive potentials to engender more equitable policy decision making through private-public partnerships and participatory innovation, others have discussed the problematic forms through which New Governance practices maintain and exacerbate inequality. Stakeholder participation is inherently asymmetrical and is “weighted to protecting certain interests.”¹¹ Professor of Law Lisa T. Alexander’s study of the HOPE VI public housing reform in Chicago, for example observes that New Governance projects perpetuate the exclusion of marginalized peoples. She argues that even if marginalized stakeholders are invited to participate in policy problem solving, “empowered

⁶ Peters, “Soft Law as a New Mode of Governance.” Peters discusses “soft law” in the EU as manifesting through “pre-law,” “para-law” and “law-plus” functions.

⁷ Alexander, “Stakeholder Participation in New Governance: Lessons from Chicago”; Lobel, “The Renew Deal: The Fall of Regulation and the Rise of Governance in Contemporary Legal Thought”; Salamon, “The New Governance and the Tools of Public Action: An Introduction”; Freeman, “The Private Role in Public Governance.”

⁸ Sturm, “The Architecture of Inclusion.”

⁹ Trubek, “New Governance and Soft Law in Health Care Reform.” describes the use of public-private collaborations in the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

¹⁰ Freeman, “The Contracting State.”

¹¹ McFarlane, “When Inclusion Leads to Exclusion: The Uncharted Terrain of Community Participation in Economic Development.”

stakeholder participation is difficult to achieve under conditions of social conflict in the absence of traditional rights-based protections.”¹² Such policy case studies, reveal an ambivalence between the emergent neoliberal forms of deregulated, participatory citizenship and traditional rights-based citizenship in the United States. New governance thus is a site to explore how transformations in the ethics of American liberal citizenship reconfigure and re/produce social difference and political inequality.

The New Governance project of criminal justice reform emerged through a bipartisan alliance between liberal and conservative constituencies in the U.S. Both Republicans and Democrats have come to a consensus on the need for decarceration.¹³ This is exemplified by the Trump administration’s passing of the First Step Act – the most recent federal criminal justice reform legislation. However, such consensus is questioned as the economic and moral justifications for reform, on the right and the left, are multiple and often are incommensurable projects predicated on very different understandings about the problem of incarceration. As Professor of Law Benjamin Levin writes, “the underlying disagreements transcend traditional left/right political divides and speak to deeper disputes about the state and the role of criminal law in society.”¹⁴ Moreover, this myth of consensus obscures the racialized and racializing repercussions of privatizing community corrections and experimenting with the lives and bodies of the currently and formerly incarcerated. Such experimentation is thus also a targeted

¹² See Alexander, “Stakeholder Participation in New Governance: Lessons from Chicago.” In this case study, Alexander discusses the inadequacy of New Governance practices of collaboration and “soft law” to account for the stark social and racial conflicts that surround the struggle for housing and public space in the city.

¹³ See, e.g. Chettiar and Raghavan, “Ending Mass Incarceration: Ideas from Today’s Leaders.” Contributors to this report are representative of these bipartisan stakeholders from liberal politicians to conservative republican capitalists.

¹⁴ Levin, “The Consensus Myth in Criminal Justice Reform.”

experimentation of poor communities of color who are disproportionately imprisoned and impacted by the carceral state. There is a recognized resemblance between the “flawed coalitions” of bipartisanship that participated in the expansion of harsh federal sentencing laws that led to the over-imprisonment of Black and Brown peoples and those that are emerging around “problem-solving” progressive courts and state supervision protocols today.¹⁵ In the words of legal scholar Carl Takei, “[t]hese bipartisan efforts risk creating a nightmare scenario of mass control, surveillance, and monitoring of Black and Brown communities.”¹⁶ The long histories of the surveillance and criminalization of Blackness in the United States¹⁷ is thus reconfigured and recast through novel modalities of progressive governance seeking technical fixes for racial bias. Yet, as these legal critiques caution, liberal initiatives attendant to racial inequity can set the grounds to expand the reach of the racialized carceral state.¹⁸

The deployment of “soft law,” in the form of flexible and experimental forms of criminal justice adjudication and prisoner reentry programming is a double-edged sword ripe for ethnographic interrogation. The ambiguous spaces of soft law governance and expanding networks of stakeholderhood seemingly open up potentials to challenge legally codified racial inequity but also proliferate the making of racial differentiation through novel political, economic and social formations. In figuring the New Governance landscape of the reentry space as *a space of exception*,¹⁹ my ethnography demonstrates the productivity of making novel social and political

¹⁵ Jaros, “Flawed Coalitions and the Politics of Crime.”

¹⁶ Takei, “From Mass Incarceration to Mass Control, and Back Again.”

¹⁷ Muhammad, *The Condemnation of Blackness*; Browne, *Dark Matters*.

¹⁸ Murakawa, *The First Civil Right*.

¹⁹ Here I am gesturing toward Agamben’s (2005) theorization of the state of exception through which juridical order is suspended in the case of a crisis threatening the state. I take the innovative flexibility of experimental criminal justice to enact violations of laws and norms in order to attend to the “crisis” of reentry and by extension mass incarceration. The concept of exception as intrinsic

assemblages while foreclosing others. Yet, within this space of exception, there are momentary glimpses of more radical political relations and imaginaries for racial justice in the form of collective mutual aid and social accountability oriented toward repair rather than punishment.

Theorizing Racialization: Conversations between Anthropology and Black Studies

Anthropologies of governance and ethnographic attention to neoliberalism offer important insights for the study of the reentry space. Neoliberalism's "ideological coherence around the primacy of the private sector, the release of organizations and industries from government regulation, the creation of powerful nonstate transnational institutions and global market regimes, and the assurance of the market's self-regulating character"²⁰ has molded the practices of reformist carceral governance. The consensus around criminal justice reform is indicative of the neoliberal rise that scholars of political economy have discussed as being anything but democratic.²¹ Neoliberalism is enacted through the reconfiguration of relationships "between governing and the governed, power and knowledge, and sovereignty and territoriality"²² and as anthropologist Carol Greenhouse writes, neoliberal reform "has restructured the most prominent public relationships that constitute *belonging*: politics, markets, work and self-identity."²³ In particular, these reconfigurations through the marketization of relations figure fundamental separations between state and society linking a critical anthropology of neoliberalism to that of the state.²⁴

to law is also developed by the work of Carl Schmitt (2005) and Walter Benjamin (2004) in the early twentieth century.

²⁰ Greenhouse, *Ethnographies of Neoliberalism*, 1.

²¹ Harvey, *A Brief History of Neoliberalism*; Klein, *The Shock Doctrine*.

²² Ong, *Neoliberalism as Exception*, 3.

²³ Greenhouse, *Ethnographies of Neoliberalism*, 2.

²⁴ Greenhouse, *Ethnographies of Neoliberalism*; Hoffman, DeHart, and Collier, "Notes of the Anthropology of Neoliberalism."

Rather than adhering to a geometry of governance that centers the state as all seeing,²⁵ anthropologies attentive to the “margins of the state” are concerned with the shifting relations of inclusion and exclusion, order and disorder as constitutive of governance.²⁶ Instead of coherence and order, the novel state-market formations of neoliberalism productively generate disorder and illegibility on multiple scales from everyday social worlds to global regimes.²⁷ Sociological and anthropological attention to the “co-production”²⁸ of the neoliberal state and the developments of science and technology have brought important critiques to bear on the expanding markets of experimentation²⁹ and the possibilities of participatory governance for social justice rather than social control.³⁰ The innovations of reformist governance are neoliberal technologies and in the reentry space, the programs to provide services for the formerly incarcerated articulate as projects of humanitarian and intimate care.³¹ The reentry space is thus “a key venue in which the scope and roles of government are redefined, micropolitics diversified and entrepreneurial prospects of all kinds explored,” as João Biehl and Adriana Petryna put it.³² In following these lines of ethnographic inquiry, my study works “to people” the technologies of reentry reform that “combined with the plasticity of jurisprudence is fertile ground for exploring new forms of subjectivation and political action.”³³ How do neoliberal reconfigurations of carceral governance engender novel social formations and subjectivities? How are institutional, ideological and

²⁵ Scott, *Seeing like a State*; Foucault, “Panopticism.”

²⁶ Das and Poole, *Anthropology in the Margins of the State*.

²⁷ Comaroff and Comaroff, *Law and Disorder in the Postcolony*; Ferguson, “Seeing Like an Oil Company”; Hansen and Stepputat, *States of Imagination*.

²⁸ Jasanoff, *States of Knowledge*.

²⁹ Petryna, *When Experiments Travel*.

³⁰ Benjamin, *People’s Science*; Benjamin, *Captivating Technology*.

³¹ See e.g., Whyte et al., “Therapeutic Clientship: Belonging in Uganda’s Projectified Landscape of AIDS Care.”

³² Biehl and Petryna, *When People Come First*, 6–7.

³³ Biehl, “PATIENT-CITIZEN-CONSUMERS,” 82.

intimate relations between actors within the reentry space established and transformed? How are these emergent relations of carceral sociality productive?

Placing these anthropological literatures in conversation with scholarship of Black feminism and the Black radical traditions, *Carcerality In Transition* argues that the relational social formations of the reentry space produce *racial differentiation*. The dissertation interrogates these novel configurations of carceral governance as an emergent frontier of neoliberal racial capitalism. In using the term *carceral governance*, I draw upon scholars like Ruha Benjamin who interrogate the relations between innovation and containment³⁴ and therefore, progressive governance and carcerality. Carceral governance thereby includes punitive state institutions (prisons, criminal courts, police) and the geographies of confinement and control they enact but also extending the term to include experimental spaces of "innovation" managed by private companies, nonprofits and startup organizations that rely upon the circulations of people, capital and labor through those geographies to produce value.³⁵ Carceral governance is reconfigured through reformist innovation into an *entrepreneurial governance* of carcerality.

Racial capitalism, as developed by Cedric Robinson (1983), serves as a guiding analytic throughout this manuscript as it helps to engage some of the relations made within the emergent reentry space.³⁶ Racial capitalism argues that racial differentiation is constitutive of modern capitalism and makes a critical intervention upon Marxist conceptions of historical progress and market productivity.³⁷ Put simply, "Capitalism requires inequality and racism enshrines it."³⁸ In

³⁴ Benjamin, "Catching Our Breath." Benjamin asks, "Who and what are fixed in place—classified, corralled, and/or coerced—to enable technoscientific development?"

³⁵ Benjamin; Benjamin, *Captivating Technology*; Schoenfeld, *Building the Prison State*.

³⁶ See Gordon, "Cedric Robinson's Anthropology of Marxism."

³⁷ Robinson, *Black Marxism*.

³⁸ Gilmore in Johnson and Lubin, *Futures of Black Radicalism*, 240.

the context of my ethnography of reentry in New Orleans, this analytic allows me to engage the genealogic relations of deep and durable racial histories of Black dispossession by white accumulation in the U.S. while also attending to the productive and ever-evolving relations that make capital value through racialization today.

I use the concept of *racialization* to understand how criminal justice reform practices don't just partake in governing the racial order but make race through novel reconfigurations and technologies. In building my critique of the racialized/racializing productivity of the reentry space, I mobilize the theoretical critiques of scholars who engage the heterogeneous and transforming processes through which race and racism are enacted. I draw upon Ruth Wilson Gilmore's (2007) influential study of the growth of the California prison system to define the concept of *racism* as "the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death, in distinct yet densely interconnected political geographies."³⁹ Similarly attendant to entangled political relations, Alexander Weheliye (2014) discusses "race, racialization and racial identities as ongoing sets of political relations that require, through constant perpetuation via institutions, discourses, practices, desires, infrastructures, languages, technologies, sciences, economies, dreams and cultural artifacts, the barring of nonwhite subjects from the category of the human as it is performed in the modern west."⁴⁰ I deploy the analytic of *racializing assemblages* developed by Weheliye in my ethnography to frame racialization "not as a biological or cultural descriptor, but as a conglomerate of sociopolitical relations that discipline humanity into full humans, not-quite-humans, and nonhumans."⁴¹ Therefore, as Weheliye (drawing on Sylvia Winter) writes, "...blackness designates a changing system of unequal power

³⁹ Gilmore, *Golden Gulag*, 28.

⁴⁰ Weheliye, *Habeas Viscus*, 3.

⁴¹ Weheliye, 3.

structures that apportion and delimit which humans can lay claim to full human status and which humans cannot.”⁴² I therefore take racialization to be *the differential devaluation of human life*. In considering race as “a fungible assemblage rather than a preconstituted entity,” my study of neoliberal reconfigurations of carceral governance traces “change as well as constancy in racial orders.”⁴³

The idea of racial assemblages under neoliberal capitalism can help critique emergent forms of racial governance that do not necessarily articulate as repetitions or reproductions of racism along color lines. This analytic attends to the relational making of Blackness vis-a-vis carceral governance in the U.S. *Carcerality In Transition* takes seriously how processes of racialization, racism, and understandings of race today are drawn from the historical and material legacies of chattel slavery and settler colonialism, while also attending to the transformations of these racial assemblages under contemporary reconfigurations of racial governance. I use the concept of “repertoires”⁴⁴ to discuss the racial logics and historical material relations of the racialized past that inextricably bear on racializing present. I similarly use the conceptual languages of “haunting”⁴⁵ and “conjuring”⁴⁶ to evoke the simultaneous temporalities⁴⁷ and geographies of the plantation, the prison and the urban center in the American South.⁴⁸ However, I do not make determinate equivalences between the temporalities, geographies and subjectivities

⁴² Weheliye, 3.

⁴³ Singh, *Race and America's Long War*, xvi.

⁴⁴ Here I am drawing from Deborah Thomas's use of Diana Taylor's term to analyze the “longer histories of imperial violence and the kinds of patterns that were established during and after slavery” and their relation to “processes of political authority in the present.” Sheller and Thomas, “Violence and Citizenship: A Conversation between Mimi Sheller and Deborah Thomas,” 129. See also Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas*.

⁴⁵ Gordon, *Ghostly Matters: Haunting and the Sociological Imagination*.

⁴⁶ Fields and Fields, *Racecraft: The Soul of Inequality in American Life*.

⁴⁷ Thomas, “Time and the Otherwise.”

⁴⁸ McKittrick, “On Plantations, Prisons, and a Black Sense of Place.”

of Black enslavement under chattel slavery and Black imprisonment under mass incarceration. Moreover, to engage the socialites of the reentry space, I draw upon conceptual work that emphasizes the potentialities of political futures *in the wake of slavery*.⁴⁹ Ruha Benjamin's *carceral imagination*, for example, articulates not only the relational possibilities of racializing carceral worlds today, but also the futures that could be.⁵⁰ I similarly, mobilize Katherine McKittrick's concept of *plantation futures* to discuss the geographies of domination which are also always made through "difficultly interrelated" racial encounters and transforming terrains.⁵¹ These conceptual frameworks of relationality and potentiality recognize the histories and legacies of plantation slavery, carceral oppression and Black dispossession, but do not insist upon the total confinements of "peculiar institutions."⁵²

The shifting and transforming racial assemblages under neoliberal racial capitalism can be engaged through a study of relational social and political formations. I join scholars like Jodi Melamed (2019) who argues that a way to "strengthen racial capitalism as an activist hermeneutic is to use it to name and analyze the production of social separateness—the disjoining or deactivating of relations between human beings—needed for capitalist ex-propriation to work."⁵³ Racial capitalism works through processes of differentiation to create specific relations of interconnectedness that entail particular kinds of social partitioning. Throughout *Carcerality In Transition*, I engage the question: What are the relations and encounters engendered through the reentry space and what are the relations and encounters that are disconnected, disavowed and

⁴⁹ Thomas, *Political Life in the Wake of the Plantation: Sovereignty, Witnessing, Repair*.

⁵⁰ Benjamin, "Catching Our Breath."

⁵¹ McKittrick, "On Plantations, Prisons, and a Black Sense of Place."

⁵² Wacquant, "From Slavery to Mass Incarceration."

⁵³ Melamed, "Racial Capitalism," 78.

foreclosed in order to participate within it? Carceral capitalism⁵⁴ turns upon the relations that produce racial differentiation while foreclosing other forms of relating that could potentiate more collective and distributive socialities of abolition.

In following João Biehl's and Peter Locke's discussion of the political and conceptual force of the "ethnographic sensorium," my dissertation depicts how frontiers of capital, reconfigurations of carcerality, intimate dependencies and transitional placemaking are always in the process of becoming. The reentry space is made through the relational movements and encounters of my interlocutors, who are "not stable or fixed entities, unidirectionally determined by history, power, and language."⁵⁵ Rather, the life worlds of my interlocutors in the reentry space are constantly exceeding the frameworks of neoliberal governance and carceral capacities. *Carcerality In Transition* demonstrates that the productive relations of the reentry space are always unfinished. Thus, these relations could always potentiate solidarities and dependencies that are otherwise, but that are also simultaneously extending frontiers of racial capitalism.

New Orleans in Context

New Orleans past and present is a significant site of racialized/racializing experiments in governance. As the terminus of the "second middle passage,"⁵⁶ studying neoliberal restructuring in the city cannot be divorced the "long histories of Southern plantation economies, black slavery, and later, urban dispossession, devastation, and impoverishment."⁵⁷ Scholars of legal history have

⁵⁴ Wang, *Carceral Capitalism*.

⁵⁵ Biehl and Locke, *Unfinished: The Anthropology of Becoming*, 42.

⁵⁶ See Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market*. for a powerful historiography of the New Orleans slave market in the 19th century.

⁵⁷ Ranganathan, Malini, "Resilience in the American City Panel Discussant Comments" (American Anthropological Association, Washington DC, November. 30, 2017).

explored the juridical manipulations and managements of racial identities in the Louisiana delta.⁵⁸ New Orleans was the very site of the incident that led to the Supreme Court ruling on the legal relationship between race and property in *Plessy v. Ferguson*⁵⁹ and the subsequent institutionalization of Jim Crow. New Orleans is simultaneously characterized as a progressive hub for racial justice and inclusion and as a city plagued by crises that expose racial exclusion and oppression. The transformation of civic culture in the 1960s, for example, marked important and even radical potentials for Black participation in governance following the era of Jim Crow.⁶⁰ The manmade disaster of Hurricane Katrina in 2005, however, drew national attention to the racist militarism deployed against the city's suffering black residents⁶¹ and the neoliberal policies that preconditioned such response.⁶² As a racialized site of disaster capitalism,⁶³ anthropologists have observed the practices of governance after the storm that prolonged the vulnerability of the city's poor Black residents while profiting off their displacement.⁶⁴ The aftermath of Katrina sparked scholarly debates about the "limitations of contemporary antiracism as a politics"⁶⁵ as well as about the counter-narratives and epistemologies necessary for social movements to mobilize against neoliberal racial and security regimes.⁶⁶

⁵⁸ Dominguez, *White By Definition*.

⁵⁹ Harris, "Whiteness as Property."

⁶⁰ Germany, *New Orleans after the Promises*.

⁶¹ Camp, "What's Going on? Moral Panic and Militarization in Post-Katrina New Orleans."

⁶² Johnson, *The Neoliberal Deluge*.

⁶³ Klein, *The Shock Doctrine*.

⁶⁴ Anne M. Lovell, "Reformers, Preservationists, Patients, and Planners: Embodied Histories and Charitable Populism in the Post-Disaster Controversy over a Public Hospital"; Adams, *Markets of Sorrow, Labors of Faith*.

⁶⁵ Reed, "Antiracism."

⁶⁶ Woods and Gilmore, *Development Arrested*.

The historical growth of the carceral infrastructure in Louisiana⁶⁷ is exemplary of how capital surplus crises⁶⁸ and racial liberalism's law-and-order policies made contemporary prison America.⁶⁹ However, the city of New Orleans is known as the incarceration capital of the world.⁷⁰ Louisiana's adoption of mandatory sentencing laws and restrictive parole policies resulted in imprisonment, and the staggeringly disproportionate imprisonment of African Americans, at rates far greater than the national average.⁷¹ The racial disparities between incarceration rates in the state of Louisiana are well documented and often recognized in local and national political discourse. As recent as 2016, Black residents of Louisiana were four times as likely to be incarcerated and six percent of the Black population in the state were disenfranchised as a result of incarceration.⁷² Through its superlative status, New Orleans has become an important site for criminal justice reform and racial justice activism as well as for scholarly engagement with mass incarceration and Black captivity.⁷³

While New Orleans is a historically and materially unique field site to explore the re/production of race through neoliberal carceral governance, there are recognizable patterns of

⁶⁷ Pelot-Hobbs, "Louisiana's Turn to Mass Incarceration," February 1, 2018.

⁶⁸ Gilmore, "Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism"; Gilmore, *Golden Gulag*.

⁶⁹ Murakawa, *The First Civil Right*.

⁷⁰ Oklahoma, as of June 2018, is the state with the highest incarceration rate per capita in the United States. This is attributed in news media to the Justice Reinvestment legislation package passed by the State of Louisiana in 2017. However, the Oklahoma statistics are also under scrutiny for overcounting prison inmates so this is still up for debate.

⁷¹ See The Sentencing Project 2017. <https://www.sentencingproject.org/the-facts/>. In 2016, Louisiana had the highest per capita incarceration rate in the United States, with 816 people in prison for every 100,000 residents. That's nearly double the national average of 450 per 100,000 residents.

⁷² See The Sentencing Project 2017. <https://www.sentencingproject.org/the-facts/>.

⁷³ See Williams, *Until They Are Free*.. This work expands the concept of captivity as a powerful critique of the liberal fantasies that perpetuate anti-blackness.

racial responsabilization in many post-industrial American cities.⁷⁴ The changing political economy of contemporary urban life invites start-up and nonprofit entrepreneurship to partake in private-public techniques of governance as part of what Ruth Wilson Gilmore (2017) critiques as the contemporary “shadow state.”⁷⁵ This phenomenon brings a class of professional, multicultural elites who see both opportunity for progressive reforms and for venture capitalism in cities like New Orleans, where natural disaster and divestment have contributed to infrastructural and economic precarity. I refer to these actors throughout the dissertation as *reformists and social entrepreneurs*. The hypermobility characterizing these new residents and the capital that accompanies them moving into the city seemingly entails the displacements of others who are moved through and confined within the carceral system. While focusing on the specificity of New Orleans, I am also broadly emphasizing the capacities of neoliberal governance to co-opt racial justice work in cities across the world. Entrepreneurial governance is a neoliberal articulation recognizable in many cities. This phenomenon manifests a market valorization of urban diversity and social consciousness but requires a more fundamental disavowal of the differential treatment along the lines of race, class, ethnicity, gender, sexuality and ability by capital and carceral regimes. Entrepreneurial governance asserts the emancipatory potentials of the market for all while strengthening the punitive systems that target people based on difference.

“A Seat at the Table”: Fieldwork in the Reentry Space

The common refrain, and often times, the demand to “have a seat at the table” was a

⁷⁴ See Thomas Jessen Adams and Matt Sakakeeny, *Remaking New Orleans: Beyond Exceptionalism and Authenticity*.for critiques of the discourses of exceptionalism and authenticity that often characterize studies of the city of New Orleans.

⁷⁵ Gilmore, “In the Shadow of the Shadow State.”

salient metaphor for inclusion in the reentry space. In the context of criminal justice reform, “having a seat at the table” meant stakeholdership and representation. Private industries like energy and manufacturing companies, nonprofits with diverse mission statements, and grassroots organizations all vied for a seat at this table. People representing vastly different interests all showed up to the roundtables, the meetings, the brainstorming, the workshops. There were particularly strong calls for formerly incarcerated perspectives to be included in the development and implementation of reformist criminal justice. The table was an aspirational symbol and a rhetorical device to depict the potentials of progressive liberal governance to transform political hierarchies that limit input in governance into colorblind, democratic participation.

Aside from the policy metaphor, the majority of my fieldwork was spent sitting at or observing the social dynamics of people sitting around long, mostly wooden, communal tables together – at work, in court, at home. The reentry space was full of this collaborative and communal aesthetic. These tables were complex and shifting sites of racialized and racializing processes of differentiation and political asymmetries. These tables were sites of affective relations of fear, joy, anticipation. They were sites of exchange, of re/distribution, of dissent and of violence. Sometimes these literal tables were sites for the making of more metaphors.

“Go on, y’all. Help yourself to some banana bread. I baked it yesterday,” said Jenna Dumont, a probation officer who supervised Reentry Court participants. I looked at the long wooden table that had been cluttered with the individual court files of each reentrant in Judge V’s section of the Reentry Court. Jenna had placed an aluminum tray in the center of the table with a loaf, cut into identical slices which was exuding a tempting sweet aroma. Laurel Abrahms, the executive director of a nonprofit called Building Up, reached for a piece but then hesitated. Down on the table, right next to the tray of enticing banana bread was Jenna’s holster and gun. She had

placed it there so she could settle into her seat and get out notes on her probationers for the Reentry Court staff meeting. This image, of resting guns and shared baked goods all along one big table was a striking metaphoric representation of the proximity of participatory governance and reformist care to carcerality and violence. There were phantom potentials for sweet treats and carceral violence at every table I sat around in the reentry space.

For over two years, I chronicled a unique and locally renowned collaboration between the Louisiana State Penitentiary (also known as “Angola”), an experimental Reentry Court and a nonprofit small business incubator and reentry service provider I call, Building Up.⁷⁶ Recognizing that unemployment and poverty contribute to rates of incarceration and that formerly incarcerated individuals face discrimination by employers after they serve their time, this alternative-sentencing court program aims to reduce recidivism by ensuring employment after prison. The New Orleans Reentry Court sentences individuals to a specialized vocational training campus at the state prison where they are trained and certified as skilled laborers.⁷⁷ Upon release, the court provides an avenue to be hired by a local employer.⁷⁸ A requirement of court supervision is participation in

⁷⁶ I use pseudonyms throughout this dissertation for people and certain organizations in order to maintain the anonymity of my ethnographic interlocutors.

⁷⁷ This alternative sentencing court program began as a small pilot in 2013 in Orleans Parish and has since expanded to 13 of Louisiana’s 64 parishes. It was one of the first established Reentry Courts of its kind, preceding the growth of the city’s reentry programming infrastructure. Recommended offenders who plead guilty to nonviolent charges serve a minimum of two years in the Reentry Campus at the state prison. Men serving life sentences mentor and train participants in vocational trades and tutor them to complete their GED. As of 2020 approximately 37 participants are currently under this court’s supervision. 273 men have gone through this program and 153 of those men have completed and graduated this program. 111 were either terminated from the program or have recidivated.

⁷⁸ The case managers of the court recruit local parish employers to agree to employ participants of the reentry program. Often, these employers are not looking for skilled labor. Employers are given tours of the Reentry campus at the State Penitentiary and are also offered tax incentives for participating in the workforce development program

Building Up, an organization dedicated to advancing economic autonomy for formerly incarcerated men through entrepreneurialism.⁷⁹

Reentry Court is presided over by Judge V (a pseudonym).⁸⁰ This court started as a pilot project in 2010, as became one of the first reentry programs of its kind in the country. Reentry Court is framed as an educational program that provides employment opportunities for formerly incarcerated men. When Judge V addresses participating reentrants, she simply describes reentry court as “an investment in yourself.” Participants in the program are subject to supervision by New Orleans Probation & Parole and are assigned a Reentry Court case manager. Personal benchmarks are set each month by the case management team for each individual participant. Reentry Court is not included on the regular criminal court docket. The Judge takes off her robe and sits alongside the panel of officers and case managers at a long wooden table. Members of the public sitting in the gallery are asked to introduce themselves and identify their interest in reentry. Reentrants are called up to sit at the table and discuss their monthly progress with the team in front of the other participants and the court attendees.

I spent most of my time in New Orleans at the wooden table in the Building Up Office. It was hand crafted by a formerly incarcerated carpenter who worked on some of Building Up’s reentry housing projects. Around this table, people announced births, grieved deaths, planned businesses, parties and funerals, studied Spanish, law and psychology, organized protests, organized office file cabinets, mediated interpersonal and legal conflicts, and the list goes on and on. Gaining access to a seat at this table came after I had set up an interview with Laurel Abrahams

⁷⁹ Reentry Court was only available for men. Reentry opportunities for women whether it be housing, diversionary/alternative sentencing courts or workforce development programs are very limited in New Orleans and throughout the United States.

⁸⁰ All interlocutors have been given pseudonyms for anonymity. Specific identifying details have also been altered in my ethnographic representation.

to learn about reentry in Louisiana. We hit it off as soon as we met – from our shared politics to our strikingly similar style of dress. In that first meeting, Laurel stated, “As a legal practitioner it would be awesome to have a researcher’s perspective.” After a long conversation about the work of Building Up and the Reentry Court program, Laurel invited me to “come check it out” for myself. During my first visit to Reentry Court, Laurel introduced me to Judge V as her “friend who is studying reentry and working with Building Up.” From that point on, I became a full-time volunteer at Building Up and for the first month or so, while members of the organization were learning my name, I was simply called, “Laurel’s friend.”

I was recognized as staff at Building Up and my “work roles” there ranged from administrator, to grant writer, to in-house tutor for formerly incarcerated members and clients that had gone back to school. My weekdays and every Tuesday night, during small business incubator meetings, were spent in the small New Orleans’s “shotgun” house that was the Building Up office. The office was next door to the Days Home reentry transitional house and was located across the street from the ominous tower of the New Orleans Justice Center, the city jail. Two blocks away was the criminal courthouse, where I would attend Reentry Court on the first Wednesday of every month and attend court staff meetings on the last Wednesday of every month. But I would actually frequent the criminal and civil courts on many more occasions, whether to escort a family member looking to post cash bail late at night before the clerk left or to accompany an interlocutor to a traffic court appearance or a sentencing hearing. While this “carceral corridor”, was my primary field site, I also attended criminal justice reform legislative sessions in Baton Rouge, Louisiana as well as New Orleans city council meetings, mayoral addresses, reentry events at City Hall and community events at venues like the D House where people would share and organize around

issues impacting city residents. I also conducted further participant-observation and semi-structured interviews in the neighborhoods and homes of my interlocutors.

My primary interlocutors were 1.) reentrants participating in Building Up and/or the Reentry Court Program, like Carter Jones and Sincere Lebeaux 2.) case managers like Eugene Garcia and the judge, Judge V, from Reentry Court, 3.) Laurel Abrams, a public defender and executive director of Building Up and the many bureaucrats, law enforcement agents, kin, coworkers and social entrepreneurs these interlocutors encountered and engaged, often times around communal tables within the reentry space.⁸¹ My relations with my interlocutors depict the very “difficultly interrelated” encounters that emerge within the reentry space. Throughout the following chapters, I am interpellated and entangled within institutional and intimate racial assemblages in diverse, contradictory and awkward ways that reveal the moral grey zones of leftist activism, progressive politics and ethnographic practice. In critiquing the multiple and emergent articulations of neoliberal carceral violence, I read my own ever-evolving relationships with my interlocutors as openings to interrogate the potentials for a collective abolitionist ethic.

Carcerality In Transition develops an ethnographic theory of racialization within neoliberal carceral governance. It deploys a rather granular mode of theorization in order to grasp the movements and transformations of carcerality that perpetuate the hegemony of racial capitalism. Taking this approach, I seek to get at the affective and ethical problem-spaces that render political potentialities at once emergent, multiple and fleeting. I draw out certain social figures, both implicitly and explicitly, that coordinate the reentry space, such as the figure of the consenting reformist (Chapter 1), the urban social entrepreneur (Chapter 2) and *the reentrant-laborer* (Chapter 3), the neighborhood coalition (Chapter 4) and the carceral family (Chapter 5). These figures are

⁸¹ See interlocutor guide for reference.

not to mark an abstracted or fixed ideal type, but rather, they trace problematizations. They articulate subjectivities that are morally and politically contested and ethically aspirational – subjects that aren’t yet but could be. In trying to attend to a history of the present, the social figures that emerge in this ethnography are not complete nor radically hopeful, but they reveal theories of a racializing relationality.

My ethnographic praxis is one of bringing into relation. Each chapter of this dissertation identifies a relational process through which the ethics, politics and affects neoliberal carceral governance can be interrogated. In Chapter 1, I demonstrate the relations of “fractured consensus” through which carceral reformists emerge as morally ambiguous actors. This chapter discusses how spaces of consensus work to proliferate differentiations among those who govern through and those who are governed by reformist consensus. Chapter 2 critiques the relation of the “entrepreneurial catch” which argues that the aspirational subject position of the entrepreneur works to foreclose claims to racial justice in the form of reparations and redistribution. Chapter 3 discusses the “productive separation” between carcerality and the labor market that structure the reentry space. It argues that this ideological separation obscures the making of the strategically ambiguous figure of the racialized reentrant laborer whose labor is discounted and devalued. In Chapter 4, I explore the relation of “transitions home” that relates the carceral circulations of people and capital to neighborhood gentrification and capitalist frontier-making. Chapter 5 discusses the relation of “fatal dependencies” that charts the multiple forms of carceral violence that articulate through intimacy. In my epilogue, I touch on “speculative solidarities” as relations that struggle to be realized as imagined abolitionist futures. *Carcerality In Transition* attends to the emergent sociality of the reentry space by tracing the relations it potentiates and those it forecloses.

Chapter Structure and Summaries

Each of *Carcerality In Transition*'s five chapters engage a particular set of productive relations under neoliberal racial capitalism as they operate within reentry reformist governance. These chapters depict the profound ambiguities and ambivalences produced in order to make capital value through racial differentiation in contemporary reconfigurations of carceral governance. Throughout my fieldwork, I noticed that every time I tried to interpret an aspect of the reentry space, it had already shifted. Such is the case with ethnography in general and social relations always, but I wanted to pay particular attention to convey that motion in my writing. To attend to these ever-evolving relations and their potentialities, each chapter is written with a coda. These codas are ethnographic vignettes of varying lengths that show how the social field and my analysis is unfinished. These vignettes sometimes complicate and sometimes supplement the chapter's main analytics, but more importantly, they are left as scenes open for interpretation and further interrogation. They are invitations for the reader to contemplate and interact with the relational makings of the reentry space.

Chapter 1: Fractured Consensus delves deeper into New Governance consensus around criminal justice reform. Through a materialist analysis, I discuss consensus as related to capital surplus crises and politics crises of legitimacy. I trace how mass incarceration was a response to crisis but is now framed as its own moral and economic crisis in the United States. Through an examination of the release process of state prisoners under the Louisiana Justice Reinvestment legislation of 2017, I interrogate the problems of reformist consensus-building within liberal governance. The implementation of these policies reveals that consensus in fact operates to proliferate moral and material differentiations among actors in the reentry space. I identify these differentiating relations as moments of fractured consensus. I deploy the concepts of carceral

humanitarianism and affective infrastructures to discuss how the dialectic of innocence and guilt structure the criminal justice reform policy space.

Framing entrepreneurialism as a path to emancipation from the cycle of incarceration, reentry reform programs impel the formerly incarcerated to enact and navigate the contentious risk logics of human capital. *Chapter 2: The Entrepreneurial Catch* develops the analytic of *racial responsabilization* to interrogate “the urban entrepreneur,” an organizing figure of prisoner reentry workforce development programs in the city of New Orleans. It uses the illocutionary act of “the pitch” as a performative space to question anti-blackness within neoliberal capitalism. When refracted through the risk logics of punitive justice institutions, the guiding assumption of the entrepreneur as autonomous, self-actualized agent is fundamentally challenged. I link the risk logics rooted in neoliberal human capital theory to Foucauldian theories of responsabilization in order to surface the tensions between the techniques required to manage criminal recidivism risk within progressive criminal justice and the risk-taking/risk-generating imperatives of entrepreneurial self-making. For the conjunctively racialized and criminalized, the requirements of entrepreneurialism do not potentiate self-actualization but rather both obscure and re/produce racial histories of dispossession and bondage. Formerly incarcerated entrepreneurs are required to perform a disavowal of racialized dispossession in order to recast their incarceration as an investment in their human capital. Responsibilization operates differentially, re/producing racialized subjects, not merely governing them. I figure entrepreneurial governance as part of the afterlife of slavery to argue that, even as speculative horizons for reform race forward, liberal governance works to defer claims to redistributive and reparative racial justice.

Chapter 3: Productive Separation explores reentrant’s claims to their labor. By outlining the discursive polemics surrounding contemporary prison labor in Louisiana, this chapter begins

by questioning how reentrant labor is historicized. Using Deborah Thomas's (2016) concept of co-relation and temporal simultaneity,⁸² I consider how the exploited labor of Black slaves on the plantation and the legally sanctioned labor of prisoners today do not articulate a historical telos nor a transhistorical ontology. Rather, I conceptualize these institutions and practices as differentiated by bringing into relation such that prison labor is not historicized as a return to the past, but "a reckoning with its [the past's] repression in the present."⁸³ I argue that the racial regimes that bind labor and punishment are not merely repeated but are transformed. This chapter then unpacks the practices of the Reentry Court program that discount and devalue reentrant labor. I argue the Reentry Court program, and the reentry space more broadly, reproduces the ideological delineation between the market and carcerality. In showing how labor markets and carceral circulations are mutually constituted in this context, I demonstrate the productivity of Reentry Court within racial capitalism to make the ambiguous social figure of *the reentrant-worker*. I thereby argue that the ideological disconnection between the market and carcerality obscures how racialization produced through carcerality is intrinsic to the making of capital value and accumulation. Relating these labor circulations to the "entrepreneurial catch," I conclude by discussing how reentrants try to marshal their experiences of incarceration as a form of expertise in the reform marketplace.

Chapter 4: Homes of Transition engages the material and ideological dimensions of transitional movement within the context of reentry transitional housing. It demonstrates that the reentry space is not merely a conceptual frontier of an abstract political economy but the material and ethical inhabitation of city space. I problematize the reformist reading that fixes the prison and

⁸² Thomas, "Time and the Otherwise."

⁸³ Gordon, *Ghostly Matters: Haunting and the Sociological Imagination*, 183.

city as the dyadic poles of reentry. I argue that this one-way movement of reentry (from prison to the city) and one-way movement of recidivism (from city to prison) defining the “cycle of incarceration” cannot attend to the entangled movements of people and capital, and thereby, the differential mobilities and strategies, that continuously transform the experiences of incarceration, the experiences of reentry and the experiences of urban inhabitation. This chapter centers around the Becker House, a renovation project that sought to turn a dilapidated mansion into a transitional house for formerly incarcerated men. By tracing the diverse perspectives of those who worked on the Becker mansion project, I critique the dynamics of progressive coalition building, design-thinking and the racialized and racializing politics of urban dis/placement as situated within histories of settler colonialism and more recent histories of gentrification. An attunement to the politics of movement in the city reveals the emergent problem space of liberal reformism as tethered to the appetites of racial capitalism. It also evokes a call to challenge the racialized/racializing assemblages of wealth, property and cultural capital that differentially govern stability and mobility in the city.

Chapter 5: Fatal Dependencies discusses how reconfigured carceral governance enacts novel intimacies through the idiom of kinship. I develop the analytic of *fatal dependencies* to trace how the intimacies engendered through carceral care emerge through the annihilation of other forms of kin dependency. The family-style problem-solving espoused by Reentry Court works to figure some relationships with girlfriends, mothers and children as illegitimate and pathologically extractive. Such designations are also predicated on the racialized subjection of reentrants as primarily dependent upon the court and therefore, incapable of supporting dependents of their own. In this chapter, I also interrogate the *fatal dependencies* through which institutional violence surfaces as gendered violence within intimate relations thus questioning the bounds of what

constitutes the domestic. By pairing Black feminist critiques alongside political anthropologies of violence and care, I theorize how carceral violence enacts racializing and gender forming assemblages by potentiating and foreclosing social dependencies.

The Epilogue: *Speculative Solidarities*, addresses the technologies of solidarity that emerge among actors constantly toggling between dependencies within the carceral system and attempts to subvert those dependencies through capital redistribution and acts of social support. I attempt to locate the potentials for an abolitionist ethics that challenge neoliberal carceral governance in the moments of transformative justice, debt amnesty and mutual aid. This work ends by asking: How do we tap into the potentials of those moments and move toward a radical politics of redistribution and collective solidarity?

Interlocutor Reference Guide

*This is a list of primary interlocutors who are involved in multiple chapters throughout the manuscript. It is not an exhaustive list of all the ethnographic interlocutors mentioned in this text.

Laurel Abrams:

Laurel is a lawyer and the executive director of Building Up, a reentry nonprofit that offers legal and housing services as well as runs a small business incubator for formerly incarcerated business owner-operators. Building Up is partnered with the Orleans Parish Reentry Court.

Sincere Lebeaux:

Sincere is a formerly incarcerated man who is a graduate of the Reentry Court Program. Sincere's optical shop, Gentilly Vision, is the flagship business of the Building Up small business incubator. He is the program coordinator for the incubator and a reentry mentor at the nonprofit.

Carter Jones:

Carter is a graduate of Reentry Court. He runs his own handyman business and is an electrician by trade. He also works at Building Up as a reentry mentor.

Eugene Garcia:

Eugene is a formerly incarcerated man who grew up in Central City. He is uniquely positioned as a mentor at Building Up, a project manager for Building Up's transitional housing renovations and is also a Reentry Court case manager.

Judge V:

Judge V is one of the founders of the Reentry Court program in partnership with the Reentry Campus at the Louisiana State Penitentiary. She presides over the Orleans Parish Reentry Court.

Chapter 1

Fractured Consensus: The Morally Ambiguous Actors of the Reentry Space

What's in a Name?

Laurel Abrams had been working for over three years to get the Louisiana Office of Motor Vehicles (OMV) to let people getting out of prison drive again. Finally, in 2017, after tons of meetings and memos and heated exchanges with representatives from the Department of Corrections (DOC) and from the OMV, Laurel was happy to announce that a statute had been passed that would offer formerly incarcerated people the ability to get a provisional driver's license upon release from prison. "This is a game changer, Shreya!" she told me at the Building Up Office, where I was working as administrative staff. This was a phrase she would often use to describe the "small wins" of criminal justice reform that she was deeply committed to.

Laurel is a public defender and the executive director of Building Up, a reentry services nonprofit in New Orleans that specializes in transitional housing, legal aid and small business incubation for the formerly incarcerated. Much of Laurel's legal practice involves representing people whose licenses had been suspended while they were serving a prison sentence. Licenses can expire during this time but most often, outstanding traffic tickets for nonmoving violations, like a parking tickets, or a failure to renew car insurance can warrant a suspension. Upon release from prison, formerly incarcerated individuals in Louisiana cannot have their licenses reinstated without paying their fines, which sometimes could have accrued thousands and thousands of dollars. Failures to appear in traffic court even due to incarceration can result in a bench warrant for arrest.

According to Laurel, all of her formerly incarcerated clients face some version of this hurdle which impacts their abilities to get to and from court appearances and probation or parole officer meetings. It also is a massive barrier to getting and keeping a job. The provisional license serves as a temporary solution until the formerly incarcerated person can attend to their traffic violations or insurance lapse. To waive these traffic debts, Laurel would stand in the long line of lawyers at traffic court to make the case that her clients' violations should be dismissed as "time served."

The last thing to be done to officially set up the provisional license program was to get informational pamphlets in OMV locations across the state. Before publishing, the collaborating stakeholders – the Louisiana Department of Public Safety and Corrections, the U.S. Attorney's Office, and Reentry services organizations – circulated a draft of the pamphlet soliciting edits. When they met to finalize, they were to share their comments with the group to come to consensus about the changes. Laurel asked the opinions of the formerly incarcerated members and staff of Building Up. She also contacted prominent reentry activists and organizations that were run by formerly incarcerated people around the city. After their input, she had one primary edit: The title.

"After consulting with a group of formerly incarcerated people who are working on criminal justice reform, I suggest changing the title from "Ex-Offender Provisional License" to "Provisional licenses for formerly incarcerated people. It is not only a more clear title but also uses less stigmatizing language," Laurel shared.

To this, the head of Reentry Services from the Louisiana Department of Corrections, Jacob Landsmen responded, "If that is the consensus then I am not opposed to the change. However, the legal term of the statute is 'Ex-Offender,' so even if other terminology seems less stigmatizing right now, it wouldn't be accurate. Would a rose by any other name smell as sweet?" He paused

after quoting Shakespeare and continued, “Stigma comes from human beings defining and then labeling members of a group by the worst actors in the group. We have already had many labels for this group -- convict, inmate, offender, ex-offender, returning citizen. The label shouldn’t be an attempt to disguise people who are returning from incarceration so they won’t be recognized by the general public. Instead, we need to change the culture’s understanding of how to react to the person with the label. It can be confusing and even divisive if the labels are constantly changing.” The pamphlet remained *Ex-Offender Provisional License*.

I begin the dissertation with this debate about the term used to describe people who have been released from prison as it provides insights into the emerging political landscape of the reentry space in Louisiana. The terms used to refer to people who were in prison but no longer are in prison are multiple and contested. The terms “Ex-con” or “felon” are considered by Laurel and the staff of Building Up as derogatory and stigmatizing and use the term ‘formerly incarcerated people.’ First, this term is oriented toward the common experience of having been incarcerated and does not primarily focus on having been convicted as guilty of a crime. Such a practice also follows the progressive push toward more humanizing language in everyday life and in policy that emerged from mobilizations by formerly incarcerated activists.⁸⁴ Some organizations, like the Christian faith-based, Prison Fellowship, argue that the term “returning citizen” should be used because it conveys “space for hope by acknowledging their capacity to act as a citizen despite the barriers they may face.”⁸⁵ However, this term is aptly criticized by formerly incarcerated activists and by the Building Up staff who argue that among other restrictions of their constitutional rights, voting disenfranchisement of people with a criminal record in the state of Louisiana and in many

⁸⁴ Ellis, “Letter on Language”; Travis, “Reflections on the Reentry Movement,” 86.

⁸⁵ Phipps, “Unlocking the Second Prison: Changing Our Words to Help Returning Citizens.”

states across the country denies formerly incarcerated people full citizenship in the U.S.⁸⁶ Throughout the dissertation, I thus use ‘reentrants’ when referring to the people who participate in the reentry programming, such as the New Orleans Reentry Court, to signal an institutional relationship. Most often I refer to my ethnographic interlocutors who have served a prison sentence using the term ‘formerly incarcerated person.’ It is important to flag that deploying that term is a rhetorical gesture that articulates a support for carceral reform. Many people who get out of prison don’t readily have this language at hand. The identification with being a ‘formerly incarcerated person’ indicates a discursive interpellation into a reformist or activist milieu. The multiple names that refer to someone coming out of prison are not merely biopolitical technologies of surveillance and bureaucratization, although that is certainly part of it. If naming is an “engine for making people up,”⁸⁷ the very proliferation and contestation around what to call people or what people should call themselves after release from prison becomes the grounds to understand the emergence of novel political subjectivities and moral actors.

In the case of the provisional license statute, ‘ex-offender’ became a codified term in the legislation. Laurel recommends, using the term ‘formerly incarcerated people’ instead to move away from an emphasis on criminal records and thus demonstrate an ethical commitment to destigmatizing reentry through reform. Moreover, her argument for the use of ‘formerly incarcerated people’ is rooted in the spirit of New Governance collaboration, as it is in consultation with formerly incarcerated people.⁸⁸ People who have experienced incarceration have politically

⁸⁶ For more information on histories of felony disenfranchisement and the Restoration of Voting Rights Movement *See* Bradford, “Zero Disenfranchisement: The Movement to Restore Voting Rights.”

⁸⁷ Hacking, “Making Up People.”

⁸⁸ The obvious criticism is that there weren’t any formerly incarcerated people on the provisional license committee in the first place.

organized to be called ‘formerly incarcerated people.’ The term thereby signifies a self-determined language that Laurel feels should be valorized within the criminal justice reform space. However, the response by Jacob, one of the main players in the state’s reform agenda, equates accuracy with legal categories. If the statute says ‘ex-offender,’ then ‘ex-offender’ should be the term used. Moreover, his statements convey an ambivalence that on the one hand seems to doubt the relation between social stigmatization and circulating language (“would a rose by any other name smell as sweet?”) and on the other, claims that stigma arises only because of the human propensity to label groups based on the group’s “worst actors.” Jacob is positing that social belonging for people who have been incarcerated is not dependent upon the correct term, but a broader transformation in “cultural understanding.” He insinuates that the term ‘formerly incarcerated people’ masks something about the history of the person it refers to. It is unclear whether he means it disguises them so that they are unrecognizable to the public as having gone to prison or as having been guilty of a crime. In any case, Jacob is concerned with shifting of terms not only because it could be confusing but because it could be divisive and thus, a hindrance to consensus.

The terms of this exchange between Laurel and Jacob maps onto key debates in the U.S. today between liberals on the political left, who privilege a self-determined language of identity, and conservatives on the right, who pejoratively dismiss such practices as mere “politically correctness” with no meaningful impact. In holding these subject positions, it would seem that Laurel and Jacob are also considering the interests of different publics engaging with reform policy. Laurel is concerned with the input and representation of formerly incarcerated people who have not been included in this subcommittee. Jacob is primarily concerned about the people who would be responsible for implementing this policy at the Office of Motor Vehicles and at the Department of Corrections. Laurel is arguing for self-determined identification and Jacob is

arguing for legal consistency. Both however, recognize that *consensus* must be reached in order to move forward. Consensus to Laurel is an important means toward the facilitated procurement of driver's licenses for her formerly incarcerated clients. She wasn't going to give up on a "game changer." Consensus to Jacob is this matter means another successful implementation of the new reentry reform agendas that he is charged with overseeing. He would "not be opposed" should it be the consensus of the subcommittee. The stakes of the decision become whether or not consensus can be reached rather than the terms upon which dissensus is revealed. The urgent material needs of Laurel's clients are forcibly weighed against an ideological debate between stakeholders thus illustrating how building consensus paradoxically is a force of differentiation.

In this first Chapter, I want to lay out some of the subtle and not-so-subtle contentions that work to produce and set *the reentry space* in motion. I will trace the work of the actors that animate this emic landscape of policy and programming dedicated to reintegrating formerly incarcerated people back into city life. My focus will be on the private-public and liberal-conservative bipartisanships that seemingly convey a broader economic and moral consensus. Interrogating the reentry space as a space of consensus actually troubles the normative delineations between private-public, liberal-conservative, moral and economic. Consensus is the site upon which the diverse and ambiguous stakes of contention come into sharp relief. Relations of consensus produce differentiating social and political assemblages that manifest complex moral economies. Through my conceptualization of *fractured consensus*, I unearth the making of morally ambiguous political figures who chart a novel and strategically tenuous terrain of neoliberal urban governance. The reformist ethics of the reentry space demonstrate how liberal consensus is structured through the shifting moral dialectics of innocence and guilt, right and wrong. The grounds of consensus thereby produce differential valuations. The debate on what to call people released from prison,

the implementation of bureaucratic procedures to track formerly incarcerated people in the city, and the economic terms of bipartisanship that allow for new figurations of carceral innocence are all moments of fractured consensus. Such moments reveal the reentry space as emerging through racializing moral and material assemblages of differentiation.

The Crises of Mass Incarceration:

The United States has garnered global attention for its staggering rates of incarceration.⁸⁹ It holds more prisoners captive than any country in the world and has an incarceration rate that is four to eight times greater than those in other liberal democracies, including Canada, England, and Germany.⁹⁰ The carceral population grew from 200,000 people to more than 2.4 million people between the late 1960s to the 2000s.⁹¹ As Jordan Camp writes, “Increased spending on incarceration has occurred alongside the reduction of expenditures for public education, transportation, health care, and public-sector employment. Prison expansion has coincided with a shift in the racial composition of prisoners from majority white to almost 70% people of color. As of 2016, over 6.6 million people were under adult correctional supervision – either in prison, jail, probation or parole at the.”⁹² This means that one in thirty-eight adult persons in the U.S. were under some kind of correctional supervision.⁹³ Individual U.S. states remain “the most active incarcerating bodies” as 57% of people incarcerated are convicted of violating state law and imprisoned in state prisons.⁹⁴ Even though the U.S. correctional population has shown a small

⁸⁹ World Prison Briefing. See also, Human Rights Watch, “Nation Behind Bars: A Human Rights Solution.”

⁹⁰ Pfaff, *Locked In*.

⁹¹ Camp, *Incarcerating the Crisis*, 3.

⁹² Kaeble and Cowhig, “Correctional Populations in the United States, 2016.”

⁹³ Kaeble and Cowhig.

⁹⁴ Wagner, “Tracking State Prison Growth in 50 States.”

decrease of 1.2% between 2007 and 2016,⁹⁵ the last fifty years have fittingly been called the era of mass incarceration.⁹⁶

Mass incarceration in the United States has been identified by scholars of racial capitalism as a response to capital and political crises. This literature identifies crises as shifting social transformations within the particular historical contexts of American post-war racial governance. As Ruth Wilson Gilmore discusses, the moral panic over ‘crime,’ and economic panic over capital disorder and overaccumulation merged to into a crisis in the U.S. that the prison fixes.⁹⁷ Gilmore’s concept of “the prison fix” traces the capitalist surplus crises – of finance capital, land, labor and state capacity – that were key to the growth of prison expansion in California.⁹⁸ Drawing upon the work of Stuart Hall and Bill Schwarz (1988), Gilmore writes that “the problems arising from overaccumulation – what makes surplus crisis – are not only economic, but also political, and therefore social.” Such a crisis emerges when “the social formation can no longer be reproduced on the basis of the preexisting system of social relations.”⁹⁹ The disruption of social reproduction

⁹⁵ Kaeble and Cowhig, “Correctional Populations in the United States, 2016.”

⁹⁶ See Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The widespread readership of *The New Jim Crow* has been particularly influential in the public discourses around mass incarceration. This text is credited with drawing out the racist policies and practices in the criminal justice system that resemble the institutionalized segregation and exclusion of black and brown people during the era of Jim Crow. This work is however critiqued by other scholars like John Pfaff, author of *Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform* and Jordan Camp, author of *Incarcerating the Crisis: Freedom Struggles and the Rise of the Neoliberal State*. Pfaff argues that *The New Jim Crow* only engages a “standard story” of mass incarceration that centers the War on Drugs and doesn’t adequately attend to the issues of violent crime convictions that account for much of the incarcerated population. See <https://www.vox.com/policy-and-politics/2017/5/30/15591700/mass-incarceration-john-pfaff-locked-in>. Camp comments on how “the new Jim Crow analogy falls short as a theory of the historically specific articulation of racialization and criminalization the present moment” (2016:8).

⁹⁷ Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism,” 178.

⁹⁸ Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism”; Gilmore, *Golden Gulag*.

⁹⁹ Hall and Schwarz, “State and Society.”

whether in the form of “the idling of workers, the development of far-flung (labor or commodity) markets, and the immobilization of capital in devalued land are problems that require political organization,” often times in the form of state expansion or activism. The outcome of crisis generally is determined through diverse scales and modes of *struggle* in which “people try to figure out through trial and error, what to make of idled capacities.”¹⁰⁰

Such struggle can result in what I describe in the dissertation as a reconfiguration of carceral governance that transforms relations of dependency, security, policing and social aid. The transformations precipitated by social crises are not historically determined but are historically contingent especially as they form racializing assemblages. As Ruth Wilson Gilmore writes, “the weakening of old social, political and cultural forms opens the way to a wide variety of new alliances, institutions, movements all of which are coaxed, but not directed, by already existing practices.”¹⁰¹ In this sense, it is important to recognize the post-Fordist *modus operandi* of the U.S. to enact coercive control and eliminate foreign and domestic enemies,¹⁰² while also attending to “the political and ideological dimensions in theorizing how capital and the states response to the crisis produced a new historical moment.”¹⁰³

Following Gilmore’s analytic approach, Lydia Pelot-Hobbs describes the growth of Louisiana’s carceral state as being “marked through crisis.”¹⁰⁴ In the 1970’s the Louisiana State Penitentiary, known as Angola Prison, was infamously known as the “the bloodiest prison” in America. It was the organizing of inmates to bring legal action against the prison that first brought

¹⁰⁰ Gilmore, *Golden Gulag*, 54.

¹⁰¹ Gilmore, 54–55.

¹⁰² Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism.”

¹⁰³ Camp, *Incarcerating the Crisis*, 9.

¹⁰⁴ Pelot-Hobbs, “Louisiana’s Turn to Mass Incarceration,” February 2018.

major public attention to the crisis of prison overcrowding. “In 1975 U.S. Magistrate Frank Polozola found in favor of four Black prisoners at Angola, Arthur Mitchell Jr., Hayes Williams, Lee E. Stevenson, and Lazarus D. Joseph, who had filed a lawsuit against Angola in 1971 for numerous constitutional issues including medical neglect, unsafe facilities, religious discrimination, racial segregation, and overcrowding. Polozola declared the penitentiary to be in a state of extreme public emergency.”¹⁰⁵ Following this ruling, were several years of federal oversight for the prison and for the state’s parish jails. In order to address the crisis of overcrowding, the Louisiana Department of Corrections tried to increase their prison locations by tapping into surplus state land in parishes across Louisiana. These projects were met with local protests from residents who feared the influx of “dangerous criminals” to their neighborhoods and the devaluation of their property. Calls by inmate activists and decarceration supporters to release prisoners instead of expanding prison facilities fell onto deaf ears. In the late 1970s, as the state was passing and implementing more harsh law and order policies, “it was clear that Louisiana’s politicians were attempting to build their way out of the overcrowding crisis. Three new prisons had been built with more on the way and thousands of new beds were added to Angola more than doubling the state’s prison population from 3,550 people in 1975 to 8,661 people in 1980.”¹⁰⁶

Due to the precarity of a state dependent upon an oil economy, a fiscal crisis and a recession throughout the 1980s, offered another opportunity to reconsider carceral expansion. State officials were tasked to find other ways of managing the ever-growing prison populations. Yet once again, there was a refusal to dial back law and order policies or expand parole supervision. Instead, carceral construction proceeded through debt-financing, which required the state to find a

¹⁰⁵ Pelot-Hobbs.

¹⁰⁶ Pelot-Hobbs.

cheaper way to cover prison operating costs. The parish jail system became the most “financially and politically viable option”¹⁰⁷ and essentially became for-profit prison operations. State prisoners were housed and moved between parish jails and Sheriff’s departments were paid (and continue to be paid) a per diem for each state prisoner they housed. It benefitted local parish sheriffs to fill their beds with state prisoners. The state prison system depended on jails to account for surplus crises.

Through a materialist analysis of the role of racialization in the formation of the neoliberal carceral state, Jordan Camp elaborates a “crisis of legitimacy” in the 1960s “wherein freedom struggles gained more significant moral and ethical legitimacy than the forces of Jim Crow capitalism.”¹⁰⁸ Camp frames prison expansion and mass incarceration as a prolonged strategy of neoliberal state counterinsurgency “against the Black freedom, labor, and socialist alliance,” which transforms “fears and class anxieties produced by capitalist restructuring” into “racist consent to security, law and order.” In Camp’s discussion, “the racialization of groups deemed enemies of the U.S. state has been essential to the legitimation of neoliberal state formation” and thus, “capital and the state responded to struggles from below with mass criminalization.”¹⁰⁹ Camp’s intervention demonstrates that “the historically specific form of racist social control coincident with the emergence of neoliberal capitalism maintains its hegemony through the misrepresentation of social protest against it.”¹¹⁰ Neoliberal consensus thus obscures ongoing dissent against neoliberalism.¹¹¹

¹⁰⁷ Pelot-Hobbs.

¹⁰⁸ Camp, *Incarcerating the Crisis*, 5.

¹⁰⁹ Camp, 6.

¹¹⁰ Camp, 8.

¹¹¹ See also Cahn, “Consuming Class.”

Critical scholars of the U.S. carceral state have attributed the growth of prisons and mass incarceration to conservative and liberal bipartisanship intended to address the crises of capital surplus and of hegemony.¹¹² Countering the common narrative that the Nixon-era law and order policies and the War on Drugs were the divisive catalysts in the rise of incarceration in the early 1970s, Naomi Murakawa (2014) and Jordan Camp (2016) keenly point to the agreements between liberal and conservative political alliances in the U.S. that laid the grounds for contemporary prison America. Murakawa notes that the ‘conservative backlash thesis’ that posited that the anti-blackness of white Republican voters after Civil Rights as the source of oppressive carceral policy is inadequate. Such a reading splits “the late-1960s crime debate into ‘two schools of thought’ [in which] conservatives blamed crime on black culture, and liberals, by contrast insisted that social reforms like the War on Poverty and civil rights legislation would get at the root causes of criminal behavior and stressed the social conditions that predictably generate crime.”¹¹³ However, the agreement between post-war racial liberalism and conservatism was that the issue to be addressed was black criminality demonstrating how “the United States did not face a crime problem that was racialized, but a race problem that was criminalized.”¹¹⁴

Camp further acknowledges a more explicit bipartisan commitment to securitization. As Camp writes, “the neoliberal carceral state emerged from a bipartisan consensus forged during the Cold War about the necessity of prioritizing security – a consensus that has justified the withdrawal of the social wage and created an increasingly central role for military action, national security policies, aggressive policing, and mass prison-building programs in the counterinsurgency

¹¹² See Hall et al., *Policing the Crisis*.

¹¹³ Murakawa, *The First Civil Right*, 8.

¹¹⁴ Murakawa, 3.

governance of neoliberal racial capitalism.”¹¹⁵ The response to the crises of legitimacy and that of the crises of surplus – ultimately a crisis of hegemony – was a consent to authoritarian carceral power that was enacted ‘through race,’ what Stuart Hall et. al (1978) describe as “the correlative to crisis.”¹¹⁶

Thus far, I have only offered racial capitalist theorizations of what precipitated the growth of American incarceration. These draw upon the Marxist conceptualization of crisis as immanent to capitalism and are concerned with how material crisis is intrinsic to how capitalism reproduces itself.¹¹⁷ I do this to open up a question about the historical movement of crisis and consensus in relation to racial governance in the U.S. In this ethnography, mass incarceration is itself named as the crisis at hand. How does the “prison fix” become the crisis? I believe the lens of capital surplus elaborated by Gilmore as well as that of neoliberal counterinsurgency discussed by Camp can provide insight into the various facets of mass incarceration as a crisis. One can certainly make the case that the brick and mortar prisons no longer possess growth potential in the same way and that creative restructuring of carceral institutions is thus required to make novel frontiers for capitalist expansion. One can also argue that criminal justice reform and decarceration is a counterinsurgent strategy of coopting emergent abolitionist movements that threaten the state’s legitimacy. Moreover, tracing the relations of political consensus that allowed mass incarceration to emerge is telling of the relations of political consensus around reformist decarceration. I am therefore concerned with eliciting the continuities between the making of crisis and consensus through the histories of carceral governance in the United States, while also recognizing the novel social formations produced by criminal justice reform today.

¹¹⁵ Camp, *Incarcerating the Crisis*, 9.

¹¹⁶ Camp, 15; Hall et al., *Policing the Crisis*.

¹¹⁷ Marx, *Theories of Surplus Value*; Cordero, *Crisis and Critique*.

There is another element of studying mass incarceration as crisis in the American contemporary. Anthropologist Joseph Masco refers to crisis as “an affect-generating idiom” that is ultimately a “counterrevolutionary force” that sustains the existing structures of power and limits the possibilities of the political in the U.S.¹¹⁸ When the term crisis is used to describe specific conditions, it necessarily separates those conditions from their broader connections constituting “blind spots” in the narrative of and responses to what is deemed a crisis, as Janet Roitman has argued.¹¹⁹ These engagements with crisis as rhetoric that evokes a particular kind of ethical response are certainly relevant to how mass incarceration in Louisiana and the U.S. is figured as a crisis. Such readings characterize reformist response to crisis not as radical ruptures from the political status-quo but more akin to what Stuart Hall and colleagues refer to as “the reproduction of dominant ideologies,” through creative and transformative “media work.”¹²⁰ How crisis is named and represented creates a bounded understanding that obscures the interconnectedness of the crisis of American mass incarceration, let’s say, to that of immigration asylum. How crisis is represented also obscures as in Hall’s study of policing in 1970s England, how class struggle articulates through race.

In my ethnographic work I take up crisis and consensus as two sides of the same coin in that their relation reveals the productivity of contradictions under racial capitalism.¹²¹ Thinking with the Gramscian notion of crisis as the “terrain of the conjunctural,” Hall et al. describes a crisis of hegemony as “an accumulation of contradictions.” I similarly view the language of consensus

¹¹⁸ Masco, “The Crisis in Crisis.”

¹¹⁹ Roitman, *Anti-Crisis*, 94.

¹²⁰ Hall et al., *Policing the Crisis*, 63.

¹²¹ To borrow a phrase from Gilmore who writes, “Crisis and surplus are two sides of the same coin.” See Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism.”

and the ethics of consensus-building within the reentry space as a terrain upon which “forces of opposition organize” and contradictions abound. Ethnographic attention to liberal consensus reveals the fragility of its articulation as an agreement, as sameness.¹²² I refer to the moments of moral and political contradiction as *fractured consensus* – a relation that has a strategic attachment to consensus in order to further differentiate actors who are involved in consensus making and who are governed by the consensus. Fractured consensus proliferates differentiation within reformist governance thereby producing novel racializing assemblages under carceral capitalism.

Reformist Consensus and Reentry Programming

According to criminal justice policy scholars, bipartisan consensus around criminal justice reform is necessary to attend to the crisis of mass incarceration. The first federal response to this described crisis was a proposal championed by President George W. Bush. During the 2004 State of the Union, Bush declared that “America is the land of second chances, and when the gates of prison open, the path ahead should lead to a better life.”¹²³ Three years later, the House of Representatives passed the Second Chance Act (SCA), which authorized approximately \$340 million in reentry-related spending which, over the course of two years was “distributed in the form of grants to state, local, and tribal authorities” and was managed by the Department of Justice’s Bureau of Justice Administration.¹²⁴ The Second Chance Act continued to be a source of grant funding for state, municipal and local governments through Barack Obama’s presidency. Between 2009 and 2018, 695.2 million dollars was been awarded through SCA Grants.¹²⁵

¹²² See Cordero, *Crisis and Critique*, 19.

¹²³ President George W. Bush, State of the Union Address (2004)

¹²⁴ O’Hear, “The Second Chance Act and the Future of Reentry Reform,” 76.

¹²⁵ Bureau of Justice Administration and The National Reentry Resource Center, “The Second Chance Act Fact Sheet.”

The Second Chance Act has expanded further under the First Step Act (FSA), signed into law by Donald Trump in December 2018. According to the Bureau of Prisons, FSA incentivizes prisons “to enter into recidivism-reducing partnerships with nonprofit and other private organizations, including faith-based and community-based organizations to deliver recidivism reduction programming.”¹²⁶ Policy such as the SCA and the FSA represent great potential for what Jeremy Travis, President of John Jay College of Criminal Justice calls a “new approach to prisoner reentry.” Such an approach is “community based, involves new entities such as intermediaries or courts in reentry management, and explicitly uses social service agencies as boundary-spanning institutions that reach behind the prison walls and work together to ease the difficulties of the transition to community.”¹²⁷ Travis especially celebrates what many reformists consider to be a pivotal shift: “corrections and parole become more of a broker of institutional arrangements and less the punitive agents of the criminal justice system.”¹²⁸

Justice Reinvestment in Louisiana: Bold but Not Risky

Louisiana has long held the title of the most incarcerated state in the United States and the most incarcerated state per capita in the world. This striking statistic was time and again reiterated by all of my interlocutors in the field. In 2012, the New Orleans newspaper, The Times-Picayune started an eight-part series entitled, “Louisiana Incarcerated” that would explore “why Louisiana has more citizens in prison than anywhere else in the world.”¹²⁹ It traced various facets of the state’s criminal justice system from interviews with current prisoners serving life-sentences at

¹²⁶ Federal Bureau of Prisons, “First Step Act Overview.”

¹²⁷ Travis, “Reflections on the Reentry Movement,” 85.

¹²⁸ Travis, “Reflections on the Reentry Movement.”

¹²⁹ Chang, “Louisiana Incarcerated: Louisiana Is the World’s Prison Capital.”

Angola Prison to an exposé of private prison funding. This series was an example of an emergent discourse across the state that critiqued the legal statutes and criminal justice practices that maintained the troubling statistics of Louisiana incarceration. In 2012, one in 86 adults in Louisiana was incarcerated, which was nearly double the national average. It cost the state approximately \$23,000 per year to house a single inmate at Angola prison. Louisiana housed about 40,000 inmates and spent about \$663 million dollars to house them, \$182 million of which went to for-profit prisons run by parish sheriffs or private companies. Parish prisons and private facilities receive \$24.39 per diem for each state prisoner housed. It is therefore profitable for sheriff's departments to keep parish prisons full which made it common place for sheriffs to "trade [inmates] like horses, unloading a few extras on a colleague who has openings."¹³⁰ "The lobbying muscle of the sheriffs, buttressed by a tough-on-crime electorate" kept "harsh sentencing schemes firmly in place."¹³¹ Louisiana had the highest percentage of inmates serving life without parole than any other state. Up until 2017, a sentence of life without parole only required 10 out of 12 jurors – a Jim Crow era statute that allowed for nonunanimous juries to still sanction a guilty verdict.¹³² In 2012, former governor Bobbi Jindal had only pardoned one inmate during his four years in office. Even within the last decade, it seemed unlikely that Louisiana's mandatory sentencing laws and tough-on-crime enforcement would ever be challenged let alone change.

The racial disparities of incarceration were a main argument for criminal justice reform in the City of New Orleans. As the Times Picayune series specified, about 5,000 black men from New Orleans were doing state prison time in 2012 as compared with 400 white men from the city.

¹³⁰ Chang.

¹³¹ Chang.

¹³² In 2018, Louisiana voters approved Amendment 2 which requires unanimous juries for all felony convictions stemming from crimes that take place after 2018.

One in 14 Black men from New Orleans were incarcerated and one in 7 black men in the city were either incarcerated, on probation or on parole. In a city that is about 59.7% Black and 34% white, citing the disproportionate rate and volume of black criminal justice involvement would be an understatement.¹³³ Among a growing milieu in New Orleans that linked city politicians, decarceration activists and nonprofit social service providers, the movement toward criminal justice reform signaled a path to racial equity and economic growth in the city.

Shortly after I began my fieldwork in 2016 a new state Governor, John Bel. Edwards was sworn into office. Both Edwards and Mitch Landrieu, the Mayor of New Orleans, had ensured voters that criminal justice reform would be a top priority.¹³⁴ Written together with Valerie Jarret, senior advisor to President Barak Obama, Mayor Landrieu published a 2016 article in the *New Orleans Advocate* discussing New Orleans as an example city that “has moved quickly to develop and implement comprehensive solutions that would drive systemic positive change and eradicate the culture of violence.”¹³⁵ The Mayor was celebrating the reduction of the cities’ jail population from 7,000 inmates pre-Katrina to about 1,600 inmates in 2016. Landrieu attributed this reduction to “collaboration across sectors -- public, private, philanthropic, nonprofit and faith-based -- and a strong partnership between city leaders and the Obama administration.”¹³⁶ He deployed the language of efficiency and data-driven risk assessment to demonstrate how the city jail is transforming its policies according to the 2012 Federal Consent Decree to ensure “constitutional conditions.” In following another federal consent decree for the New Orleans Police department,

¹³³ Demographics from 2010 Census.

¹³⁴ Mitch Landrieu served as the mayor of New Orleans from 2010-2016. He was succeeded in 2017 by Latoya Cantrell. s

¹³⁵ Landrieu and Jarrett, “We Must Create a Criminal Justice System That Makes Us Safer: Mitch Landrieu and Valerie Jarrett.”

¹³⁶ Landrieu and Jarrett.

community policing and technological reforms, like officer body cameras, had also been implemented. Other policy shifts in the city included being the first municipality in Louisiana to “ban the box,” which prevents housing and employment applications from inquiring about criminal records. The NOLA for Life harm reduction programs were started in the city to reach out to youth involved with gun violence. It resembled the Operation Ceasefire model of intervention¹³⁷ and drew inspiration from Obama’s My Brother’s Keeper initiative.¹³⁸ An adjacent municipal upstart was The NOLA for Life reentry program which convened services and resources for the formerly incarcerated. For the Mayor, all these city governance efforts were examples of how reformist New Orleans was “challenging the status quo.”¹³⁹

“I am not proud of our title as the most incarcerated state. But that’s going to be part of our history rather than our future,” said Gov. John Bel Edwards, as he signed the Justice Reinvestment bills into law in June 2017. The Louisiana House and Senate voted to pass a ten-bill criminal justice reform package called the Justice Reinvestment Initiative (JRI). This legislation would be heralded in news media throughout the state and country as an historic move by the most notoriously incarcerated state in the United States. The New York Times and Wall Street Journal both published major stories on the “big step” being taken in “America’s Prison capital.” The New Orleans Advocate characterized it as “the boldest change of direction for Louisiana since the reform of New Orleans public schools after Hurricane Katrina.”¹⁴⁰ The sweeping Justice Reinvestment legislative bundle projected to decrease the Louisiana prison population by 10% and

¹³⁷ National Institute of Justice, “Reducing Gun Violence: The Boston Gun Project’s Operation Ceasefire.”

¹³⁸ See <https://obamawhitehouse.archives.gov/my-brothers-keeper>

¹³⁹ Landrieu and Jarrett, “We Must Create a Criminal Justice System That Makes Us Safer: Mitch Landrieu and Valerie Jarrett.”

¹⁴⁰ See Tompkins, “There’s No Such Thing as a Bad Teacher.”

save \$262 million dollars in the next decade. 70% of those savings, approximately \$184 million dollars would be committed to reinvestment into recidivism reduction and victim support programs. Moreover, it projected to reduce the community supervision population by 12%. The goals of the JRI legislative package as set by The Justice Reinvestment Taskforce were three-fold: 1.) Reduce the corrections population and associated spending, 2) Expand research-based supervision and sentencing practices and 3) Strategically reinvest savings to reduce recidivism and improve reentry outcomes.¹⁴¹

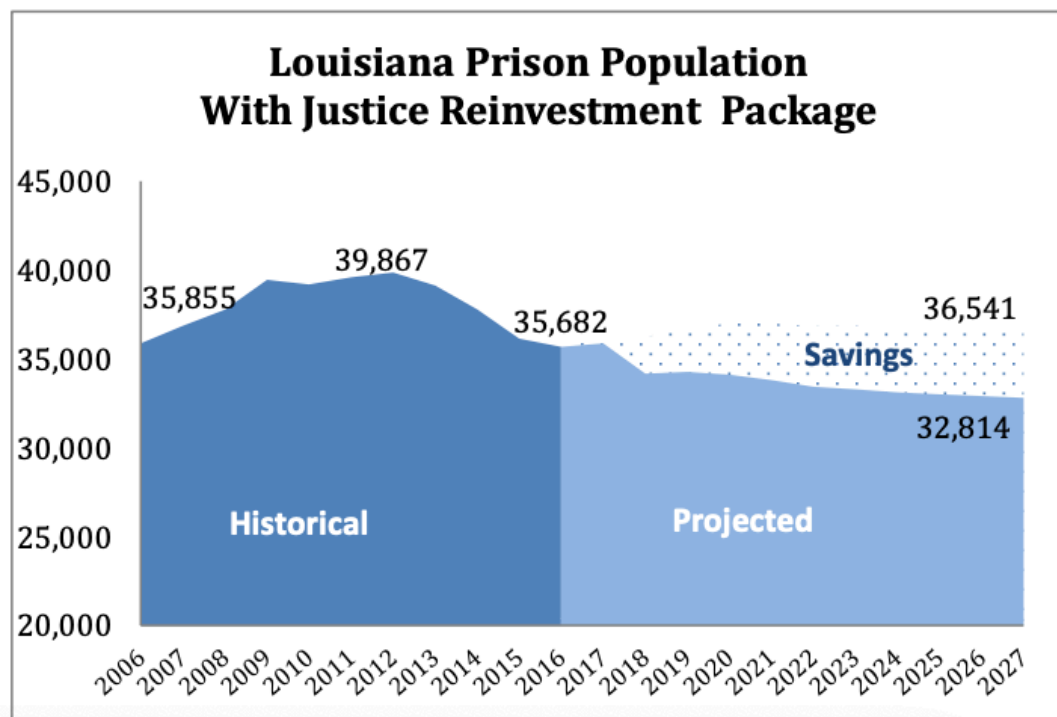


Fig. 1: Reductions in prison population and fiscal savings as a result of JRI projected by the Louisiana Department of Corrections

JRI was asserted by the governor and by the many reformist stakeholders of the reentry space as the product of bipartisan consensus. The Justice Reinvestment Taskforce was convened, comprised of representatives from “across the aisle.” The task force was a committee comprised

¹⁴¹ Louisiana House of Representatives Concurrent Resolution 82 (2015).

of fifteen diverse stakeholders working in criminal justice brought called upon to make policy recommendations. Led by the Secretary of the Louisiana Department of Connections, James LeBlanc, this committee was made up of liberal and conservative judges from the state district and supreme courts; a parish sheriff; Democrat and Republican representatives and senators; a district attorney; a public defender; a Pentecostal minister who runs a conservative, right-wing Christian nationalist advocacy group that is anti-abortion and anti-same sex marriage; and the Director of a black-led philanthropic foundation that supports racial justice and abolitionist organizing, educational scholarships and black community investment. This almost comically bipartisan crew was tasked with making the policy recommendations upon which JRI would be based.

While the bipartisan task force helped come up with the three explicit goals of JRI listed above, the broader consensus seemed to convene on three major conclusions about criminal justice in Louisiana. The first was that mass incarceration in the state was not sustainable on economic grounds. In a state with an unprecedented 900-million-dollar deficit in 2016, the over \$600 million spent on corrections by the state each year required interrogation. Governor Edwards discussed this budgetary concern as part of the push for criminal justice reform. “Given the current budget climate, we must be strategic about our public safety investments. Our work can help close the budget gap with thoughtful changes about who goes to prison and for how long, and if the savings are significant enough, we will be able to reinvest a substantial portion into programming and prison alternatives,” he wrote in a letter to Justice Reinvestment Task Force.

The second was the need to develop evidenced-based best practices and data-driven technical solutions to attend to the inefficiencies and excesses of sentencing and corrections. This aspect of the consensus was a call for nontraditional criminal justice stakeholders, like private corporations and start-ups to use corrections data to develop innovative solutions to the economic

and social ramifications of incarceration. And the third aspect of this consensus came in the form of concerted disclaimers that Louisiana should decarcerate but that “violent career criminals should not be let out of prison.”¹⁴² There was a tacit agreement that there was a need for prison and it was to house people deemed “high risk” threats to public safety, as per the Department of Corrections risk assessments. The motto went that JRI took Louisiana “from tough-on-crime to smart-on-crime,” or as Governor Edwards declared upon signing the initiative, “We knew we needed to be bold, and think big, and get smart on crime,” Gov. Edwards said. “And, by the way, bold does not mean risky...”

The reformist consensus around JRI was particularly concerned with what it would look like for people to be released from prison. In New Orleans, JRI signaled a need for a more coherent reentry infrastructure particularly because of Act 280. Under Senate Bill 139, which was to expand “eligibility for alternatives to incarceration and early release.” Act 280 would effectively shorten prison sentences for currently incarcerated “nonviolent, non-sex-crime offenders.” People in prison who fall under this category would now be eligible for parole consideration after serving 25% of their sentence and would be eligible to be released for good behavior, what Laurel told me was referred to as “good time,” at 35% of their sentence. For example, say a person was serving a mandatory sentence under the habitual offender statute of 25 years (In Louisiana, before 2017, this could be for being charged with possession of marijuana three times). Under Act 280, this person would qualify for parole consideration at 6.25 years and qualify for “good time” at 8.75 years. Because this act would be effective retroactively, many incarcerated people who have served

¹⁴² A phrase like this one would usually follow conservative and liberal public appeals for decarceration.

longer than 6.25, 8.75 years – maybe 10, maybe 15 or maybe 24.75 years for a 25-year sentence would be eligible for immediate release on November 1, 2017.

“Building Better Lives, Not Bigger Prisons”

November 1st had arrived. I lived very close to the new Probation and Parole (P&P) office located at the edge of the upper ninth ward. The department had just moved there in the summer. Before this new location, according to Carter, a formerly incarcerated staffer at Building Up, probation officers and their probationers, were “meeting every damn place: steps of the courthouse, coffeeshops, Popeyes. Desperate!” The department office came just in time for this day, the long-awaited and important day of November 1st. A brisk bike ride over to P&P on a chilly, but humid morning and I would be, as Tasha Harding from the City Reentry Office put it, “participating in something historic.”

At least eight people were waiting in plastic chairs in the small sitting room. A man, probably in his early twenties with torn grey sweats and a small face tattoo above his left cheekbone was talking to the officer behind the glass. “Yeah. They said I need to check in with my P.O. Got out yesterday,” he said. “Just step aside for one second,” the officer said, “An officer will take you back shortly.” The man walked to the left and leaned against the concrete wall. I was next in line. “Yes?” she asked. “I’m with the Triage Team,” I announced showing her my ID. The officer buzzed me in through the door after glancing at my ID and led me down a linoleum tiled hallway to a windowless multipurpose room where long, foldable tables were placed around the periphery. Stations were set up for each social service provider and reentry nonprofit from the New Orleans Reentry Task Force. A white board at the front of the room had a message written

on it: *Welcome to New Orleans District of Probation & Parole. Providing Public Safety by Building Better Lives, NOT Bigger Prisons.*

I spotted Carter at what I assumed was the Building Up table, and he patted the empty plastic chair next to him. “Today is the day! Today is the day!” he imitated a church pastor calling to the sky. He was comically alluding to the hype over the November 1st releases both at Building Up and from the New Orleans Reentry Task Force. “I’ve been waiting for this day all my life,” I responded, caricaturing a bride in a romantic comedy film. I was relieved to see him there on the “first shift” with me. No matter what was in store, Carter somehow had a rare ability to take seriously the gravity of a moment all while balancing his goofy sense of humor.

“Looks like all these ladies have reading materials ready to go,” he whispered slyly while his eyes circle around to the other table stations. The majority of triage volunteers were women and mostly, women of color. I yanked out a stack of printed letters on Building Up letterhead drafted by the formerly incarcerated members of the organization, including Carter. The letters outlined the legal and advocacy services the organization offered to people just coming out of prison as well as the personal experience of the formerly incarcerated staff that contributed to Building Up’s empathetic environment. ‘We believe in *us helping us*,’ it read. They also expressed Building Up’s commitment to ‘meet folks where they’re at’ without judgement. The letters emphasized how crucial the first seventy-two hours of release are to successful reentry and made explicit that ‘there are no background checks or requirements’ necessary to stop by the office or call for help. I triumphantly placed the letters on our table in front of Carter and said, “Well then, so do we.”

“Attention everyone: Shreya came to class prepared!” Carter pointed to me and shouts out as if addressing the room to give me a public prize. His favorite shtick involved teasing me for

being a “big nerd.” No one acknowledged our banter in the midst of their own preparations but the lack of recognition made us chuckle.

Many of the volunteers from at P&P that day were people I had met in the Reentry Taskforce committee meetings, run by Tasha Harding and Johnathan Williams from the City of New Orleans Reentry Services Office. The New Orleans Reentry Taskforce shouldn't be confused with the JRI Taskforce mentioned before. The New Orleans reentry taskforce was the Orleans Parish network for reentry that reported back to state's broader initiative for reentry that would eventually be funded through Justice Reinvestment savings. These multiple task forces and committees born in anticipation of reform legislation and those that preceded the JRI bureaucracy were difficult to track. Such dizzying bureaucratic forms became a running joke between Laurel, Carter and me. When we walked into the first New Orleans Reentry Taskforce meeting, Laurel turned to me as if to tell me something important and said, “So the committee now has a subcommittee, and its only job is to plan committee meetings.”

The Reentry Task Force was put together by the City of New Orleans Office of Reentry Services. This office had reached out to nonprofit organizations, educational institutions and public agencies around the city to participate in building a more coherent reentry infrastructure in preparation for November 1st. During the last Taskforce meeting in October 2017, a crowded room at the Goodwill Industries office filled with agents from the Louisiana Workforce Commission, the Louisiana Public Health Institute, The Tulane Mobile Health Clinic, Housing NOLA, a number of substance abuse rehabilitation facilities including, Journeys and Christian charity organizations like, Baptist Community Ministries. Members from each organization including Building Up signed up in four-hour shifts to participate in the “Reentry Triage Team” that would be set up at P&P from November 1st till November 8th. Carter and I had signed up for 9am on November 1st.

This team was to be a joint effort to support those who would be released from prison to the city of New Orleans as a result of Act 280. It was a way for the city to collect intake data about the men and women being released and also would be a site for service provisioning and reentry program recruitment. “It will be a one-stop-shop to provide the most urgent services to the people getting out of prison and also, it will allow us to make informed recommendations about what programs you all provide that can best serve each individual’s needs,” Tasha said in her introductory announcement. “This is a collaborative, and not a competitive endeavor,” she added.

Tasha rushed over to Carter and I at our table and hands us more paper. “These are the intake forms. People will come over to your station and you need to go through each question with them. I will collect these forms periodically. Make sure you get all their information. Each table will be doing these forms. Please be sure to share what services you offer. If they are looking for specialized help with something like, job searches or housing, you can send them over to one of the tables listed under our subcommittee categories,” she relayed point to a long list of organizations on the back of the form. “The busses are pulling up shortly.”

“How many people are expected to be released to New Orleans P&P today?” I asked. Tasha looked at me and shrugged her shoulders. “Could be anywhere from thirty to three hundred today. Better get ready!” she said. I interpreted her to be only half serious, but then I also recalled her telling me last week that they were anticipating about 300 people returning to Orleans parish. I had been asking this question a lot, but no one seemed to have a definitive answer. Ostensibly, The Orleans Justice Center (The New Orleans Jail) had inmates eligible for release from their facility. The state penitentiary too had a list of inmates that would be released to Orleans Parish. The private prison facilities and other parish jails that housed inmates who would be eligible for release and

who would be bussed to Orleans Parish also had their numbers. But as far as Tasha and Jonathan from the City Office of Reentry Services knew, those numbers had not been confirmed.

There were various estimates as to how many people would be released from prison facilities across the state and these figures ranged from 1,400 to almost 2000, with the “latest list” of releases quoted by the Secretary of Corrections at 1,942. Initially, news sources wrote that these 1,942 people would be released in addition to the approximate 1,500 people who are released on average every month from prison facilities in the state. However, this wouldn’t actually be the case as approximately 425 of those releases were due to be released in November anyway with some people only being released early by one or two days. According to The Advocate newspaper, About 1,100 of those being released, or 57% of the total, are African American, two are Hispanic, one is Asian and the rest white. About 67% of those being released are between the ages of 30-49.¹⁴³ Gender demographics were not specified by any report or news outlet.

How many people would be returning to New Orleans and who would be transported by state funded busses from the various facilities that day was unclear. Yet this lack of knowledge may have not been too surprising. In fact, a report from a legislative audit was released just six days earlier on October 25, 2017 that detailed a failure of the Department of Public Safety and Corrections to accurately maintain the records on the approximately 35,000 total inmates housed throughout the state, in parish jails and in the nine state prisons. This is particularly true in local jails, where about 54% of state prisoners are held. The audit determined that the DOC does not have a consistent method for calculating offender release dates, writing, “An offender could be held too long if the release date was miscalculated and not caught until shortly before release.”¹⁴⁴

¹⁴³ Ballard and Sentell, “Louisiana Releasing More Than 1,900 Inmates Early; Here’s Why.”

¹⁴⁴ Purpera, Edmonson, and LeBlanc, “Management of Offender Data: Processes for Ensuring Accuracy -- Department of Corrections,” 9.

Another major finding was that the DOC does not always know where people are serving their sentence, especially when state prisoners are housed in parish facilities. In fact, 11% of the files scrutinized by the audit found that prisoners were in different facilities than those recorded in the inmate database, the Criminal and Justice Unified Network – CAJUN for short. According to the auditor, this system was last updated in 1991 and the new system that was intended to replace it in 2015 had been abandoned due to DOC budget cuts. In one case featured in the audit, a prisoner was recorded to have spent 166 days in Evangeline parish jail but was actually housed in a facility over 100 miles away. Another prisoner was transferred to Orleans Parish Prison (now, Orleans Justice Center) but was not recorded as being there until 200 days after the transfer. In response to the report, Secretary of Corrections, James Leblanc, commented "With the approximately 3,500 offender transfers per month at the local level, we must acknowledge the margin for human error." Everyone being brought to the Probation and Parole office in New Orleans were to be processed and entered into their data system. I was hoping then to eventually find out how many people were released that first November week. However, even that proved difficult. As the District Administrator for New Orleans P&P told me, "our systems are good for putting info in and very difficult to pull reports and stats out."¹⁴⁵

Reentry Affective Infrastructures and Carceral Humanitarians

The Triage Team was set up and awaiting the arrival of the newly released men and women. A probation officer (P.O.) at the front of the room welcomed the group of volunteers and relayed the P&P "house rules." The most important according to the officer was that "The *inmates* are not to use the bathrooms without supervision. If one of them asks to use the bathroom, please call one

¹⁴⁵ Personal email correspondence.

of us officers over and we will accompany them.” The first bus pulled up around 9:30am and about thirty men were led by P&P officers in two single-file lines down the hallway toward the “triage center.” They sat in the plastic chairs in the center of the room. Some of them had handcuffs on and some still had shackles on their ankles when they walked in. The P.O.s went around and undid their restraints. These busses had driven all over the state from different parishes to pick up all prisoners being released from facilities housing men.¹⁴⁶ Each reentrant was pointed to one of the table stations that lined the walls of the room.

Of course, it is significant to flag the use of the term *inmates*, rather than ‘ex-offenders,’ ‘probationers,’ ‘reentrants,’ or ‘formerly incarcerated people’ by the P&P office’s house rules. I am not harping on this usage because it seems technically inaccurate considering these men have been released from prison custody and are no longer prison inmates. It is not that the probation officer didn’t get the memo to call them ‘ex-offenders’ or ‘formerly incarcerated people.’ The term, in this context, is not a mistake or a misrecognition, but rather, its usage reveals a moment of fractured consensus. The Reentry Triage Team was made up of eagerly awaiting social, legal and healthcare service providers – progressive reformists who want to participate in change. Reentry programming, in their imagination, would be oriented toward a kind of freedom. It felt disheartening and disconcerting when men shuffled in wearing shackles. It felt dissonant to hear them be referred to as inmates. Were the members of the triage team going to foster freedom through reentry programing or were they going to participate in on-going punitive management? The seamless slippages between terms and the affective attachments to a vision of progress made

¹⁴⁶ There are fewer reentry programs (both pre-release and post-release) that serve women. According to the Department of Corrections, women make up 5.2% of the incarcerated population as of 2019. 70% of these women are housed in parish jail prisons. See Louisiana Department of Public Safety & Corrections, “Corrections Services Fact Sheet.”

in dialectical relation to a vision of the status-quo demonstrates what Raymond Williams describes as a “structure of feeling.”

Reading Williams’s concept as “a narrative structure for understanding the dynamic material limits of the possibility of change,” Ruth Wilson Gilmore emphasizes how tradition is “an accumulation of structures of feeling” that assemble through “the selection and reselection of ancestors.”¹⁴⁷ Gilmore builds upon this theorization with the introduction of the term “infrastructure of feeling” to discuss the “productive capacity of visionary or crisis-driven or even exhaustion-provoked reselection.”¹⁴⁸ The *infrastructure of feeling* is the productive relation through which “ideology becomes material as do the actions that feelings enable or constrain.”¹⁴⁹ While Gilmore deploys this analysis to discuss the productive capacities of the Black Radical Tradition to “select and reselect liberatory lineages”, I find the idea of *infrastructure of feeling* useful to understand differentiation as it is produced through affective attachments to liberal progress within the reentry space. The *reentry affective infrastructure* materializes ideological difference.

Discursive distinctions between inmate, formerly incarcerated people, ex-offender, etc. surfaces the praxis that productively differentiates people who manage and who are managed by the fractured consensus of criminal justice reform. Not only is this important to trace the differential access and distribution of material resources to people being released from prison, but also to recognize how people who manage reentry governance differentiate themselves. The probation officer who calls men just released from prison inmates is juxtaposed with someone like Laurel or Carter who would call them formerly incarcerated people or simply, by their name.

¹⁴⁷ Gilmore, “Abolition Geography and the Problem of Innocence,” 237.

¹⁴⁸ Gilmore, 237.

¹⁴⁹ Gilmore, “Abolition Geography and the Problem of Innocence.”

Reformist consensus assembles differentiating moral and ideological actors into an “intermediary power formation” revealing “ambiguous political subjectivities that crystallize amidst the blurring of distinctions between populations, market segments, target audiences and collective objects of intervention or disregard.”¹⁵⁰ If, as the whiteboard at P&P expressed, everyone present on Nov. 1st were consenting to help build better lives and not bigger prisons, what constituted a better life and who would be worthy of having it?

In this context, the productive capacities of *reentry affective infrastructures* are linked to moral economies of humanitarian reason as elaborated by Didier Fassin. Under governance organized through humanitarian reason “the politics of compassion are the politics of inequality.”¹⁵¹ Governance vis-à-vis compassion identifies those with the power to distribute material resources in relation to those vulnerable, “who can generally be constituted as victims by an overwhelming fate.”¹⁵² In exploring humanitarian governance in the context of asylum seeking and immigration in Europe, Fassin draws from Giorgio Agamben to argue that the contemporary moral economies are a “unique combination of policies of order and a politics of suffering in which the protection of security for the few within the polis is maintained while a compassionate treatment for those within the camps is assured.”¹⁵³ Rather than adhering to Agamben’s formulation that would in this case, differentiate the city and prison as the polis and the camp, I read the circulations of people through these sites as constitutive of the reentry affective infrastructure as a productive carceral geography. In the reentry space, the “oscillating

¹⁵⁰ Biehl and McKay, “Ethnography as Political Critique,” 1210.

¹⁵¹ Fassin, *Humanitarian Reason*, 3.

¹⁵² Fassin, 4.

¹⁵³ Fassin, “Compassion and Repression,” 382.

deployments of compassion and repression” partially set these circulations in motion to produces precarious and racialized subjects.

In the reentry space, the politics of humanitarian compassion are more fundamentally structured, like the law itself, through the moral dialectic of innocence and guilt. The crisis of mass incarceration as a moral crisis is one that identifies formerly incarcerated people, their communities and their families as tenuously innocent victims. Relative innocence is always tenuous especially as it is produced within the racialized repertoires of antiblackness that criminalize race.¹⁵⁴ Some people are considered more innocent than others, more deserving of compassion – the policy consensus of primarily working to release nonviolent offenders for example, render some people in prison and formerly in prison as more innocent than others. The discourses of wrongful convictions also permeate the reentry space, differentiating further who has been most unjustly impacted by the violences of the criminal justice system and therefore who is more deserving of compassion. Conversely, these differentiations condemn people convicted of violent or sex crimes, either relegating them as the appropriate candidates for incarceration or as the “high risk” population that requires repression once released.

The reentry triage team is representative of what Gilmore calls “carceral/police humanitarianism.” Gilmore defines carceral humanitarianism as “a domestic counterinsurgency program” that emerges as a recognizable governance “landscape of exclude and define, capture and reward.”¹⁵⁵ Carceral or “Police humanitarianism targets vulnerable people with goods and services that in face everybody needs – especially everybody who is poor. But the door opens only by way of collaboration with the very practices that sustain carceral geographies, thereby

¹⁵⁴ Muhammad, *The Condemnation of Blackness*.

¹⁵⁵ Gilmore, “Abolition Geography and the Problem of Innocence,” 235.

undermining and destroying so many lives across generations in the first place.”¹⁵⁶ The processes of carceral humanitarianism depend on producing differentiations by deploying the moral dialectic of innocence and guilt, a force Gilmore refers to, borrowing from W.E.B. Dubois, as the dispensing of “the wages of relative innocence.”¹⁵⁷ Carceral humanitarianism requires carceral violence to produce the innocent people (or the more innocent than...) deserving of compassion in dialectical relation to the guilty people (or the guiltier than...) and thus re/produces racializing assemblages of a punitive morality. This reading echoed one of my primary questions when I began this research on carceral reform: “Why do people have to go to prison in order to get economic and educational opportunity?”

Yet the logic of relative innocence doesn’t merely structure the making of the subject/object of carceral humanitarianism—the formerly incarcerated person, the inmate, the ex-offender, the reentrant. Relative innocence also is the mode through which reformists (“the humanitarians”) differentiate themselves thus demonstrating the relations of fractured consensus. Simple partisan notions of criminal justice politics – of conservatives and liberals – do not adequately attend to questions of accountability.¹⁵⁸ In the liberal reformist circles in New Orleans, the conservative backlash thesis continues to hold the overt racism of Southern conservatives as responsible for the crisis of mass incarceration. In this framing, conservatives are more guilty of causing this moral and economic crisis and liberals are more righteous and certainly more innocent at least in the sense of being less accountable.¹⁵⁹ While assertions of relative innocence,

¹⁵⁶ Gilmore, 235.

¹⁵⁷ Gilmore, 235.

¹⁵⁸ Murakawa, *The First Civil Right*.

¹⁵⁹ See Cooper, “Unaccountable: Surreal Life in California’s Mental Health Courts.” This study takes up the relations of accountability between reformist practitioners of care and their clients in the experimental mental health diversionary courts of California.

righteousness and culpability abound for carceral humanitarians to differentiate among themselves, the relations of such fractured consensus reveal morally ambiguous actors that cannot be reduced to partisan political alliances nor the innocence/guilt binary.

“They Want Us To Fail”

I recognized the man from the waiting area with the small cheekbone tattoo sitting across from Carter. Carter and I introduced ourselves and explained what services Building Up offers emphasizing the legal services provided by Laurel. The man, whose name was Michael, said he was released a few days ago and was coming in to meet his parole officer for the first time. He was unsure of his PO’s name but was told before release that he must report to the P&P office to get checked in within a week of returning the New Orleans. He had a place to stay with his mom in the East. He had also come with his identification, social security number and all the documentation that he may need to receive reentry services. “I don’t know exactly what all I can get by meeting with everyone here,” he said, “but I definitely hope to have a job soon.” Carter and I mentioned an upcoming job fair that will be organized by the reentry taskforce. “Well, we don’t have an employment application for you right now, but under these new reforms, you can apply for SNAP benefits in the meantime.¹⁶⁰ You can do it online. It’s a big help in my household,” Carter offered.

“Can you help me do that? I don’t have a computer I can use,” Michael asked and Carter turns and points at my laptop. “She can!” I open up my laptop and type in “LA CAFE” into the

¹⁶⁰ SNAP is an acronym that stands for Supplemental Nutrition Assistance Program which is a federal program run by the United States Department of Agriculture. It provides a monthly financial supplement to purchase foods. It is often colloquially referred to by its previous name, “food stamps.” SNAP Benefits are a federal program that are managed by individual states with different regulations, qualifications and restrictions.

search engine. It was the shorthand I had learned to pull up the SNAP application at Building Up. But I needed Wifi. Looking around, I recognized one of the probation officers from Reentry Court sitting across the room and asked for the network and password. “Let’s do it,” I said after logging in. Shortly after filling in his initial information, were interrupted by a flustered Tasha. “What is going on here?”

“We are filling out a SNAP app. for Mr. Michael,” I said. Carter was unusually mum, perhaps realizing that Tasha was annoyed. “Well, have you all filled out his intake form yet?” she inquired. She gestured for me to follow her to the back room to conference out of earshot from Michael.

Whispering urgently, Tasha continued:

Look, it is very important for us to fill out these intake forms for the city. It is imperative that we do so. These are our first priority and the main goal for the triage team. Otherwise, how are we going to track how people progress? How are we to know what services they will need in the future? How are we going to prove people wrong that want this whole thing to fail? You and I both know that there are a lot of people out there that think reentry is a joke. They are just itching to see people recidivate because of a lack of reentry resources. They want us to fail. We got to prove them wrong. Anyway, please just focus on taking intake first, okay? All other services should be provided later. I’ll even make an announcement that everyone who wants to apply for SNAP can go to Building Up.

What Tasha was saying was an interesting departure from the consensus-building language of “collaboration not competition.” Her comments made me wonder, what would it mean for reentry triage, or for criminal justice reform implementation more generally, to fail? And who was waiting for us to do it? I could only assume that she was alluding to the criticisms of the Justice Reinvestment reforms proliferating in newspaper op-eds; the sheriffs and prominent politicians’ main arguments were that the release of “dangerous criminals” from prison would be a threat to

public safety. Failure in this sense would be in the form of high recidivism or crime rates. To her, a public bureaucrat responsible for producing data about reentry, taking intake in order to track each individual would be the decisive measure to mitigate that possibility. Perhaps failure to her meant the inability to provide transparent data about the efficacy of reentry triage. Such tracking would model the differentiated ‘risk types’ of people getting out of prison and identify particular patterns for reentry programming intervention. Given the literal and figurative “track record” of the DOC explored earlier, it wouldn’t be surprising for Tasha to be preoccupied with setting a new precedent for community supervision under reform. The intake form asked personal and demographic information, information about reentrants’ prior convictions, and then asked them to prioritize what services they may need – housing, welfare, employment – and on the back, it had a list of all the nonprofit and startup programs in the New Orleans Reentry network. The task force members were to place checks next to the organizations they thought would be most helpful for the reentrant. Rather than attribute Tasha’s request to prioritize intake to “audit culture”¹⁶¹ or the “social production of indifference”¹⁶² in contemporary bureaucracies, I read it as a reactionary ethic to a fractured moral consensus. As Fassin writes, the moral evaluation of difference “is anything but indifferent: it is full of passion and norms, of feelings and stereotypes. Strong beliefs and deep prejudices are expressed about the legitimacy and utility of certain categories of individuals, about their culture and their future, and about their obligations and their rights.”¹⁶³

Carter and I were compelled to interview the recently released and fill out the city’s intake form all day long on. Tasha did make an announcement that Building Up was happy to have anyone who required SNAP benefits to stop by the office. Of course, this meant that over the course of the

¹⁶¹ Strathern, *Audit Cultures*.

¹⁶² Herzfeld, *The Social Production of Indifference*.

¹⁶³ Fassin, “Compassion and Repression,” 366.

next four days over a hundred people would be waiting to file into the office and sit down with a staff member at Building Up. While this was a service Building Up was equipped to provide because it primarily took patience and a computer, other organizations were announced to have services that just didn't exist. For example, there was an announcement that a reentry transitional housing facility with twenty-five beds would be available through an organization called Journeys. When speaking with the Journey's executive director during a triage coffee break, he confided in me that he was really embarrassed. "We have a grant to start a transitional house. We do not have a transitional house. I really wish they hadn't announced that," he said.

Around 5:30pm toward the end of the first triage day, the last people from the busses were filling out intake forms. A man named Joshua, probably in his late thirties was sitting across from Carter excitedly telling him about the bus ride all the way from the other side of the state. He was stuttering and breathing heavy. After a few minutes of conversation, Carter began filling out the intake form, "How do you spell your name?...How old are you?..." by the third question, Carter looked up to see Joshua with his head down on the table sobbing. Carter tried his best to soothe him. "It's okay, man. Look, let's go to the bathroom and you can catch your breath," Carter said as he rose to accompany Joshua. A probation officer joined them and the three of them went into the small men's room down the hall. Carter said he would take Joshua to get a haircut at the barbershop after they finished his intake. I was told later by Carter that Joshua had had an epileptic seizure at the shop and had been taken by an ambulance to the hospital. "Can you believe all those guys we talked to today been traveling on busses for more than fifteen hours and they weren't even given water or food when they reached P&P?" Carter asked in dismay. "That don't seem like reform."

“Let Them Take Credit.”

In the days before the Justice Reinvestment Initiative (JRI) bills were to be passed, there was a breakfast hosted by the ‘Right On Crime’ and the Conservatives from Criminal Justice Reform coalition in a Baton Rouge hotel ballroom. The Louisiana big business community was meeting to discuss the upcoming criminal justice reform. This looked very different than a New Orleans Reentry Task Force meeting. People were dressed in business suits and the average age in attendance was about fifty years old. I had attended legislative sessions and JRI events in Baton Rouge about twice a month for the last four months, so I was surprised that I didn’t recognize anyone in the ballroom that day. There were at least eighty people seated around circular tables covered in white tablecloths. Servers were coming around with hot coffee and orange juice. I settled into an empty seat. There was one woman I had met in New Orleans who was an executive for a large meat packing company interested in reentry workforce development just a few tables away. I couldn’t tell if I had noticed her because we had met in the past or because her floral blouse stuck out in a sea of dark grey suits and light gray heads of hair.

The breakfast began with a prayer led by the president of a self-described Christian conservative policy and lobbying organization. He went on to discuss a conversation he had with president Trump where they agreed that the government “has to work with faith-based agents because the faith-based community shows the most compassion.” He concluded his remarks with a prayer for the redemption of sinners.

The next speaker was the spokesperson for the coalition and the CEO of one of the largest manufacturing conglomerates in Louisiana. He described the potentials for expanding the workforce for businesses throughout the state by decarcerating. He then introduced a video produced by the Justice Action Network, a lobbying organization that works to push criminal

justice reform legislation at the state and federal level. The documentary short was titled “Changing Laws, Changing Lives.” It began with the stories of three people impacted by mass incarceration and was interspersed with words from the Governors Matt Bevin of Kentucky, Mary Fallin of Oklahoma and Nathan Deal of Georgia all of whom had signed criminal justice reform policy into law in 2016. All three formerly incarcerated narratives were from people who struggled with substance abuse. A young, white man with large blue eyes who was a DOC inmate in Kentucky told his story of robbing banks to support his heroin addiction. A young white woman with flowing blonde hair from Georgia described the “generations of addiction” in her family. She went to prison at age sixteen after a DUI charge and when she got out, she became addicted to meth along with her mother and younger sister before finding out that she was pregnant. The last story was of a young black woman in Oklahoma who described herself as an abused foster child who was sexually assaulted. She was a mother of three kids who was addicted to drugs and overdosed. She was charged with child endangerment and possession. She cried as she said, “I admitted that I wasn’t a good mother. I didn’t think I deserved my children.”

After these testimonials, the film cut to the Governor of Kentucky who discussed how “incarceration is not to remove but rehabilitate people.” It then moved to the Governor of Georgia who asserted the need to “change the dynamics of families” because “crime is generational.” The governor continued, “If children have grown up with parents as addicts, parents in and out of prison, they are more likely to go to prison.” And finally, the Governor of Oklahoma emphasized her state’s workforce development programs to get “returning citizens back to work” so that they can be “productive employed citizens.” The video crescendos to smiling shots of each of the three people who shared their criminal justice stories participating in workforce development programs and playing with their children. It ended with the names of the three featured governors and a

caption that read, “Together, they’re showing us how to bridge the gap between prisoner and possibility.”

The keynote speaker at the breakfast was a member of legal team for Koch Industries, the second largest corporation in America. He opened by commending conservatives for “leading the charge in criminal justice reform.” He continued, “We have created the potential to open up opportunities that will rebuild communities, make them safer and save taxes. All of these goals are consistent with conservative and Christian values.” He asserted that the criminal justice system today is imposing and inherently flawed because it is part of big government. “We ain’t no bleeding hearts, but we do know that criminal justice is just another failed government program that is fundamentally unfair,” he stated. Harkening back to the common theme of generational impacts of crime and criminalization, he states statistics about children with incarcerated parents, “1 in 14 children have or have had parents in prison in American. 87% of those children will go to prison or have a juvenile record.” He then lamented the criminalization of drug addiction in relation to the opioid epidemic that “treats a public health issue as a crime issue” and called for “solutions based on data-driven evidence-based practices and not fear and emotion.” He emphasized the economic rationales for decarceration when he said, “If we are what we eat, we definitely are what we spend. We should be smart on crime and soft on taxpayers.” And finally, he made a point about consensus building: “While not all stakeholders may agree on the details, we should still pass this stuff anyway. If you’re worried about credit, don’t be! Let the liberals take all the credit! We know that we the faith-based, business and other activist circles have done the heavy lifting.”

This meeting draws out some of the moral-cum-material assemblages that render humanitarian reason productive for capitalist profits. Decarceration yields lower taxes and expands labor markets through moral regimes of creating populations that are deserving of second chances

and those that aren't. These are racializing assemblages that differentially devalue human life through the devaluation of certain people's labor and the devaluation of certain social dependencies. According to speakers at this meeting, the heteronormative structure and moral fortitude of the productive, neoliberal, Christian family is worth saving – a discussion that includes the impacts of generational crime but doesn't touch the deleterious effects of never accruing generational wealth.

Predominantly featuring the incarcerated substance abuser as the face of criminal justice reform renders this figure more innocent than others convicted of crimes, and their narratives more visible than those of others who are regularly faced with carceral violences. The opioid epidemic has brought specific attention to the criminalization of addiction through “public concern about White opioid deaths”¹⁶⁴ As Helena Hansen and Julie Netherland write, “In the context of public concern that White Americans are turning to heroin, policymakers are calling for reduced sentencing for nonviolent illicit drug offenses and the expansion of access to addiction treatment. At the same time, in Black and Latino communities, many drug-addicted individuals continue to be incarcerated rather than treated for their addiction.”¹⁶⁵ Criminal justice reform through consensus thus proliferates racial differentiation through the moral regimes of relative innocence.

The fractured consensus is revealed in this meeting through the assertion that criminal justice reform is in accordance with Christian values and conservative economic principles even if other stakeholders partaking in the policy consensus do not share those values and principles. Further differentiation was made between liberals and conservatives when the Koch Industries representative said, “Let liberals take the credit.” What exactly was this intended to mean? Was it

¹⁶⁴ Hansen and Netherland, “Is the Prescription Opioid Epidemic a White Problem?”

¹⁶⁵ Hansen and Netherland.

merely a care-free attitude that framed consensus in good faith as a means to a profitable and morally upstanding end? Was it a call for a kind of Christian humility in the face of ego-driven needs for public recognition as saviors? Was it a more cynical comment on remaining unaccountable should decarceration policy ultimately fail such that ‘liberals’ can become the public scapegoats?

Part of the valorization of the bipartisan consensus on criminal justice reform was its touted commitment to transparency – data would be shared, economic and social benefits tracked. Yet, the reformist field of consensus is not fully transparent even to itself when it comes actors’ moral and economic motivations. There is an interesting comparison between Tasha’s concern for the public-facing demonstration that triage was “successful” through data intake and the self-effacement advised by the Koch representative. Fractured consensus shows not only the moral ambiguities of actors involved in the making of progressive reforms but also the strategic interplay between transparency and anonymity, visibility and invisibility, innocence and guilt that produce the differentiations through which carceral governance is reconfigured.

—§— Coda —§—

After Laurel had spoken at a local New Orleans Business Alliance meeting, a young college student from the Southern University of New Orleans approached her. “I’m very interested in starting my own small business. Do you think I could join Building Up?” she said.

Laurel in her usual friendly demeanor replied, “That is awesome! I’d love to hear about your small business idea sometime. I’ll give you my email, but the thing about Building Up’s small business incubator is that it only serves formerly incarcerated owner-entrepreneurs.”

The student paused. “Well, I haven’t been convicted of a crime, but I was, along with my whole family, held in an immigrant detention center this year.”

One year after the JRI legislation and implementation in 2018, Louisiana was no longer recognized as the most incarcerated states in the U.S. Oklahoma had surpassed Louisiana’s incarceration rate and total prison population.¹⁶⁶ That summer Governor Edwards announced, “I made a promise that, by the end of my first term, Louisiana would not have the highest incarceration rate in the nation. We have fulfilled that promise to Louisiana.” While being the second most incarcerated state in the country didn’t exactly read as a triumph, the prison population did seem to be decreasing steadily in Louisiana.

Yet while state prisons were decarcerating, another mode of carceral repression was ramping up. President Trump’s immigration policy mandated the detention of asylum seekers, throwing adults and children in cages all over the country. Immigration and Customs Enforcement (ICE) contracted with rural jails to fill the beds left empty from the release of state prisoners with asylum seekers. Even as over 2,700 state prisoners housed in jails have been released between November 2017- December 2018, ICE’s “new contracts let it send about 2,800 people to those jails” by 2019.¹⁶⁷ ICE’s investments in Louisiana prison infrastructure has even allowed for jail facilities to be expanded as three new facilities have been established in rural parishes. ICE pays private jail operators (which include parish sheriff’s departments) more than \$60 a day per asylum seeker-inmate.¹⁶⁸

Reformists that supported Justice Reinvestment seemed to be taken by surprise. Immigrant detention wasn’t considered in the terms of criminal justice reform consensus so now, the reformist

¹⁶⁶ This was still however

¹⁶⁷ Lanard, “How ICE Is Undoing Louisiana’s Move Away from Mass Incarceration.”

¹⁶⁸ Lanard.

lens has turned toward the crisis of immigrant detention as carceral expansion. A common refrain is that “immigrants shouldn’t be treated like criminals,” making the distinction between the state prisoners and the asylum seekers that share the rural jail facilities. This reformist approach too mobilizes relative innocence to identify the bounds of the next carceral crisis.

Chapter 2

The Entrepreneurial Catch: Towards an Analytic of Racial Responsibilization

“Louisiana is the incarceration capital of the world,” Sincere’s voice bellows. “One out of every fourteen black men is currently incarcerated in our state. Over half of the people that have been incarcerated have been to prison once before and may return.”

“That sounds good, right?” Laurel leans over and asks. “Okay, go on. You got this, Sincere,” she whispers words of encouragement while sitting next to me in the audience.

Sincere is up on stage at the annual PITCH IT! NOLA2017 Competition, where representatives of small businesses and start-ups compete for funding before a panel of judges. According to the application, each two-minute pitch should present an “innovative solution to a city problem.” Two other pitches made the final round. One was for an interactive digital game that explains computer circuitry to girls interested in engineering, and the other was an app providing healthy recipes specific to the inventory at your local grocer. Both of these pitches were presented by young professional designers who are part of the growing start-up sector in New Orleans. Sincere was the last to pitch. I follow along with the written copy of Sincere’s pitch as he continues:

Every year, nearly **15,000** people are released from prison in Louisiana...When they leave... they are given a **\$10 check**... and a **bus ticket**. To cash this check, you need your state identification card, which costs \$15...You are **\$5 behind** upon release...Four years ago, I was one of those people. Released from the Louisiana State Penitentiary at Angola to restart my life... I’m Sincere Lebeaux and by 27, I had 5 felony convictions for selling drugs. But currently, I am optician and owner of Gentilly Vision and the program

coordinator for a small business incubator called Building Up for formerly incarcerated entrepreneurs.¹⁶⁹

Popularized in the context of the technology startup boom, the pitch competition has become a standard and celebrated mode of garnering monetary investment from venture capitalists and through crowd-sourcing platforms.¹⁷⁰ The pitch competition pervades public and private granting institutions and is used to fund anything from small business products, a la the popular T.V. show, Shark Tank, to government projects. Investment banks like Morgan Stanley and corporate philanthropic foundations, such as the Macarthur Foundation, hold pitch competitions in which startups companies, nonprofit organizations and even municipalities can compete to fund diverse initiatives that demonstrate progressive governance.¹⁷¹ This entrepreneurial genre is also taken up in academic institutions; I have received emails to participate in university-wide pitch competitions that would fund the PhD candidate who presented the best three-minute pitch of their doctoral thesis.

In this chapter, I use the PITCH IT! NOLA competition as a starting point from which to discuss the entangled evaluations of criminal and capital risk that formerly incarcerated entrepreneurs must navigate. I approach “the pitch” as a performative enactment of neoliberal *homo oeconomicus*, predicated on a theory of human capital to outline the limits of the Foucauldian

¹⁶⁹ The emphasis and ellipses are from the original pitch text to signify where to pause or annunciate while speaking.

¹⁷⁰ The start-up market embraces and emphasizes the psychology of competition in order to promote an ideal of entrepreneurial opportunity as a meritocracy dependent upon creativity, adaptability, marketing and risk-taking. See <https://hbr.org/2014/11/to-encourage-innovation-make-it-a-competition> and <https://www.careeraddict.com/entrepreneurship-the-phenomenon-of-the-startup-unicorn>

¹⁷¹ For example, The Macarthur 100&Change competition (<https://www.macfound.org/programs/100change/>) and the Kellogg-Morgan Stanly Sustainable Investing Challenge (<http://sustainableinvestingchallenge.org/about/?linkId=47571990>)

analytic of responsabilization and to offer an expansion of contemporary biopolitical analysis that centers racialization.

The Foucauldian *homo oeconomicus*, also described as the “entrepreneur of the self,”¹⁷² is theoretically inadequate to understanding the racializing assemblages, and in this context, the subjection of blackness, that constitute both carceral and capital circulations in the U.S. The vignettes that follow examine how the figure of the entrepreneur, as autonomous, self-actualizing risk-taker and risk-maker, works to disavow the racialized material histories and presents of accumulation by dispossession. I critique the potentials of entrepreneurialism as an emancipatory project by demonstrating that for the conjunctively criminalized and racialized, the pitch always entails something of *a catch*.

Through my ethnographic engagement with the figure and performance of formerly incarcerated entrepreneurs in contemporary reformist New Orleans, I seek to encourage anthropological scholarship to expand upon theories of human capital and the forms of subjectivity they seek to elaborate through the analytic of *racial responsabilization*. An attunement to racial responsabilization situates contemporary practices and ideologies of neoliberal responsabilization within deeper histories of racial exclusion and exploitation. It furthermore attends to the durable resonances of these racial histories as constitutive of novel techniques of neoliberal governance. Theorization of racial responsabilization will contribute to studies of racial capitalism by demonstrating how racial subject formation is intrinsic to the making of capital value. This approach renders clear that responsabilization operates differentially, re/producing racialized subjects, not merely governing them.

¹⁷² Foucault, *The Birth of Biopolitics*, 226.

Reentry Court & Building Up

Over two years (2016-2018), I've chronicled a unique and locally renowned collaboration between the Louisiana State Penitentiary (also known as "Angola"), an experimental reentry court and a nonprofit small business incubator I call, Building Up. Recognizing that unemployment and poverty contribute to rates of incarceration and that formerly incarcerated individuals face discrimination by employers after they serve their time, this alternative-sentencing court program aims to reduce recidivism by ensuring employment after prison. The New Orleans Reentry Court sentences individuals to a specialized vocational training campus at the state prison where they are trained and certified as skilled laborers.¹⁷³ Upon release, the court provides an avenue to be hired by a local employer.¹⁷⁴ A requirement of court supervision is participation in Building Up, an organization dedicated to advancing economic autonomy for formerly incarcerated men through entrepreneurialism.¹⁷⁵

This progressive court program is touted as a way for convicted offenders to invest in themselves and their futures. Throughout the process of matriculation into and supervision within

¹⁷³ This alternative sentencing court program began as a small pilot in 2010 in Orleans Parish and has since expanded to 13 of Louisiana's 64 parishes. It was one of the first established reentry courts of its kind, preceding the growth of the city's reentry programming infrastructure. Recommended offenders who plead guilty to nonviolent charges serve a minimum of two years in the Reentry Campus at the state prison. Men serving life sentences mentor and train participants in vocational trades and tutor them to complete their GED. Upon release, participants are subject to supervision by New Orleans Probation & Parole and are assigned a reentry court case manager. They are also required to make monthly court appearances and attend weekly mentorship meetings.

¹⁷⁴ The case managers of the court recruit local parish employers to agree to employ participants of the reentry program. Often, these employers are not looking for skilled labor. Employers are given tours of the Reentry campus at the State Penitentiary and are also offered tax incentives for participating in the workforce development program

¹⁷⁵ Reentry Court was only available for men. Reentry opportunities for women whether it be housing, diversionary/alternative sentencing courts or workforce development programs are very limited in New Orleans and throughout the United States.

Reentry Court, moments of carceral duress or coercion are often inflected as personal choices. From the get-go, the option to be sentenced to Reentry Court over risking a trial or facing what are oftentimes shorter sentences in a private prison is framed in terms of a choice: One could either better themselves through this program or merely “do their time” somewhere else. On the Reentry Campus at Angola, participants are meant to choose two vocational tracks, which include fields like electrical, plumbing, HVAC maintenance, automotive repair and landscaping. However, this is contested among many participants who say that there are set numbers for each track and that discrimination against or preferential treatment of certain inmates by mentors and correctional officers often impact their options. Once out of prison and supervised by the court, monthly personal benchmarks, in addition to the requirement of attending a weekly mentorship meeting, are set by case managers, probation officers, and Judge V for each participant. Described by the judge as “signs that you are independent, self-made men,” one such requirement that I observed was to come to court dressed in a business suit. Statements such as this one made by the judge were commonplace as all types of financial and social dependency were often posed against an ideal of hegemonic masculinity. This assignment sent several men scrambling to come up with attire they couldn’t afford. Another of these requirements was to bring in a check from a personal checking account to prove a relationship with a bank. Other goals set by the judge were explicitly framed as reducing dependency on the state, like trying to replace a participant’s Medicaid with a private health insurance plan. Reentry Court embraces the discursive and aesthetic choice-making aspects of entrepreneurialism as investments in one’s own human capital within a context of

punitive governance. Such a site also demonstrates the neoliberal blurring between the ethic of self-investment and the techniques of responsabilization.¹⁷⁶

In early spring of 2016, two years after graduating from this reentry program, Sincere revisited the court to ask for help finding a job. There, he met young public defender, Laurel, who was working in Judge V's section of this court. Laurel had just received a prestigious fellowship from the nonprofit branch of a private equity firm that funds social entrepreneurs using a venture capitalist investment model. That is to say, Laurel received unrestricted seed funding to begin a workforce development and financial services nonprofit for formerly incarcerated people in New Orleans in partnership with Judge V's court. After hearing about Sincere's difficulties finding sustainable employment despite having certifications and years of experience as an optician in prison, Laurel decided to start the small business incubator, Building Up, exclusively for formerly incarcerated business owners. She invited Sincere to run it and his optical shop, Gentilly Vision, became its flagship business.

As already mentioned, it is a "mandatory mentorship requirement" that compels many of the incubator members to join Building Up. This highlights the ambivalent position of the incubator vis-à-vis the court. As a court-affiliated organization, Building Up fulfills a supervisory and management role. At this same time, the organization's very mandate and its origin are predicated on a tacit critique of the ways in which this same court limits paths to self-determined economic empowerment. Building Up meetings emphasize how to financially and socially

¹⁷⁶ It should be noted that criminal justice reform is not the only institutional space in New Orleans that captures this entrepreneurial tension. Tompkins, "There's No Such Thing as a Bad Teacher," discusses the responsabilized subjectivities and emphasis on human capital investment as a racializing technology through his ethnography of educators in the post-Katrina charter school system.

increase marketability and develop a professional identity. As Barry, another graduate of Reentry Court and member of Building Up once said, “At Reentry Court, I am a guy who went to prison and was trained in electrical. But at the incubator, I’m Barry, the formerly incarcerated electrician.” Weekly incubator meetings incorporate a small business curriculum — covering lending opportunities, licensing, accounting, logo and advertising design, and training in areas like public speaking. However, I quickly learned that meetings primarily serve as a forum to develop and share strategies for navigating the unique vulnerabilities to discrimination and reincarceration faced by the formerly incarcerated. The objective of this dual curriculum is described by Laurel as a way to help these men establish a new “legal hustle.”

At the time of PITCH IT! NOLA, the organization had seven member-entrepreneurs with fledgling businesses. They had all received national certifications in trades while serving prison sentences in Angola. However, like Sincere, after release and before joining the incubator, they had only been employed in low-wage jobs outside of their fields of expertise. The Building Up incubator, in contrast, offered the resources, support and education needed to become business owner-entrepreneurs in their respective trades. Within the incubator, being a self-sufficient and self-employed entrepreneur was explicitly expressed as the way to emancipate oneself from the devaluation of labor and socioeconomic precarity that could lead to reincarceration.¹⁷⁷

Racial Responsibilization

“The silencing of race within discussions of neoliberal restructuring has prevented

¹⁷⁷ See Couloute and Kopf 2018. This report by the Prison Policy initiative writes that formerly incarcerated people in the United States are unemployed at a rate of over 27% and partially attributes recidivism rates to unemployment.

critiques of progressive reform efforts,” anthropologists Deborah Thomas and Kamari Clarke write.¹⁷⁸ This study is a response to their call for social scientists to centralize the linkages between the pasts and presents of racial subject formation and to engage emergent governing practices that “are implicitly conceptualized in racial terms, even when the language of race is not mobilized.”¹⁷⁹ The larger project of entrepreneurial reentry presents a particularly fruitful context for such investigation. While, entrepreneurial governance is mobilized by progressive reforms to remedy racial inequalities produced by mass incarceration in New Orleans, this chapter traces the ongoing re/production of racial difference that is intrinsic to the re/production of capital, human or otherwise, under racial capitalism, but that is obscured in critical scholarship by the Foucauldian figuration of *homo oeconomicus*, or economic man, as the universal, totalizing, undifferentiated subject position of neoliberal governmentality.

The Foucauldian framework of neoliberalism has productively directed ethnographic attention to the ways in which subjectivities are trans/formed through heterogeneous technologies of the self within regimes of governmentality that perform values of entrepreneurialism, individualism and market competition.¹⁸⁰ Foucault’s claim that the market and economic reason determine governmental techniques is critical to identifying the practices of biopolitical subjectivity that allow for the figure of *homo oeconomicus* to reemerge as the constituted and constitutive subject of neoliberal political rationality.¹⁸¹ This neoliberal subject conveys the shift toward understanding governmentality through the practices of the individual involved in her own

¹⁷⁸ Thomas and Kamari Clarke, “Globalization and Race,” 307.

¹⁷⁹ Thomas and Kamari Clarke, 307.

¹⁸⁰ Comaroff and Comaroff, *Ethnicity Inc*; Gershon, ““Neoliberal Agency””; Hairong, “Neoliberal Governmentality and Neohumanism: Organizing Suzhi/Value Flow Through Labor Recruitment Networks”; Hoey, “Place for Personhood: Individual and Local Character in Lifestyle Migration”; Freeman, *Entrepreneurial Selves*.

¹⁸¹ Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution*.

self-making.¹⁸² As ethnographic realities have observed, biopower today manifests as an “absolutization of neoliberal market principles” and the “atomized free liberal subjects of interests— homo oeconomicus.”¹⁸³

Foucault’s (1978) figure of neoliberal *homo oeconomicus* is derived from the theory of human capital developed by Theodore Schultz (1959, 1972) and Gary Becker (1964).¹⁸⁴ Under human capital theory, the neoliberal subject is the “entrepreneur of the self” for whom every activity of is no longer fixed to an objective value of labor power or wealth but is rather recast as an investment toward future appreciation of capital. To govern subjects seeking to appreciate their human capital is to cultivate conducts and priorities such that they govern themselves through “strategic choice making.”¹⁸⁵ This represents a partial genealogical disjuncture within liberal governmentality signaled by shift from the liberal rights-bearing subject characterized by possessive individualism to the neoliberal subject of homo oeconomicus characterized by, what we might call, *speculative individualism*. Here, the individual is the sole accountable actor who must demonstrate the capacity to adapt to the free market,¹⁸⁶ and in doing so, takes on the practical conducts of the “ethics of enterprise.”¹⁸⁷ As the self-actualizing entrepreneur, the neoliberal subject is responsibilized to anticipate and capitalize upon future uncertainty to make value. The individual herself becomes a terrain of productive uncertainty, whose speculative risk-taking is a practice of

¹⁸² Schultz, “Investment in Man: An Economist’s View”; Schultz, “Human Capital: Policy Issues and Research Opportunities”; Becker, *Human Capital*. See also Hardt and Negri, *Multitude: War and Democracy in the Age of Empire*. for a discussion of “entrepreneurship of multitude.”

¹⁸³ Biehl, “Homo Economicus and Life Markets,” 279.

¹⁸⁴ See Dilts, “From ‘Entrepreneur of the Self’ to ‘Care of the Self’: Neo-Liberal Governmentality and Foucault’s Ethics.” Dilts discusses the influences of the American School of Neoliberalism on Foucault’s neoliberal theorization of biopolitics and governmentality.

¹⁸⁵ Feher, “Self-Appreciation; or, The Aspirations of Human Capital,” 28.

¹⁸⁶ Lemke, “The Birth of Bio-Politics.”

¹⁸⁷ Rose, “Governing the Enterprising Self.”

freedom; keeping in mind that “freedom in a liberal sense” is more precisely “a well-regulated and responsabilized liberty.”¹⁸⁸ The freedom of speculation is thereby compelled and constrained by techniques of responsabilization.

This set of concerns brings us to what Foucault (1982) identified as the originary problem space of liberal governmentality as it emerged in the 18th century: how to govern a society of *free* subjects.¹⁸⁹ In this sense, the shift from possessive to speculative individualism, liberalism to neoliberalism, should be seen less as a radical rupture and more in terms of a series of reconfigurations and elaborations of the foundational problematizations of biopolitical governance.¹⁹⁰ The assumption of an irreducibly free subject has remained throughout, even if the exact content and context of that freedom has been subject to contestation. The problem with the affirmation of this free-subject assumption in Foucauldian analyses of liberal governmentality is that it tends to reproduce a Eurocentric, historically rerouted version of knowledge-power in contemporary scholarship on the *techne* of neoliberalism.¹⁹¹ In doing so, it occludes the historical contexts of colonialism and chattel slavery in which the technologies of biopolitical governance actually emerged; that is, in contexts where the most pressing questions concerned not how to

¹⁸⁸ Barry, Osborne, and Rose, “Introduction,” 8.

¹⁸⁹ Foucault, “The Subject and Power.”

¹⁹⁰ See Elizabeth A. Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Elizabeth Povinelli’s chronotype of *late liberalism* is a compelling and important conceptualization of state multiculturalism not as a departure from liberalism, but a strategic reconfiguration of the governance of difference and of markets. However, I shall be using the term neoliberalism in this chapter in engagement with scholars like David Harvey who outlines neoliberalism as a political project dependent upon “liberating individual entrepreneurial freedoms and skills...” (2005:2) and also for discursive consistency as I build a critique of the Foucauldian subject of *homo oeconomicus*. See David Harvey, *A Brief History of Neoliberalism*.

¹⁹¹ Stoler, *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things*.

govern free subjects, but how to produce and govern profoundly unfree ones.¹⁹² This tendency to obscure the racialized and racializing material histories of dispossession and bondage, within which liberalism emerged, further contributes to the problematic assertion of an ontological foundation of biopolitical governance that is prior to racialization¹⁹³, thereby concealing the ongoing processes immanent to neoliberal governmentality that render subjects unfree, or perhaps only partially free, but responsible all the same.

Genealogical studies of risk governance, the preeminent techne of liberal and neoliberal governmentality, provide a crucial illustration of this critique. The Eurocentric assumption that the proper subject of risk governance is a free (i.e. uncertain) subject disavows the origins of actuarial science as a techne of chattel slavery. Recent material historical genealogies have compellingly demonstrated how technologies of risk in insurance,¹⁹⁴ speculative finance,¹⁹⁵ American capitalism more generally,¹⁹⁶ and global trade relationships¹⁹⁷ were all innovated in the context of the Atlantic slave trade and plantation economies. These critical readings of history signal the inextricable and constitutive relations between capitalist development and racial differentiation¹⁹⁸, demonstrating what Hannah Appel (2019) has described as the “licit life of capitalism.”¹⁹⁹ Recognition of the material contexts through which the liberal assemblages of whiteness, property and freedom

¹⁹² I am referring to the liberal concept of freedom, a hegemonic concept linked to full rights-bearing citizenship and reserved for white European men. This discussion of freedom within liberal governmentality does not include the agentive, strategic and subversive freedom practices through which colonial subjects and slaves resisted during this historical period. See histories documenting agents of revolutionary freedom during the Atlantic Slave Trade: Landers, *Atlantic Creoles In The Age of Revolutions*; Scott, *The Common Wind*. documenting

¹⁹³ Weheliye, *Habeas Viscus*.

¹⁹⁴ Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America*.

¹⁹⁵ Baucom, *Specters of the Atlantic*.

¹⁹⁶ Baptist, *The Half Has Never Been Told*.

¹⁹⁷ Williams, *Capitalism and Slavery*.

¹⁹⁸ Robinson, *Black Marxism*.

¹⁹⁹ Appel, *The Licit Life of Capitalism*.

emerged in opposition to blackness, dispossession and bondage remains essential to an adequate theorization of biopolitical subjection/subjectification in the present day.

Risk is identified as central to the cultivation, calculation and evaluation of the responsabilized subject.²⁰⁰ By rendering future uncertainty an object of knowledge that justifies intervention in the present,²⁰¹ risk governance cultivates novel ethical practices of self-care.²⁰² As governmentality studies note, the emergence of the insurance industry and “risk-thinking” in 19th century Europe prompted prudent and thrifty liberal subjects under the ethic of possessive individualism.²⁰³ The neoliberal amplification of actuarial decision-making, the growth of risk as itself a capital,²⁰⁴ and the ethic of speculative individualism render risk-taking and risk-making the mode of human capital appreciation in the contemporary. The neoliberal subject takes on the positive risk associated with speculation while being held individually responsible for the distribution of negative risks. But this conceptualization is not adequate to understand how risk governance differentially responsabilizes subjects and thus differentially constrains freedom.

Scholarly attention to responsabilization as the “enabling praxis” that conflates the moral and economic agency of subjects situates its pervasive techniques in the dissolution of the welfare state and the privatization of governance such that citizenship requires “the self-management and self-regulation of social risks such as illness, unemployment and poverty”.²⁰⁵ This literature poses

²⁰⁰ Lakoff and Collier, *Biosecurity Interventions*; Samimian-Darash and Rabinow, *Modes of Uncertainty*; Samimian-Darash and Rabinow.

²⁰¹ Dean, “Risk, Calculable and Incalculable.”

²⁰² Lemke, ““The Birth of Bio-Politics””; Rabinow and Rose, “Biopower Today”; Gordon, “Governmental Rationality: An Introduction.”

²⁰³ O’Malley, “Uncertainty Makes Us Free: Insurance and Liberal Rationality.”

²⁰⁴ Ewald, “Insurance and Risk.”

²⁰⁵ Shamir, “The Age of Responsibilization,” 7–8; Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution*.

the atomizing force of responsabilization as inducing the decomposition of the social,²⁰⁶ thereby restricting the potential for radical and collective politics.²⁰⁷ This decomposition further renders race as one of the anachronistic actuarial categories that have as their point of reference the *population* or *society*. Following from this, it is purported that emergent biopolitical technologies are not determined by histories of racism and are therefore, unlikely to reproduce durable structures of inequality and discrimination along racial lines.²⁰⁸ Race is thus posited as incidental to rather than constitutive of techniques of biopolitical governance.

Yet racial capitalist readings of contemporary risk management regimes demonstrate otherwise. Racialization is intrinsic to the differential distributions of negative risk through which discrimination, and specifically, anti-blackness in the U.S., is amplified. This has been shown through studies of the life and health insurance industries,²⁰⁹ banking and lending practices²¹⁰ including home mortgages,²¹¹ consumer data and marketing campaigns,²¹² and biotechnologies.²¹³ Most relevant to the present argument is the inextricable relation between criminal risk and racialization.²¹⁴ Neoliberal carceral regimes rely on implicit as well as explicit actuarial assessments of individual conduct and material conditions that recast race in novel but historically durable ways.

Race should be engaged as originary to the technologies of risk in the study of neoliberal frontiers of responsabilization. I thus argue for the conceptual expansion of responsabilization

²⁰⁶ Rose, “The Death of the Social?”

²⁰⁷ Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution*.

²⁰⁸ Rabinow and Rose, “Biopower Today.”

²⁰⁹ Hoffman, “Scientific Racism, Insurance, and Opposition to the Welfare State.”

²¹⁰ Hudson, *Bankers and Empire: How Wall Street Colonized the Caribbean*.

²¹¹ Satter, *Family Properties*; Rothstein, *The Color of Law*.

²¹² Noble, *Algorithms of Oppression*.

²¹³ Benjamin, *People’s Science*.

²¹⁴ Harcourt, “Risk As a Proxy for Race”; Muhammad, *The Condemnation of Blackness*.

toward the analytic of *racial responsabilization* to more adequately attend to the racializing assemblages²¹⁵ constitutive of biopolitical subjection/subjectification. Racial responsabilization situates techniques of governance within contemporary and originary histories of racial capital and analytically engages with techniques of neoliberal responsabilization as racecraft.²¹⁶ It holds the continuities of the logics of racialization while considering the transformations in the present through which those logics are re/produced and revitalized.

As we shall see, the racialized “catch” of Sincere’s entrepreneurial performance, while distinct in the context of neoliberal frontiers of reentry programming, demonstrates a genealogical linkage between slavery and mass imprisonment.²¹⁷ It exposes the ideological and ethical projects of emancipation as racial responsabilization. The politics of racial responsabilization as an analytic recognizes a contiguous relationship between the liberal project of slave emancipation in the United States and the neoliberal emancipatory project of entrepreneurialism. Saidiya Hartman (1997) in her illuminating text, *Scenes of Subjection*, characterizes the emancipated slave as occupying a “burdened individuality,” a subject position caught between the racialized contradictions of freedom intrinsic to the liberal political imaginary. The burdened individual is “free from slavery and free of resources, emancipated and subordinated, self-possessed and indebted, equal and inferior, liberated and encumbered, sovereign and dominated, citizen and subject.”²¹⁸ I see similar resonances of these contradictions as formerly incarcerated entrepreneurs perform neoliberal *homo oeconomicus* but are judged through the relations of debt and precarity that are perpetuated and managed by carceral oversight. Entrepreneurialism as a neoliberal

²¹⁵ Weheliye, *Habeas Viscus*.

²¹⁶ Fields and Fields, *Racecraft: The Soul of Inequality in American Life*.

²¹⁷ Wacquant, “From Slavery to Mass Incarceration.”

²¹⁸ Hartman, *Scenes of Subjection*, 117.

emancipatory project seemingly universalizes the capacity for self-actualization and speculative investment, while it doubles down on the punitive consequences of indebtedness.²¹⁹ Emancipation and the realization of the free (neo)liberal bourgeois subject are thus perpetually deferred, albeit through different modes of responsabilization and dispossession, for the formerly incarcerated entrepreneur as they were for the freed slave. The neoliberal iteration of this deferral is distinct as it marshals the ethics of human capitalism to make novel genres of moral performance and market profitability. However, fundamentally linking these liberal projects of emancipation and the racialized burdened individuality they engender gives us powerful insight into the durable logics that pervade technologies of racial responsabilization.

In this chapter, I critique the ideologies and practices of contemporary entrepreneurial governance by holding the originary human capital of the chattel slave in the same frame as the ethics of human capitalism. Such an approach reckons with the “uncanny anxiety”²²⁰ of human capital as object (the dispossession of the self) and human capital as subject (the self as a speculative and appreciating agent). The inseparability of person and her human capital²²¹, reproduced by the contemporary theorization of neoliberal homo oeconomicus, excludes “sociopolitical processes of differentiation and hierarchization” that govern racialized subjects differently²²² and assumes liberal personhood as the only “genre of being human.”²²³ I therefore interrogate the layered and mutually embedded neoliberal legal and market assessments as racialized/racializing technologies. Such assessments work to sort people into risk-objects

²¹⁹ Mahmud, “Debt and Discipline: Neoliberal Political Economy and the Working Classes.”

²²⁰ Brown, “Reification, Reanimation, and the American Uncanny.”

²²¹ Schultz, “Human Capital: Policy Issues and Research Opportunities.”

²²² Weheliye, *Habeas Viscus*, 61.

²²³ Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom.”

threatening liberal humanness-property-capital and responsible risk-taking-human subjects as entrepreneurs.

Not Charity, But Chance

I return now to the pitch. With two minutes left, Sincere goes on to describe the financial product that he seeks to fund with the \$25,000 first-place prize. It is a small business communal loan program. This program would grant an interest free loan to applicants who develop a two-year business plan. A peer-led lending circle made up of other loan recipients, he explains, would secure these loans. Most importantly, in the event of a missed payment, recipients would “not go to jail, acquire more debt, or lose their licenses.” Instead, the group would collectively assess the reasons for the missed payment and craft a solution. Sincere proudly announces that Building Up has recently become a member of the credit builder’s alliance, so during the repayment process, recipients will be building a financial credit history.

Laurel leans over and chuckles, “Of course all the finalists made digital apps and we went old school – pitched a bank.” She looks down at my scratch notes and reminds me that we should record the questions the judges ask so Sincere can review his answers. The audience breaks into applause when Sincere names and points to the seven other small business owners of the incubator who are all sitting in the audience. They proudly raise their hands when their names are called. When the audience is quiet again, he makes his closing statement: “With the loan fund, businesses like these will be given a real chance at success. We are not here to ask for *charity*, we are simply asking for a *chance*.”

The distinction that is made here is an interesting and important one. None of the other pitch finalists mentioned much of their personal histories, let alone distinguished the kind of exchange the prize money represented. To the other finalists, that the award was an investment

was self-evident. Yet, Sincere must carefully negotiate a highly moralized discursive terrain of deservingness, lest his pitch be misrecognized as an entitlement claim to social welfare, or worse, reparations for his past immiseration.²²⁴ In this way, he must disavow the context of his incarceration and recast the experience of incarceration as a strategic investment in himself. He performs a liberal self-sufficiency that seems important to the moral project of the audience.²²⁵ *Not charity, but chance* – Sincere’s appeal demonstrates an understanding of the difference between cash and capital. It’s not the money as such that Sincere is after, it’s the opportunity to take and make risks. He is acknowledging that his human capital is predicated on being a subject that can strategically take risks as an entrepreneur in order to engender further future risks. However, what happens when the logics of risk involved in assessing human capital are confounded by the logics of risk that govern penalty?

Criminal justice institutions across the United States use risk assessments at every decision node from police intervention to pre-sentencing to release of offenders. I want to hone in on two distinct framings of crime and punishment through a discursive engagement with how “risk of recidivism” and “risk of reoffense” were used within the reformist criminal justice spaces I observed. The two terms of risk seemingly imply the same definition: the level of un/certainty that

²²⁴ Bourgois, “Poverty, Culture Of”; Wacquant, *Punishing the Poor*; Hansen, Bourgois, and Drucker, “Pathologizing Poverty.” See Bourgois 2015 for the moral and policy influence of the *culture of poverty* concept which “resonated with the moralistic condemnation of the unworthy poor deeply ingrained in US popular ideology” (719). See also, Wacquant (2009) for a critique of the punitive policies that mobilized a civic morality of deservingness to criminalize the poor and Hansen et al. (2014), which traces how the stigma of the culture of poverty has evolved into a medical pathology.

²²⁵ Fassin, “Moral Economies Revisited.” The scene of the pitch demonstrates what Didier Fassin (2009) discusses as a moral economy. Through its performance we see the “production, distribution, circulation, and use of moral sentiments, emotions and values, and norms and obligations in social space.”

an individual will commit a crime again. However, recidivism and reoffense are mobilized toward different criminal justice interventions. In the language of outcome measures, *risk of reoffense* is geared more specifically toward predicting and preventing a criminal act and is used to assess concerns for public safety, while *risk of recidivism* is geared more toward predicting and preventing further incarceration and is often used to assess the efficacy of criminal justice reforms.

Recidivism risk is the concern of more progressive criminal justice initiatives like Reentry Court. It flags the conditions under which an individual is *at risk* by recognizing poverty, unemployment, and the structural racism of law enforcement as factors that increase the likelihood of incarceration. It therefore works to figure crime as a sanction to which some people are more or less vulnerable, while the risk of reoffense figures crime as an act carried out by a “dangerous” individual who takes risks. It is important to note that reoffense, as a criminal act may not necessarily be punished, while recidivism as criminal sanction requires punishment by definition, but does not require violation of a criminal statute. When used interchangeably, as they often were by those working in Reentry Court, there is a problematic and consequential slippage between the predictability of someone breaking the law and the predictability of someone being punished by the law. Moreover, even in the attempt to recognize the racially differential deployment of the law, the reformist assessments that distinguish between recidivism risk and reoffense risk, re/produce ambivalence between risk objects and risk agents as legal categories. Such actuarial work evokes and, I argue, enacts the durable residues of slavery through which black bodies are assessed as objects potentially at risk (property) as well as feared for their potential to take risks (peril) within evolving reformist takes on criminalization.

Despite the illusion of neoliberal penalty “pushing punishment to the outskirts of the market,” through the concept of risk, punitive regimes still hover central to the neoliberal

rationality of capital investment.²²⁶ The notion of the “penal state,”²²⁷ which reduces the administrative power of the state to the criminalization and sanction of those excluded from market participation, may overlook how the evaluation of entrepreneurial risk taking/making within the neoliberal marketplace articulates with assessments of racialized criminal risk. Sincere’s pitch attempts to reconcile his position as both formerly incarcerated and small business owner. How are these positions evaluated as separate and intertwined identities and orientations toward risk?

The panel of judges sitting along a large wooden table on the side of the stage was comprised of a public affairs manager for Chevron, a VP from JP Morgan Chase, The Program Officer of the Kresge Foundation and the President of WWL-TV.²²⁸ While the other finalists fielded programmatic questions, such as, “Would you be marketing this circuitry game in schools?” or “How would you stay up to date on the inventory at the grocers around town?” for Sincere, the questions were tethered to his experiences, not just his vision. It seemed a different metric of scrutiny that wasn’t just assessing the risks of the loan program but assessing Sincere as a risk.

“How has your life shaped your ability to run this loan fund?” asked the VP from Chase. Sincere thinks for a minute, takes a deep breath, and responds, “After doing time and learning my trade, I realized that I didn’t want to go back to selling drugs. I did, however, want to be my own boss. I learned to turn my liability into an asset so that I can help others do the same.” The TV executive asks, “Sincere, what keeps you up at night?”

²²⁶ Harcourt, “Neoliberal Penalty,” 87.

²²⁷ Wacquant, *Punishing the Poor*.

²²⁸ The Kresge Foundation is a philanthropic family foundation to American retail tycoon, Sebastian Kresge.

The judges' questions and Sincere's responses are significant as their subtexts situate the technologies of financial risk and entrepreneurship within histories of black criminalization and dispossession. Sincere's very claim to his entrepreneurialism requires him to reconstruct and thereby market his past in order to be recognized as a subject capable of assuming capital risk. He strategically deploys his biography to reaffirm entrepreneurialism as an emancipatory ethic and disavows his determination by the conditions of unemployment, debt and criminalization that vulnerablize him to recidivism. His dealing drugs is recast as a flexible skill set for commerce, which he now applies to his "legal hustle," his optical shop. His pitch therefore articulates his own incarceration as an investment in himself, turning a "liability" – his criminal history – into a moral and capital asset. Time served is recast as time invested, rather than time extracted.

As a responsibilized, and thus morally upright, subject investing in his own human capital, Sincere is accountable for the risks he takes, has taken and will take. By this logic, Sincere is not differentially vulnerable to recidivism and penal sanction (i.e. at risk). He is not more likely to be punished by the law (risk of recidivism), but rather, he is a risk making subject, one who could potentially take the risk of breaking the law (risk of reoffense).²²⁹ The judges are essentially asking: Is Sincere an object at risk or a risk-taking/making subject? This is the catch of being a reentry entrepreneur. The pitch requires Sincere to identify his risk of criminal sanction with a volitional act of risk taking, rather than with a differential vulnerability to being acted upon as an object at risk. The success of his pitch is dependent on a disavowal of the racialized material histories of

²²⁹ Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America*. Levy writes a thought-provoking history of risk, capitalism and race in the United States. His chapter entitled *The Perils of Seas* and especially, the explication of the court case *Thomas McCargo v. New Orleans Insurance Company* was helpful in connecting the actuarial and legal arguments around slave insurance and the formation of liberal subjectivity to contemporary risk categories.

dispossession through which he and the “one out of every fourteen black men” in Louisiana become disproportionately likely to be incarcerated. His incarceration and likelihood of reincarceration must therefore be decoupled from political claims to corrective racial justice and instead, is advertised as his self-actualizing agency.

“What keeps you up at night?” was a question that perplexed both Sincere and me. Interpreting it requires a consideration of what moral and marketable qualities are alluded to when one is kept up at night as opposed to one who sleeps well. An attempt to rephrase to simply “What worries you?” doesn’t quite suffice. The notion of being kept up at night implies that the concern is oriented toward the past, as in a memory of trauma, or toward the next morning, toward a future. “What about your past haunts you?” or “What are the uncertainties of your future?” are questions too explicit. Therefore, the question may more accurately be decoded as, “Do you have a self-actualizing orientation to the future, or a wounded attachment to the past?”²³⁰ Sincere’s response would be telling; if it is the future that unsettles and excites him, he can bolster the claim that his past (including his incarceration), present and future comprise an ongoing investment in himself. If he attributes the root of his insomnia to his past regrets or time lost, he is invoking a claim to what he is owed -- reparations for past immiseration. He is then also implying that perhaps his incarceration was in fact extractive of his time, his labor, his capital.²³¹ He would be acknowledging that his pitch is not for a capital investment, but for a wage to which he is entitled.

²³⁰ Brown, “Wounded Attachments.” “Wounded Attachments” is a critique of liberalism’s assumptions of freedom and of Foucault’s adherence to the disciplinary subject’s desire for freedom. Brown uses psychoanalytic concepts of desire and Nietzsche’s concept of resentment to theorize the reactionary morality of politicized identities.

²³¹ Gilmore, *Golden Gulag*; Sojoyner, “Dissonance in Time: (Un)Making and (Re)Mapping of Blackness.”

And if he sleeps through the night without a care? Cautiously, Sincere answers...²³² “I lose sleep knowing we don’t have this fund to support future businesses owners like me.”

Carceral Debt

While some pitches are made in front of a panel of judges, others are made directly to the judge. One day in Reentry Court, Judge V, while reading Carter’s employment update from his probation officer exclaimed, “You own your own business now because of Laurel’s incubator? Who else does?” Members of the incubator sitting in the court gallery reluctantly raise their hands. “That’s wonderful! I want all of you to come to court next month with a 30-second pitch of your business.”

The following month, Carter is called up before the judge, his probation officer and the court case managers all of whom sit as a panel at a long wooden table. His audience is comprised of the other reentry court participants and the many courtroom visitors, which include—organizations and businesses working in reentry, social service providers, curious members of the public, one note scribbling anthropologist, lawyers waiting to present a motion in front of the judge and defendants awaiting their docket number after Reentry Court proceedings wrap up.

“OK. Show us what you got, Carter. Sell me on your business,” the judge beckons. Carter, with hesitation, begins “I am the owner of Carter’s Pro Handyman services and can help out with your electrical, plumbing and HVAC needs...”

²³² The questioning of Sincere’s future orientation echo longstanding logics of white supremacy. Levy 2012 in his chapter, “The Failure of the Freedman’s Bank,” outlines the reconstruction-era arguments against freedmen being given access to a banking institution that hinged on an insistence that Blacks did not have any concept of planning for the future and thus couldn’t farm beyond subsistence and couldn’t invest or save money.

He is quickly interrupted by Judge V, “That all? How would you convince me to use your company as opposed to all the other handymen out there?”

Carter continues softly, “Unlike many handyman companies in town, I am fully certified in these three trades and have a registered LLC. I am also under a business insurance plan which protects me and my customer.”

Judge V exclaims, “Well, I sure know where you got those certifications!” referring to her sentencing Carter to the Reentry prison campus. “Glad you are going to put them to good use. You’d make a killing in the French Quarter neighborhood. I’ll recommend you to my friends. But don’t mess up any of those jobs... If you do, I’ve got to send you right on back to prison,” she grins at Carter. When he blankly stares back, she chuckles to ensure him it was just a crack.

“Alright, Judge. I hear ya,” Carter smiles and makes his way back to his seat.

While facetious, the judge’s comment elucidates the tension between making and managing one’s own risk and being made and managed as a risk. Under the supervision of the court, Carter’s risk of recidivism is not merely superordinate to but is conflated with his business risk. This exchange troubles the espoused entrepreneurial ethos where, as Laurel often describes, “you can fail forward,” meaning one can recast a personal failure as an investment in themselves. In the court, Carter is not the one who identifies the stakes of his entrepreneurial ventures, but Judge V outlines them plain and simple: Carter’s risk of failure is criminal.

As Joao Biehl (2013) notes, Foucault assumed that the subject of the market is no longer the subject of the law, thus idealizing the law and distinguishing the market.²³³ In the Foucauldian theorization of neoliberal homo oeconomicus, crime itself is again cast as the speculative investment of the subject within the context of the market. It replaces the perspective of discipline

²³³ Biehl, “The Judicialization of Biopolitics.”

with the perspective of the subject, which “refuses any slippage towards a pathologized criminal kind.”²³⁴ As Foucault writes, “The criminal is any person, and is treated as any person who invests in an action, which expects profit and which accepts the risk of loss.”²³⁵ This theorization of criminal and crime is inadequate in understanding why that “risk of loss” and subsequent criminalization is differentially defined and distributed across groups. It glosses over the racializing risk logics of the joint penal-market enterprise that render Sincere and Carter as threats to capital.²³⁶ Within the context of mass incarceration across the world,²³⁷ the actuarial assessments that undergird criminal justice intervention disproportionately target and imprison marginalized communities of color — those deemed as risks and who are excluded from taking and making risks as capital investors.

The courtroom pitch-interrupted is a flipped depiction that exposes the fundamental contradiction of entrepreneurialism for those held in the vice of carceral bondage. By this, I mean that Carter’s, and arguably Sincere’s, incarceration is not legitimately recognized by the court as his investment in himself but rather it is reckoned as a debt, the sort of bad debt that governance seeks.²³⁸ By reading the ethic of entrepreneurialism as refracted through carceral regimes, we see the familiar bind of Saidiya Hartman’s burdened individual, dispossessed anew through debt which, as she writes, “literally sanctioned bondage.”²³⁹ Carter is indebted to the Judge, to the

²³⁴ Dilts, “Michel Foucault Meets Gary Becker: Criminality Beyond Discipline and Punish,” 10.

²³⁵ Foucault, *The Birth of Biopolitics*, 258.

²³⁶ See Williams 2017 for a critique of the mutually constitutive logics of public safety and technologies of risk that situate contemporary debates around bail reform in New Orleans within histories of anti-blackness in the United States.

²³⁷ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*; Gilmore, *Golden Gulag*; Davis, *Are Prisons Obsolete*; Fassin, *Prison Worlds: An Ethnography of the Carceral Condition*.

²³⁸ Harney and Moten, *The Undercommons*.

²³⁹ Hartman, *Scenes of Subjection*, 131.

reentry court program, to Building Up, and to society. The perpetual state of indebtedness compounds the extreme monetary and social costs of incarceration with the unpayable paternalist debts of racial gratitude that tend to structure carceral reform. The court renders Carter and Sincere as risks to be moved and managed, circulating between the captivity of prison and the indebted partial freedom of reentry.

From Wealth to Capital

Laurel is speaking at an event for city businesses interested in learning about Reentry. “When I was a little girl, my father was in prison. Although I have found shared experience with my clients, I have learned the most from what is so dramatically different: racial privilege.” She continues, “We lived in an affluent neighborhood and had access to financial credit, so my mother and I were not only able to keep up appearances but never struggled with debt. Having access to the financial institutions that allow many of us to stay afloat during difficult times is key to being self-sufficient.” Laurel is attesting to the experience of capital accumulation as a racially discriminating social and financial safety net. She is recognizing that she and her family are beneficiaries of the 20th century institutional protections and privileges of whiteness in the United States.²⁴⁰ The neoliberal ethic of speculative individualism emerged from the distributions of financial investment and social trust that concretized white supremacy. Therefore, the risk-taking requirements of successful neoliberal entrepreneurialism are dependent upon entrenched institutional networks of white accumulation that could never be color-blind.²⁴¹

²⁴⁰ See Rothstein 2016 for a compelling historical tracing of de jure racial discrimination in the United States including the federal exclusions of African Americans from post-war benefits and legal encouragement of redlining.

²⁴¹ Guinier and Torres, *The Miner’s Canary: Enlisting Race, Resisting Power, Transforming Democracy*.

Take the microfinance loan program Sincere sought to fund through his pitch: Laurel actually came up with this idea so that members of the incubator, many of whom would not qualify for a loan at any bank and who have been victims of predatory lending, could have an opportunity for seed capital managed by a group of peers who share the financial burdens of debt accrued due to incarceration. She additionally registered Building Up as a credit reporter so that participants in the loan fund would build their credit scores. The joke she made during the pitch commenting on the ridiculousness of essentially funding a bank as an “innovation” ²⁴² was the dark humor of someone who realizes that Sincere and Carter are held in a purgatory of debt, without the option for meaningful line of credit outside of this internally managed loan fund. This tension elucidates what theories of human capital take for granted when they prioritize future appreciation of value over past accumulation of wealth — material histories of group-differentiated dispossession, economic exclusion and immiseration. The emphasis of the court, the professional identities cultivated at Building Up and the performance of the pitch competition mobilize entrepreneurialism in the name of progressive reform and emancipation but in doing so, disavow the inextricable historic relations between race, capital, property and citizenship in the United States.²⁴³ The question then remains: Can such experiments in neoliberal governance ever resemble, let alone engender, a politics of redistribution ²⁴⁴ if the techniques mobilized to attend to racial inequality are constituted by racial inequality?

The intervening carceral logics through which Sincere himself is assessed and governed as racialized criminal risk is also rendered through the differential and racialized evaluations that

²⁴² Benjamin, “Innovating Inequity.” This article argues science and technology’s participation in the coextensive and mutually constitutive projects of racecraft and statecraft.

²⁴³ Ranganathan, “Thinking with Flint”; Singh, “On Race, Violence, and ‘So-Called Primitive Accumulation.’”

²⁴⁴ Ferguson, “The Uses of Neoliberalism.”

guide capital investment. The evaluation of Sincere's pitch by the competition judges destabilizes the assumption of self-actualization that structures the figure of the entrepreneur. Sincere's capacity to account for risk rather than present as risk is questioned in reference to both his institutional marking as a criminal, and his biographical experience as an economically marginalized Black man. But there is a more foundational destabilization at play, one that speaks to the primitive white accumulation by black dispossession upon which the United States was built.

In preparation for the Pitch It NOLA competition, Sincere, Laurel and I all met up with a public speaking coach named Christine at the Building Up Office. Christine was head of a local chapter of a nationally recognized public speaking organization. She specialized, as she described, in "effective ways of presenting oneself through short speeches in front of large audiences." She had recently visited Reentry Court and was impressed with the way Judge V ran the room. This moved her to try and volunteer her speaking tutorials for the owner-entrepreneurs of Building Up. She was going to help Sincere prepare for the big pitch. For her first speaking exercise, she asked him to stand up tall and introduce himself with confidence. "Hello. I am Sincere Lebeaux," he said with gusto. Christine immediately responds with an expression of recognition and says, "Oh! Lebeaux! Like the Tobacco!" With palpable discomfort, Sincere confirmed that it was indeed the same name and spelling as the popular Louisiana tobacco brand and proceeded to recite his pitch.²⁴⁵

This momentary but significant identification of Sincere with the slave labor on a Louisiana tobacco plantation evokes what Bill Brown (2006) discusses as the American uncanny.²⁴⁶ It is "the recollection of the ontological scandal perpetrated by slavery" that rendered humans as property

²⁴⁵ Sincere Lebeaux is a pseudonym given for anonymity and therefore, the surname, Lebeaux, may not correspond to any known tobacco plantations in the American South.

²⁴⁶ Brown, "Reification, Reanimation, and the American Uncanny."

in order for liberalism to realize self-possession.²⁴⁷ But more than a recollection, his surname is a concrete link that convenes the different historical forms of dispossession that has sedimented in Sincere's experience. Sincere's utterance of his own name to the panel of judges flags the long-standing history of black dispossession and exploitation in the U.S.²⁴⁸ His name invokes the unfree. The disavowal required by his pitch to recast his incarceration as an investment in his human capital is haunted by the unspoken presence of the originary human capital, the chattel slave.²⁴⁹ His name situates his institutional and biographical experiences within the afterlife of slavery. This recognition brings into sharp relief that this pitch is not the first encounter between a black man on a platform awaiting appraisal and white capitalists assessing his value and deservingness.²⁵⁰ It demonstrates the durability of racism as constitutive to capitalism's evolutions and thus, constitutive to neoliberal subjection/subjectivation.

Conclusion

Racial responsabilization can offer salient empirical and historically rooted critiques of governance within the transformations of neoliberal capitalism as they re/produce racial

²⁴⁷ Brown, 197.

²⁴⁸ Ralph, *Forensics of Capital*. The concept of a "forensic profile" pertains to the "composite history concerned with whether a country enjoys a favorable standing" and is also the "criterion in deciding if a country is worthy of investment" (2015;8). Retooling this concept, I find it generative to figure the link between Sincere's biography and the history of slavery evoked by his name as part of his forensic profile. I thus argue that assessments to determine the deservingness of an individual to receive capital investment, like a pitch competition, are situated within the enduring technologies of social differentiation constitutive of racial capitalism.

²⁴⁹ Imagination. Gordon writes that the haunting of the present requires 'not a return to the past but a reckoning with its repression in the present' (2008: 183).

²⁵⁰ Market. In this evocation of a slave auction block, we can think to Johnson's description of the "boundary-blurring doubleness" that "was the obscenity of the slave market" in which slaves were violently commodified, but also where slaves resisted by assessing and strategically manipulating or intervening upon their own sale (p.164).

differentiation. It is particularly important within the contexts of emergent social justice reform efforts to maintain a critical orientation toward the novel techniques of responsabilization, like entrepreneurial governance, through which the inequalities of racialization endure.

Moreover, an attunement to racial responsabilization may precipitate radical political critiques that challenge the conceptions of self-making as merely a neoliberal entrepreneurial project. For example, the powerful ethnographic work of Aimee Meredith Cox identifies how self-making, or what she calls the *shapeshifting*, of black girls and women is an “exercise of critical entitlement.”²⁵¹ In this context, black girls claim and embody ownership of the self in radical resistance to the normative, racialized responsibilities of neoliberal citizenship to actualize a politics of care. Such an interpretation and enactment of entitlement rejects the racism of welfare discourse in order to demand for “reciprocity in the politics of care” that black girls have seen denied to their mothers, aunts, and grandmothers in the generations before them.²⁵² I read this claim to collective reciprocity and care asserted by Cox’s ethnographic interlocutors as a Black radical future of the social. That is, it is not a recuperation of the social, as defined by high modern theorizations of the welfare state, but a transformation of the social that attends to racial histories of dispossession through a refusal of the technologies and appetites of neoliberal racial capitalism.²⁵³ These are speculative freedom practices that enact an ethic unbound to the responsabilized individualism of the (neo)liberal subject and the market-embedded morality it

²⁵¹ Cox, *Shapeshifters*, 67–68.

²⁵² Cox, 75.

²⁵³ Shange, “Black Girl Ordinary.” Similarly drawing upon the conceptual repertoire of Black feminist scholarship to situate the disciplinary logics of progressive political projects within the afterlife of slavery, Shange compellingly elaborates the embodied experience of subjection and the ethical self-making of young black girls through practices of refusal, which she calls “black girl ordinary,” in the context of schooling in San Francisco.

entails. These revolutionary speculations offer analytic and political interventions that, unlike an entrepreneur's pitch, "are not meant to convince others of what is, but to expand our own visions of what is possible."²⁵⁴

The evaluations of Sincere and of Carter render clear the contradictions of entrepreneurialism that defer emancipation for those who are burdened by racialized/racializing criminal risk and carceral debt. Sincere must partake in the denegation of prior racial histories of dispossession in order to insist upon his own individual accountability and future-oriented self-actualization. This is the entrepreneurial catch. Sincere's pitch won the PitchIT! NOLA2017 Competition, but how can we potentiate a social world in which he doesn't have to be caught to have a chance?

—§— Coda —§—

Sincere was arrested. Laurel would be representing him during his arraignment. After court, Sincere asserted that he was not going to be judged by the American criminal justice system anymore because he was "a man without a country." He insisted that he was a "sovereign citizen." "I depend on me. I am accountable to no one else but myself," he declared to the members of the Building Up incubator.

²⁵⁴ Methods. "This article offers a method of speculative imagination that mobilizes fictions to anticipate the analytical and political potentials of racial formations and futures.

Chapter 3

Productive Separations: Figuring Carceral Labor Under Reentry Reform

At Hard Labor:

On October 4, 2017, Sheriff Steve Prator of Caddo Parish held a press conference where he argued that the Louisiana Justice Reinvestment Legislation would endanger the public. Like other critics of the state-wide criminal justice reform, he argued that "Many of those scheduled to be released have not been properly vetted and are a danger to our safety and property."²⁵⁵ Such statements warning the release of "seasoned, multiple offenders," in Prator's words, were abundant and intended to evoke public fear and subsequent opposition to legislation. Yet Sheriff Prator did not become infamous because of these, now somewhat rote, sentiments. Rather a video excerpt from the press conference made the rounds on Twitter and was picked up by many local and national news sources.²⁵⁶ Posted by @ShaunKing, the video was captioned, "WATCH. In 38 seconds, Steve Prator, Sheriff of Caddo Parish in Louisiana, tells you why he REALLY likes keeping "good" Black men in jail." Prator went viral.

"Check this out," Laurel said as she plopped down. She opened up an internet tab and played the video of Prator's press conference for me and Eugene. As we huddled around her computer in the Building Up Office she added, "In case we didn't already know that this shit is slavery all over again."

In the video, Prator is at a press podium with three local media mics directed towards him. He is wearing a bright blue suit, pale blue dress shirt and a red tie with his grey hair combed to the side. His skin looks starkly pink under the fluorescent lights and his fingers are tightly interlaced.

²⁵⁵"Caddo Sheriff Blasts New Laws Allowing for Release of Nonviolent Inmates."

²⁵⁶ Originally posted by reporter and activist, Shaun King.

The frame of the video shows him standing in front of a line of three black deputies and two white deputies all dressed in their uniforms and who look stoically, sometimes blankly off camera. In a rather matter a fact way, the Sheriff states:

“I don’t want state prisoners, okay? They are a necessary evil to keep the doors open, and so, we keep a few; we keep some out there and that’s the ones that you can work. That’s the ones who can pick up trash, the work release programs. But guess what? Those are the ones that they are releasing. In addition to the bad ones...” He pauses to pick up a stack of papers to his right that are assumed to be the paperwork of thirty-three inmates who are due to be released from his jail under JRI and shakes it at the camera continuing, “...and I call these bad. In addition to them, they’re releasing some good ones that we use every day to wash cars, to change oil in the cars, to cook in the kitchen, to do all that where we save money,” he continued. “Well, they’re going to let them out.”

This soundbite sparked heated discussion across social and mass media platforms. A feature in *The New York Times* headlined that Prator’s comments “evoked slavery.”²⁵⁷ Marjorie Esman, executive director for the ACLU of Louisiana, remarked that Prator’s yearning to keep state prisoners in parish jails as “essentially slavery” and “a gross violation of people’s rights.”²⁵⁸ Angel Harris, an assistant counsel at the NAACP Legal Defense and Educational Fund, responded that “My immediate reaction is what he’s talking about is the economic exploitation of human beings. He’s not opposing these individuals’ release because he’s afraid they will reoffend or because they’ll be a danger to society. He’s opposing it because he’s going to lose good workers. It reeks of the issue of slavery.” Harris went on to discuss what *The New York Times* called “the

²⁵⁷ Bromwich, “Louisiana Sheriff’s Remarks Evoke Slavery, Critics Say.”

²⁵⁸ Bromwich.

racial context” of Prator’s remarks pointing to the disproportionate incarceration of African Americans in Louisiana and “that a confederate monument stands outside the courthouse in Shreveport, the parish seat.”²⁵⁹

In contrast, the Caddo Sheriff’s Office didn’t see much wrong with Prator’s comments. A spokesperson from Prator’s office responded directly to @Shaun King with a statement insisting that “NEVER did the Sherriff refer to the race of ANY inmate during the news conference. It is a fact that state inmates serving hard labor can be required to work as part of their court ordered sentence in Louisiana... The term ‘good inmates’ was in reference to state prisoners who are eligible to work but have lesser felony charges compared to others facing release who have criminal histories including murder, domestic violence and battery.”²⁶⁰

To liberal publics, the video of the Sherriff’s remarks warranted outrage.²⁶¹ It was an obvious racist appeal to captive labor without remuneration, one that harkens to the legacies of chattel slavery in the Southern Confederacy. The statement by the Sheriff’s spokesperson, however, is indicative of the color-blind defensiveness that also emerges as a salient vocabulary within the discursive terrain of prison labor. Racism, according to the idiom of colorblindness mobilized by the Sherriff’s representative would require the explicit mention of the racial difference along the color line. According to the representative, the differentiation among inmates

²⁵⁹ Bromwich.

²⁶⁰ Sennet, “Caddo Sheriff Makes National Headlines.”

²⁶¹ Muniyikwa, “Up from the Dirt”: Racializing Refuge, Rupture, & Repair in Philadelphia.” In her compelling ethnography of humanitarian governance in Philadelphia, Muniyikwa situates refugee migration to the American city within the afterlives of the transatlantic slave trade and settler colonialism. Mobilizing Raymond William’s concept of “structure of feeling,” Muniyikwa interrogates contemporary attachments to racial progress under conditions of racial violences that are “both new and unsettlingly old”(2019:4). I draw parallels between this analysis and the emergent polemics surrounding carceral labor in the context of criminal justice reform in New Orleans.

is not dependent upon hierarchies of whiteness and blackness but rather is a differential valorization of the “good,” nonviolent offender who is productive as a worker in prison over the “bad,” unproductive, violent offender. This good and bad rationale is less crudely described by the very criminal justice reform legislation Prator is condemning as “low risk and high-risk offenders.” The defense of Prator by his representative however seemed like a reinterpretation of his use of good and bad. “Good ones” during the press conference seemed a lamentation of potentially losing those who could work unpaid in the maintenance of the jail facilities rather than the fear of sending dangerous criminals out into the public. Yet ultimately what Prator and his spokesperson both affirm is that the jail is dependent upon the state prisoners’ labor and by extension, public safety itself fundamentally depends upon prison labor.

Punishment as Labor, Labor as Punishment

While the statement made by the Caddo Sheriff’s spokesperson is a rather paltry response that denies racial histories of black labor exploitation and dispossession in Louisiana, her point about the legality of prison labor cannot be refuted. A unique practice in Louisiana, convicted felons sentenced as wards of the Louisiana Department of Corrections will often be housed in parish jails due to state prison overcrowding. Like the Orleans Justice Center (the Orleans parish jail and Sheriff’s department), the Caddo Sheriff’s department receives state prisoners along with per diem funding from the Department of Corrections to house them.

If you are convicted of a felony in the state of Louisiana, you are still sentenced to “at hard-labor” which, like the spokesperson said, categorizes labor as part of punishment. Labor without pay is not a legal violation of a prisoner’s rights, but the legal dispossession of their claim to those rights or, as in the perspective of constitutional law, a legal forfeiture of those rights. From the era

of Reconstruction to the present, the 13th Amendment (1865) has provided a consistent rejoinder to any indignation felt by those who recognize prison labor as exploitative. It reads, “*Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*”²⁶² Economic exploitation in the form of punitive labor is legal – whether it evokes, reeks of or essentially is slavery.

Prator’s comments were scandalous as they alluded to the need for the systemic prolonging of prison sentences in order to explicitly extract and devalue labor. They cast incarceration as a way to make and use captive and unpaid labor rather than as a punishment for a crime. The dependence of criminal justice institutions on captive, unpaid labor was what stirred debate. The reactions sparked by Prator’s comments diagram some of the polemics that emerge when discussing carceral labor, specifically its affective and material relations to antebellum Black slavery in the U.S. The terms of this discursive field on the one hand identify prison labor with chattel slavery and the Southern Confederacy. On the other hand, the licit capacity and colorblind arguments through which punitive justice institutions justify hard labor insists a rupture from the histories of slavery and plantation economies in the American South.

Other voices within the discourses on prison labor are growing louder as prisoners organize to stake claim to their labor power. In May 08, 2018, a group of prisoners from C-block in The Louisiana State Penitentiary refused to work in prison’s farm fields. Far from isolated, this event marked one of many incidents in which prisoners enacted disobedience as labor protest in Angola Prison and across the country. As one prisoner organizer at Angola described to journalists, “They

²⁶² U.S. Const. amend. XIII

want us to work for free [because it's] modern-day slavery.”²⁶³ This work stoppage was paired with a list of demands from the prisoners issued by the Incarcerated Workers Organizing Committee (IWOC). IWOC is a prison abolition organization that recognizes prison labor as labor and prisoners as prison-workers. It articulates itself as a union for prisoner-workers and had organized in August 2018 a nationwide prison strike. One of IWOC’s slogans is “Slavery never ended.”²⁶⁴ The C-block prisoner’s demands echo this statement. The terms were framed as demands to end slavery through an assertion of human rights and governmental obligation to protect its citizens from the oppression of capitalist profit making. Their last demand (#6), parts from the previous five in that it demands a reformist shift in prison programming that focuses on “education and rehabilitation, not slavery.” It was shared on Twitter by @CentralOhioIWOC and are reproduced below:

These are our DEMANDS:

1. We believe that all living human beings are created equal and have inalienable rights to life, liberty, and the pursuit of happiness, regardless of their social status.
2. We believe in human rights and human dignity and that government has a fundamental obligation to protect all its citizens from slavery and human degradation.
3. We are demanding a national conversation inquiring how state prison farms across the country came to hold hundreds of thousands of people of African descent against their will.
4. We are urging that local, state, and federal governments who currently hold hundreds of thousands of African Americans on prison farms across the country be investigated for antebellum criminality, involuntary servitude and slavery.
5. We are demanding an end to the systemic oppression and exploitation of prisoners and their outside family and supporters for profits.
6. We are demanding classrooms for our education and rehabilitation, not slavery.

²⁶³ Covert, “Louisiana Prisoners Demand an End to ‘Modern-Day Slavery.’”

²⁶⁴ <https://incarceratedworkers.org/>

The demands of the C-block prisoners articulate an ambivalence between their positions as prisoners dispossessed of their constitutional rights and their identification of the universal human rights with the rights of American citizenship. The first demand uses the language of “inalienable rights” as written in the Declaration of Independence to describe humanity. This move works to conflate humanity with American liberal personhood. Moreover, throughout the list of demands, there is a tension between government responsibility to its citizens and the obvious indictment of the government for stripping prisoners of their rights as citizens and holding them against their will on prison farms. There is a tension between the inalienable rights espoused in demand #1 and the 13th amendment that doesn’t make slavery on prison farms a crime, let alone an “antebellum crime,” but a legal practice. In fact, multiple legal cases brought to court have ruled that incarcerated workers are not entitled to minimum wage nor are they protected under the Fair Labor Standards Act (FLSA) or the National Labor Relations Act because the relationship between prisons and incarcerated workers is primarily one characterized as punishment and not employment.²⁶⁵ The rhetoric of the C-Block demands characterizes prison farms as part of a plantation economy dependent upon the slave labor of African-Americans, one that is bolstered by “the visual proof ...that slavery never ended at Angola; it was reinvented.”²⁶⁶ The prisoners in their demands are seeking governmental recognition and protection as citizens and workers while

²⁶⁵ See *Watson v. Graves*, 909 F.2d 1549 (5th Cir. 1990); *Loving v. Johnson*, 455 F.3d 562, 563 (5th Cir. 2006); *Bennett v. Frank*, 395 F.3d 409, 409 (7th Cir. 2005). These court cases set precedents that excluded prisoners from the Fair Labor Standards Act of 1938 which gave employees a right to minimum wage and exclusion from the National Labor Relations Act of 1935 which would give employee rights to organize.

²⁶⁶ Bennis, “American Slavery, Reinvented.” This documentary short is one of a series of documentary films about the history and present of Angola Prison. One of the main visual tropes of these films was to demonstrate the unchanging aesthetics of black laborers in the fields on the former Angola Plantation and the current prison farm. See also Liz Garbus and Jonathan Stack’s “The Farm,” (1998).

the racialized dispossession of their rights by the law justifies their unpaid work, justifies their treatment as slaves. While the context and content of this prisoner labor protest lends itself to much more rigorous analysis, I want to focus on the terms that emerge in the polemics of carceral labor in Louisiana and to some extent, nationally.

Anthropologist Anne Stoler writes, “Punishment as labor, labor as punishment, and the curative and coercive forms they entwined were neither limited to an old regime of governance nor invented for new ones: the moral and political economy that weds labor and punishment remains the bedrock of our religious, educational, military, familial and judicial systems to this day.”²⁶⁷ In this Chapter, I complicate the ideological, affective and material separations that make up contemporary conceptualizations of carceral labor. In doing so, I follow Stoler’s call to understand how the relations between punishment and labor “have formed, how they have changed, and how they continue to work to affect the possibilities and constraints on so many people’s lives.”²⁶⁸ Opening with the debate spurred by Prator, I problematize the polarizing polemics around prison labor that in one extreme identify prisons as plantations and identify prisoners as slaves and on the other extreme deny a contemporary linkage between plantation economies and prison labor. I show that the historical and material relations that render the plantation and the prison, the slave and prisoner, are *genealogically linked*. But I also question the relation of *identity* between these sites and subjectivities to caution that the discursive slippage between chattel slavery and unpaid labor obscures the capital crises and revolutionary socialites that have transformed and reconfigured the relations between carcerality and the market, punishment and labor, public investment and private employment. In the second part of the

²⁶⁷ Stoler, “In Carceral Motion: Disposals of Life and Labor.”

²⁶⁸ Stoler.

Chapter, I engage the New Orleans Prisoner Reentry Court Program and its practices. I show that the ideological separation between the market and carcerality and thus the ideological separation of labor and punishment obscures the productivity of reentry court. This separation obscures the ways through which the New Governance practices of the court discount and devalue reentrant labor. Reentry Court thus occupies a novel space of governance that is neither governing labor nor punishment. I argue that the mutually constitutive relations of the market and carcerality makes value under neoliberal racial capitalism by producing an ambiguous, fungible and underdetermined social figure the *racialized reentrant-worker*.

Determining Relations

The widespread discourse of mass incarceration directs many liberal publics to what Lööc Wacquant (2002) refers to as the genealogical linkage between Black slavery and mass imprisonment.²⁶⁹ Wacquant's characterization of the four "peculiar institutions" that have "defined, confined and controlled" African-Americans in the U.S. through "labor extraction" and "social ostracization" are Slavery, Jim Crow, The Ghetto, and The Prison.²⁷⁰ When discussing the relation between slavery and the prison, he writes, "one cannot understand the latter —its timing, composition, and smooth onset as well as the quiet ignorance or acceptance of its deleterious effects on those it affects—without returning to the former as historic starting point and functional analogue."²⁷¹ To Wacquant and to many criminal justice reformers I worked with in Louisiana, the racialized and racializing political economies of the plantation are transposable relations that constitute the racialized and racializing political economies of carcerality. And given the

²⁶⁹ Wacquant, "From Slavery to Mass Incarceration."

²⁷⁰ Wacquant, 44.

²⁷¹ Wacquant, 41–42.

genealogies of criminal justice practices today, it is not at all surprising or unreasonable to hear the refrain from criminal justice reformers that prison labor is “slavery all over again.”²⁷² As Angela Davis writes, “One may perceive in the penitentiary many reflections of chattel slavery as it was practiced in the South. Both institutions subordinated their subjects to the will of others. Like Southern slaves, prison inmates followed a daily routine specified by their superiors. Both institutions reduced their subjects to dependence on others for the supply of basic human services such as food and shelter. Both isolated their subjects from the general population by confining them to a fixed habitat. And both frequently coerced their subjects to work, often for longer hours and for less compensation than free laborers.”²⁷³

The Louisiana State Penitentiary is one example that not only draws out these analogous functions between the institution of chattel slavery and the penitentiary but also shows the direct historical and material linkages between plantation economies and prison labor. Built directly upon the land of a plantation, the prison is referred to by the same name as the plantation: “Angola.” The Angola Plantation was named after the African country from which most of Louisiana’s slaves came from. It functioned as a privately-owned prison in the 1880s by housing inmates in the former slaves’ quarters and forcing them to work at hard labor on the plantation. In 1880, Samuel Lawrence James, the second owner of the Angola Plantation, was awarded the lease of what was then the New Orleans Penitentiary and controlled the Louisiana corrections on Angola Prison.²⁷⁴

²⁷² I heard iterations of this phrase a number of times at the Building Up Office from after Prator’s comments as various visitors and staff watched the video, but also around town among anti-prison activist circles, public defenders on their nights off and colleagues in the academy when talking about forms of prison labor.

²⁷³ Davis, *Are Prisons Obsolete*, 10.

²⁷⁴ Carleton, *Politics and Punishment: The History of the Louisiana State Penal System*. Infamous domestic slave trader, Isaac Franklin consolidated four plantations in the 1830s to establish the Angola Plantation. Franklin, along with Virginia based trader, John Armfield are described as “the undisputed tycoons of the domestic slave trade” See Ball, “Retracting Slavery’s Trail of Tears:

James developed a convict leasing system that he ran until his death in 1894. In this practice, the penitentiary would lease out state prisoners to work the surrounding plantations after the abolition of slavery. In her reading of Alex Lichtenstein's study of convict leasing in the American South, Davis discusses how the practice allowed Southern states to move toward industrial modernization without disrupting the racial order of the plantocracy after the Civil War.²⁷⁵ As she writes, "the penal system could be used as a powerful sanction against rural blacks who challenged the racial order upon which agricultural labor control relied."²⁷⁶ The State of Louisiana took control over the prison in 1901 and continued to work prisoners in the fields – a practice that has given Angola the nickname of "The Farm" today.²⁷⁷ "It would not be a stretch to argue that the prison operated according to the same logics of the plantation – an almost completely African-American prisoner population cultivating crops on the prison land, overseen by a completely white administrative staff notorious for their violent abuse of prisoners."²⁷⁸

The legal precedents for racialized carceral labor under American governance stems from the early republican era after the Louisiana Purchase in 1803.²⁷⁹ Preceding the establishment of Angola prison, the New Orleans central jail was the first institutional space of incarceration in the

America's Forgotten Migration - the Journeys of a Million African Americans from the Tobacco South to the Cotton South."

²⁷⁵ Davis, *Are Prisons Obsolete*; Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*; Blackmon, *Slavery by Another Name*.

²⁷⁶ Davis, *Are Prisons Obsolete*, 13.

²⁷⁷ Carleton, *Politics and Punishment: The History of the Louisiana State Penal System*; Stack and Garbus, *The Farm: Life Inside Angola Prison*.

²⁷⁸ This quotation is excerpted from Thomas, "Deferral, Disavowal and Dispossession: Response to 'The Entrepreneurial Catch' by Shreya Subramani." Thomas. In this response, Thomas traces the histories of transatlantic relations of colonial empire, the slave trade, plantation economies and prison farms that are *simultaneously* evoked, the forensic profile, of the site and name, Angola.

²⁷⁹ For histories of the Louisiana from the French and Spanish Colonial period, including the practices of convict labor on municipal infrastructure, See Pitot and Bush, *Observations on the Colony of Louisiana, from 1796 to 1802*; Powell, *The Accidental City*.

state of Louisiana. One can trace the very licit practice of jail labor to Louisiana's 1806 Black code which stated that arrested "negros" could be put to hard labor "on the condition that the said city council and sheriffs shall provide for the maintenance, house room, clothing and medical attendance of said negroes, at the expense of the city."²⁸⁰ City Council jointly approved this legislation alongside the "Rules for the Police Prison" (1807) that outlined the protocols of intake, maintenance and punitive labor practices for the central jail.²⁸¹ The antebellum Black Codes explicitly began to use criminal justice to "tighten the constraints on slaves" through enforcement of fugitive slave capture, but the growing "punishment geographies" in the city also served to provide labor for public works through the circulations of *ateliers*, or work gangs as the city of New Orleans grew.²⁸²

In her analysis of slave geographies in the city of New Orleans during the Age of Revolutions (1791-1825), historian Rashauna Johnson writes of the "nègres de chaîne," the Black chain gangs that were put to work upon the establishment of the New Orleans Prison.²⁸³ Johnson describes a parallel practice to agricultural convict leasing that she calls a "private public partnership" in the city.²⁸⁴ In this practice, slaveowners would lease their slaves to the city prison's chain gang that labored on public works. These convicts helped to build the city as they "tended to the levees, paved streets, and removed waste."²⁸⁵ As Johnson describes, "When slave owners leased their slaves to the chain gang, they delegated the prerequisites and responsibilities of

²⁸⁰ Johnson, *Slavery's Metropolis: Unfree Labor in New Orleans during the Age of Revolutions*, 134.

²⁸¹ Johnson, 134.

²⁸² Johnson, 134.

²⁸³ Johnson, *Slavery's Metropolis: Unfree Labor in New Orleans during the Age of Revolutions*.

²⁸⁴ Johnson, 144.

²⁸⁵ Johnson, 144.

mastery to the state in exchange for liquid capital.”²⁸⁶ Johnson shows how the carceral state subsidized the private slave economy because of its dependence upon captive labor to build the city.²⁸⁷

The historical and material relations between the plantation and the prison in antebellum Louisiana cannot be taken for granted when discussing the emergence of the state’s carceral labor regimes today. As I show in other chapters, contemporary criminal justice and liberal reformist ethics today must be situated within these histories, as a critical part of the afterlife of slavery. It is clear that colorblind rhetoric and legal justifications of unpaid prison labor today denies racial histories of violent dispossession by overstating a rupture from the past. However, it would seem that figuring contemporary regimes of carceral labor as confined to and defined solely through its relation to the productions and practices of plantation slave labor is also somewhat inadequate. Specifically, Wacquant’s mobilization of the plantation as a bounded functional analogue for the modern prison and ghetto (which he calls an “ethnoracial prison”)²⁸⁸ runs the risk of not specifying the forces of historical and social transformations through which contemporary carceral regimes of labor devaluation and extraction have emerged and also how they have been challenged. While there is a quickness to call incarcerated labor a repetition of chattel slavery among left-leaning criminal justice reformers, this seems to *overstate* the continuity between the institutions of slavery and contemporary carcerality and overdetermine the laboring subject in the prison as the figure of

²⁸⁶ Johnson, 145.

²⁸⁷ See Johnson 2016. Johnson makes one final point about prison chain gangs in the city during the late 18th early 19th century. She writes, “the everyday sight of chained workers on the urban landscape created norms and knowledge about the people who were chained and those we were not,” (144-145). This visual regime also resulted in subsequent policy that ensured that such labor was Black.

²⁸⁸ Wacquant, “From Slavery to Mass Incarceration.”

the Black chattel slave. The relation of slavery to carcerality in this sense is one of identity and not of historical genealogy. The relation of identity also flags a slippage that resembles Frank Wilderson's 'afropessimist' figuration of Black American subjectivity as either a "prison-slave" or a "prison-slave-in-waiting."²⁸⁹ Wilderson would recognize the C-Block prisoner's strike demands for government accountability and claim to citizen protections in the name of abolition as "a demand that is in excess of the demand made by the positionality of the worker" because "a slave has no symbolic currency or material labor power to exchange."²⁹⁰ The very notion of prison labor organizing and prison abolition activism is disavowed through such a concept of a transhistorical subjectivity.²⁹¹ Relations of identification (prison labor as chattel slavery and prisoner as chattel slave) overlook histories of crises and resistance that did transform the institutions of chattel slavery, of capitalism and of prison. Moreover, this overdetermined identification obscures the myriad social and political formations and novel subjectivities that were and are enacted and potentiated through those historical transformations. It cannot attend to how carceral systems have evolved to devalue labor differently and how the ethics and practices of labor have dramatically shifted in late capitalism.

This is not to claim that unpaid captive labor in prison is not racialized slavery or that it should not be considered slavery. Rather, I want to open up a conceptual space and vocabulary of carceral labor regimes that can simultaneously hold the entrenched historical, material and epistemic legacies of antiblackness and domination of the plantation-prison relation alongside the

²⁸⁹ Wilderson, "The Prison Slave as Hegemony's (Silent) Scandal."

²⁹⁰ Wilderson, 22–23.

²⁹¹ Wilderson argues antiblackness as synonymous with civil society and therefore, reformist and radical movements that make themselves coherent to civil society, like the prison abolition movement, for example, are subsumed under white supremacy. He writes, "The Black American subject imposes a radical incoherence upon the assumptive logic of Gramscian discourse and on today's coalition politics. In other words, s/he implies a scandal" (2003:21).

plantation-prison relations “trough which new subjects were constituted: new desires instilled, new aptitudes molded, new dispositions acquired.” in David Scott’s words.²⁹² Plantation-prison relations are not transhistorical equivalences nor are they merely functional analogs.²⁹³ Attuning to contemporary carceral labor as legacy but also as a transformation can better analytically attend to the complex and historically grounded changes of racial orders, social formations and political subjectivities that are emergent under neoliberal racial capitalism *in the wake of the plantation*.²⁹⁴

The Co-relational Becomings of Carceral Labor Regimes

Throughout this work, I take on the conceptual lens of *becoming* to account for the reconfigurations, transformations and “the constant reworking of lives and worlds” that I encounter within the reentry space.²⁹⁵ In placing an anthropology of becoming, as articulated João Biehl and Peter Locke, in conversation with the theorization and histories of postcolonial and Black studies that reckon with the processes of racial differentiation, I am especially concerned with “how inequalities disfigure living, while refusing to reduce people to the workings of such forces.”²⁹⁶ The relations that are made and remade within shifting political economies demonstrate how ethnography and cultural analysis only grapples with an unfinished moment that is pregnant with the histories of domination and oppression as well as the political potentialities and mobilities of living and laboring otherwise.

²⁹² Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment*, 128.

²⁹³ It is with this conceptual goal in mind that I cite, Saidiya Harman’s (1997) theorization of emancipated slave’s “burdened individualism” as a subjectivity that is akin to that of the formerly incarcerated entrepreneur in Chapter 2. I draw out genealogical resonances, but not transhistorical equivalences.

²⁹⁴ Thomas, *Political Life in the Wake of the Plantation: Sovereignty, Witnessing, Repair*.

²⁹⁵ Biehl and Locke, *Unfinished: The Anthropology of Becoming*, 10.

²⁹⁶ Biehl and Locke, 13.

Historical accounts, like Johnson's *Slavery's Metropolis*, demonstrate the contested movements and processual transformations of labor relations and racialization.²⁹⁷ Her study of unfree labor in New Orleans between 1774 to 1849 advances an analytical framework of "confined cosmopolitanism" that highlights the simultaneous making of global geographies of containment and global geographies of resistance.²⁹⁸ That is, the historical transformations during the Age of Revolutions in New Orleans, "witnessed contested political transitions from monarchism to republicanism, but it was defined just as much by the economic transition from mercantilism to free trade and industrial, slave labor."²⁹⁹ Slaves and free Blacks were in dynamic "multiracial social and commercial networks" that demonstrated the "contested making of race and power during a period of rapid and lasting transitions."³⁰⁰ Such a historically grounded analysis shows that while the historical material relations between the institutions of slavery and the prison through time are undeniable they are also brought into relation through the dynamic and contested assemblages of racialization under shifting regimes of labor.

In other words, I argue that we have to conceptually bring antebellum slavery and contemporary carceral labor into relation while also attending to their differentiating transformations. Here, I echo Nikhil Pal Singh, who writes: "Change in racial orders is as important as what arguably remains the same; it corresponds to spaces of politics and struggle, resistance and flight and suggests the requirement that racial orders must be institutionalized, that is, managed by personnel who are recruited, invested in and subjectively constituted for this purpose."³⁰¹ Conceptual frames, both in academic scholarship but also in popular political

²⁹⁷ Johnson, *Slavery's Metropolis: Unfree Labor in New Orleans during the Age of Revolutions*.

²⁹⁸ Johnson.

²⁹⁹ Johnson, 57.

³⁰⁰ Johnson, 57.

³⁰¹ Singh, "The Whiteness of Police," 1093.

discourse can and should attend to the productivities of racialization as labor regimes and institutions transform. I thus draw on the potentialities of relational conceptual work, such as Ruha Benjamin's *carceral imagination*, which attunes not only to the racializing carceral worlds today, but speculates toward futures that could be (Chapter 2).³⁰² I also mobilize Katherine McKittrick's concept of *plantation futures* (Chapter 4) to discuss the geographies of domination which also are always made through "difficultly interrelated" racial encounters and transforming terrains.³⁰³ These conceptual frameworks of relationality and potentiality recognize the histories and legacies of plantation slavery and carceral oppression, but do not insist upon the total confinement of peculiar institutions as Wacquant suggests. They see the genealogical resonances of the expansive racial social formations and political subjectivities past without overdetermining the processes through which racialization makes difference today, let alone figuring the Black American subject as always already a slave. They provide a conceptual lens to recognize the racial assemblages of confinement and domination in relation to the forms of "innovation" or the novel social encounters engendered by political economic and epistemic change. Moreover, conceptual frameworks of this kind do not require a linear or cyclical notion of time, but can, as Deborah Thomas writes, "encourage attention to the specific contexts or histories that produce the sense of simultaneity, a past living in the present via the palimpsest repetition of events and experiences that layer on top of each other..."³⁰⁴ Thomas goes on to describe how the experiences of simultaneity as allowing us to see "co-relations" which evoke the entanglements of pasts, presents and futures without requiring a causal narrative of linear progress ("This isn't slavery, it is 2020.") or a cyclical narrative of overdetermined repetition ("This is slavery all over again.")

³⁰² Benjamin, "Catching Our Breath."

³⁰³ McKittrick, "On Plantations, Prisons, and a Black Sense of Place."

³⁰⁴ Thomas, "Time and the Otherwise," 188.

Racializing co-relational becomings emerge throughout my study of reentry governance in New Orleans as the reconfigurations of criminal justice reform practices produce new valorizations, extractions and valuations of labor and therefore, and new laboring subjects. The conditions through which reentrant labor is devalued attest to the novel assemblages of power and control that re/produce racial capitalism -- that do so in co-relation with but distinct from the institutions of chattel slavery and Jim Crow. These assemblages of carceral governance are not determined by legal abstractions or by clean divides along the color line. In this sense, I offer that they are unfinished space-times of becoming that hold within them alternative possibility and yet, the repertoires of antiblackness and the neoliberal ethics that obscure these possibilities ring loud.

The following section explores how the New Governance practices and neoliberal ethics of soft law and flexibilized labor markets work to discount and devalue reentrant labor. As part of the growing reentry policy and programming space, Reentry Court, in partnership with the vocational training campus at Angola prison, maps an exceptional space of labor exploitation through “soft law.” I argue that the racializing forces of the differential devaluation of labor relies upon what seemed like a commonsense delineation between the market and carcerality. This ideological separation (and codified legal separation) obscures the productivity of racial differentiation to the neoliberal labor market.

“Can’t Account for Both”: A Tour of Market/Carceral Boundary Making

To remind the reader, Sincere (Chapter 2) and Carter (Chapter 1) were graduates of the New Orleans Reentry Court. The New Orleans Reentry Court sentences men to a specialized vocational training campus at Angola, where they are trained and certified as skilled laborers. Upon release the court provides these men an avenue to be hired by local employers. Presided over

by Judge V, this court started as a pilot project in 2010, becoming one of the first reentry programs of its kind in the country. Reentry Court is framed as an educational program and is described by Judge V when she is addressing reentrants as “an investment in yourself.” Upon release, participants are subject to supervision by New Orleans Probation & Parole and are assigned a reentry court case manager. They are also required to make monthly court appearances and attend weekly mentorship meetings run by court affiliated nonprofits. Personal benchmarks are set each month by the case management team for each participant. Reentry court is not included on the regular criminal court docket. The Judge takes off her robe and sits alongside the panel of officers and case managers at a long wooden table. Members of the public sitting in the gallery are asked to introduce themselves and identify their interest in reentry. Reentrants are called up to sit at the table and discuss their monthly progress with the team in front of the other participants and the court attendees.

During my fieldwork, the Reentry Court was affiliated with a fledgling initiative started by the Obama appointed U.S. Attorney’s office that offered tax abatements to employers who agreed to hire two formerly incarcerated men from the court for a two-year trial period. To recruit potential employers from New Orleans, a representative from the US attorney’s office called Elizabeth Hepburn and the presiding Judge of Reentry Court would organize tours of the Reentry vocational training campus located at Angola Prison.

I participated in at about four of these tours. Each time, I joined a group of about ten city employers, Elizabeth and sometimes Judge V to wait in the Goodwill parking lot at 7AM to board the small, white rental bus. The group would make small talk as we waited. Judge V and I once made a coffee run to the corner store across the street. “Sit with me on the bus. I want to learn more about anthropology besides how you all dig up dinosaur bones,” she had said to me. On the

two-hour bus ride to Angola, Elizabeth would give an introduction to the employers outlining the benefits of participating in the program for their businesses. She would read out statistics about recidivism and employment stating that formerly incarcerated individuals are unemployed at a rate over 27% in the U.S. and that in Louisiana about 43% of those released from prison will recidivate within five years – partially attributing recidivism to unemployment.³⁰⁵ She then would conclude by saying, “The campus is very impressive. It is amazing how prisoners serving life sentences have really taken on managerial roles.”

I was struck by the range of employers who expressed interest in the program, from small family owned businesses to city agencies to massive scale corporate entities. For example, there was 70 yr. old Miss Thelma who ran a few popular diners in New Orleans and wanted “to give these men an opportunity that she hopes her grandson will have when he gets out.” There was also Tim, from the New Orleans Sewage and Water Board who was interested in hiring laborers to work on the proposed retrofitting of the city’s water infrastructure. Then there was Steve from Global Workmen, a contracting company that staffs commercial construction projects. According to their corporate mission statement, Global Workmen provided temporary laborers to development companies and promised to “limit benefits expenditures, minimize unemployment costs and reduce workers’ compensation exposure” for those companies.

Once we reached the prison reentry campus, Elizabeth took us through each vocational training area. During the tour, the “lifers,” prisoners serving life sentences, who serve as mentors and primary instructors of the reentry trainees, described their pedagogy to the employers. “We seek to teach both the vocational skills but also the soft skills you need to keep a job,” said one

³⁰⁵ See Lucius Couloute and Daniel Kopf, “Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People.”

mentor. We traveled through a huge garage for auto mechanic certification, where cars directly from General Motors come to be worked on, the green house for the horticultural and landscaping certification, the workshop for the welding and electrical certification and finally, the large HVAC shop filled with refrigerators and ventilation shafts. Here the employers and all the reentry trainees sat down for a concluding group discussion.

Judge V thanked all the employers for taking the trip up to meet their potential employees. She retells the origins of the program. The idea for it emerged from her yearning to help those with life sentences do something meaningful and productive with their time in prison. “And now, they help to create the next workforce through this program,” she declares. Judge V asked who would be released within the year and about 20 men stood up. Pointing to the side of the room where the tour group was seated, Judge V said, “Talk to these folks here today. They could be your bosses when you get out. They could give you a shot.” After a few reentrants gave testimonials about what they had learned on campus, one prisoner chimed in, “I wanted to be in welding, if anything, but they wouldn’t let me. I don’t find HVAC interesting.” This comment upset Judge V. “These men take the time to provide training for you all. I was a lawyer and now am a Judge. When I was getting my training, I had a job and other responsibilities. What I wouldn’t have given for the kind of time you all have while you are here. Time to think, time to learn, time to work and become really good at something. What is it that you want?” The reentry trainee responded, “I want to be an entrepreneur and own my own business after I get out.” To this, Judge V replied, “Can I ask you a question? How do you get to the door?” The reentry trainee looked at her confused.

“Did you walk to the door? Or do you float to the door? Because let me tell you, you sound like you think you can float to the door, but you have to crawl before you walk, you have to walk

before you can run...” She continued, “You can’t skip steps and especially being in this program, you have to take the jobs available to you.”

On the bus ride back to the New Orleans, Elizabeth and I strike up a conversation about a reentry court participant called Carter, who had been recently fired from one of the program’s employers. She described to me that the employment initiative, “serves to remove the stigma of employing a formerly incarcerated person.” However, in her eyes Carter’s termination “resulted from a natural up and down of the market” and “not because he was formerly incarcerated” and then she added, “We can only try to account for one of those issues...”

This delineation gave me pause. In Elizabeth’s framing, the free labor market began where carcerality ended. The carceral experience was figured as outside of the market. However, not but twenty minutes earlier, we had both been in the midst of labor recruitment happening *within* the prison. We were watching men work on cars for General Motors dealerships. We were watching them network with potential employers by demonstrating both their vocational and soft skills. Nothing I saw during this visit seemed divorced from market forces. In the case of Carter’s termination, how could she tell the difference? Elizabeth made it feel like it was common sense and therefore, my question may sound naïve. This assumption that there is a bounded free market made up of competing economic actors on the one hand and a bounded space of incarceration that is primarily one of confinement and exclusion from the market was not unique to Elizabeth. Upon reflection, we can see that the experience of incarceration was characterized by the reentry program representatives as outside economic markets. Judge V’s comments cast incarceration as an undisturbed time to invest in the self, suggesting that serving a prison sentence (aka “doing time”) is a suspension from other forms of temporal organization like the responsibility of a *real* job outside of prison. She also alluded to incarceration as being outside of development such that

personal, professional and financial growth can only manifest once you leave prison through a predetermined telos of labor; you don't float to the door, you crawl and walk first.

The judge's metaphor conveyed the normative assumption that there are specific developmental stages to move from vocational laborer to managerial role to entrepreneur/innovator. The vocational training on the prison campus is here framed as the educational starting point of self-investment. It is figured as the unpaid labor required before one can move to forms of wage labor and then perhaps, eventually capital ownership. Of course, this teleological assumption of progress is troubled when considering the contemporary values of city labor markets today in relation to vocational labor. Reentry workforce development limits the potential labor markets reentrants may enter by providing vocational training that is designed to subtend industries within the growing real estate, tech and idea economy. They train within industries that do not demonstrate growth potential given the patterns of contemporary urban capital investment. Thus, reentrants often enter precarious markets of temporary, unskilled jobs instead of contractually sustainable and salaried jobs. This is juxtaposed with the valorization of flexibility and mobility within the emergent "innovation economy," comprised of elite transplants to the city who participate in urban governance through social entrepreneurship and startup companies.³⁰⁶ These individuals aren't necessarily held to the developmental stages of labor, but rather their symbolic capital and financial resources render them vital to the next frontier of the

³⁰⁶ See Povinelli, *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality*. The assumption of reentrants as moving through a telos of labor and development resonates with the relations between the autological subject the genealogical society. How some subjects are figured as oriented toward the future and some are constrained by their inheritances is significant in the tension between the racialized formerly incarcerated laborer who must necessarily climb the socioeconomic ladder and the social entrepreneur who can jump rungs.

American economy.³⁰⁷

I want to note that these examples are not intended to merely depict Judge V or Elizabeth as condescending or dismissive of carceral experience. Rather, I believe their ideological separation of carcerality and the market echo the logics that structure criminal justice reform more broadly. It even resonates with sociological scholarship about neoliberalism that places carceral punishment at the margins of the market. As Bernard Harcourt argues, neoliberal penalty is “a form of rationality in which the penal sphere is pushed outside political economy and serves the function of a boundary: the penal sanction is marked off from the dominant logic of classical economics as the only space where order is legitimately enforced by the state.”³⁰⁸ Loïc Wacquant’s theorization of the “penal state” similarly reduces the administrative power of the state to the criminalization and punitive sanction of those excluded from market participation.³⁰⁹ What does this ideological boundary between carcerality and the market reveal and what does it obscure?

Discount through Management, Devalue through Debt

The goal of this court program was to “encourage employers to invest in reentry.”³¹⁰ To do so often meant reframing social justice rationales as business incentives. The court program concedes that businesses will be taking on a risk by hiring a formerly incarcerated person and

³⁰⁷ See Democratic Platform Committee, “2016 Democratic Party Platform.” The 2016 Democratic Party Platform illustrates this distinction as coded by liberal social policy. In this proposal, the new frontiers of the U.S. labor market are characterized by “innovation economies” including the tech start-up sector which depend upon “the next generation of scientists, engineers, and entrepreneur, especially women and people of color, to make sure America continues to out-compete and out-innovate the rest of the world with our bold innovation agenda” (9). At the same time, this platform outlines the road to racial justice in the workforce as dependent upon vocational and technical skills training – the jobs that subtend such innovation at best or are entirely excluded from it.

³⁰⁸ Harcourt, “Neoliberal Penalty,” 77.

³⁰⁹ Wacquant, *Punishing the Poor*.

³¹⁰ Interlocutor quote from the person I call Elizabeth.

therefore, offers financial incentives. As mentioned, they are promised tax abatements for hiring reentrants for a flexible trial period. The tentative terms of reentrant employment as well as the tacit agreement to assume certain operational costs and oversight, situates the experimental court and the department of probation & parole in supervisory roles within labor markets. While this program in New Orleans has never described itself in this way, one rather crass pamphlet produced by a neighboring parish's Business Alliance advertised employer investment in reentry as both cost effective and easy to manage because "Probation and Parole serve as your Human Resources Department." It is important to note also that employers do not have any sort of contractual obligation to the reentrant employee or to the court.

Visitors to Reentry court were encouraged to participate in the dialogue as the Judge would often solicit the opinions or the opportunities the court attendees could offer the reentrants. Potential employers were always welcome to attend the Reentry court proceedings every month and announce the job openings that they were hoping to fill. Like when an owner of a bricklaying business addressed the Judge and the court: "I wanted to come here and tell you, Judge, what a great worker Darrell is. Even if he's been in trouble in the past, he is there every day on time for the job. I'd like to hire four more just like him." Here we see perhaps one of the more explicit (and somewhat audacious) examples of how the court as coextensive with the labor marketplace and the punitive apparatus works to render reentrant labor as redundant and thereby reentrant employees as potentially expendable. The court also invites many nonprofits and social service providers in addition to employers to its proceedings. These organizations also treat court like a marketplace as they seek to offer a diverse array of services to the reentrant participants and often do as a result of the Judge's ruling. Ultimately, the Judge still holds punitive power and could send

reentrants to jail for violating the terms of their release, which in this case, includes losing a court-brokered job or refusing court mandated programming.

One more dimension to my interrogation of the delineation between the market and carcerality are structures of debt. Formerly incarcerated people often face insurmountable financial debt after release from prison and participants in the reentry court are no exception. Court and Probation & Parole fines and fees continue to accrue as they participate in the reentry program back in the city. Judge V offers opportunities to reduce court fees if reentrants participate in volunteer projects –sometimes offering 10 dollars per hour of volunteer work, sometimes 5 or 12 dollars. She changes her mind constantly and somewhat arbitrarily. Once she even offered 100 dollar per hour, but quickly realized that this would bankrupt the court. Judge V would announce volunteer opportunities that were usually some form of manual labor or construction. “Now you can’t just expect everyone to pity you and offer their help. If you are the ones who need help, you have to learn to pay it forward,” Judge V said one day before signing reentrants up to help paint a fence for a local nonprofit.

The moral framing of volunteerism espoused by the court links the virtue of altruism to autonomy and counterintuitively, to self-interest. The conditions of debt and supervision under which reentrants are beholden to the court contradicts the very potential of an autonomous volunteerism. Their volunteerism is compelled through their indebtedness to the court and the value of their labor determined by the Judge. The Judge was sometimes challenged about the rates of court fee deductions by Laurel, a public defender and reentry nonprofit director who works with the court. Laurel would argue that \$10 an hour would never be fair market rate to get a crew to do the same work to which the Judge would sternly reply, “These are volunteer projects for reentry. It shouldn’t even require monetary incentive.” Laurel argued that their labor deserved a fair market

wage and Judge V made clear that volunteerism was not wage labor, but rather a mandate of the court. Volunteerism serves here as a moral justification for the continued devaluation of reentrant labor vis-à-vis the court. This casts such labor as outside of the market and thus maintains the conditions of carceral indebtedness. This example illustrates what legal scholar Tayyab Mahmud calls the suturing of debt and of discipline in the neoliberal era, a joint venture of the market and the law.³¹¹

Through these practices of the court we can see how the ideological boundary between the market and carcerality obscures how flows of labor and capital articulate through coercive punitive regimes. Labor is made discounted through the functioning of the court as a state subsidized marketplace as well as a coercive, punitive institution. Labor is devalued through structures of indebtedness – financial indebtedness to the court and moral indebtedness to society – that justify scarce remuneration for the reentrant labor volunteered by the court. Understanding this devaluation of labor as a form of differentially valuing human life, we see how the practices of the reformist court is a racializing technology. The making of a reentrant labor force is the making of novel racialized labor market.

Evaluating Reform: The Epistemological Support of the Boundary

Innovations in criminal justice make new objects for knowledge production and I turn now to the epistemic boundary work that subtends the ideological separation between the market and carcerality. While New Governance spaces like reentry court may require alternative orientations toward determining its efficacy, the primary category of judging reentry program

³¹¹ Tayyab Mahmud, “Debt and Discipline: Neoliberal Political Economy and the Working Classes,” *Kentucky Law Journal*, 2013, 55.

success is recidivism. Essentially, the success of reentry programs is judged by the question: Once people are released from prison, does this program keep people out of prison? The private and public grants that fund some of the operations of the court, like the salaries of the case managers for example, require efficacy reports that demonstrated that the court was indeed reducing recidivism.³¹²

In order to collect such data, Dr. M., an esteemed sociologist in New Orleans, was brought in by Judge V and Elizabeth to develop an efficacy assessment of Reentry Court. His findings would be shared internally with the court administrators to tweak practices and procedures and also were intended to produce data that would be submitted to the granting institutions that invest in the court. This data would also serve as part of the court program's public relations strategy

Dr. M and I developed a rapport as we were usually the only two social scientists sitting in court. While I was doing qualitative and independent ethnographic work, he was juggling his own qualitative notes while simultaneously developing a quantitative methodology to assess the courts success. When discussing his methods and findings with me, expressed jocular envy that my ethnographic practice that allowed me to write down "the dramas of the court" and have "more free flowing conversations" with court participants and staff.³¹³ After telling me that he was asked by the Judge to assess recidivism rates, he said, "You're lucky that you are documenting life experiences. Ones and zeros conveying recidivism or not recidivism is a ridiculous way to approach this court," referring to the statistical binaries that he used to keep track of reentry participants. He continued, sounding frustrated:

³¹² See, e.g. The Pew Charitable Trusts, "Louisiana's 2017 Criminal Justice Reforms: The Most Incarcerated State Changes Course." This report of the state Justice Reinvestment Package discusses how 70% of money saved through decarceration will be invested in to grants for programs dedicated to recidivism prevention (p.18).

³¹³ These quotes signal his characterizations of the court and of my ethnographic practice.

Every single participant has a unique and extenuating case that cannot be used to model recidivism rates. To help to see a pattern, I chose to technically factor any return to a cell — whether to jail or to prison — as recidivism. If the goal of the program is to provide workforce participation, then any carceral disruption where they are taken out of the workforce for whatever period of time should count as recidivism. Don't you agree?

Definitions of recidivism vary a great deal within studies of criminal justice, which makes agreeing or disagreeing with Dr. M more complicated.³¹⁴ The absence of a uniform definition of recidivism has long led studies of crime and punishment toward very diverse conclusions.³¹⁵ According to the National Institute of Justice, “recidivism is measured by criminal acts that resulted in rearrests, reconviction or return to prison with or without a new sentence during a three-year period following the prisoner's release.”³¹⁶ I have read studies that do not consider a return to incarceration within set time frames and others still that do not differentiate criminal charges from probation violations. This plurality of meanings leads some legal scholars to claim that the definition of recidivism remains “contingent on empirical uncertainty.”³¹⁷ It is therefore interesting in this context to see Dr. M struggle to develop a take on an operational definition of recidivism that relies on the concept of workforce disruption. He alludes to the ambivalence of the court's mission to ensure employment for reentrants after incarceration. He sees participants frequently serving short jail sentences as punitive sanctions for probation violations but also as reprimands

³¹⁴ Mandel et al., “Recidivism Studied and Defined”; Weisberg, “Meanings and Measures of Recidivism”; Willbach, “What Constitutes Recidivism.”

³¹⁵ Ostermann, Salerno, and Hyatt, “How Different Operationalizations of Recidivism Impact Conclusions of Effectiveness of Parole Supervision”; Weisberg, “Meanings and Measures of Recidivism.”

³¹⁶ <https://nij.ojp.gov/topics/corrections/recidivism>

³¹⁷ Weisberg, “Meanings and Measures of Recidivism,” 787.

for losing court-brokered jobs. Dr. M's analysis thus would seemingly conclude a failure of the court to reduce recidivism through the reentrant employment managed by the court itself.

Dr. M's framing of recidivism as disruption ultimately reproduces the boundary between the market and carcerality. In this case, the definition of recidivism considers being behind bars a rupture from participating in the free market. Such an assertion begs the question, is there ever really a point where these men will solely be in the realm of the free market if the condition on them being part of the market is their carceral management? Defining recidivism as the oscillation between the confinement of carcerality and the freedom of market participation obscures the productivity of carceral circulations to differentially devalue labor. A definition of recidivism that relies on the binaries between, free and confined, market and carceral, mystifies the productivity of the reentry court as coextensive with the city's labor market.

Re/producing Racial Capitalism at the Boundary

Interrogating the practices and knowledges emergent in Reentry court reveals a novel racializing assemblage of carceral labor in-the-making. I trace the ideological delineations and delimitations that are assumed self-evident within the reentry space: 1.) Carceral spaces of confinement are distinguished from the "free" spaces of capital flow. 2.) Criminal justice institutions govern those who are excluded from the market. 3.) There are free contracts on the one hand and there is punitive coercion on the other. However, as my empirical examples demonstrate, in practice, these distinctions break down. As they do, it is revealed that the racializing processes of the criminal justice system are constitutive of labor markets.

The court controls the skills training on the prison campus; it determines the value of the skills that is discounted through tax abatements and subsidized operational costs and also

determines the wage of labor that is devalued through structures of carceral debt. Moreover, as the effects of incarceration and the work of reentry court overwhelmingly target Black men in Louisiana, we have the re/production of discounted and devalued Black labor which renders market discrimination and the differential deployment of carceral punishment as mutually constituted racializing forces entrenched in the histories of antiblackness and Black dispossession in the U.S.

The critical scholarship on unpaid prison labor including the histories of chain gangs and prison farms during and after the abolition of chattel slavery, for example, clearly identifies the inadequacy of figuring labor markets as distinct from carcerality.³¹⁸ The prison industrial complex critique, especially as it has been mobilized by criminal justice reformers to condemn private prisons,³¹⁹ argues that privatized markets develop within and around the prison system.³²⁰ These are publicly visible and recognizable contexts that render the borderlands and contact zones of the market and carcerality. However, the analysis of these contexts, and especially how they are taken up by criminal justice reformists in popular discourse, can frame carcerality as something that is exploited by capitalism. That is to say, that the private market takes advantage of public prison labor, or the private market profits off of the state to locking people up.³²¹ It treats the racialized

³¹⁸ See e.g., Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. Blackmon, *Slavery by Another Name*.

³¹⁹ <https://www.sentencingproject.org/publications/private-prisons-united-states/>

³²⁰ For more robust discussions of the “prison industrial complex” (PIC) as a relational and historically contingent capitalist phenomena See Davis, “Masked Racism: Reflections on the Prison Industrial Complex”; Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism.” Both Gilmore and Angela Davis have discussed the Prison Industrial Complex as a dynamic and transforming concept and have been vocal about the relatively small role of private prisons in the larger relational reach of the PIC.

³²¹ See Gilmore, *Golden Gulag*, 20–22. for discussions of why “racial cleansing” and “new slavery” as well as the privatization of prison arguments aren’t adequate to fully understanding the transformations of contemporary carcerality. See also Gilmore, “The Worrying State of the Anti-Prison Movement | Social Justice.” In this article, Gilmore outlines the attention “new realists”

inequalities of differentially devalued labor and life made through carcerality as prior to market intervention. Such a framing assumes that carceral spaces are potential frontiers for market exploitation instead of recognizing the mutually constitutive relations of the market and of carcerality.

These phenomena are not simply market exploits but are instead part and parcel of how markets are constituted through racial differentiation.³²² Racialized inequality is not incidental to the market and thus merely an advantage for capitalism's appetites. Racialized inequality constitutes economic markets through the capital-carceral circulations of people, labor, and value. Ruth Wilson Gilmore's work on the California prison system, compellingly demonstrates this point through her concept of "the prison fix," arguing that the growth of the racialized carceral system emerged to resolve capital surplus crises.³²³ She discusses how reform as a response to capital crises tends to "strengthen institutions of social control."³²⁴ I thus argue that this grounded attention to the political economies of criminal justice reform offers a lens to revisit how racialized labor has historically been devalued and managed through the technologies of carceral power. Moreover, as we consider the next frontiers of carceral expansion – whether it be reentry programming and decarceration policy or immigrant detention – that we mobilize analytics that recognize the racialized/racializing productivity of the constitutive relations between markets and carcerality, between private and public, between social reform and social control.

within criminal justice reform pay to private prisons minimizes, "the fact that 92 percent of the vast money-sloshing public system is central to how capitalism's racial inequality works." This also speaks to my critique that the relations of private-public collaborations under New Governance obscure the forms of public subsidies and the powers of the Department of Corrections that fundamentally are required for reentrant labor to be devalued and discounted.

³²² Appel, *The Licit Life of Capitalism*.

³²³ Gilmore, *Golden Gulag*.

³²⁴ Gilmore, "Globalization and US Prison Growth," 183.

The Making of the Unfinished Reentrant-Worker

In returning to Elizabeth's question: Can we ever distinguish whether precarious employment is a result of regular market flows or a result of discrimination based on one's proximity to carcerality?

The final institutional reinforcement of the delineation between the market and carcerality is often left to the technical terms of law. Legal scholars who problematize the market-carcerality separation critique the limitations of law to recognize prisoner-workers as legal subjects. The U.S. Circuit Courts' consistent characterization of the prison's relationship to the prisoner as non-economic and primarily punitive has repeatedly foreclosed the potential for employment law to be mobilized in cases arguing the exploitation of incarcerated labor.³²⁵ However as legal scholar, Katherine E. Leung argues the exclusions of "prisoner-workers" from the Fair Labor and Standards Act to receive minimum wage³²⁶ and the National Labor Relations Act to possess the rights to collectively organize as workers³²⁷ should itself be a violation of the Title VII of the Civil Rights Act of 1964 that prohibits employment discrimination based on race, color, religion, sex and national origin.³²⁸ Leung writes, "The use of prison labor functionally creates a second-class labor market, largely made up of people of color, which exists outside of Title VII's protection against disparate impact discrimination in the workplace."³²⁹ By discussing prison labor in these terms, Leung calls for a reconceptualization of the labor-market as a totality that includes the prisoner-workers as a racially segregated labor pool of poor and predominantly Black and Brown people.

As the law tends to characterize the prison as outside of the market, the aspirational legal

³²⁵ See *Watson v. Graves*, 909 F.2d 1549 (5th Cir. 1990); *Loving v. Johnson*, 455 F.3d 562, 563 (5th Cir. 2006); *Bennett v. Frank*, 395 F.3d 409, 409 (7th Cir. 2005).

³²⁶ Fair Labor Standards Act, 29 U.S.C. §§ 201–219 (2016).

³²⁷ National Labor Relations Act of 1935, 29 U.S.C. §§151-169 (2016).

³²⁸ Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964).

³²⁹ Leung, "Prison Labor as a Lawful Form of Race Discrimination," 696.

subject of racialized prisoner-worker is unrecognizable under current legal regimes. Lueng writes that legal precedent has drawn a “clear bright-line to define the actors as either jailer or employer” claiming that the one-dimensionality of legal abstractions conveniently characterize who is “deserving or undeserving of a statute’s protection” without reflecting upon a human being’s experience and social relationships.³³⁰ In following the prisoner-worker as an important relation foreclosed by the law, legal scholar, Noah Zatz assert that law itself is not external to the economy but rather “helps produce employment and the labor market as social fields separate from other types of relationships.”³³¹

However, the case of the New Orleans Reentry Court blurs the lines between punitive and labor categorization of legal subjects because it is an experimental, *soft law* innovation. Reentry court opens a space of legal and social ambivalence between the market and carcerality even as it ideologically adheres to their productive separation. This space realizes the contested and ever-shifting subjectivity of the *racialized reentrant-worker* without a clear legal delineation between jailer and employer, without a clear legal delineation between prisoner and worker, punishment and labor. The experimental and flexible practices of the court render reentrant-worker relations with employers and the court neither solely economic, nor punitive. The New Governance space of Reentry court produces the ambiguous, fungible and underdetermined subject position of the racialized reentrant-worker. Reentry court is not a governance purgatory toggling between its carceral and market identification, but a productive site of capital value creation because of its strategic ambiguity.

³³⁰ Leung, 696.

³³¹ Zatz, “Working at the Boundaries of Markets: Prison Labor and the Economic Dimension of Employment Relationships,” 866.

The New Governance practices of carceral reform programs like the Reentry Court emerge as an unfinished space-time of legal and economic subjectivity. In this case, the soft law enacted through the practices and epistemologies of the reentry court demonstrates the constitutive relations between carceral circulations and labor markets in a novel racializing assemblage. Reentry court thus re/produces the conditions of neoliberal racial capitalism through its practices of differentially devaluing labor. Yet paying attention to the makings of new and undetermined subjectivities, such as the reentrant-worker, offers a critical anticipation of how the frontiers of racialized labor transform. By this, I mean an attunement to the productive separations that obscure such transformations also reveals the potential relations that escape this particular racializing assemblage.

Reentrants find social, educational, professional experiences and opportunities through this program otherwise unavailable to them, which lead me to multiple, somewhat still unanswered questions. But one of the main questions I had after visiting reentry court for the first time was, “Why would ensuring economic and educational opportunity require going to prison?” The irony of this would persist and irk me through the many conversations I would have with nonprofit workers and curious members of the public who would visit court. They celebrated how “unique” and “unexpected” court was. They appreciated how they could literally intervene in the conversation about reentrant workforce development. As I continued to go to court and watch employers offering jobs, and nonprofits offering services, and formerly incarcerated people offering advice, and public defenders fighting with Judge V, and family members interrupting, I didn’t see potential in the form of hope for some radical rethinking of extractive labor regimes... but in the form of everyday unknowns.

To reveal what liberal carceral reform produces by adhering to the ideological separation between the market and carcerality is to reveal the inadequacy of such reform to attend to racial justice in the United States. A move toward racial justice would require social solidarities that challenge the productive separations upon which racial capitalism turns. As Biehl and Locke write, “...power itself is shifting and contingent – less a solid, stable entity than a product of manipulation, systemic falsehood, and ongoing struggle, and constantly punctured and put into flight by people’s becomings.”³³² There are working relationships, friendships, strategic and unanticipated socialites between the Judge, reentrants, family members, court visitors and administrators that emerge within this context that are not legally legible but are enacted in a political terrain that matters. This observation does not disintegrate the broader critique of discounted and devalued racialized labor I build in this chapter, but it does recognize innovative New Governance reform as an unfinished and contested spaces of simultaneity.

—§— Coda —§—

Laurel and I sat down at the Building Up Office to hash out the plan for the literature review and grant. She had run into Patricia, the grants manager for a wealthy Christian philanthropic organization in the city, who had signed off on a grant for Building Up’s loan fund program. Laurel was very excited to tell me that they would be interested in the mentorship curriculum. I had agreed to help write the grant which would help formalize a certification curriculum for formerly incarcerated mentors and had even come up with a hook for the grant, drawing from my own training as an ethnographer: *Experience as expertise*.

³³² Biehl and Locke, *Unfinished: The Anthropology of Becoming*, 5.

Building Up’s model for reentry programming is dependent upon mentorship – under their mantra, “next man up,” it has implemented a near-peer mentorship structure where formerly incarcerated men are hired either part-time or full-time as salaried employees to work with men who have more recently been released from prison. This had always been a more informal relation of advising and was not rooted in reporting or surveilling. BU mentors did not have affiliations with reentry court or probation and parole but would sometimes come to court to advocate for their mentees. Laurel had always recognized this mentorship as care labor and therefore insisted that mentors be paid and was hoping to write this grant to ensure the modules in the reentry mentorship curriculum were paid training.

As the reentry space continued to expand, nonprofits and social service providers of all sought out formerly incarcerated mentors, but in many cases, this was considered a volunteer position. Paid positions were given to those with training in social work or education. Laurel’s vision was that Building Up could lead the charge in forming a curriculum tailored made for reentry that would draw on the mentorship challenges and the “knowledge-gaps” faced its current mentors. If realized, Building Up would be accredited as a site for training certification. During a meeting of the mentors of Building Up, we brainstormed the kinds of things mentors wished they knew. “We’d be like *professional reentrants*,” said Marcus, one of BU’s mentors.

The modules we came up with are listed below:

1. Applying for Medicaid, Food stamps and Housing	5. Substance Abuse/Addiction Education
2. CPR Training:	6. Know Your Rights Training
3. Understanding Trauma	7. Gender and Sexuality – Cultural Competency
4. Crisis Intervention Training	8. Conflict Resolution/Mediation

Chapter 4

Homes of Transition: The Carceral Geographies of Urban Frontiers

Relating Through “The Cage”

A fifty-foot tall orange pole marks the corner of Green St. and Ultimo St. On top of it sits the sign Cutter’s Bail Bonds (504) xxx-xxxx. It stands on the front yard of the Days Home transitional house for formerly incarcerated men, but faces out toward the street, toward the parish jail. The Building Up office and the Days Home house are two neighboring brick shotguns each with its own driveway, front yard and front porch. They too face the new parish jail³³³ or more specifically; the houses face a specific architectural feature of the jail called, “The Cage.”

The Cage is the central open air, 13-story prison yard of what is now the Orleans Justice Center (OJC) (referred to often by its former name, OPP, Orleans Parish Prison). The thin thatched lattice of its outer wall makes it a visual and audible outpost. Between the hours of 7:00 am and 7:00pm those in the Days Home transitional house and the Building Up office can see the levels of The Cage peppered with white and orange prison issued shirts with shadowy heads attached to them. Inmates inside The Cage can clearly read the matching orange and white Cutter’s Bail Bond’s sign. They can see the comings and goings of the residents in the transitional house and those of the people working and getting services at the office.

This corner is a site of dialogue between the OJC inmates and the people living and working at Days Home and Building Up. The most common call from The Cage was, “Help!” and its extended echo would seem to bounce back and forth from the tower of the jail to the walls of

³³³ The Orleans Justice Center began construction in 2011 and was completed in 2015. This facility funded primarily through federal hurricane recovery dollars post-Katrina, cost about \$150 million dollars and holds 1,438 beds for inmates. *See* Mustial, “Orleans Parish Sheriff’s Office Transfers First Group of Inmates into New \$150 Million Jail.”

the houses and back. When I was alone in the Building Up office in the early mornings, I often felt the reverberations of that call as it flew through the window. I noted in my fieldnotes many times how the final letter “p” would get lost and how to me, it sounded more like the ghostly drone of “Hell.” People in the office and the transitional house barely even noticed “The Hells” because they were part of the everyday soundscape and vista.

But communication with the inmates at OJC through the cage were not just taken for granted. Family members of inmates would come and do what Laurel, the executive director of Building Up, termed “Prison Facetime.” They would stand in front of the transitional house and call out to their kin in The Cage, or the OJC inmate could call from a phone inside to their corner visitor’s cell and then rush to The Cage window to wave. Residents would often come out onto the porch and offer the visitors encouragement and sometimes, even recommend that their loved one come to Building Up for reentry services or if they needed, should inquire about a bed in the transitional house.

One early spring morning, as I arrived in the office, I met Miss K, a woman in her 50s with a round face the color of caramel framed by tight blonde ringlets. Exasperated, she rushed up to me as I got out of the car. “Oh thank goodness! I’ve been knocking on that door waiting for someone to answer. My phone died, Honey. Can I plug it in to charge?” she asked. I unlocked the office and we sat on the couch while she charged her phone. She kept darting to the open doorway to look up at The Cage. “My son, Jordan, is here for a court appearance,” she said excited and proud. She told me that she hadn’t seen him in two years because he was sentenced to a prison facility about five hours away from New Orleans East, where she lived. He was then moved to two other facilities that were also too far for her to regularly travel and visit. As she described “not being able to chase him down,” her eyes filled with tears, but within a minute she perked back up

and points out to The Cage, “but he’s right there now!” Her phone rang and she leapt up to answer, “Jordan! I’m coming out. You’ll see me.” She gestured for me to come out with her, “Come meet my son. There he is!” We both saw an orange figure waving with both arms, jumping up and down.

Residents of Days Home and the Building Up staff would often talk and joke with the inmates in The Cage. They would occasionally get angry with inmates for catcalling the women staff members and visitors. A common rejoinder to a provocative inmate was, “Why don’t you come down here and say that?” Sometimes residents would know one of the inmates and get messages to Laurel for legal advice or would call the inmate’s family for them on the office phone. I, myself, had hollered updates about court hearings or bail proceedings to interlocutors who were in jail through The Cage.

One particularly memorable event was when local radio station and the Orleans Parish Public Defender’s Office joined together to organize a protest against the abuses of the criminal justice system. In true New Orleans fashion, this march was in the form of a Second Line that intentionally paraded down Ultimo St. to pass the jail and circled back to end with a rally at the criminal courthouse steps. As the parade approached the jail the pace slowed until the band and those of us marching alongside were in the shadow of the jail tower looking up. The band began its rendition of “When The Saints Go Marching In.” We watched as inmates took turns climbing up the inside walls of The Cage to a small support ledge, just wide enough to stand so they could see the parade. Some of them danced, showing off their sidewalk steps – the intricate footwork iconic to New Orleans’ second lines. The sheriff’s deputies were quick to threaten the protesters with arrest outside while inside, they had begun to drag the dancing prisoners back to the ground. Seeing this from the porch of the transitional house, a resident, Mr. Davis shouted “Hope they

aren't in trouble in there. They were just climbing up high enough to see what was going on, same shit we are trying to do out here..."

These moments, of interaction and of making relation between inmates in OJC and the residents of Days Home were striking. The space between The Cage and the transitional house – the echo chamber of inmate voices and reentrant responses – performs a sensory ambivalence between the inside of the prison and the outside of transition. The location of the Days Home transitional house is a telling materialization of the affective and institutional architectures of reentry transition in the city. The people moving through and managing reentry transition are constantly negotiating their proximity to and entanglements with carceral circulations while also enacting forms of placemaking that challenge geographies of domination.

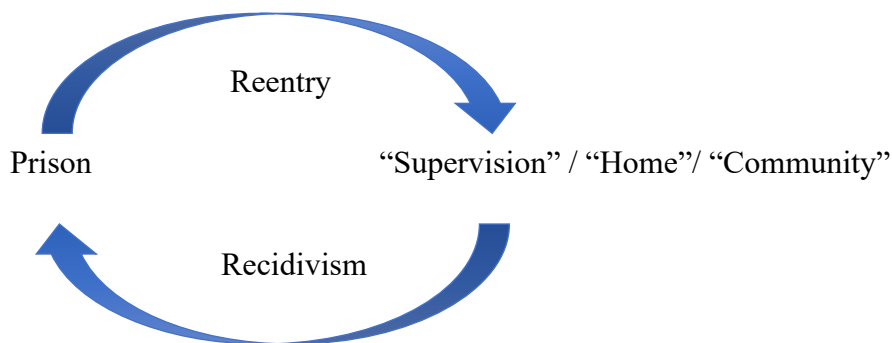
In this chapter, I explore what it means to be “in transition” through the context of reentry transitional housing. This empirical context illustrates how the design, development and management of transitional housing for the formerly incarcerated brings the progressive initiatives to provide reentry services into relation with the city’s speculative real-estate market. I focus on reentry transitional movement as it is articulated through the material and ethical inhabitation of city residences and neighborhoods. I engage transition as a geographic frontier through which we can interrogate broader transformations of contemporary urban placemaking and belonging. The geographies of transition are made through the encounters and movements of people and of capital that are “difficultly interrelated.”³³⁴ The ever-evolving racializing assemblages of transition are productive relations that make frontiers of differential value creation and carceral-capital expansion but can also hold potentials for novel social encounters, subjectivities and political futures.

³³⁴ McKittrick, “On Plantations, Prisons, and a Black Sense of Place.”

Mapping Transition

In the language of decarceration legislation, like Louisiana’s Act 280, reentry transition signals the movement “from incarceration to community supervision.”³³⁵ However, among my formerly incarcerated interlocutors and within most of the reentry nonprofits and advocacy groups I encountered, reentry transition was simply called, “coming home.” These two discursive figurations of reentry’s endpoint speak to disparate imaginations of the lived experience of reentry and convey very different expectations of reentry. Community supervision signals the oversight of the formerly incarcerated by (often uncoordinated) criminal justice agencies and social service providers. It requires attending regular court appearances, taking urine tests, meeting with probation and parole offices and also requires being financial accountable for all these forms of supervision. It marks the goal of transition to be one of carceral management within neighborhoods. “Coming home,” however, evokes a return to prior comfort and stability, a vision that seemingly transcends the disruptions, displacements and precarity made through the carceral extension of community supervision. Yet, “coming home” at Building up was described by Laurel as “entering into a community,” a community characterized by the shared experience of being in transition. These endpoints of reentry – supervision, home, community-- reflect some of the diverse understandings of and aspirations for the social world outside of prison.

Fig. 1



³³⁵ Act No. 280.

Reentry governance frames transition as the movement out of prison and is counter to the movement of recidivism, which is the reversible movement back to prison (See Fig. 1). This rather simplistic rendering of the dyadic movement between the poles -- prison and for shorthand let's say, community -- represents the cycle of incarceration. This cycle becomes the primary concern for reform policy, programming and practice. Progressive decarceration reform programming attempts to intervene at specific points, which are identified as conditions of vulnerability, along this cycle between prison and home to sever the movement of recidivism -- i.e. through housing, vocational training, substance abuse rehabilitation. This crude conceptualization of the cycle of incarceration remains a salient abstraction that guides the work of progressive coalitions for criminal justice reform and reinvestment. Such an abstraction entails a fixing of prison and community as static sites. Through my ethnographic engagement, I demonstrate how the dyadic orientation of the cycle of incarceration works to obscure the actors and phenomena that make such reform intervention points moving targets. It cannot attend to the entangled racialized and racializing movements of people and capital, and thereby, the differential mobilities and strategies that continuously transform the experiences of incarceration, the experiences of reentry and the experiences of urban inhabitation. This chapter is concerned with the processes of placemaking that characterize reentry transition. It demonstrates that geographies of transition are not merely made through the movements between two fixed sites, but through the many capital and carceral circulations that produce value within the socio-spatial order of neoliberal racial capitalism.

Frontiers of Difficult Interrelation

Recognizing the productive separation that is ideologically asserted between the market and carcerality (as discussed in Chapter 3), it is important to trace how this leads to the problematic

commonsense notion of the socio-spatial order. Prisons are rendered “at the margins of social spaces”³³⁶ and as Katherine McKittrick (2011) writes, “Relegating prison life to the margins naturally condemns the incarcerated while providing those outside and/or seemingly disconnected from this system to point to the dispossessed without touching the dispossessed, or, more dangerously, simply view incarceration as indicative of a ‘natural’ life cycle and the unsurvival of the weakest.”³³⁷ That is to say, the rendering of the cycle of incarceration problematically frames differential and racialized deployments of carceral punishment as a life cycle, which assumes economically marginalized communities of color, and in New Orleans, predominantly poor black people, as always potentially incorporated – on the precipice of being incarcerated, currently incarcerated, or vulnerable to reincarceration. The cycle of incarceration perpetuates spaces of social life as, represented by the spaces of the home and the neighborhood, in opposition to spaces of social death, represented by the prison. Such a rendering illustrates “a conceptualization of racial and geographic violence that is bound up in narratives and codes that honor a cycle of life, wherein particular communities and their geographies are condemned to death over and over again.”³³⁸ Moreover, it ignores the entangled and enmeshed circulations of movements through which people’s lives and locations constantly bend, turn, turn around, recirculate and are propelled at various speeds and intensities within contemporary geographies of urban experience. The naturalization of the isolation of the dispossessed obscures the social encounters, alliances, and capital flows that create the frontiers and futures of transition.

Drawing from anthropological scholarship on social belonging and abandonment, the spaces of dispossession, premature death and slow violence under late liberalism are also spaces

³³⁶ Gilmore, *Golden Gulag*, 10–11.

³³⁷ McKittrick, “On Plantations, Prisons, and a Black Sense of Place,” 958.

³³⁸ McKittrick, 954.

that hold the potentials for the radical political projects of *the otherwise*.³³⁹ In mobilizing the analytic lens of transition, I attend to the liminal spaces of social encounter in which relations of exclusion and belonging are negotiated. Ethnography within such spaces offer critiques of neoliberal governance by drawing out the complicated socialites, affects, forms of violence and expressions of desire that emerge within them.

In his ethnography of the lives of patients in an asylum in the city of Porto Alegre, Brazil, Joao Biehl's (2005) theorizes *zones of social abandonment* as situated "between encompassment and abandonment, memory and nonmemory, life and death."³⁴⁰ (Biehl 2005:4). Determining the emergence of these zones, as "an extension and a reflection of the country's political-economic and domestic readjustments" in the neoliberal era, Biehl explores the making of a socially abandoned subjectivity. While his primary interlocutor, Catarina is "displaced into the register of social death," she finds a way to make her own place of the living through her writings and through the dialogic relation she develops with Biehl. Thinking alongside Biehl about the forces of neoliberalism that produce zones of social abandonment through "active neglect and calculated absence," Deborah Thomas (2011) explores the concept of frontier-making in her ethnography of postcolonial violence and citizenship in Jamaican garrison communities. Thomas discusses how when "neoliberalism *creates* the new frontier space for opportunistic circuits through a remapping of the administrative purview of the state, particular populations (sometimes entire regions) fall through the cracks..." She continues, "Frontiers do not "open" and 'close,' but instead act like tides, waxing and waning according to the pull of complex negotiations among governments, capital and populations" and argues that, "One of the greatest challenges facing contemporary

³³⁹ Elizabeth A. Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*.

³⁴⁰ Biehl, *Vita Life in a Zone of Social Abandonment*, 4.

states – in the Caribbean and beyond – has to do...with the processes by which frontiers (of space and time) should be managed.”³⁴¹

The frontiers of transition as I explore here, demonstrate how the making and unmaking of zones of abandonment through the reconfigurations of violence and domination are also always negotiations and potentialities for “new patterns of sociability, and new forms of political and economic subjectivity.”³⁴² To say that transition is merely the oscillation between fixed socio-spatial sites such as between social death and social life, between prison and community, between urbicide³⁴³ and urban renewal would be to reproduce what Ruth Wilson Gilmore (2007) refers to as “doomed methods of analysis and action.”³⁴⁴ I therefore mobilize a rubric of transition that explores the various generative trajectories that constitute and reconfigure racialized/racializing carceral geographies in the city.

In my exploration of the design, management and political economy of reentry transitional housing, I remain attentive to what McKittrick (2011) describes as “plantation futures” – which, I read as an analytic approach to contemporary frontier-making. Holding the site of the plantation as the central blueprint that shaped modern racial geographies of the prison and of the city, McKittrick’s theorization of plantation futures insists that “spaces of *encounter*, rather than merely transparent and completed spaces of racism and racist violence, hold in them useful anti-colonial

³⁴¹ Thomas, *Exceptional Violence*, 43.

³⁴² Thomas, 43. Thomas (2011) echoes Roitman, “The Garrison-Entrepôt.” This concept of the “garrison entrepot,” conveys the spatial and temporal grounds upon which colonization is enacted and sovereignty asserted.

³⁴³ See McKittrick, “On Plantations, Prisons, and a Black Sense of Place,” 951. Discussing the plantation logics that constitute a black sense of place McKittrick writes, “...urbicide—the deliberate death of the city and willful place annihilation—can stand in as a viable explanation for the ongoing destruction of a black sense of place in the Americas....Put differently, urbicide is one sensible conceptual tool that can make sense of the interlocking and connective tenets of place, poverty, and racial violence in the Americas.

³⁴⁴ Gilmore, *Golden Gulag*, 241.

practices and narratives.”³⁴⁵ She uses the analytic of plantation futures to situate the spatial forces of racist domination that simultaneously keep “black cultures in place and tagged them as placeless,” alongside the spatial practices of “communities innovatively working within, across and outside commonsense cartographic and topographical texts.”³⁴⁶ In drawing from these spatial analytics of black and postcolonial geography and those of political anthropology, I want to demonstrate how transitions are made through racial encounters between actors and institutions who are “*difficultly interrelated*.”³⁴⁷ Such encounters open up frontiers of socio-spatial relations that become territorialized by neoliberal racial capitalism but also that hold within them the potentialities for anticolonial practices and narratives.

Getting Comfortable with Transition

Laurel had called me outside from the Building Up office. A large van was pulling up. “There’s a new resident moving in. Come welcome him!” she shouted from the driveway. The driver of the van came around to the side and set up a ramp from the back door. An older black man with freckles across his cheeks rolled his wheelchair down. He was dressed in an army green jacket, too heavy for the hot summer months we were in, and jeans. His grey hair was parted down the middle into two braids that ended right at his shoulders. “Welcome, Mr. Johnson! I’m Laurel. We’re so glad you’re here,” she said, extending her hand.

He shook it and replied with a very familiar New Orleans greeting, “Alright.” I introduced myself and shook his hand. Laurel and I each grabbed one of his bags and walked toward the

³⁴⁵ McKittrick, “On Plantations, Prisons, and a Black Sense of Place,” 955.

³⁴⁶ McKittrick, 949.

³⁴⁷ McKittrick, *Demonic Grounds*; McKittrick, “On Plantations, Prisons, and a Black Sense of Place.”

house. Mr. Davis was out on the porch, “Mr. Johnson, I’m Harris Davis but they call me Mini. Happy to help with anything you need,” he said. Laurel looked at me and widened her eyes and conspicuously glanced down to the large raised porch step. I relayed the concerned message with a similar look to Harris, and he quickly reached down for the front of the wheelchair, while Laurel and I lifted the back wheels and raised Mr. Johnson up. “Not to worry! We’ll be putting in a ramp in the next day or two,” Laurel assured. This was the first time one of the transitional house residents had been in a wheelchair.

We entered the shotgun house into the small common room with couches and T.V. on the right and a round glass dining table on the left. We continued down the hallway, passed the kitchen to our left and entered the first of the three bedrooms in the house. Mr. Johnson would be in his own room but usually, it was two men to a room. He still was to share the one bathroom along with the other four residents. Jay arrived to go through the new resident’s orientation. He huffed into the house. His knee length dreadlocks were pulled back under a flat brimmed baseball cap and he was wearing his signature dark sunglasses. “Alright, Laurel. Alright, Shreya,” he greeted us hello and goodbye with a raised hand as he ran by. Laurel and I left Jay to give Mr. Johnson an introduction to the house rules.

Jay, now in his 60s had served time at Angola prison and was released after a fifteen-year sentence in 2003. After returning to New Orleans, Jay reconnected with some of the people he had known when he was a young political organizer in the 1970’s and 80’s and started to attend parole board hearings in Angola. When a man was up for release, Jay would pick him up from the prison gates in his van and drive him to get clothes, a hot meal, to reunite with his family or to sleep on his couch. Jay brought together other formerly incarcerated men of his generation to form a nonprofit board and named the organization, “Days Home.” The main financier of this

organization was a city politico with a lot of clout: a bail-bondsman-cum-realestate-developer-cum-political-image-consultant, Corey Cutter, who gifted two neighboring houses to the organization. Cutter actually rented the now transitional house out to Jay when he first came home from Angola.

When establishing Building Up in 2015, Laurel partnered with Days Home as the joint Executive Director of the organizations. She now handles the legal, financial and administrative management for both. “Someday, I want to step down from my role here so that the organization could be run entirely by formerly incarcerated people,” she would say. Building Up and Days Home are very often perceived as the same organization even though one primarily focuses on small business development and the other on transitional housing. They apply for joint and separate grant funding. Laurel’s legal services that attend to the specific issues of accrued traffic tickets, restricted drivers’ licenses, court fines and child support claims faced by the formerly incarcerated are available to participants of Building Up and residents of Days Home.

As of 2018, the two organizations merged into a single nonprofit entity in the eyes and documentation of the IRS. I would ask every few months about the technical relationship between the two organizations mostly to make Laurel roll her eyes. It was indeed comical, confusing and sometimes frustrating to constantly specify their distinction. But, one day, she offered me her most substantial answer: “The joint mission is ownership. Home ownership and business ownership for the formerly incarcerated.”

Days Home had achieved success running its first transitional home, as evinced by the impressive statistic that not a single resident had ever returned to prison in a city where close to

half of those released from prison are reported to recidivate.³⁴⁸ Since its establishment in 2014 up to 2018, not a single resident of the approximately 150 men had ever returned to prison. The house was usually at capacity, occupied by five to six men, roughly between the ages of 40-65 who had served on average between 10-15 years in prison; some had served decades. Around the time I was leaving fieldwork in December 2018, the house was beginning to serve a much more diverse group of reentrants. After the implementation of the justice reinvestment legislation package in 2018, younger men who had served shorter (between 1-5 years) sentences had begun to stay at the house. The demographic shift in the residents was not only generational; 2018 was the first-time white residents had ever lived in the transitional house since it opened in 2014. Residents were able to stay in the house for about 3-6 months rent-free while they searched for a job and saved money to move back in with family or to afford an apartment. During this time, Laurel provided residents help to get their state I.D.s, social security cards, to enroll in public benefits and if eligible, reinstate their driver's licenses. Jay was in charge of interviewing potential residents and managing the house and Harris Davis, a veteran resident, lived there as the "house captain" to help coordinate household upkeep.

My access to the day-to-day life of the Days Home transitional house was limited. My interactions with the residents were primarily through my work at the Building Up office next door where residents could use computers, receive legal services and advice from Laurel or borrow a suit from the office closet for a job interview. I often helped residents apply for SNAP benefits, format resumes and complete job applications online. Once a month, I'd spend an entire afternoon in the kitchen of the transitional house along with the residents and Building Up staff to plate fish-

³⁴⁸ The recidivism rate in Louisiana as of 2015 was 43%. The rate of Orleans Parish was estimated between 43%-49%. <https://doc.la.gov/reentry-overview>

fry suppers that were sold to help pay for house utilities. Other than that, my understanding of the transitional house came mainly from the way the Days Home manager, Jay and Laurel would discuss its organization. Sometimes they would tell me stories about the residents, especially in exceptional circumstances that were difficult for them to handle. In these instances, issues in the transitional house became fodder for staff gossip. For example, Mr. Johnson who had moved into the home in the vignette above hadn't actually been to prison. He had been evicted with no place to go and had worked out an arrangement with Jay. This, however, was controversial because Days Home is funded through grants that require it to demonstrate that it explicitly and exclusively serves the reentrant population and also because other staff members of the Building Up/Days Home organization felt it had been inappropriate for Jay to make that call without consulting the rest of the organization's members. Some staffers argued that, given the very limited reentry housing is in the city, the six beds in the house have to be filled with the "best fits" to ensure the successful transition of all the house's residents. But the discussion around Mr. Johnson's residency opened up a larger conversation among the staff about what it meant to provide transitional housing to displaced and homeless people of the city more broadly, as they are often criminalized and move through carceral institutions. Could providing housing for someone like Mr. Johnson fall under the purview of reentry transitional programming since he needs the same services that are offered to someone who just got out of prison? Ultimately this particular case was decided upon after a meeting of the board of Building Up/Days Home. A written policy was introduced that stated that residents of the house must have been convicted, incarcerated and coming directly from prison in order to live at the transitional house.

The management of the Days Home house focused on cultivating an environment opposite to that of prison life, emphasizing privacy and respect over recognizable forms of surveillance. For

example, Jay and Laurel would always stress to local journalists and granters, who wanted a tour of the transitional house. “You always knock before entering the transitional house. This is a residence after all,” they would say to begin each tour. However, the residents of the transitional house were still under the close supervision of the adjacent criminal justice institutions that did not adhere to the privacy policies of Building Up. Residents were regularly visited by their parole officers without notice, subjected to searches and were to avoid violations in order to continue living in the house. Law enforcement would not merely knock at the door if they intend on taking a resident into custody.

Moreover, it should be noted that the legal status of residents is not one of renting tenants. The residents sign a Hold Harmless agreement upon moving in that explicitly recognizes that they are “guests of the house and not tenants,” and therefore, are not protected under state landlord-tenant laws.³⁴⁹ The Hold Harmless agreement is a tailor-made legal contract to limit liability between two parties – resident and the Days Home nonprofit. The stipulations of this agreement were the rules and expectations of the house. Residents were not to use drugs in the house or on the property. Days Home did not drug test its residents, but as Jay would say to each new resident and anyone who was willing to listen, “If you’re using drugs, we will know it.” Residents are not to have guests in the house. They must spend approximately six hours a week on program activities, which include meeting with their peer mentor, participating in a preapproved volunteer project or if needed, preparing for the HiSET exam, etc. Residents could opt in or out of a media waiver but if they agree, they can be photographed and/or interviewed as representatives of the Days Home organization by media or granting institutions. The final condition of the Hold

³⁴⁹ Louisiana has not adopted the Uniform Residential Landlord-Tenant Act, which was created as model legislation by the National Conference of Commissioners on Uniform State Laws in 1972. This means that tenants have less leverage in Louisiana when it comes to landlord dealings.

Harmless is an expectation that after moving out of the house, residents (now anticipated to be in more stable economic standing) will “pay it forward” to the organization by volunteering as a peer mentor themselves, helping in the office/house or providing a small donation in monthly installments. This form of service is decided upon along with the Days Home board.

“Folks should be comfortable, but not too comfortable,” Laurel would say. She is reiterating a point often made by Jay and the other formerly incarcerated board members of Days Home. This phrase is indicative of the tension between “home” and “community supervision.” Reentry transition in general is characterized by this space of contradiction. Home represents autonomy, stability, and security while community supervision signifies interruption, subjection, regulation and oversight from criminal justice agencies. However, Laurel is speaking specifically about the transitional house as a stop gap that offers some consistency and security to reentrants but that is managed in a way that ensures a temporary stay. The insistence on privacy for the residents, providing unrestricted access to the office services, the refusal to administer drug tests and formal psychosocial risk assessments or mandate a curfew, as many other reentry nonprofits did, were forms of curtailing the resemblances to carceral institutions. These were not options afforded to residents while they were in prison. But sleeping two men in twin beds per room, sharing a single bathroom between six people, sharing a kitchen and common space, being prevented from having overnight visitors as well as the requirements of participating in program activities and reporting to a peer mentor were all forms of constricting autonomy in order to incentivize a movement toward their “own place.”

Jay, the formerly incarcerated man tasked with the day-to-day management of the transitional house, thought about the statement “Comfortable but not too comfortable” slightly differently. In his opinion, there were certain “comforts” of prison like not having to pay for utility

bills or make your own food that made living in the house more uncomfortable because it was unfamiliar. “I swear to you, I always have to keep reminding people to shut off the damn light when they leave the room. They didn’t have to worry about that in prison. Now they do,” he would grumble. Punctuality was another characteristic framed through these terms. Jay would argue that in prison, one was, “conveniently,” moved from activity to activity so the freedom to organize your own time once out of prison became a challenge. In some ways, Jay believed that (both the literal and philosophical) *free* comforts that Laurel felt was offered at the transitional house, are the very things that caused the residents to be uncomfortable. The two of them would regularly disagree about how to create a space that fostered successful transition; Laurel believed the transitional house should avoid all resemblances to prison life, such as punitive consequences for slip ups like leaving the lights on or being tardy for an appointment, while Jay would argue for more consequential accountability on the part of the residents as a form of “learning how it really is out here.” These arguments were ongoing and while they didn’t always lead to drastic shifts in the way the house was managed day-to-day, they demonstrate the constant negotiation of creating a transitional space of reentry. When Laurel pointed out how Jay was forty-five minutes late for the very meeting in which he insisted tardiness for appointments with mentors should be sanctioned, he responded with a smile, “Well, now you know I’m still learning, Laurel. Transition take a long time,” and they both chuckled.

Laurel and Jay’s notion of transition focuses on the assumed primary movement of reentry—from the fixed containment of prison to the stability and support of a neighborhood community. Their work is charged with the vital intervention of breaking the cycle of re/incarceration. For them, transitional housing is primarily evaluated in terms of recidivism prevention, even if Laurel’s hope is to put residents on the path to homeownership and job security.

This transitional space signifies a one-way movement away from prison. A transitional house in this rendering is simultaneously a place of respite (a comfortable residence) but is also a place to pass through (not too comfortable). It is intended to propel people towards stability and autonomy, but ultimately elsewhere. What then is the terminus of this transition if *reentry* doesn't mean a return to a former stability nor does it necessarily ensure a path to future stability?

Making and Unmaking of the Becker Mansion

The impressive four-story Becker Mansion stands in the center of the block of Pastor Way, between Josephine Street and St. Andrew Street . Towering above the low-rise, “shotgun” houses on either side, it is Southern colonial style with a well-preserved colonnade across its front. The columns, however, are the only remnants of its original grandeur. The windows are busted. The walls and floors are rotting. What were once coats of white lead-based paint are now chips that flake down onto your head if you walk too quickly past the outer walls. All except one—the western side of the house is newly scraped, repainted and waterproofed.

Building Up began renovating the abandoned Becker Mansion a few months into my fieldwork, hoping to turn it into a transitional house, a multi-use workspace and a harm reduction center for the formerly incarcerated. The Days Home organization would be managing this house in the same model as the first transitional house on Ultimo st. This new property was gifted to Building Up from a nonprofit organization that was rumored to have dissolved after bankruptcy. Because many of the Building members had specialized in construction trades, it was a project for the organization that would also predominantly employ reentrants.

The Becker mansion is located in the segregated residential Black neighborhood of Central City.³⁵⁰ Plagued by a long history of urban divestment, more recently exacerbated by the tolls of the heroin epidemic, Central City is the poorest and most incarcerated neighborhood in New Orleans. Many of those involved in the transformation of this dilapidated mansion expressed the hope that if successful, this effort to develop transitional housing could lead to further neighborhood revitalization. The Becker Mansion renovation thereby linked the reintegration of formerly incarcerated people to the recovery of a struggling neighborhood.

I helped in this endeavor by conducting archival research to trace the history of the Becker Mansion, although ‘myth’ might be a better way to describe it. It begins with Johannes Becker, an immigrant-entrepreneur who came to New Orleans in the late 1840s. He started a lucrative tallow factory and later built the mansion as his private residence. He also built tract housing for his factory workers, a school for their children and the Becker Market for their provisioning—all on what city records refer to as the “uncharted swampland” that is now Central City. In the archives, Becker is portrayed as a benevolent capitalist who grew his business while paying decent wages, offering services to his workers and maintaining a commitment to philanthropy. This myth charts a dominant narrative of the “American Dream” stemming from the Industrial Age: a white immigrant pioneer who made a fortune and helped drive development.³⁵¹ But Building Up envisioned another potential for this house, a more contemporary revision of the American Dream.

³⁵⁰ See Seicshnaydre et al., “Rigging the Real Estate Market: Segregation, Inequality, and Disaster Risk.”

³⁵¹ The late 19th and early 20th century marks the Industrial Age in the United States, a historical moment of social and economic transformation. The valorization of “new frontiers,” capital growth and entrepreneurialism emerged during this era as the American narrative of success and manifest destiny. It is also important to flag this historical moment in relation to the more recent history of deindustrialization that has left cities, like New Orleans, economically precarious.

As transitional housing, it would provide both a home and supportive services to formerly incarcerated men. It would help some of the most underserved residents of the city to *come home*.

This renovation project would not only repurpose a historic house, but to help transform the Central City neighborhood, this compelling narrative roused support from members of a neighboring church, as well as from funders, designers, architects, historical preservation societies, and student volunteers. These actors were all moved to contribute their time, resources, expertise and imagination. I continued to participate in the project by keeping an ethnographic record of the renovation's progress. Those of us who joined in the effort were committed to creating a place of belonging for the formerly incarcerated individuals who had been torn from their families and their neighborhood communities. This collaboration brought together diverse modes of understanding space, history and belonging, while it also required us to collectively strategize to navigate the legal and structural constraints imposed by zoning and code enforcement. Spending time at the house cued us in to the daily spatial and temporal flows of the neighborhood drug trade. It also invited conversations with the neighbors on the block. While some of them were excited about the renovation goals, others were suspicious of the plans, assuming that young educated elite visitors signaled higher rents and displacement on the horizon. The project thereby sparked debates about the proposed location of the transitional house itself and what it meant for the future of the neighborhood. The various actors in this civic coalition imagined what the Mansion could and couldn't be, for its formerly incarcerated residents, and for the neighborhood.³⁵² These multiple

³⁵² See Fennel, *Last Project Standing: Civics and Sympathy in Post-Welfare Chicago*. Fennel's ethnography on the transition of public housing residents into mixed income housing in the Near Westside neighborhood of Chicago charts an interrelated phenomena of urban dis/placement – state welfare retrenchment. Focusing on “the civics of everyday life in a post-welfare city,” I join Fennel in observing how city residents explore and negotiate the uncertainties of urban citizenship and belonging through encounters precipitated by such transition (2015:10).

ways of imagining a house of transition exposed the complexity of making and being “home” at the Becker Mansion and in Central City.

Eugene was sitting on the steps of the house drenched in sweat awaiting our arrival in the early summer heat. He took the bottom of his T-shirt and wiped his forehead and around his thin chinstrap beard. He told Laurel and I that he just met with a contractor who agreed to take on the project at a reasonable price and would also hire a lot of “our guys” to work his crew. “So, where’s this architect? We should let him see the place before the dope set.” Eugene asked, referring to the particular time of day when people trying to score dope from the dealers who live next door crowded Pastor Way. Eugene had often teased Laurel for how oblivious she was when she would schedule site visits for funders and reporters during dope sets. “I keep trying to figure out why you always have to bring unassuming white people to the house during the most dangerous times of the day. That isn’t the kind of authentic they want to see.” Eugene was a formerly incarcerated man who grew up a few blocks away from the Becker Mansion in what used to be the Calliope projects but since 2014 had become mixed-income apartments. He was now uniquely positioned as a paid case manager in the Reentry Court and he was also employed by Building Up as a reentry mentor and the project manager of the mansion’s renovation.

We were meeting Jess, an architect and designer who used to work at an elite architectural firm in the city but recently had decided to take time away to focus on social justice-oriented projects. Jess had approached Laurel at a local co-working space for designers and fledgling nonprofits, D House, where Building Up had presented the future vision for the Becker Mansion at a weekly community conversation event. D House was a transformed double-gallery house just two blocks away from the site of the Becker Mansion, toward the bustling start-up corridor of Oretha Castle Haley Blvd. Jess was moved to volunteer and had developed a plan for Building Up

to get the house up to code, submit a spot zoning application and begin a process she called, “community led design.”

As we greeted Jess outside the Becker house, a car honked incessantly behind us, the driver hollered, “You’re in my spot!” Eugene explained that Jess has never been there before and that she would promptly move her car. “Our neighbors have a perfect parking system on this street,” Eugene said to comfort the seemingly perplexed visitor. After finding a parking spot a few blocks away, Jess returned. Eugene shook her hand and said, “Nice to meet you. I swear I spend more time at this damn house than I do at my own. You see that wall outside? I finished most of that painting myself after the shitshow that was Saturday.”

“That wall looks great,” said Laurel hoping to shift the conversation.

“What happened on Saturday?” Jess asked.

“There was a volunteer day. Reentry guys from court volunteer to help renovate the house. Had hoped to at least get the exterior ready for city inspection then two random dudes started shooting at each other right outside the house on the street. We had just started setting up our gear when we heard a pop pop pop pop. We all had to stay low and lock the house. Then, after it calmed down, the rains came and the street started to flood. Everyone was shook up and nervous about getting home safe, so Carl loaded all fourteen of us into the back of his truck and drove all around. It was like fuckin’ Noah’s Ark,” Eugene let out a scoff as he described the chaos.

I had noticed a shift in how Eugene talked about the Becker Mansion. He didn’t share Laurel’s enthusiasm or hope that it’s repurposing would change the neighborhood. Instead, he feared that the neighborhood was too unsafe for people who were just getting out of prison. Even he wasn’t comfortable being there for long periods of time, especially after Carl, (of Noah’s Arc)

was robbed at gunpoint while trying to do some electrical work. Eugene seemed exasperated by having to manage the renovation.

Walking through the house, Jess took careful notes as Laurel and Eugene described their hopes and concerns about the transitional house. “It would be important for formerly incarcerated people to participate in the design process. I’d like to know what qualities they want in a home and how they see themselves interacting with this space and with the neighborhood. Like how turning this house into a place that feels safe is a priority for Eugene,” she offered. Jess ultimately proposed a preliminary design of the house that married the multiple goals of security and independence, comfort and the right amount of incentivizing discomfort. She paired ideas of close quarters in shared rooms with an open layout in common areas. Computer stations would have detachable cubicle barriers for privacy and concentration. There would be a meditative space in the back yard, complete with a rain garden for water management, that would allow residents to escape some of the chaos of the street.

“This isn’t worth it,” Eugene would later tell me. As a formerly incarcerated man who spent his adolescent years in Central City, he was weary of the dangers the location of the house would pose to its residents. “I grew up around here and it is not a place I’d ever want to live after prison,” he’d say. In our conversations, he would emphasize the unique forms of exposure that formerly incarcerated individuals would experience there; as a heavily policed neighborhood, the most obvious risk was an increased likelihood of being reincarcerated. Furthermore, the desire to avoid police encounters would make these residents more vulnerable to crime victimization, especially since the transitional house would signal a concentration of resources. He offered specific incidents of robbery and gun violence that occurred when work on the house had begun.

“And I can’t imagine having to pass drug dealers right outside making fast money. Some people come back with addictions or a ton of debt.”

To Eugene, experience of being policed and vulnerable to reincarceration are defining characteristics of transitional life. Eugene’s insights call into question the one-way movement of reentry that frames transition in opposition to recidivism. His experiences of growing up in Central City point to a life constantly in motion and demonstrate how enmeshed this neighborhood is with the criminal justice system.³⁵³ Many of the home’s residents would likely be returning to the very neighborhood from which they had been extracted. He underlines the forces of instability and displacement that inherently characterize living in a neighborhood like Central City. These forces are not easily divorced from the disruption and displacement of incarceration itself, which is also not a fixed experience. As Eugene and others I’ve worked with have described, their time in prison was full of movement through various facilities and programming. Forces like overcrowding, bureaucratic error, behavioral sanctions, differential privileges or forms of prison labor make incarceration an experience of constant and indeterminate flux.

New Orleans has already held the title of “one of the most incarcerated cities in the world.”³⁵⁴ And as recently as 2009, Central City accounted for the highest per capita concentration of prison admissions in all of Orleans Parish.³⁵⁵ Moreover, the racially disproportionate rates of incarceration in Central City are substantially higher than in New Orleans as a whole, where one in seven black men are either in prison, or on probation or parole.³⁵⁶ Eugene thereby questions the efficacy of the house as a context for reentry transition in a neighborhood shaped by carceral

³⁵³ <http://countermapproject.org/collection/million-dollar-blocks/>

³⁵⁴ Quotation attributed to former mayor, Mitch Landrieu’s address on Criminal Justice Reform in 2018.

³⁵⁵ Spatial Design Lab, “Justice Reinvestment in New Orleans.”

³⁵⁶ Chang, “Louisiana Incarcerated: Louisiana Is the World’s Prison Capital.”

circulation. Instead, the house would increase the residents' risk of recidivism, thereby further deferring the achievement of stability. He warns that *prison* would in fact be the likely endpoint of this kind of transition. Eugene also has doubts that the transformation of one house could fundamentally transform the neighborhood.

Yet the most recent collaborator on the Becker project, Jess, believed that the structural redesign of spaces in the house and in the neighborhood could meaningfully transform the lived experience of transition. Jess's approach asserts that mindfully constructed spaces of transition could engender a sense of freedom while also providing refuge from danger. This suggests that the transformation of the built environment might catalyze more profound transformations in practices of inhabitation. For example, a rain garden would transform a small yard, currently used as a shooting gallery for heroin users, into a place of solace and healing for reentrants.

While this vision of transition offers a response to Eugene's doubts, it also points to the ways such transformations of space entail displacements of other modes of inhabiting. Take the same yard; while no one could deny the desirability of a safe, meditative space for residents of the house, it should also be recognized that this place is already socially and practically significant to the people who use it as a shooting gallery. That is, the yard is off the street, hidden from view, secluded but accessible. Milk crates are arranged in a small circle as seating, and there is a corner crudely designated as a needle disposal. At the same time, such illicit forms of place-making may trouble other neighborhood residents or draw in further surveillance of the block by law enforcement.³⁵⁷ Designing spaces to engender specific modes of inhabitation and sociality are bound to processes of displacement and policing.

³⁵⁷ It should be noted the criminalization of "undesirable behaviors" has historically undergirded the racism of criminal law as exemplified by the targeting of black people through the enforcement of vagrancy, loitering and nuisance laws in the United States, which also work to criminally

Local Communities

Land use and zoning constrain the modes of inhabitation within a neighborhood and thus limit the potential for a flexible space of transition. The legal requirement of the Becker Mansion to serve as a double family residential home evokes the normative ideal of family and of private property ownership. However, the valorization of flexibility is a double-edged sword. While flexible zoning could allow for the growth of projects like the transitional house, it could also remove restrictions that are designed to protect neighborhoods from potential environmental harms like industrial and toxic exposures. To add another edge to an already intimidating sword, zoning changes have historically been deployed to re/produce racial segregation and further the socioeconomic marginalization of poor communities of color.³⁵⁸

Zoning is one of the primary institutional modes of determining how city space can be used and therefore, reveals the normative visions of place-making that municipalities seek to enact. The zoning ordinance for the neighborhood had the most cut and dry notion of what belonged on the block. The mansion was zoned as “double family residential” and was legally required to be split into two dwellings and inhabited as such, or not at all. This classification needed to be addressed if the proposal for a combined group housing and multi-use office/retail space was to be realized. The project would require spot-zoning, which the Central City District’s land use director, Danielle, described as “an extremely difficult, near-impossible change” to make.

I had met Danielle at another roundtable event hosted at D House that I attended along with Building Up. At this event, then Councilwomen and now Mayor of New Orleans, Latoya Cantrell

sanction “unproductive” modes of inhabitation within spaces of capitalism. See Stewart, “Black Codes and Broken Windows”; Stuart, “Race, Space, and the Regulation of Surplus Labor.”

³⁵⁸ See Thomas and Ritzdorf, *Urban Planning and the African-American Community*; Rothstein, *The Color of Law*.

was discussing her budding mayoral platform. Cantrell described her evolution from a community organizer that fought for environmental justice and economic opportunity in Central City to a City Councilwoman, whose “heart is always with her community.” The large communal table, which was usually crowded with the sketchpads and laptops of co-working designers, had fresh bread and coffee. Around it, sat some of the freelance designers of D House and staff from surrounding start-ups and nonprofits. Most of the people attending, except for Eugene and Carl from Building Up, did not grow up in New Orleans, let alone in Central City. Many had arrived within the last five years to participate in the growing nonprofit sector in New Orleans. Some had volunteered after Hurricane Katrina in 2005 and had since made New Orleans their permanent home. We were young, multicultural elites and according to Councilwoman Cantrell, we were “the future of innovation in the city.”

“We need people like you all. You may not be from here, but you care about this city. We need to work to create jobs, homes and opportunities for the people of this city. We want O.C. Haley to be the thriving business corridor it was fifty years ago and you all are making that happen. You are living here and giving back here to the local community. You are bringing people together in these kinds of spaces to create a dialogue to make sure all members of this your community are heard,” she praised. Her words toggled back and forth between identifying *the local community* as born and raised residents of the Central City neighborhood, and *the local community* as including the educated class of architects, designers, researchers, start-up employees and nonprofit service providers that actively participate in city governance – whether through their work in water management, architecture, neighborhood land use, reentry services, healthcare services, workforce development services or academic research. She implicitly called upon the group at the D House to demonstrate their local status by staying involved in the revitalization of Central City. She

essentially tasks agents of gentrification to work to prevent gentrification, which seemed to me to be as ‘near-impossible’ as spot zoning.

The framing of local community as a description of the people born and raised in Central City determines “local” as a status derived from happenstance, by accident. It is understood as a natural emplacement, whereas the reframing of what’s *local* as an ethical orientation toward transforming city life flags an important distinction. You don’t have to be from here to demonstrate a commitment to here. Furthermore, this renders the emplaced local status of “born and raised” as static, while the cultivation of an ethical orientation on the part of new transplanted residents is a dynamic and positively valorized movement – sometimes even described by young professionals as their own time “in transition.” The elision between these figurations of the local community emphasizes an obvious racialized and racializing asymmetry that figures the long-term Black residents of Central City as fixed in place, relegated to a “zone of social abandonment” (Biehl:2005) and therefore not producing value. The transition of social entrepreneurs, like those that populate the D House, to Central City sets the neighborhood in motion as a place that could transition from a zone of abandonment into a zone of investment. Therefore, the claim to inhabiting, to transitioning and to belonging in the city are differentially recognized and legitimated – a racializing process of capital movement.

My talks with Danielle, the land use director, made me curious about the zoning status of the D House itself. It was on what seemed to be a residential block and I knew that Brian, the founder and director of the design space lived above it. Brian is a nationally recognized architect, designer and professor. He has worked across the country transforming urban water management systems and was now, like Jess, pursuing his passion for community led design in New Orleans. He was working to make manuals and begin paid programs for New Orleans residents to learn

how to advocate for themselves when requesting city intervention in their neighborhoods. He believed, “Neighbors should have a say as to how a blighted lot is repurposed. People who live on that street have the most knowledge about how flooding affects them or how traffic moves.”

Brian’s efforts to foster civic engagement were commendable. He was even trying to introduce a design curriculum as a pilot program in elementary schools around the city. Like many of the designers I encountered, Brian believed that he could transform how people inhabit a social landscape by changing the material landscape. But he was also thoughtful and reflexive about that process. He wanted to constantly question his ethic even if it frustrated his goals. After long discussions with me about gentrification in cities, he’d conclude with a summary statement of what he gained from our conversation. “Redesigning neighborhoods can lead to the displacement of raced and classed bodies who are not envisioned as the intended inhabitants of the revitalized neighborhood,” he said once, and hung his head down only to raise it back up, “that’s *why* local projects should be community led!”

This is all to say, Laurel, Eugene and myself pretty regularly consulted Brian regarding the Becker Mansion project. When I told him of Danielle’s insistence that a spot zoning application for the transitional house would be denied, he responded with quizzical look. “Well, the D House isn’t spot zoned and we use it as a co-working business, community space and Danielle does know I live upstairs.” The D House was unregulated by city zoning and was used as a flexible, multiuse space without disruption. Brian is recognizing the differential zoning enforcement. While the residential blocks of Central City would be near impossible to spot zone according to the land use director, it would seem that the inhabitation of the D House was tacitly permitted and was even, as future-Mayor Cantrell articulated, it was encouraged. The people who inhabit the D House are

welcomed to make place within this transitional neighborhood as the social and cultural capital they bring with them mark a neoliberal frontier of capital investment.

Zones of Investment

Given the recent rezoning of a neighboring business corridor in the context of a revitalization project, it seemed that the hurdle for the Becker Mansion was not a matter of an inflexible legal code, but rather a problem of differential and discriminating enforcement. Rezoning is increasingly a common practice in many cities, including New Orleans, intended to draw corporate investment and development into economically depressed areas. According to the City Planning Commission, in order to encourage economic growth, “historic and emergent commercial activity” could be rezoned in “transitioning neighborhoods.”³⁵⁹ The nearby business corridor of Oretha Castle Haley Boulevard recently underwent this very process. However, the successful growth of businesses and nonprofits on OC Haley—spurred by approximately 36 million dollars of private financial investment³⁶⁰—has also threatened the affordability of housing for the long-time residents of Central City.

The neighborhood of Central City was heralded in the early 20th century as a multi-cultural hub in New Orleans that prospered because of the commercial bustle of the former Dryades St. business district.³⁶¹ While the stores in this district welcomed Black and White consumers, they did not hire Black cashiers and attendants. Oretha Castle Haley lead a boycott of these stores in 1960 and organized lunch counter sit-ins across the neighborhood. Haley, one of the most

³⁵⁹ City of New Orleans Planning Commission, “New Orleans Main Street Resilience Plan - Draft.”

³⁶⁰ Scriber, “Oretha Castle Haley Boulevard.”

³⁶¹ “Neighborhood History.”

celebrated Civil Rights Activists in the city, became the president of the New Orleans chapter of CORE, the Congress of Racial Equality.³⁶² In 1989, Dryades st. was renamed Oretha Castle Haley Blvd in her honor. Even though many people in New Orleans today have a nostalgic vision of a commercial heyday that opened a path for the Black middle class, throughout the 1960s and 1970s Central City suffered from urban divestment and white flight which left the neighborhood in poverty. While some development in the area began in the 1990's, the commercial drag and the residential neighborhoods of Central City were left ignored and abandoned by the city till after Hurricane Katrina. Central City experienced very little structural damage during Hurricane Katrina in 2005 because it is on relatively high ground. For the last decade, private investment in the commercial district has grown exponentially leading to the recognition of Oretha Castle Haley Blvd. as a "Great American Main Street" in its renaissance.³⁶³

In fact, part of the influx of capital investment in the O.C. Haley business corridor that led to its 21st century renaissance and mixed-use zoning, was a 2007 Justice Reinvestment proposal which drew attention to Central City as a neighborhood that needed to overcome the cycle of incarceration in order to be revitalized. Targeted city planning was to be mobilized as a criminal justice reform strategy. In 2006, researchers from the Columbia University School of Architecture, Planning and Preservation, identified the neighborhood of Central City as an ideal pilot site for Justice Reinvestment strategies because of the high density of incarcerated and formerly incarcerated Black residents. This research was part of a broader project to map incarceration across the country. The report's maps of Center City depicted that "large numbers of African-American residents were cycling in and out of prison."³⁶⁴ Using prison statistics and budget

³⁶² Frystak, "Ain't Gonna Let Nobody Turn Me Around."

³⁶³ New Orleans University and Tulane University, "Tour | Oretha Castle Haley Boulevard."

³⁶⁴ Spatial Design Lab, "Justice Reinvestment in New Orleans," 27.

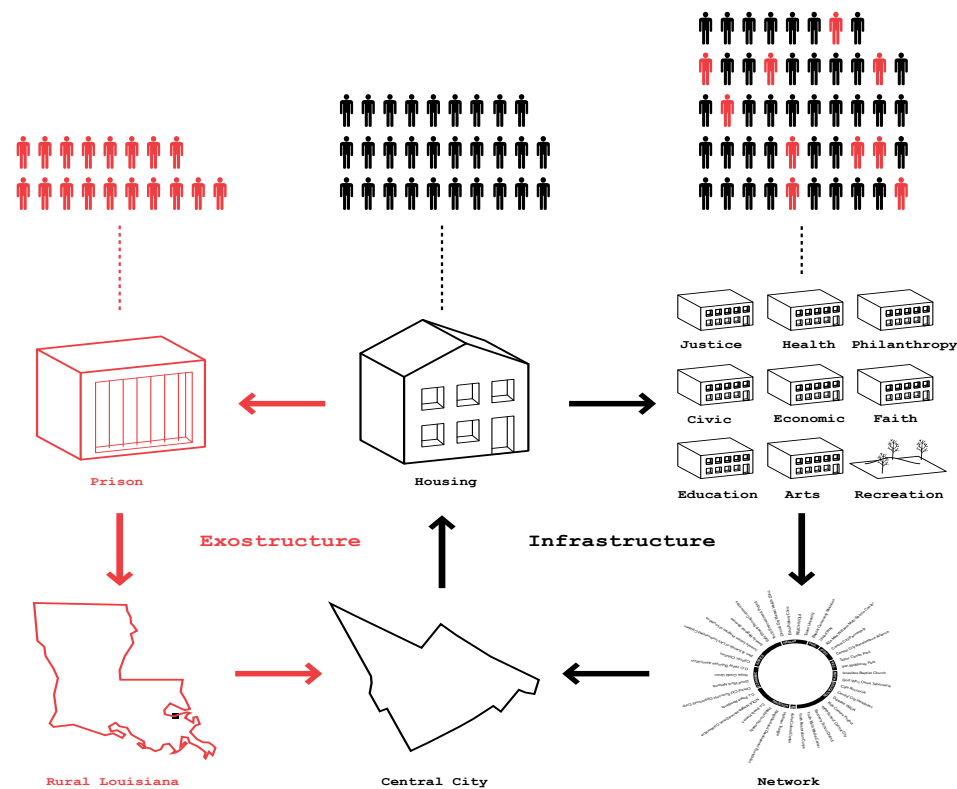
analysis, this project characterized Central City as “a million dollar neighborhood” made up of “million dollar blocks” to signify that the concentration of prison admissions from the neighborhood is so dense that the state of Louisiana and Orleans Parish “are spending in excess of a million dollars a year to incarcerate the residents who live there.” Their critique is clear: *“Millions of dollars are spent on these neighborhoods, but not in them.”*



Fig. 21: 2007 Central City - Prison expenditures per block in thousands of dollars from the Spatial Design Lab. “Justice Reinvestment in New Orleans.” New York: Graduate School of Architecture Planning and Preservation, Columbia University, February 2009.

This study proposed an alternative Justice Reinvestment strategy that situated “reentry planning” within the neighborhood and not solely “within the orbit of criminal justice and correctional facilities.” Investing in schools, increasing access to health care, creating job opportunities and repairing physical infrastructure were and are the ways to disrupt the cycle of incarceration in Central City. The report illustrated a more complex version of the dyadic orientation of prison and community to demonstrate and offer recommendations to reorient capital

investment. The schematic traces two potential cycles of money and people – a carceral exostructure and a neighborhood infrastructure. This infographic was titled “Two Cycles: Two Futures.”



This diagram describes two options for criminal justice infrastructure in the city: 1. as an exostructure, cycling people and money from their neighborhood to prison and back; or 2. as an infrastructure, which keeps people and money in their neighborhood by investing in alternatives to incarceration, education, arts, economic development, health, recreation and beyond.

Figure 32: *Two Cycles, Two Futures* from the Spatial Design Lab. “Justice Reinvestment in New Orleans.” New York: Graduate School of Architecture Planning and Preservation, Columbia University, February 2009.

The infographic suggested an alternative pathway to divert people from prison and to better facilitate neighborhood reentry by the distribution of capital investment across public-private institutions that serve the “local community.” It was a critique of most prior criminal justice reinvestment strategies that focus on additional programming in correctional facilities and is arguing for a divestment from prisons. Significant in this depiction is the centrality of housing represented here as the site between prison and the potential institutional assets of the

neighborhood. What seems to be missing are the conditions through which housing in Central City can propel a resident toward the prison exostructure or toward the public goods of the future neighborhood infrastructure. Such a representation obscures some of the other circulations at play such as the displacements of residents from their homes in the Central City and the privatization of public goods that happen as a result of capital investment in neighborhood infrastructure.

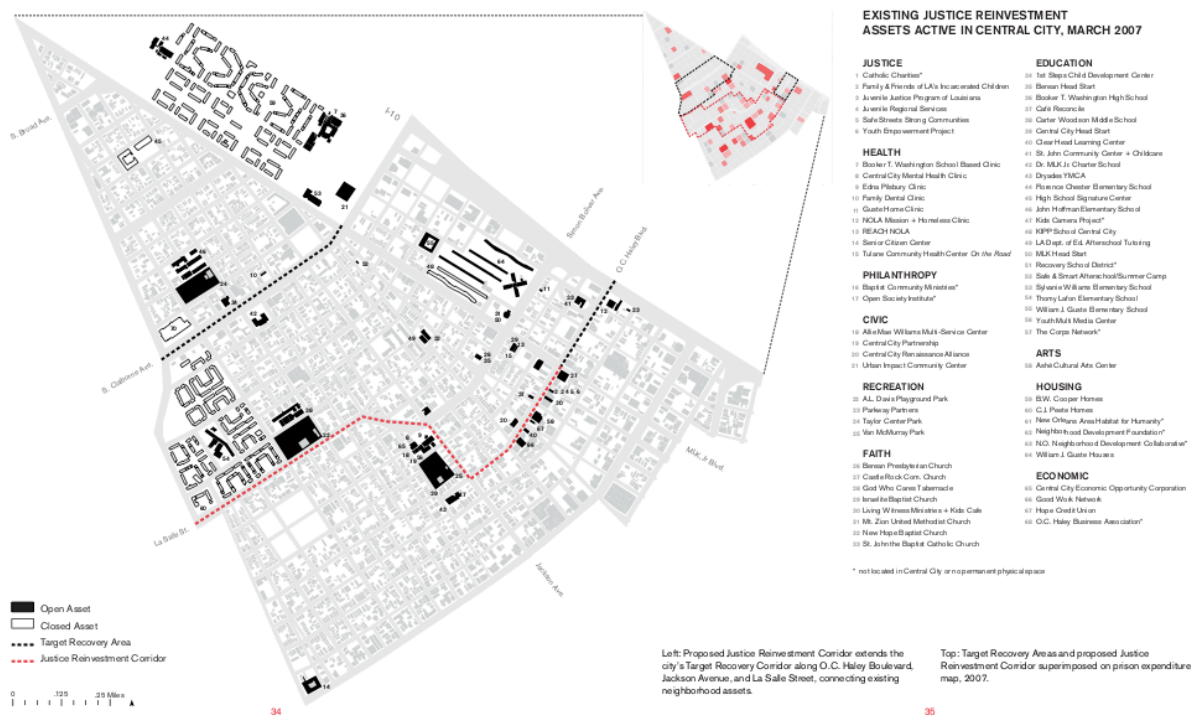


Fig 4: 2007 Central City - Asset Map: This Map identifies the “open” and “closed” Assets in the neighborhood as well as the target Justice Reinvestment Corridor in RED from the Spatial Design Lab. “Justice Reinvestment in New Orleans.” New York: Graduate School of Architecture Planning and Preservation, Columbia University, February 2009.

The Reinvestment proposal relied on the method of *asset mapping*. This technique traced divestment in Central City by identifying the former but foregone assets, like public housing, public schools and public parks that are now closed or repurposed. It also identifies sites of future investment by highlighting the existing nonprofit, faith-based and community organizations that “were already addressing the effects of incarceration, whether or not they were dealing with the

issue directly.” The researchers used the effective messages of these maps to bring these organizations together into a Justice Reinvestment Network for Central City and in 2007, this proposal was presented to City Council. Subsequently, 1.3 million dollars was pledged to development projects along the Center City stretch of O.C. Haley Boulevard. This was the beginning of an influx of public and private investment in the Justice Reinvestment Corridor which maps directly on to the O.C. Haley business corridor. More than a decade after Katrina, O.C. Haley Blvd has seen rapid infrastructural growth. It has attracted many nonprofits, restaurants, small business incubators, entertainment venues and specialty shops that serve the newly defined local community of young social entrepreneurs who have come to participate in the growing private-public governance. City financing of such redevelopment did not just provide targeted investments in the community organizations and nonprofit assets identified by the Justice Reinvestment strategy study. Instead, out of state development firms like Alembic Community Development based in New York, are receiving historic tax credits and subsidies from the New Orleans Redevelopment Authority (NORA) to fund private development projects on O.C Haley like the Central City Public School that has now been transformed to the Myrtle Banks co-working space and the Idea Village Small Business Incubator, both of which are indicative of the larger city investment in its flexible, idea and start up economy and the new residents it attracts.

The socio-spatial orientation of the Columbia University Justice Reinvestment proposal in Central City to move capital assets toward neighborhood investments is also part of the larger scale 2017 Louisiana Justice Reinvestment vision. The revitalization of city and parish neighborhoods are initiatives that are propelled through criminal justice reform. But given the patterns of private capital and the transformations of land use that follow from a reinvestment of state resources, it is clear that rather than creating a space for capital redistribution toward racial justice, such

movements open up frontiers for neoliberal cooptation. The “zones of social abandonment” transform into zones of investment.³⁶⁵ This shift that manifests as rising rents and property values and new social encounters in the adjacent residential neighborhoods, have residents in Central City feeling the rumblings of their own looming displacement.

The church on the corner held a community meeting where Laurel shared some of the plans for the Becker Mansion. She was met with overwhelming support, especially, for the services the house could offer to struggling members of the neighborhood. One woman who had spent all her 80 years in Central City stood up, “We see our people just wandering. They don’t have places to go, steady jobs to do, so this house could give us hope.” But some residents expressed trepidations about the changes they already see happening around them. One middle-aged woman reported that the rising rents “forced my dear neighbor to move,” while an older man complained that the marked increase in visitors to the neighborhood was “messing with our parking.” The narratives of these residents were each distinct, but they all evoked everyday experiences of displacement that range from noticing that you can no longer park by your house to being evicted. The entangled forces of property valuation, financial investment, policing, incarceration and even well-intentioned reform projects (and the people who represent them) intervene upon their lives in ways that make their legal and social claims to their homes evermore precarious. One man addressed the congregation, “With all these new things popping up, I don’t know what is going to happen to us.” For these residents, then, there is a fear that they may already be living in homes of transition.

³⁶⁵ See Biehl, *Vlta Life in a Zone of Social Abandonment*. “Zones of abandonment” is a phrase used among urban planners to refer to properties or neighborhoods that are blighted and in decay as a result of fallen property values and urban divestment. This geographic category misses what Joao Biehl’s (2005) figuration of Zones of social abandonment conveys – that such spaces are occupied by people who are discarded from normative neoliberal society but are not living in social death.

Trajectories of Transition

Conceptualizing property through the dynamic relations that are “materially and discursively constituted through everyday power relations,” geographer Anne Bonds, calls for a more robust theorization of the politics of residential property “as fundamentally connected to practices of policing and the carceral management of urban space.”³⁶⁶ (2019:580). Attention to residential property regimes within the city situates the movements of reentry transition within the histories of urban financial crises and the racialized/racializing conceptualizations of crime, poverty and disorder in urban America.³⁶⁷ Moreover, the regional histories of the Louisiana gulf’s colonial swamp settlement and plantation economies, are vital to theorizing the governance of urban space and to understanding racializing forces of possession and dispossession as well as emplacement and displacement that make (and remake) the city today.³⁶⁸

The Becker Mansion in Central City illustrates a context in which two trajectories of transition converge. The transition of formerly incarcerated people becomes tightly coupled to the transition of a neighborhood. Not only does the house serve to transform its residents-in-transition, but as a revitalization project, it also marks Central City as a neighborhood-in-transition. But when we imagine what a revitalized Central City might become, we must also ask whether it is a place in which those currently moving through transitional housing can expect to eventually find the stability and belonging signified by the term ‘reentry.’ The now familiar movements of redevelopment, displacement and gentrification currently reshaping cities throughout the U.S.

³⁶⁶ Bonds, “Race and Ethnicity I,” 580.

³⁶⁷ See Muhammad, *The Condemnation of Blackness*; Hinton, *From the War on Poverty to the War on Crime*; Camp, “What’s Going on? Moral Panic and Militarization in Post-Katrina New Orleans.”

³⁶⁸ See Woods and Gilmore, *Development Arrested*.

should give us pause.³⁶⁹ Moreover, by charting the institutional constellations of reentry transition, we can see how relational vectors of displacement and capitalist investment/divestment are contoured by carcerality. That is to say, carceral geographies are not mere cartographies of confinement but dynamic spaces of differential mobilities. They are cartographies of trajectories.³⁷⁰ 2017 The extension of these geographies is possible through a fundamental dependence, another “deadly symbiosis,” between the movements of people and capital to the next frontier and the circulations of people and capital through carceral institutions.³⁷¹ The case of the Becker Mansion allows us to see carceral geographies, even those emergent through liberal reform projects to decarcerate like reentry, as enmeshed with other racialized forces of urban displacement like gentrification.

How then can transitional experience be translated into more radical claims to urban belonging? Can we reimagine projects for decarceration and development that ensure, rather than defer, “the right to the city”?³⁷² Such questions require a profound rethinking of the relations between capital and carceral circulations that govern the movement through and inhabitation of the city.³⁷³ Building civic coalitions around such political projects will require different narratives. We must draw from the histories of resistance that emerged within racialized geographies of

³⁶⁹ See Ralph, *Renegade Dreams: Living Through Injury in Gangland Chicago*. In reading “Chapter 1: Development,” one sees strong resonances between transitional housing in Central City, New Orleans and the contentious development plan contested in Ralph’s Eastwood neighborhood in Chicago. The grandmothers of men going through a rehabilitation program that is figured as a joint venture with housing redevelopment ask a similar question of the Eastwood Plan, “Will my grandson have a place to call home once he’s recovered?” (2014:52).

³⁷⁰ See Biehl and Locke, *Unfinished: The Anthropology of Becoming*.

³⁷¹ See Wacquant, “Deadly Symbiosis: When Ghetto and Prison Meet and Mesh.” See also Gilmore, *Golden Gulag*.

³⁷² See Harvey, *Rebel Cities*.

³⁷³ See Wang, *Carceral Capitalism*.

confinement and control ³⁷⁴ as well as from the current poor people's movements that are enacting radical claims to place.³⁷⁵ We will also need to reject the fable of capitalist dominion exemplified by Johannes Becker, which like all pioneer myths, erase histories of violent displacements and exploitation. Telling new reflexive narratives of people and neighborhoods in transition may potentiate a collective movement toward racial justice in the city.

—§— Coda —§—

“Shipping containers!” Eugene exclaimed. He sounded like he wanted all of us to jump out of our office chairs and applaud. He was presenting to the Building Up small business incubator members, the reentrants who all at one point or another had worked on the Becker Mansion transitional house project. “It is financially unfeasible for us to keep at the Becker Mansion. We have put so much time and money into making that building structurally sound. Between regular code enforcement fees and paying crews to get it in shape, we are wasting more money than the house is worth. I say we sell,” he said, handing out copies of the financial calculations. “If we sell, we will still come out with a profit right now and we can put that money into investing into transitional housing construction that is more wide scale.” He told us about the meetings he has been taking with a company that used to work at his old oil rig job. They were willing to give discounts on sturdy shipping containers that could serve, with the right architectural design as transitional housing. He then showed us a mock-up of the new shipping container design, rendered by none other than Jess. She and her old firm had signed on to help realize this new transitional vision. “And guess what? The sheriff’s department who own the lot next door is willing to lease

³⁷⁴ See McKittrick, “On Plantations, Prisons, and a Black Sense of Place”; Johnson, *Slavery’s Metropolis: Unfree Labor in New Orleans during the Age of Revolutions*.

³⁷⁵ See Roy, “Dis/Possessive Collectivism.”

us the land. It would allow us to manage it and offer the same legal and administrative services because it would be next door, just like Days Home. This could be the first model for transitional housing in empty lots across the city!” The shipping container transitional house would be on the same corner of Green and Ultimo with the orange pole of Cutter’s Bail Bonds sign in its front yard. It will face The Cage.

Chapter 5

Fatal Dependencies: Institutionalizing Violence, Engendering Intimacies

“So you just quit your night job?”

Judge V exclaimed in a cartoonish, loud voice as she shook her head from side to side and looked out into the courtroom gallery. She sat along the familiar wooden table, Darrell to her right and the court case managers to the left.

“I did. The night shift at the zoo was too much. They do not pay enough for those hours, Judge,” Darrell explained.³⁷⁶

Judge V was silent. She stared back blankly at Darrell.

To fill the silence and getting a sense that she was disappointed, Darrell continued: “Look, I started a landscaping business, Mac’s Landscaping at Building Up. The Spring is a busy season for it, and I’m making enough during the daytime hours so at night, I can stay home with the kids. Melissa is going to nursing school at night, so it works out best for us.”

“There it is!” The Judge threw up her right hand. She sounded like she just solved a puzzle. “I knew it. You are telling me that she is making this call. You are giving up the gig at the zoo because she asked you to even though you know you need to put more time toward your work and your savings. That is really important right now,” the magistrate replied.

“Judge, it isn’t like that. That isn’t what I said. I’ve been coming to you for months now, trying to tell you that I was not good with the zoo. I talked to Eugene, Laurel, and Jacklyn separately,” Darrell added, referring to the two court case managers, Eugene and Jacklyn, and to

³⁷⁶ The New Orleans Zoo was a big supporter of the reentry employment initiatives. The Zoo partnered with the court and had hired a number of men going through the court program that year (2016-2017).

Building Up's Executive Director, Laurel. "And I've said it here at court for a long time now. You told me to come to you because we all can make decisions together. You say we are a family. So, I am telling you, this is the best decision for my family."

"So why does it feel like you are letting Melissa call the shots?" Judge V squinted her eyes and moved in close to Darrell.

"Judge, she ain't calling the shots. I ain't calling the shots. I am investing in her and our future. She should be a nurse and I'm doing my part." Darrell's tone was soft and somewhat consoling.

"I want the best for you though," Judge V said, her voice quivering. She sighed and then she paused, before asking another question: "Are all those *your* kids?" She was referring to Darrell's two children, one five-years old and one three-years old. He and Melissa had another baby on the way.

"Judge, I take care of my kids," Darrell stated with a firm tone. There was no confusion about what was being asked or no hesitation in how to answer. Darrell did not answer the question directly, but to most of us witnesses there, his answer was clear. At this point, Laurel turned her head to catch my eye in the row behind her and raised her brows. She was annoyed with Judge V's insinuation. The Judge adjusted herself to sit tall in her chair and put her hand on Darrell's shoulder.

"Well, that I know. I'm happy that the landscaping is going well. I hope it keeps going well," she said signaling that he could go and sit down. As Darrell walked away, the Judge added "I hope that wife of yours knows how lucky she is."

This kind of conversation was not at all unusual in the Reentry Court, but to most people who imagine a discussion between a Judge and a probationer, it may seem unusually intimate.

Hearing this exchange on a bus or in someone's living room would signal to the casual eavesdropper a different relation between Darrell and Judge V. Knowing that it is a Judge who holds the power of law to punish and a reentrant on probation who is financially indebted to the court renders this moment of relation especially curious. Given that the unique nature of this reform court was to help broker employment for reentrants, Judge V's questioning of why Darrell quit a job set up by the program didn't seem surprising. She had a vested interest in having participants in the court keep jobs and a vested interest in maintaining a positive relationship with city employers so that they would keep partnering with the court. The continuation of Reentry Court, and the renewal of the public and private grants that help to fund the court, not to mention her reputation as the innovator and arbitrator of this program was thus dependent upon these conditions. Yet Judge V's concern exceeded these rationales. By virtue of how this court is run, she had known Darrell, on paper and in person, for over six years: through his sentencing, during his training at Angola, and for the almost three years he'd been back in New Orleans. She knew his wife Melissa and had met their children when they came to observe court proceedings and stayed for the lunch that the Judge provides every month during the mid-court break.

In questioning Darrell's relation with his family, the Judge conjures the historically entrenched antiblack tropes in the U.S. that differentially gender the relations of the racialized family.³⁷⁷ First, her interrogation of Darrell's decision suggests that his wife Melissa is manipulating Darrell. Second, in characterizing Melissa's relation to him as overpowering (i.e. "she is calling the shots"), Judge V evokes the heteropatriarchal role of the man as the head of the household and thus questions Darrell's masculinity. This is double movement both emasculates

³⁷⁷ For a discussion on the work of "conjuring" in the making of race *See* Fields and Fields, *Racecraft: The Soul of Inequality in American Life*.

Darrell and pathologizes Melissa.³⁷⁸ Third, the Judge is questioning the legitimacy of Darrell's responsibility to his children by insinuating that biological paternity would be the only relation that would oblige him to care for them. And fourth, the reference to "*all*" of those kids conjures the racialized figure of the hyperreproductive, low-income Black woman that historically sanctioned violence upon Black women's bodies in the U.S.³⁷⁹ In Judge V's figuration, Darrell should be solely considering his growth and his momentum (i.e. work and savings) but would be held back by his relationships with Melissa and with his children. Judge V's concern insists upon a conflict between Darrell's autonomy and his wife and children's dependency.

Darrell is navigating the push toward the aspirational subjectivity of a formerly incarcerated entrepreneur (Chapter 2) while also occupying the underdetermined position of a racialized reentrant-worker (Chapter 3). As discussed in earlier chapters, the court emphasizes a valorization of individual autonomy, the performance of being "an independent, self-made man," while also holding reentrants in a socially and financially dependent relation to the legal system through structures of debt and processes of labor devaluation. However, in dialogic exchanges like the one I've chronicled between Judge V and Darrell, we see the emergence of what I think of as *intimate social relations of dependency*. There is a discursive mobilization of *the family* through

³⁷⁸ See Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book"; Davis, *Women, Race, Class*. Hortence Spillers and Angela Davis's skeptical reading of Franklin Fraizer's *Negro Family in the United States* questions how the figure of the Black Matriarch has transformed. Spillers writes, "... the African-American female's 'strength' and 'dominance' come to be interpreted in later generations – both black and white, oddly enough – as 'pathology,' an instrument of castration." (p. 74).

³⁷⁹ Such violences include the criminalization and regulation of Black women's reproduction and the forced sterilization of incarcerated women. See Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*; Roth and Ainsworth, "If They Hand You a Paper, You Sign It': A Call to End the Sterilization of Women in Prison." See also, e.g., Sollinger, *Wake Up Litter Susie: Single Pregnancy and Race Before "Roe v Wade."* See also concept of "stratified reproduction" in Ginsburg and Rapp, *Conceiving the New World Order: The Global Politics of Reproduction*.

which relations of obligation and dependency are mis/recognized, insisted upon, and newly enacted. There is also a space of negotiation that emerges from these exchanges. These negotiations reveal the disciplinary repertoires of racialized liberal conceptualizations of family, gender, and domestic life, while they simultaneously enact alternative intimacies-in-the-making that inhere reentrants to the care of the court by threatening other intimate relations of social dependency.

This Chapter focuses on the intricate ways shifting social dependencies are enacted as intimacy within the ‘reentry space.’ I explore the symbolic and rhetorical practices that articulate an absent presence of carcerality through intimacy in Reentry Court and in Building Up, such as describing the social relations of the court and of the workplace as a familial. In doing so, I trace how institutional violence is differentially distributed through the making and unmaking of intimacies thereby constituting racializing and gender forming assemblages. I introduce the concept of *fatal intimacies*, which I take to be the making of intimate relations that require the violent annihilation of other relations. The vectors of carceral violence that emerge within and through relations of intimacy enact fatal dependencies.

“Like capital, intimacy demands an ever-expanding market; and like capital, intimacy expands through macro-institutions and micro-practices,” Elizabeth Povinelli writes.³⁸⁰ Drawing from Povinelli’s theorization of intimacy, I read the making of novel social relations of dis/connection within the reentry space as “intimate events.” An “indeterminate form of self-other relations,” Povinelli conceptualizes the intimate event as a moving target that converges upon the normative liberal settler-colonial ethics, logics and aspirations that govern love, sociality, the body,

³⁸⁰ Povinelli, *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality*, 190.

self-sovereignty and social constraint that make what she calls the “genealogical society.”³⁸¹ Therefore, the discourses and practices of the intimate event and the genealogical society are “co-constitutive fields, riveted together in such a way that they secure and distribute power and wealth in the liberal diaspora.”³⁸² This co-constitution includes the processes that reproduce the dialectical relation between individual freedom and social determination.³⁸³ I join Povinelli in her resistance to read the governance of intimacy as a natural choice between individual freedom and social constraint and instead attend to modes of making and unmaking intimacy that exceed this dialectic. Povinelli’s concept of social relations as “immanent dependencies” resonates with the kinds of negotiations of relation I trace in this chapter.³⁸⁴ Fatal dependencies emerge in the absent presence of carcerality to differentially distribute violence through practices and discourses of intimacy.³⁸⁵

Family-style Court: Kinship In the Absent Presence of Carcerality

In the opening vignette, Darrell made an appeal to Reentry Court as a family. It was true that the Judge did often introduce the court as “a different kind of feel” than typical courtroom proceedings. “It’s more like family-style problem solving. We come up with ways to help each other. We hear each other out,” she would describe. Reentry Court adopted certain spatial and symbolic practices to perform this more informal, “family-style” approach to carceral adjudication. For example, the Judge takes off her black robe to sport what was usually a funky, animal print ensemble and sat alongside reentrants and the court case managers at a long table. There was also

³⁸¹ Povinelli, 182.

³⁸² Povinelli, 201.

³⁸³ See discussion of autological subject. Povinelli, *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality*.

³⁸⁴ Povinelli, 6.

³⁸⁵ My use of “absent presence” draws upon the concept elaborated by Jacques Derrida. In this social context, it signals the attempt to obscure, erase, and intentionally evade the recognition of the punitive capacities of carcerality.

an open invitation for court visitors to participate in discussion. In aligning this projected ethos of family-style problem-solving with the decision he made along with his wife and children, Darrell was in a sense calling the Judge's bluff. If the Judge did want to demonstrate relations of care as part of this family, she would have to participate in their dialogue and perform support. If she had sent Darrell to jail for the weekend in violation because he quit his court-brokered job, as she was poised to do in many cases, she would be reconciling her role as solely a punitive and coercive power. Making this familiar alignment was an intersubjective strategy that allowed Darrell to balance a defense of his relationships with his wife and children through an enactment and recognition that his relationship with the Judge exceeds that of the relation between punisher and punished. These kinds of relational enactments do not obscure the hierarchies of power and carceral capacities but they create spaces where power is negotiated. The characterization of the court as family-style as opposed to merely punitive allows for differential outcomes for these asymmetrical negotiations.

Anthropological concern with kinship has waxed, waned and transformed from the mid-twentieth century to the present.³⁸⁶ Early studies of kinship with an emphasis on "premodern" and non-western societies have contributed to specific legacies of thought about domestic and family life.³⁸⁷ Studies of kinship have contributed to the early delineations between the domains of "domestic" and "politicojural," thus articulating a division between the intimate and the public spheres.³⁸⁸ Kinship structures as the organizing principles of societal institutions were discussed in early ethnographic studies as signifying human social evolution from nature to culture. Such

³⁸⁶ Peletz, "Kinship Studies in Late Twentieth-Century Anthropology."

³⁸⁷ Malinowski, "Parenthood -- the Basis of Social Structure"; Fortes, *The Web of Kinship Among the Tallensi: The Second Part of an Analysis of the Social Structure of a Trans-Volta Tribe*.

³⁸⁸ Fortes, "Introduction."

analyses elaborated relations of lineage and descent as consanguineal relations ³⁸⁹ or focused on the affinal relations of marital alliance.³⁹⁰ Despite the vast and diverse forms of relation engaged by anthropological studies of kinship, these works meet with apt critique for the dichotomies – nature/culture, private/public, man/woman, blood/marriage – that they helped to universalize in the study of family constitution.

In the 1960s and 70s, Marxist rereading of kinship shifted focus from the rules that structured relations toward the practices of production and exchange that enact relations. Analytics like Pierre Bourdieu's practice theory (1977) drew out the "mutually embedded" relations of kinship and economy and thus the workings of power that couldn't reduce kinship to economic relations nor mere instrumental functions.³⁹¹ Critiques of kinship from feminist anthropologies interested in gender and personhood were also integral to the reorientation and expansion of kinship studies.³⁹² Yet the emergence of feminist theories of gender formation that were concerned with the assumed roles of women and men, the relationships between sexuality and citizenship, the space of the domicile, the institution of marriage, processes of procreation and the governance of reproduction also called for a reconsideration of the need for traditional concepts of kinship entirely. These feminist and queer theory critiques rejected the traditional delineations made through early studies of kinship and instead sought to interrogate the heteropatriarchal institutions, like the nuclear family, that organize gender and sexuality in the West.³⁹³ Contemporary anthropological engagements with the study of kinship by way of gender, sexuality and family that

³⁸⁹ Meyer and Evas-Pritchard, *African Political Systems*.

³⁹⁰ Lévi-Strauss, *The Elementary Structures of Kinship*.

³⁹¹ Bourdieu, *Outline of a Theory of Practice*.

³⁹² Strathern, *The Gender of the Gift: Problems with Women and Problems with Society in Melanesia*.

³⁹³ Butler, "Is Kinship Always Already Heterosexual."

are most salient to this ethnography deploy capacious analytics of intimacy, affect and desire as they are situated within colonial and postcolonial worlds governed by liberal state institutions.³⁹⁴

While this gloss over the transformations of anthropological theories and critiques of kinship is certainly left wanting, I draw upon some Marxist and feminist critiques of kinship to situate my analysis of ‘kin’ and intimacy under racial capitalism. In my exploration of intimate violence in and through carceral institutions, I conceive of kin relations primarily through an analytic of social dependencies. In electing the concept of dependency, I am trying to convey both the dynamics of “reliance on and of control by someone or something else.”³⁹⁵ The term dependency is also meant to challenge and complicate the moralization of being dependent upon others (i.e. in relationships) or being institutionally recognized as a dependent (i.e. on the welfare state). Such relations of dependence are negatively moralized in the neoliberal contemporary to be relations of weakness and parasitism. My concept of *fatal dependencies* as enacted through carceral violence, therefore emerges from the histories of policy and practice that have denied Black women and the Black family claim to social dependencies in the U.S..

My contemporary orientation toward kinship through relations of dependency is in conversation with the critiques of Black feminist scholar Hortense Spillers (1987) in her famous essay, “Mama's Baby, Papa's Maybe: An American Grammar Book.” I situate relations of carceral intimacy within the social and material histories of natal alienation and the annihilation of Black families – the fatal dependencies engendered under the institution chattel slavery. Spiller’s

³⁹⁴ Povinelli, *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality*; Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*; Frank, Clough, and Seidman, *Intimacies*.

³⁹⁵ See Oxford America Dictionary. Dependence (n.): the state of relying on or being controlled by someone or something else:

theoretical work helps trace the repertoires of antiblackness throughout American history that are reasserted in simultaneity with novel rhetorical and symbolic assertions of family and community. As Spiller's writes, "The dominant symbolic order forces 'family' to modify itself when it does not mean family of the 'master,' or dominant enclave. It is this rhetorical and symbolic move that declares primacy over any other human and social claim, and in that political order of things, "kin" just as gender formation, has no decisive legal or social efficacy."³⁹⁶ This critique traces through to the progressive era exclusion of Black women from the rhetoric espoused by white woman reformers which identified homemaking and economic dependency as entitlements of American womanhood. "The gendered economic power of anti-Black racism made such an expectation for African American women impossible, since there was no likelihood either that their own paid labor would soon become unnecessary or that their mates could ever earn a reliable family wage."³⁹⁷ The concept of "forcing family" also offers insight into U.S. welfare policies like the 'man-in-the-house' rule that refused family aid to women who were living with men and thus deteriorated the household relations of the racialized poor. In centering the making of the Black woman in American society, an "American grammar," Spillers fundamentally subverts liberal bourgeois assumptions about gendered femaleness, inheritance and kinship.

The Reentry Court as family enacts fatal dependencies that conjure the originary liberal annihilations of the relations between blackness and "'family' (read 'civilization'),"³⁹⁸ while also demonstrating relations of dependence that exceed regimes of punishment and property as novel intimacies constituted by and through vectors of carceral violence. Who is considered a deserving

³⁹⁶ Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," 75.

³⁹⁷ Gilmore, *Golden Gulag*, 188; Gordon, *Pitied But Not Entitled*.

³⁹⁸ Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," 74–75. This rhetorical device is particularly salient when harkening back to the history of anthropological thinking that characterized kinship as the move from nature to culture, primitive societies to complex societies.

dependent? Who is considered fit to care for dependents? Who can you depend on? These questions as contoured by carceral violence trace the production of racial and gendered differentiation within the intimate relations of the reentry space.

Anthropologists attending to the relations between care and violence have given insight into how the figuration of the “domestic” and family are always institutionally mediated while also always exceeding such mediation. João Biehl (2012) discusses how technologies of care are intimately bound with disregard thus revealing the very limits of care.³⁹⁹ In fact, in his analysis of relation between the family complex and healthcare science, “forms of disregard, disguised as caregiving transform relations in family and work, reshape community values and priorities, and alter economic prospects and life chances.”⁴⁰⁰ As Biehl’s interviews with his interlocutor Katerina’s family depicts, the violences of social abandonment can be justified as care. In the case of sending kin to facilities like Vita, disregard is recast into familial care thus enacting violences that are at once public and domestic. Rather than disregard, dependency is what moves Angela Garcia’s (2014) interlocutor Bernadette to take a prison sentence on her mother’s behalf. In this analysis, carceral violence is the threat to kin dependencies thus producing the conditions upon which the Bernadette cares for her mother by enacting violence upon herself.⁴⁰¹ In following the dynamics of violence and care, I recognize the various forms and scales of carceral violence that are entangled with and that transform kin dependencies. In this sense, I am not reading violence “along a continuum that spans structural, symbolic, every day and intimate dimensions,”⁴⁰² but as a simultaneity of sedimented histories of social alienation, political exclusion, intimate expression

³⁹⁹ Biehl, “Care and Disregard.”

⁴⁰⁰ Biehl, 251–52.

⁴⁰¹ Garcia, “The Promise.”

⁴⁰² Bourgois, “The Power of Violence in War and Peace: Post-Cold War Lessons from El Salvador”; Scheper-Hughes and Bourgois, “Introduction: Making Sense of Violence”.

and institutional power. As such, the very notion of domestic violence and that of carceral violence is always already simultaneously structural and intimate violence and therefore, cannot be simply parsed.

The Mother You Never Had

There were salient moments where the Judge explicitly made assertions about being a maternal figure or performed one. In her interviews with me, Judge V would often say that one of her goals in Reentry Court “is to be the mother these guys never had” and other times where she had put her hands on her hips and reminded a defiant Laurel that “This is *my* house!” Now in her early fifties, Judge V would advise Laurel and I on how to be a “take-no-shit kind of woman” in our respective work environments. “Your passion reminds me of myself when I was your age,” Judge V would tell Laurel after they would argue in court. One day in her chambers, she began discussing the legal “boys club” in Louisiana. She asked me if I had ever experienced sexism during my training at Princeton. “Sure,” I answered.

“Damn shame since you are probably the smartest person in the room, right? I know you are. I know you are using your smarts for good. I know you help the guys with their resumes. I can’t tell you how thankful I am that you are here in court. Well, I’ll tell you a secret. This is a trick to make sure I stay confident. I do what men do. Whenever I walk into a room full of men, I think ‘How many of these men could I fuck tonight?’ Makes you see the room different. You’ll never doubt yourself again,” the Judge said with a hearty laugh to punctuate.

I wouldn’t ever want to see any room that way, but I believe Judge V was attempting to give me advice, woman-to-woman. In doing so, I was interpellated into an alignment with her as a professional woman who wasn’t given due credit by her male peers. Her advice was an assertion of a particular, classed interpretation of feminism that conflated female empowerment with

gendered resentment – in this case, articulated as sexual domination. While “doing what men do,” to me implies a problematic reinforcement of the patriarchy, she expressed this mentality as the power of her womanhood. As much as I was itching to disagree with this advice, I didn’t. She was trying to bond with me and despite my discomfort, I laughed it off.

I had responded to Judge V, much like I would have responded to an aunt giving me unsolicited and bizarre advice at a holiday dinner. While I assumed Judge V was speaking from a position of a well-off professional woman who had been excluded from some of the opportunities afforded to her male counterparts, she didn’t qualify this. Instead, it sounded like her general approach to men was reactionarily oriented toward asserting dominance through sexualization or emasculation. When sharing this excerpt from my conversation in the Judge’s chambers with Laurel and Eugene, we burst into laughter at the absurdity that we all recognized as “typical Judge V” but then we quickly became uncomfortable. Laurel captured the sentiment perfectly when she said, “See? That is what Eugene and I are always talking about. She would just be the ridiculous, kooky, drunk aunt at the party whose approval you kind of want, but then you realize that Reentry Court *is* a room full of men and she has the power to lock them up.”

Giving the Family ‘Room to Work’

Judge V and the Reentry Court staff collect pages and pages of information about the reentrant participants and update this information every few months. These reentrant intake forms include everything from all their current and former home addresses, their current and past work histories, their children’s names, their long-term girlfriends, wives, most recent family member who came to court which were mostly mothers, grandmothers and sisters. Each week before the monthly court meeting, there is a closed-door staffing meeting where the Judge, the case managers,

Jaclyn and Eugene, Laurel representing Building Up and Elizabeth from the U.S. Attorney's office gather. The staff present the progress of each reentrant to the Judge and there is a discussion about what would be required of him the next month. For example, Jaclyn had informed the Judge that Darrell had quit his job at the city zoo so the Judge knew to address it in court. But the way she was going to address it and the outcome always seemed somewhat of a mystery. Court staff were torn about the uncertainty. On the one hand, Eugene and Jacklyn would try to convince the judge to enforce more stringent guidelines so that they could better predict what would be required of them as case managers. On the other hand, as Eugene would say, "Judge V give us room to work."

Eugene was especially attuned to this kind of freedom to negotiate relationships within a space of carceral consequences. Judge V hired him on as a case manager after securing a private grant for case manager salaries. She wanted to hire him through her own Judge's allowance for court staff, but as she described to me, "The criminal courts would never let me justify hiring a formerly incarcerated man with just a GED to do this job, but he's the best one for this job." Eugene certainly didn't feel welcome in the courthouse aside from when he was in Judge V's courtroom. Eugene called me one day to tell me a story about running into the last judge who sentenced him to prison. "You are never going to believe this. I just bumped into her in the hall of the courthouse and we talked about how I am working in as a case manager," he started to laugh. Once, composed he commented, "She looked at me like she had seen a ghost. It was a kind of look like 'Wait, you're not supposed to make *your* money *here*.' It was too funny."

Eugene was primarily responsible for field visits with the reentrants and was the primary contact for them to communicate with the Judge outside of court. Jaclyn, the second case manager, was predominantly coordinating and recruiting the employers who would be hiring reentrants. Eugene was knowledgeable about what he described as "the challenges and the bull shit" of

reentrant experience. He was also a crossover reentry mentor and project manager at Building Up (as I have described in Chapter 4) and was thus uniquely positioned as a representative of the court and therefore, an agent of its surveillance, a coordinator for a reentry services and a confidant for many of the reentrants in the program at the same time. Eugene used the “room” given to him to use his own digression about when he thought something about a reentrant’s life was a matter for the court. Eugene had used his position to sometimes suggest unprecedented solutions to reentrant problems. For example, Judge V was getting frustrated with Mikey, a court participant who had skipped his last three court appearances and was arrested as a result. Knowing that Mikey had been struggling through some mental health issues and didn’t have a place to stay, Eugene offered to take “full-responsibility for him” for the month to “get him back on track” in court. Judge V agreed with the rather unorthodox arrangement and Mikey was not kicked out of the program. Instead, Eugene, who described Mikey like “a kid brother who is super annoying but you got to love,” set him up on the Days Home Transitional house’s couch, drove him to and from his probation meetings and court appearances until Mikey’s mother arranged for him to move in with her. Eugene and the reentrant participants in the court knew that there were certain ways to strategize to address the judge and to appeal to her attachment to the image of the Reentry Court family.

While Eugene did get some room to work, he was questioned by the judge. His interviews and appearances in the local news for example, were always sources of contention for Judge V. Eugene and other formerly incarcerated men from Building Up were interviewed about criminal justice reform and the barriers to reentry all the time. Upon seeing an interview Eugene had given, Judge V called him to her chambers to tell him that she was disappointed in how he represented the court. In the interview, Eugene was sitting next to another formerly incarcerated man and they were discussing how it feels to come back to the city after years in prison. This kind of reprimand

from the Judge happened multiple times after public interviews. Eugene later told me that his response to her was, “I wasn’t representing the court at all. I was speaking as a fellow formerly incarcerated man.” The intimate knowledge of the formerly incarcerated experience was supposed to be why Judge V believed him to be an integral part of the Reentry Court family. However, these moments bring into relief the tension between his alignment with the formerly incarcerated experience rather than with the paternalist practices of care performed by the reformist court. The former is a solidarity that can challenge the dependencies that structure the court, the latter is an enactment of intimacies that differentiate relations through carceral power. The Judge has specific expectations of Eugene’s performance of care as an agent of the court. The Judge depends on Eugene to be the exception to the reentry experience. His exceptional role gives the court’s progressive ethos legitimacy. To her, Eugene isn’t merely a reentrant-worker as defined through their employer-employee relation; he exceeds this relation. The Judge claims that she has gone out of her way to hire Eugene; she has transgressed the court employment structure in order to have an intimate dependency with Eugene that is structured through gratitude. This relation with her should, in her eyes, supersede his identification with the formerly incarcerated men in the court. Eugene depends on Judge V for this professional position, but also depends upon his “family” dynamic with the judge to negotiate and sometimes transform the court’s rubrics of reentry care.

The Reentry Court figured as a family is the context through which multiple valences of intimate relation are charted. The idiom of family is mobilized to signal obligations and dependencies between people that are not necessarily just determined by institutional roles, legal regulations or biology. Court as family troubles the seemingly contradictory relation between intimacy and institutionalism. However, these intimacies are still fundamentally undergirded by the punitive regimes of carcerality. Relations of obligation and dependence that are intimately

enacted by the court also are predicated on disconnection from other relations of obligation and dependence. The neoliberal carceral violence of fatal dependencies differentiate social relations of value and therefore, distinguish between relations that matter and those that don't.

Fatal Dependencies and Intimacies Otherwise

News of Riley's death came from Eugene who called all the court participants to let them know. Riley had been in Reentry Court for three years. He was a soft-spoken man who always sported his navy workmen's jumpsuit with his name embroidered on the chest pocket. He was one of the first reentrants I interviewed. The following week in court, everyone filed in and sat down to wait for the Judge. People found different ways to acknowledge one of the reentrants, Sean, whose eyes were heavy and dark. "I know. I know. Thank you," he would mouth as participants in court put their hand on his shoulder or spoke words to him in a whisper. Judge V came in and skipped her usual introductions. She instead asked for a moment of silence to remember Riley. "We are all going to miss Riley. It is a loss for his wife and young son. It is a loss for all of us here. Riley lost his life doing something incredible. He was helping a friend. He was helping a fellow member of the reentry family. Sean, would you like to say anything?"

Sean stood up. Clutching his cap in front of him with both hands, he said, "I don't know how to feel. Riley died trying to help me out. It happened so fast. I just don't know..." He trailed off and sank back into his seat. The Judge gave Sean a hug. "Grief is always hard, but you need to focus on forgiving yourself. There is no way you could have done anything," Judge V assured him. Riley had a tow-truck and was coming to pick up Sean on the side of the road after his car had broken down at night. Riley was hit by passing traffic and was killed instantly. Slightly different versions of this story circulated but the impression was that Riley lost his life while

helping out a friend from Reentry Court. Judge V held this narrative as heroic and exemplary of the kind of brotherhood engendered by going through the Reentry Court together. “Riley’s life should be celebrated. His commitment to those who were close to him like we all were will always be remembered,” she said. The court held a grief counseling meeting for all the members of Orleans Parish and Jefferson Parish Reentry Court, as Riley had transferred from that program. It was scheduled on Tuesday evening at the same time as the Building Up small business incubator meeting. Reentrants were asked to come to the grief counseling at a local health and substance abuse nonprofit instead of their weekly mandatory mentorship meeting. There was a grief counselor and a nurse who spoke to the group. Judge V also spoke about how the reentrants “can all support each other through these difficult times.”

“Only you know the unique experience of this program and coming home,” she said. “It makes you close so you should lean on each other.”

Walking into the event, Carter, a mentor at Building Up and graduate from Reentry Court, smiled and said “Oh shit. It is a reunion.” He then looked back at me, noticing how I was noticing something else. “Yeah, Shreya... All of Jefferson Parish is white.” The Jefferson Parish Reentrants and the Orleans Parish Reentrants embraced and started telling stories about their training mentors at Angola. They caught up about their jobs since their release and reminisced about the strange habits of their bunkmates. The asked me to take a picture to commemorate a time “when we all aren’t wearing those neon green shirts,” referring to the Reentry campus uniform in prison.

The same week of Riley’s death, I got a call from Laurel to meet her at the Sixth Ward police precinct. “I thought you could sit with Jasmine, while I go try to get the police report they aren’t releasing.” I had met Jasmine in court once when she had come in to advocate for her brother, Roland. When Judge V was threatening to send Roland to jail for the weekend for missing

all of his mentorship meetings that month, Jasmine stood up to mention how much she believed Roland had grown as a result of this court program. She had expressed gratitude to the Judge for “helping Roland over and over again even when he makes mistakes.” The Judge seemed content with this deference and praised Jasmine for showing Roland so much support. Roland still served “weekend warrior” jail time but Judge V did mention that he should “do better” if not for himself than for his sister. “She cares more about you than you care about you,” the Judge said before Roland was escorted out by deputies to the jail.

At the police station Jasmine was crying and texting. In between her frantic typing she told me what happened: “He got into a fight with some guy on the balcony over his ex-girlfriend. That guy beat Roland pretty bad and then he was pushed off the roof. He’s unconscious in the hospital and this ex-girl took his phone. She won’t give it to me!”

Laurel returned looking flustered. “I will get this police report, Jasmine. They are just giving me the runaround right now. I can’t believe they gave him a ‘disturbing the peace’ ticket while he was unconscious,” Laurel said. The circumstances around Roland’s coma were definitely troubling. It left his sister, Jasmine, feeling helpless. She asked if she should come to Reentry Court next week to explain to Judge V why Roland couldn’t attend. “Don’t worry. I’ll let her know,” Laurel ensured.

While Laurel didn’t share many details about the incident that left Roland in a coma, Judge V seemed to have a very clear narrative in her mind. To her, it was a cautionary tale that helped support something she said all the time to the reentrants, “It’s these women you all get involved with.” The judge explained to the court participants that Roland got into “this situation” because he “couldn’t just stay away from a girl that would get him in trouble.” This was not the first time she would place blame on a girlfriend or conjugal partner for impairing a reentrant’s progress. It

was the case that many of the rearrests of reentrants were based on domestic violence, harassment or assault charges. However, Judge V would frame these cases as a failure of the reentrant to show good judgement about who they chose to spend their time with. Relations with girlfriends were deemed extractive and disruptive to their reentry transition. Girlfriends and co-parents would come to Reentry Court either to show support or to provide character advocacy in times when reentrants were liable to be reprimanded by the Judge. The Judge did not respond well if the visitor was defensive of their partner. The Judge had a tendency of making comments that alienated these women from the reentry process. Once, Judge V threw one of the reentrants, Danny's girlfriend, Gina out of the court room after she stood up to tell the Judge that she did not agree with sending Danny to an inpatient drug facility. "We need him," Gina said, referring to her and their son. The Judge raised her voice and said, "It's either that or its jail. It's either you get on board or you get out of my court. You are supposed to be supportive of his journey. Shouldn't you care more? You know what? Just leave."

Roland died from his injuries just a week after Riley. There was no moment of silence in court nor a meeting to cope with grief, there was just a tacit "*I told you so*," from the Judge. The deaths of Riley and Roland chart an intimate space of violence where the valorization and cultivation of certain relations of dependency and obligation are positioned against others. The Judge in her approach to the girlfriends, co-parents and wives of reentrants in the court antagonizes their capacities to give care and support. These women and the children of reentrants are viewed with suspicion at best or deemed to be extractive relations of dependence, relations that reentrants cannot be obligated to because of reentrant dependence on the court. Reentrants can't have dependents according to the Judge and the structure of the court, because they are not full-fledged men who can provide for a household. In the same movement, the wives and girlfriends cannot be

caretakers because they are pathologically extractive. Intimacies contoured by carcerality are produced at the intersections of antiblackness and gender formation. The shifting social relational alignments and disconnections of these intimacies constitute racializing assemblages of carcerality. The valuation of these dependencies into the relations that matter and the relations that threaten are produced through carceral assemblages of intimacy.

The Reentry Court “Family” is predicated on reentrant dependencies on and obligations to the Judge and the broader social milieu of the court program. Reentrants are impelled to depend on the court for work, for emotional and financial support. They are obligated to show up, to pay their debts and to perform gratitude by the court. These relations are undergirded by the carceral capacity to coerce and punish. Yet the intimacies forged through these relations also exceed the carceral power of the court. The reunion of reentrants asserts the socialites of prison life (as opposed to social death) that seem *productively separated* (See Chapter 3) from certain social worlds, but meaningfully enact others.⁴⁰³ The intimacies of the court that are constituted through relations of *fatal dependence* require the violent annihilation of other relations. The recognizable idioms of fatal dependence are exemplified by Judge V claiming, “I am the mother you never had” which harkens to the common refrain of domestic abusers: “No one will love you like I can.” Yet such *fatal dependencies* are challenged by moments like Darrell and Melissa’s decision, Eugene’s alignment or Gina’s objection. These moments are not assertions of an individual’s right to make their own decisions but are disruptions that stake political claim to the relations of dependence that constitute intimacies otherwise.

⁴⁰³ See Chapters 3 and 4.

Insisting upon the Absent Presence of Carcerality

The Building Up office was family friendly. Many of the formerly incarcerated staff didn't have access to childcare, so their children were a regular presence in the office. Sincere, the coordinator of the small business incubator, would bring baby Junior. Carter and his girlfriend, Kiana, who was also a part of the small business incubator, would bring their three children on Tuesday evenings to the incubator meetings. Most of the staff and members with children under ten would bring them to the office. The kids would sit right around the table with along with the incubator members and do their homework or doodle on the dry erase board. However, the family-friendly practices had its limitations. Laurel, the executive director and legal services provider, wanted to cultivate a workspace at Building Up that didn't adhere to the normative separations between work and domestic life and also that didn't contribute to further alienating Black men from their families after incarceration. For example, the small business incubator was primarily men who were in Judge V's section of Reentry Court. In recognizing these men were not the only ones impacted by the forces of incarceration, Laurel extended invitations to the incubator to their girlfriends and wives.⁴⁰⁴ Kiana was the only one who joined. She started a home cleaning business. Kiana joked with Laurel one day, "I mean, I've been arrested. Do I count as an FIP and get all the perks?"⁴⁰⁵ I was always curious why other partners didn't join and I heard different reasons from the men that went from, "Well, we're not really together" to "She's not really business-minded like me" to "This is my work environment. I don't want to bring her into it."

Building Up's incubator meetings were not just about growing one's business prowess or learning the right accounting and marketing practices. They were opportunities to develop

⁴⁰⁴ See Comfort, *Doing Time Together: Love and Family in the Shadow of the Prison*.

⁴⁰⁵ Acronym for formerly incarcerated person.

strategies to avoid the disruptions and violences of the criminal justice system. There was an ethic of anti-institutionality that manifested in a lack of bureaucratic protocol and a lack of conventional regulation in the office environment. It was an interesting take on new managerial start-up culture, a trend in corporate work environments that obscure the hierarchies of the workplace through practices like informal dress codes, open layout workspaces and the framing of coworkers as friends, family, part of a coherent community. In Building Up's version, ensuring a healthy work environment meant keeping the formerly incarcerated staff and incubator members from experiencing further institutional violence at all costs.

“Okay. So I’ve put Shreya’s number in case you don’t have it already on the board and also here is the number of a public defender buddy I trust,” Laurel instructed to members of the Building Up small business incubator. Laurel didn’t just handle the administrative and funding responsibilities at Building Up. She was also the in-house legal services for the formerly incarcerated clients, members and staff in the organization. She was going out of town for three-weeks and as the legal representative on call, she wanted to make sure that people had other numbers to reach in case they needed something. From what I observed, Laurel was everyone’s ‘go-to’ at Building Up, and she would always answer the call. She provided uber rides for people who had difficulty getting transportation to court. She went to court for their overdue traffic violations that have accrued debt. She would help with child support claims and drivers’ licenses. She would also help both parties after domestic police call to their homes resulted in the Building Up member and their partner getting arrested. Perhaps as a result of her experience with those cases, Laurel only held one thing to be inappropriate at the office: arguments between romantic partners. “That can escalate too quickly and police could be called to the office. No one wants that,” she would say.

I assumed that since I had become de facto staff at the organization and was familiar with the administrative needs of clients and the small business owners, that they would call me for those sorts of things. But then Laurel said, “Above all else, avoid the cops. Do not call the cops. Try and avoid situations where the cops will be around. If you think you need the cops. YOU CALL. If you are stopped by the police or something happens and the police show up. You call. You call this lawyer, Lim, and you call Shreya.”

To my surprise, I got many calls in those three weeks. A few were for rides to court or requests for help applying for small business licensing. But one in particular stood out. Niko, a member of the incubator who I hadn’t spoken to very much before called me:

“Umm Hi, Shreya?” he said. I responded with a greeting. “I just wanted to call because... well, I went to drop off my daughter and....” He trailed off.

“Yes? Go ahead, Niko. I’m listening,” I assured him.

“When I dropped her off. Her mother was really mad. She got in my face and started screaming. She picked up a pumpkin of the stoop and threw it at me.⁴⁰⁶ It hurt and was really gross, and I was going to call the cops, because she kept wanting to get at me. I decided to get back into my car and drive away and call you. I don’t expect you to do anything but I was going to call the cops. She was in the wrong, you know?” He sounded flustered and upset. I wasn’t exactly sure how to respond, so I told him I was glad he called and hoped he felt better just venting a little. “I know why Laurel says don’t call the cops,” he continued. “I know that they would arrest me too and it would be bad for me, but it is weird that it was my first thought even though I don’t want my daughter’s mom to get in trouble. It is just weird. I still wanted to call them.”

⁴⁰⁶ This vignette happened around Halloween so there were pumpkins outside homes.

Niko's call conveys a deeply ambivalent relationship to police. He can't quite place from where his reflex to call the police came from. In some sense, he is questioning who the liberal police power is meant to serve but is doing so by reflecting on his intimate relation with his daughter's mother. Initially, he figured that if he is assaulted, then he should call the police. But he recognizes that first, he can't merely call upon the police to protect him without he himself being criminalized as a Black man with a record. Moreover, he is uncomfortable with how the frustration, or perhaps anger or hurt that he felt after this interaction with his daughter's mother resulted in an intention to mobilize carceral violence against her.

Part of the small business incubator curriculum was a know-your-rights training which was implemented shortly after a drive-by shooting at the shop of one of Building Up's small business owners, Sincere. Since that incident, Laurel was trying to set up a network of allies for the members of Building Up so people with legal expertise, racial privilege and/or social capital could show up when the police do to record and intervene. Mine and Lim's phone numbers were the first on her list. "It could be like a bat signal, but I don't mean in the white savior kind of way. Knowing it is reliable and that you can call upon other people to show up, would challenge policing all together," Laurel said to me one night after work. By this, I believe she meant that first, the presence of advocates and allies would intervene upon the violences of police practice and second, that cultivating a dependency between people that refuses punitive logics can eventually engender radical solidarities toward police abolition.

Laurel's ethic of allyship within her legal practice often resulted in combative interactions with law enforcement. It had earned her a reputation among the sheriff's deputies and jail staff as difficult and unprofessional – a badge she wore with pride. Once, I overheard her on the phone trying to speed along the release of a client from jail, "Any moment spent in jail when you can be

released is a moment too long. It's overincarceration. Let me tell you something, I am a single white woman with nothing to lose. I have no problem calling every ten minutes until this release is processed." Most of the time, her strategies and persistence worked to get her desired outcome.

It certainly worked the night of the shooting at Sincere's shop.⁴⁰⁷ Laurel had called me and said there was a situation at Sincere's shop and to come immediately. When I arrived, I saw the police setting up tape in the parking lot. Sincere was talking in hushed tones to Laurel. Shots had been fired outside the shop. "They only hit Consuela," Sincere responded when I asked if he or anyone was hurt. I was relieved. Consuela was what he called his car and the driver's seat window was shattered. "Sincere was the one who called the police. But they are treating him like a suspect," Laurel told me, "I heard them [the police] threatening to send him back to 'where he belongs' when he called me for legal counsel."

"I wouldn't let them swab my hands," Sincere interjected.

"And that is your right," assured Laurel. She asked me to videotape the interaction with the police. She addressed the camera documenting and inquiring about each investigative procedure. She appealed to the police that Sincere was a small business owner and a pillar of the community. She pointed me out, "This is an Anthropologist from Princeton University who is writing a book about Sincere's life and work." She managed to evade Sincere's arrest.

"Damn. We could have lost Sincere tonight..." she shuddered. This statement quite meaningfully registered Laurel and I as linked in our mutual concern for Sincere's survival. We felt the personal concern you have for someone you share stories and time with but we also felt genuine indignation at witnessing what we deemed to be unjust treatment in the hands of police.

⁴⁰⁷ Sincere helped run the Building Up small business incubator and I examine his participation in a pitch competition in Chapter 1.

He could have been shot and killed. He could have been charged as a felon with a firearm. He was vulnerable to the violences of policing. Nervous that the shooting would disrupt Sincere's business momentum, Laurel took on more of his responsibilities at the incubator. She answered his emails from other criminal justice organizations seeking advice. She posted on his Gentilly Vision Instagram to maintain his PR presence. She even loaned him money from Building Up's savings to keep up rent on his shop, despite very little sales. When that proved too little too late, she let him move the business rent-free into the Building Up office. This was on top of her legal obligations to follow up with the police reports while also keeping an eye on other crimes reported in Sincere's neighborhood that might put him at risk of another run in with law enforcement.

Laurel asked me to check in on Sincere periodically after the shooting especially because she got the feeling that Sincere was experiencing some signs of post-traumatic stress. I visited his house. The first time I stopped by, he answered the door with his hand resting on a gun in his jeans. "I'm sorry. I didn't mean to scare you. I think I've been a little paranoid, especially about the cops," he assured me and asked me inside. During my visits to Sincere's house, I would also spend time with his girlfriend, Denise and their one-year old baby, Junior. Since Denise needed their car for her job, I began to give Sincere rides to the Building Up Office and entrepreneurial networking events around the city. I even did numerous clerical errands for his optical business. It was interesting that I too, like Laurel, felt compelled to show Sincere that his life didn't have to be derailed by carceral violence.

Mardi Gras Sunday

Laurel and I hurried from a Mardi Gras parade. Sincere had called us extremely upset. When we arrived, we were met by Sincere and his little brother Kevin. Shortly thereafter, a patrol

car with three officers and Denise pulled up. Upon seeing this, Kevin said “She’s got to go. She’s dead to us.” Sincere’s eyes got wide, he clenched his fists and darted out the back door. Kevin handed me baby Junior as he ran after Sincere. “I can’t believe she called the cops. She knows better than to do this. This puts everyone at risk,” Laurel muttered.

After keeping the police from entering the house and issuing a report, Laurel convinced Denise she could come into the house to talk. Laurel asked her what happened. Denise described how Sincere had choked her till she couldn’t breathe, and how, fearing for her life, she ran. She wanted to come back with the police, so she could safely gather her things and take baby Junior with her. “I didn’t report anything, I promise. I don’t even have a place to go if I did,” Denise said. She began to cry. Laurel apologized to her, “I’m sorry for getting upset with you for calling the cops.” We sat around their kitchen counter and started to discuss Denise’s potential options. Laurel even suggested that perhaps Denise could crash with her until she sorted something out if she did want to leave. Sincere barreled in the back door. “I hear y’all talking,” his eyes were bloodshot and he was yelling. “I see how it all is. Y’all are supposed to be on *my* side. She called the cops. There is no coming back from that.” He charged toward us and pointed at Laurel then at me “You are *my* lawyer and you are writing *my* story, remember? And now you are listening to her?” he shouted. He then broke a glass bottle on to the counter. All of us felt threatened.

Sincere read our concern for Denise’s wellbeing as a betrayal. It contradicted Laurel’s firm stance against the involvement of law enforcement. Denise was calling upon the police for protection from the violence enacted by Sincere. Sincere was calling upon us for protection from the police, whose violence Sincere was made vulnerable to because of Denise. Sincere was calling for Denise to be punished for the violence she was enacting by even calling the police. To Sincere, our perceived alignment with Denise figured Laurel and I as agents of carceral violence and not of

community solidarity. But, if Laurel and I had alienated Denise, what would we be enacting if not the same vector of carceral violence? Wouldn't our relationship to Sincere be one of fatal dependence if his capacity to call upon on us meant the annihilation of Denise?

Intimacy under racial capitalism is constituted through relations of differentiation. Novel relations of dependence undergirded by the carceral capacity engender intimacies through which forms of institutional violence are enacted. In tracing these relations within the reentry space, institutional violence most saliently manifests as gendered violence. By interrogating these fatal dependencies, between judges and reentrants or between police and policed, we see the intimate assemblages that constitute racialized gender differentiation. These intimacies quite meaningfully engender differentiation. That is to say, fatal dependencies follow an American Grammar and through their enactment, actively make black womanhood, in relation to black manhood in relation to white womanhood in relation to white manhood. These *engendered* differentiations are violently deployed to deem some dependencies and moreover, some dependents as undeserving and dangerous. Yet what of the moments of solidarity that refuse the alienation of dependents? Can intimate events then also hold the potential to foster more radical dependencies that repair historically annihilated kinship and thereby transform justice or at least the idea of it?

—§— Coda —§—

There was a knock on the Building Up office door before it opened. Laurel walked out of the mysteriously opened door. She found Denise standing on the porch. Her neck was shades of dark purple and red. Her ear was bleeding. The left side of her face swollen and her left eye could barely open. Her right eye was glassy. Laurel didn't say anything but she took Denise's hand. Denise whispered, "I'm sorry to just show up. I didn't have anywhere else to go..."

Speculative Solidarities

What would the world be like without prisons? This was a question often posed to my ethnographic interlocutors at Building Up by reporters, grant funders and progressive policy makers. A disjointed discussion would usually ensue – Laurel, a young reentry nonprofit director, would reference a recent article about restorative justice. Carter, a formerly incarcerated man with a fledgling handyman business, would give a satirical response: “There would be a lot more prime real estate in Louisiana and a lot more Black people, like me, who can’t afford to live there.” But ultimately, Eugene, a formerly incarcerated man who now works as a case manager for the experimental reentry court, would express their collective frustration with the thought experiment: “Why are people always asking us this? *It’s like asking what the world would be without money!*”

Carcerality In Transition charts the social relations that are forged and those that are foreclosed within the reentry space. In this emic landscape of policy and programming, advocates for the formerly incarcerated, like Laurel, Carter and Eugene, are called upon by progressive publics to articulate a future after decarceration. However, their disparate, and perhaps unsatisfying, answers reflect the tension within reentry as an aspirational project of governance. As argued in this dissertation, liberal reforms cannot articulate a cohesive politics of abolition because they are enmeshed within the mutually constitutive relations of racial capitalism and carcerality. Decarceration through reformist governance is by definition not an abolitionist movement. And yet, a utopian endpoint—a world without prisons – is still rhetorically mobilized within the reformist milieu. What this rhetorical move reveals, somewhat paradoxically, are the very limits of the utopic vision, the limitations of abolitionist thinking. Thus, it reinforces, necessitates and naturalizes the politics of reform. If we can’t have a world without prisons, let’s just keep prisons but gradually change the stuff we don’t like about them. However, despite the

inability to articulate a vision of an abolitionist world, there are impulses and practices that hold potential for an unfolding abolitionist ethic.

The reentry space as a site of liberal consensus-building is structured through the production of shifting moral plays of relative innocence that differentially distribute accountability across carceral entangled actors. Within it, people are constrained by an ethic of neoliberal entrepreneurialism which forecloses political claims to reparations and redistribution by reframing carceral violences as investments in the self. The ideological separations between carcerality and the market and between the prison and “home” as common sense within the reentry space obscure the circulations and valuations of people, labor and capital through which racialized peoples are displaced and devalued. Social dependencies engendered through “carceral care”⁴⁰⁸ produce racial and gendered assemblages that destroy other relations of dependence between formerly incarcerated people and their kin. The productivity of these relations within the reentry space under racial capitalism is traced throughout the arc of this dissertation. At the same time, the very social formations and ambiguous political subjects that emerge within the reentry space are never fully determined, always aspirational. The modalities of the reentry space draw upon historical repertoires of antiblackness in the U.S.— the burdened individualism of the emancipated slave, the labor of the chain gangs, the geographies of the plantation, and the native alienation from kin – but they are not repetitions of these histories. Rather, the reentry space demonstrates how such racial regimes transform through novel racializing assemblages to re/produce the conditions of racial capitalism.

What would it mean then to orient toward historical repertoires that aren’t forces of dispossession, deprivation, predation and punishment? Just as innovations in urban governance

⁴⁰⁸ Hwang, “Deviant Care for Deviant Futures.”

draw upon the past, so do people in their everyday who encounter the naturalization of impossibility. There are historical repertoires of freedom practices that orient toward solidarities and not social separateness.

The livelihoods and the social networks of the formerly incarcerated staff and members of Building Up are difficultly entangled with reformist carcerality. There was not an explicit discourse of abolition even with Building Up's "never call the police" mantra. In fact, most members of the organization would say that prisons and policing are necessary. As Jay, the program director at Building Up would say, "There are real dangerous people, and they should be locked up. I don't know many of those. Then, there are people who do their time and should be able to come out without it being so hard. I'll be at the gate waiting for those people."

What is significant to me is not that Jay can't imagine a world without prisons, but that since the early 2000s, since before Hurricane Katrina, since before Building Up was a nonprofit, Jay has been picking people up from the prison gates, sharing his house, his food, his clothes. "It's just what I did for people I knew would be getting out. People did it for me," he would say. Jay had grown up in the Desire Projects and was a young man in the 1970s when members of the Black Panther Party resided there and ran breakfast programs, educational seminars and healthcare screenings. Even if Jay didn't actively discuss those experiences as personally transformative, that is a historical repertoire from which he can draw and from which I believe he has.

According to Laurel, many of the Building Up programs like the communal loan fund and the small business incubator meetings are modeled after the practices of New Orleans Benevolent Societies. Over two hundred Black benevolent societies were established in the New Orleans in

the late 19th and early 20th century.⁴⁰⁹ Originally rooted in the social dependencies forged between freedmen after emancipation, Black benevolent societies in New Orleans were established the face of racial oppression and capitalist extraction. These mutual aid organizations primarily provided healthcare and burial services for members and their families. While the histories of Black mutual aid in the city go well beyond a simple narrative of economic and social solidarity,⁴¹⁰ Laurel is recognizing the concept as historically meaningful anew through the work of Building Up. This aspirational orientation toward Black benevolent societies thereby marks a transformation of mutual aid practices as they are taken up into novel racializing assemblages today.

It is the case that Building Up, as an organization, is not radically disruptive of carceral hegemony. It is also the case, that reconfigurations of carceral governance do operate through cooptation and thus, through the suppression of political consciousness. However, I think it is too basic to take the evocations of Black freedom practices and dissent movements in this context as merely capitalist cooptation. There are political impulses to bring people into relation in order to engage the impossible task of materializing an unrealized future. When people encounter impossible futures, they draw upon certain historical repertoires to create aspirational political subjects and social formations. The “selection and reselection of liberatory lineages” marks a “movement away from partition and exclusion” and a movement toward an abolitionist ethic. What exceed carceral capitalism are the glimmers of other ways and the otherwise of politics that may potentiate the grounds for reparations and redistributions. I therefore am concluding this work

⁴⁰⁹ Although according to this study, New Orleans may have had black benevolent societies as early as the eighteenth century and therefore, possibly the oldest organizations of this kind in the U.S.A. Walker, “Negro Benevolent Societies in New Orleans: A Study of Their Structure, Function and Membership.”

⁴¹⁰ Jacobs, “Benevolent Societies of New Orleans Blacks during the Late Nineteenth and Early Twentieth Centuries.”

with a call to seek out those differently aspirational futures. There is resistance within the reentry space; it too is enacted in transition.

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