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Racism, the Language of Reduced Recidivism, and Higher Education in Prison Toward an Anti-Racist Praxis

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Radical Departures: Ruminations on the Purposes of Higher Education in Prison

Abstract

This essay examines contemporary discourse alongside increased public interest regarding the provision, purposes, and outcomes of higher education for incarcerated people. Recidivism as the dominant desired outcome of higher education in the specific context of prison demands a particular kind of intervention, and in a society where Black, African American, and Latinxs are overly targeted for incarceration, rationales of reduced recidivism are disproportionately mapped onto bodies of Color. My gesture in this essay is that the language of reduced recidivism contributes to state violence that is disproportionately enacted against people of Color. I believe that directors, instructors, students, and supporters of college-in-prison programs have an opportunity to thoughtfully expand the reasons for higher education during incarceration and to counter public narratives focused on recidivism as part of an anti-racist praxis.



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Introduction

The contemporary moment of increased attention paid toward, alongside incremental access to, higher education in prison is a good thing. The U.S. currently incarcerates more people than any other country in the history of the world (Bureau of Justice Statistics, 2011; 2014; 2015), comprising the equivalent of what would be the second-largest city in the U.S. after New York City (De Giorgi, 2015). It is perhaps unsurprising, then, that the reasons for expanded access to higher education in prisons are routinely tied to alarming incarceration and reimprisonment rates. One in every 115 adults were incarcerated in the U.S. in 2015 and one in every 53 were under government supervision (Bureau of Justice Statistics, 2016). In 2013, the RAND Corporation published the now widely cited report titled, *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults*. Researchers with the RAND Corporation reviewed a number of research studies and found a relationship between access to education during incarceration and overall recidivism rates. The report states that,

...receiving correctional education while incarcerated reduces an individual's risk of recidivating after release. After examining the higher-quality research studies, we found that, on average, inmates who participated in correctional education programs had 43 percent lower odds of recidivating than inmates who did not. (p. xxviii)

The RAND report has become a staple in explanations for increasing access to education in prison, and particularly higher education in prison. The RAND report is an extension of the overwhelming majority of extant literature on education in prison focusing on post-release effectiveness as measured by rates of recidivism (Batiuk, Lahm, McKeever, Wilcox & Wilcox, 2005; Chappell, 2004; Cho & Tyler, 2010; Gehring, 2000; Lockwood, Nally, Ho & Knutson, 2012; Vacca, 2004). Prominent philanthropic foundations, such as the Andrew W. Mellon Foundation, the Ford Foundation, and the Bill and Melinda Gates Foundation have all recently made substantial investments in postsecondary education programs in prison, and associated rationales prioritize reduced recidivism as a programmatic outcome.

Swelling support for higher education in prison positions it as a remedy of sorts – as the means to reduce reimprisonment by aiding in successful reentry. Yet, anchoring the justifications for higher education in prison within a framework of reduced recidivism is inadequate and dehumanizing (Castro, Brawn, Graves, Mayorga, Page, & Slater, 2015). As others continue to thoughtfully articulate (e.g., Ginsburg, 2014; Lewen, 2014; Meiners, 2017; Scott, this volume; & Stern, 2014), justifying college-in-prison primarily via the language of reduced recidivism does not sufficiently capture what higher education in prison is currently doing – nor what is possible. I want to think with and contribute to these conversations about the use of reduced recidivism as a rationale for higher education in prison by centering the dynamics of race and racism.

The scope of formal higher education inside prisons is wholly shaped by the reasons *why* such opportunities should be made available. In other words, the desired outcomes dictate the experiences made available, as in all educational contexts. Recidivism as the dominant desired outcome of higher education in the specific context of prison demands a particular kind of intervention, and in a society where Black, African American, and Latinxs are overly targeted for incarceration (Alexander, 2012; Nellis, 2016; Stevenson, 2015), rationales of reduced recidivism are disproportionately mapped onto bodies of Color. In the U.S., where the contemporary prison system is a vestige of centuries of legalized slavery

(Blackmon, 2009; Gleissner, 2010; Reed & Smith, 2017; Smith, 2004; Spivak, 2012), deep investments in white supremacy continue to fuel the logic and language of mass punishment.

I find myself thinking about the language of reduced recidivism because I am leading the launch and development of a college-in-prison program at a large research-intensive public university. With encouragement from leadership on my campus, we began offering postsecondary coursework and programming to two groups of students in Fall 2017 inside a Utah State Prison. As a graduate student, I had the opportunity to work with a progressive college-in-prison program at a large Land Grant university. I've also had the pleasure to create scholarship, publish, and learn in collaboration with incarcerated scholars (Castro, Brawn, Graves, Mayorga, Page, & Slater, 2015; Castro & Brawn, 2017). Recently, I served as a strategic organizing member for the Alliance for Higher Education in Prison, a national organization whose mission is to support the expansion of quality higher education in prison, empower students in prison and after release, and shape public discussion about education and incarceration. In combination with these experiences, I am a social science researcher who studies processes of education from critical paradigms; paradigms that elevate the systemic nature of persistent inequality and suffering. I am deeply committed to educational equity and justice as both a human and a scholar/teacher/learner in the academy, and most recently, as a director of a college-in-prison program. Because of these experiences and commitments, I am drawn to issues of higher education quality (e.g., see: Castro, Hunter, Hardison, & Johnson-Ojeda, 2018).

I would like to be clear from the onset that I recognize the importance of reduced recidivism discourse and its very real impact in the lives and livelihoods of people, communities, families, and the broader society. I take very seriously the need for college-in-prison programs to secure buy-in from a wide range of stakeholders and to measure impact and outcomes in dominantly endorsed and recognized ways. I do not wish for anyone to return to prison, in much the same way I do not wish imprisonment upon my non-incarcerated students. My exploration here is to consider how dominantly endorsed and recognized ways of measuring educational impact and outcomes – specifically an uncritical focus on reduced recidivism – emerge from systemic bias; that is, from dispositions that originate and exist in a world that accepts racial inequality as normal and often, justified. Thus, I am not arguing for or against the language of reduced recidivism as it relates to colleges in prison. Depending on the audience, I use the language of reduced recidivism when advocating for our program in Utah. Rather, I would like to think through what using this colorblind language means. I am interested in exploring the productive nature of the relationship between higher education in prison and the language of reduced recidivism: what does justifying college-in-prison via reduced recidivism *do*?

My gesture in this essay is that the language of reduced recidivism *does* precisely what many people in the emerging field of higher education in prison, myself included, do not want it to do: contribute to state violence that is disproportionately enacted against people of Color. I believe that directors, instructors, students, and supporters of college-in-prison programs have an opportunity to thoughtfully expand the reasons for higher education in prison and to counter public discourses focused on recidivism as part of a commitment to anti-racist praxis.

What is Recidivism?

According to the National Institute of Justice (n.d), recidivism refers to a “person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime” (para 1). Recidivism is currently measured by “rearrest,

reconviction or return to prison with or without a new sentence during a three-year period” following release (para 1). The National Institute of Justice (n.d.) describes recidivism in the following way:

Recidivism is one of the most fundamental concepts in criminal justice. It refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime. Recidivism is measured by criminal acts that resulted in rearrest, reconviction or return to prison with or without a new sentence during a three-year period following the prisoner's release. (para. 1)²

The above definition is contentious, however, because differing definitions of recidivism exist and consequently require different measurements (Maltz, 1984, 2001). In her analysis for The Marshall Project, Goldstein (2014) points out that the math of recidivism can be misleading. Goldstein argues that a shared definition of recidivism does not exist and as a result, some studies include, “violating parole, breaking the law, getting arrested, being convicted of a crime, and returning to prison [while] Other studies count just one or two of these events as recidivism, such as convictions or re-incarceration” (para. 6). Warning against oft-circulated statistics that point to widespread decreasing rates of recidivism, Goldstein calls for more thoughtful engagement with recidivism as a metric. She is not alone (see: Maltz, 1984, 2001; Scott, this volume). Inconsistencies in definitions, the time periods upon which the studies are based, and the self-reporting of individuals who break the law but who are not penalized all complicate a shared and accurate measurement of recidivism. Moreover, the incessant emphasis on individuals rather than on systems further complicates an accurate understanding of recidivism. Thus, the problem of recidivism is not really a problem of recidivism (i.e., returning to prison) – but a symptom of a much broader lattice of social forces.

Turning toward higher education in prison as a potential corrective for national recidivism rates may seem innocuous, but recidivism rates currently exceed 67.5 percent (Durose, Cooper, & Snyder, 2014), based upon standardized definitions of recidivism. Current recidivism rates throughout the U.S. are astounding; nearly half of released individuals are reimprisoned within eight years of release (U.S. Sentencing Commission, 2016). Almost three-quarters of individuals released from prison will be returned to prison with the majority of individuals returning within the first year of release (Durose, Cooper, & Snyder, 2014). Recidivism rates are a nationwide crisis, but positioning higher education in prison as *the* answer – or even a serious solution to such a complicated problem, is short-sighted and misguided. If recidivism rates were to magically reduce tomorrow, what would be the primary justification for higher education in prison? Does the work of higher education in prison stop if recidivism rates are reduced to an agreed upon acceptable number, whatever that might be? The answer, of course, is no.

² I'd like to point out that while the National Institute for Justice is a reputable source for information of this nature, their definition of recidivism is overly-reliant upon individuals/individualism and does not trouble nor point to systemic forces that push people into prisons and other institutions of confinement.

The Relationship Between Racism and the Language of Reduced Recidivism

I. Reduced recidivist logic

In her 2016 plenary session at the National Conference on Higher Education in Prison, Lois Davis, policy analyst for the RAND Corporation, exemplified the *treatment framing* of higher education in prison when discussing and advocating for what she referred to as “correctional education” in prison.³ In one of the last PowerPoint slides of her presentation titled, *Measuring Program Dosage*, she asked the audience the following question: “What dosage is associated with effective correctional education programs and how does it vary for different types of students?”⁴ Correlating the provision of higher education in prison to medical treatment of incarcerated people – in a country with an egregious history of abuse and unethical experimentations on people incarcerated – is a problem that I do not have the space to expand upon in this essay (see, for example: Holmesburg, Rankin State Prison Farm, San Quentin, Stateville, and others). However, the “treatment framing” is important to acknowledge because it is widespread, and it is a function of reduced recidivist logic. Through such framing, access to postsecondary education inside prisons is provided as a potential fix to what appears to be large individual rates of crime and unsuccessful individual attempts at reentry.

The language of antirecidivism as the rationale for higher education in prison, thus, individualizes the deeply systemic problem of mass incarceration. One of the consequences of an individualizing narrative is the ability to narrow the scope of what is possible, of ultimately what is seen. In the context of justifying higher education in prison, the language of reduced recidivism functions to obscure the causes of mass confinement and the deeply racialized nature of the U.S. prison and punishment system (Alexander, 2012; Barish, DuVernay, & Averick, 2016; Blackmon, 2009; Dilts, 2014; Lay, Western, von Baldigg, & Coates, 2015; Spivak, 2012; Smith, 2004; Stevenson, 2015).

According to Dilts (2014), hyperincarceration consists of two interlocking features: scale and concentration. Among the 1% of the population currently detained inside prisons, an overwhelming majority of these individuals are African American and Latinx (Alexander, 2012; Stevenson, 2015) and enter prison without a GED or high school diploma (Pew Charitable Trust, 2010). Between 1970 and 2010, nearly all of the 700 percent increase in incarceration was concentrated among those with no formal college education (National

³ There are important distinctions between correctional education and higher education in prison. Correctional education, evident in its name, originates from a deficit paradigm (see: rehabilitative and medical models of prisons), thereby assuming the incarcerated subject needs to be reformed. The leading association for correctional education in the U.S., The Correctional Education Association, states in its mission that they aim, “To prepare correctional students for a successful reentry into society by equipping them with academic, career/technical, and personal/social skills” (<https://www.ceanational.org/goals.htm>). Quality higher education in prison programs reject the premise of pathology and instead treat students in prison as students. For more information on definitions of education and higher education in prison, see: Castro, E. L., Hunter, R., Hardison, T., Johnson-Ojeda, V., & Crossland, S. (2018). The landscape of postsecondary education in prison and the influence of Second Chance Pell: An analysis of transferability, credit-bearing status, and accreditation. *The Prison Journal*.

⁴ The slide titled, *Measuring Program Dosage*, prominently displays a syringe with what appears to be liquid medicine dripping from the bottom of a medicine dropper. Language on the slide includes: “overall program duration,” “number of hours of work assignments outside of class,” “number of hours/week of formal instruction,” and the statement: “Lack of dosage information means little to no empirical evidence to inform decisions on ‘how much’ CE [correctional education] is necessary to produce a change in the desired outcomes.”

Research Council, 2014). Positing higher education in prison as the means to reduce such rates may be attractive, but as a rationale, it deserves our careful attention. Such framing can serve to solidify and/or normalize power relationships between the state and the incarcerated subject by keeping the formerly incarcerated in compulsory association to state goals. Moreover, constructing higher education as a solution to extreme recidivism rates only further threatens to obscure the larger economic, political, and social contexts that undermine individuals' post-incarceration lives in society – such as the difficulties in securing sustainable and meaningful employment, affordable and safe housing, quality education, among other human endeavors that are disproportionately more difficult for communities of Color (Brown, 2010; Nixon, Clough, Staples, Peterkin, Zimmerman, Voight, & Pica, 2008).

II. Race and punishment

The propensity to become incarcerated is racialized, with greater lifetime likelihood of imprisonment the highest among Black men, Latino men, and Black women (Bonczar, 2003). According to the U.S. Bureau of Justice Statistics (2003), the likelihood of being incarcerated is 1 in 111 for white women, 1 in 18 for Black women, and 1 in 45 for Latina women (Bonczar). Current statistics of male imprisonment are similarly racialized: 1 out of every 106 white males is in prison, 1 out of every 36 Latino males is in prison, and 1 out of every 15 Black males is in prison (Pew Center on the States, 2009). In 2014, 6% of all Black males ages 30 to 39 were in prison, compared to 2% of Latinos and 1% of white males in the same age group (Carson, 2015). Because of the ways our current criminal system tracks individuals, it is difficult to accurately discern incarceration, recidivism, and lifetime likelihood of imprisonment rates for transgender, non-binary, and gender non-conforming people. A 2011 survey of 6,456 people, administered by the National Center for Transgender Equality, found that nearly one in six transgender people (16%) (including 21% of transgender women) have been incarcerated at some point in their lives and among Black transgender people, nearly half (47%) have been incarcerated at some point (Grant, Mottet, Tanis, Harrison, Herman, & Keisling). Transgender people, and especially transgender people of Color, are routinely the site of carceral state violence through processes of criminalization.

In twelve states, more than half of the prison population is Black. These states include: Alabama, Delaware, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, New Jersey, North Carolina, South Carolina, and Virginia. Maryland, whose prison population is 72% African American, tops the nation (The Sentencing Project, 2016). On average, Blacks and African Americans receive almost 10% longer sentences than whites arrested for the same crimes. According to Rehavi and Starr (2012), at least half of this gap can be explained by initial charging choices, “particularly the filing of charges carrying mandatory minimum sentences” (p. 3). Rehavi and Starr (2012) found that prosecutors are almost twice as likely to file mandatory minimum charges against Black and African American individuals than whites.

Black and African American defendants are more likely than whites to be incarcerated while awaiting trial (National Academy of Sciences, 2014). Blacks, African Americans, and Latinxs are more likely to be ticketed and searched during traffic stops than white people (Langton & Durose, 2011). When making arrests, police are more likely to use force against Blacks and African Americans than they are against white people. Specifically, police are 3.6 times more likely to use force against Blacks and African Americans according to the Center for Policing Equity (2016), and their findings suggest that, “crime rates are an insufficient explanation for disparities in the application of police force” (Goff, Lloyd, Geller, Rachael, &

Glaser, 2016, p. 18). While drug use is relatively equal among different ethno-racial populations, Blacks and African Americans are arrested at a rate more than twice their percentage in the population, at 29 percent (U.S. Department of Justice, 2014).

Over 65 percent of incarcerated people serving life without parole for nonviolent offenses are Black or African American (American Civil Liberties Union, 2013). Blacks and African Americans are more likely to be convicted of crimes they did not commit as well. According to The National Registry of Exonerations (2017), researchers examined the 1,900 exonerations reported between 1989 and October 2016 and found that while African Americans comprise only 13 percent of the population, they comprise 47 percent of those who were exonerated. Blacks and African Americans are seven times more likely than whites to be wrongfully convicted of murder, and cases where Black people were exonerated were 22 percent more likely to involve police misconduct than cases involving white people.

Tracking black and brown bodies into the punishment system begins early. In 2010, there were approximately 70.5 million youth aged 10-17 in the U.S.; 59 percent were white, and 41 percent are were people of Color (National Conference of State Legislators, 2011). According to the Sentencing Project (2014), while African Americans and Blacks comprised 17 percent of all juveniles in the U.S. in 2010, they constituted almost one-third, 31 percent, of all arrests. For further discrepancies in that same year, it is worth quoting the 2011 *Juvenile Justice Guide Book for Legislatures* at length:

African American and Black youth represented 42 percent of those detained [in 2010, throughout], 39 percent of those placed in a residential facility, 32 percent of those on probation, 35 percent of those adjudicated, 40 percent of those transferred to adult prison, and 58 percent of those sentenced to prison...In short-term juvenile detention facilities, 42 percent of inmates are African American, 25 percent are Latino and 30 percent are white. In long-term secure juvenile facilities, 40 percent of inmates are African American, 29 percent are Latino and 32 percent are white. In adult facilities, 36 percent of juvenile inmates are African American, 24 percent are Latino and 25 percent are white. From 2000 to 2008, the percentage of Latino youth in adult prisons increased from 12 percent to 20 percent. (p. 1)

Overrepresentation of people of Color in the juvenile justice system is not limited to secure detention and confinement. Using data from the U.S. Department of Justice (2012), the Sentencing Project (2014) states that “juvenile minority representation is...evident at nearly all contact points on the juvenile justice system continuum” (p. 1). Bias is present throughout the entire system, as highlighted in the report:

The discrepancies do not stop with arrests. Among those juveniles who are arrested, black juveniles are more likely to be referred to a juvenile court than are white juveniles. They are more likely to be processed (and less likely to be diverted). Among those adjudicated delinquent, they are more likely to be sent to secure confinement. Among those detained, black youth are more likely to be transferred to adult facilities. The disparities grow at almost every step. (p. 2)

Finally, and this is certainly not an exhaustive list, felony disenfranchisement laws have racially disparate impacts on people post-incarceration, negatively affecting people of Color at rates unparalleled by the experiences of whites (The Sentencing Project, 2016). As Dilts (2014) points out, voting disenfranchisement laws disproportionately target African

Americans. Of the 5.3 million adults who cannot vote because of felony-class criminal convictions, a full third are African American, “effectively disenfranchising nearly 8 percent of all adult African Americans in the United States” (p. 1). In almost all circumstances, voting disenfranchisement is for life.

III. Race and recidivism

Because the U.S. punishment system is racially prejudicial (Alexander, Bonczar, 2003; 2012; Nellis, 2016), tracking recidivism disproportionately affects people of Color. The rate at which formerly incarcerated individuals are returned to prison is correlated with race – and emerging studies find that race is indeed a predictor of recidivism. McGovern, Demuth, and Jacoby (2009) examined differences in the likelihood of recidivism among white, Black, and Latinx individuals released from prison. They used Bureau of Justice Statistics data that track a cohort of individuals for three years after their release in 1994 from state and federal prisons and three different recidivism measures: rearrest, reconviction, and reincarceration. Overall, they found that White individuals released from prison have the lowest levels of recidivism and Black individuals have the highest levels of recidivism. Latinx recidivism levels are between those of White and Black released individuals. Using the same Bureau of Justice Statistics dataset, Langin and Levin (2002) found that,

- Blacks were more likely than whites to be rearrested: 72.9 percent versus 62.7 percent;
- Blacks were reconvicted: 51.1 percent versus 43.3 percent;
- Blacks were returned to prison with a new prison sentence: 28.5 percent versus 22.6 percent;
- Blacks were returned to prison with or without a new prison sentence: 54.2 percent versus 49.9 percent.

In 2010, Wehrman examined contributions to recidivism by researching the possibility of interaction between concentrated disadvantage and race. Using data collected in Wayne County Michigan from 1996-2001, the research showed that race strongly predicts recidivism. Wehrman states that, “the most important finding was the reinforcement of the strength of race in predicting recidivism” with “Blacks at a greater risk of recidivism than whites” (p. 543; 542). Importantly, race in Wehrman’s study remained significant after accounting for a number of control variables, including education, marriage, prior convictions, age, and drug and alcohol abuse. Despite controls, “race remained a resilient and significant predictor of recidivism” (p. 543).

Similarly, Vilchinskas’ (2013) research demonstrates a statistically significant relationship between re-arrest and race. Using a Connecticut Department of Corrections dataset consisting of men released from custody in 2004, Vilchinskas examined if and to what extent there were any statistically significant differences in race, specifically among whites, African Americans, and Latinxs in regards to recidivism. Among white individuals, 59.3 percent had been re-arrested after release. Among African Americans, 81.3 percent had been re-arrested and of Latinx individuals, 72.2 percent had been rearrested. Vilchinskas’ results showed a statistically significant relationship between re-arrest and race, with African American, Black, and Latinx individuals more likely to be re-arrested after release than whites.

Taken together, reduced recidivist logic and treatment framing, the relationship between race and punishment, and the correlations between race and recidivism point to recidivism as a racially bias metric. Tracking recidivism is not a neutral endeavor and using recidivism as *the* marker of success for higher education in prison necessitates an intimate engagement with a racist system of punishment by relying upon the metrics of that very system to prove success. The evidence demonstrates that recidivism reveals less about an individual's behavior than about a social system that systemically disadvantages people of Color. Coupled with statistical incongruences and lack of universal understandings in measurement and usage, recidivism is ultimately a weak and flawed metric to convey the power of higher education in prison.

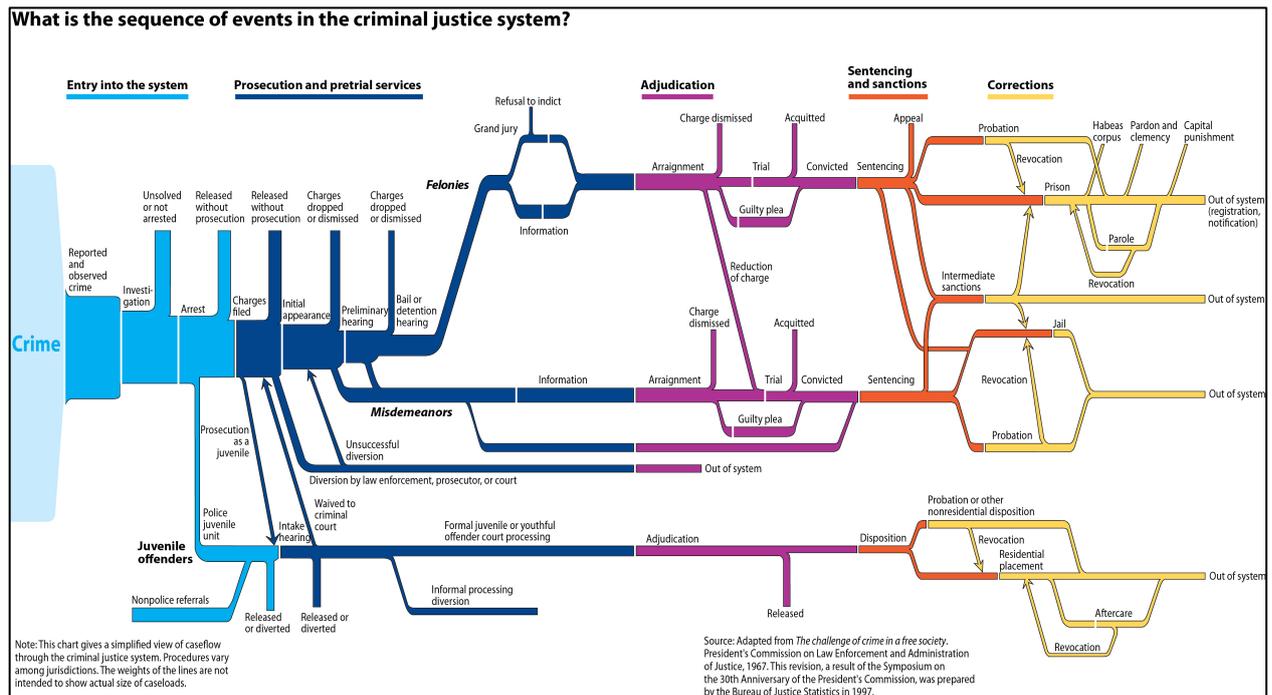
Reduced Recidivism Logic as Fueling Racism

Thus far, I've tried to convey that one of the ways racism is perpetuated is through a framing of recidivism as a significant rationale for college in prison programming. When the primary purpose of higher education in prison is reduced recidivism, that stated purpose necessarily fuels a racially prejudicial system because college-in-prison programs must rely on mechanisms of the state to prove themselves worthy. Drawing upon the previous section and Browne's (2015) work on racializing surveillance, I next focus on two ways that higher education in prison is implicated in strengthening carceral logics when reduced recidivism is prioritized as a program goal.

Reduced recidivist logic as carceral state violence

Over the last three decades, the carceral state has swelled to encompass political, ideological, and financial interests that together sustain deep investments in the perpetuation of prisons and punitive mechanisms of social control (Gottschalk, 2015; National Academy of Sciences, 2014). The massive sprawl of the carceral state and the proliferation of prison culture have led to a commonsense acceptance of prisons as staple fixtures in U.S. life (Davis, 2003). The dominant notion of recidivism is predicated upon a linear sequence of human engagement with the processes of mass confinement (see Figure 1). An individual enters the penal system through arrest, attends prosecution and pretrial services, participates in adjudication, sentencing, and sanctions, engages with prisons/jails, and then, potentially, is reimprisoned. A linear model demands individualism; a person is sent back to prison because of an individual choice or set of choices they make after release from confinement. A focus on recidivism and successful reentry, then, individualizes the process, placing the burden of responsibility for not going back to prison solely upon previously incarcerated individuals (Maltz, [1984], 2001). One of the errors in this theorization is that the problem of recidivism is a systemic one, not an individual one. Extraordinary recidivism rates are the result of a complex set of arrangements working (effectively or not) to propel people of Color, lower income populations, undereducated communities and related disenfranchised groups into criminal systems (the same failure of systems that created the context for incarceration in the first place).⁵

⁵ For an excellent breakdown of who is targeted for incarceration and who is currently under carceral control, including where and why, see: Wagner, P & Sawyer, W. (2018, March 14). Mass incarceration: The whole pie. *The Prison Policy Initiative*. Retrieved from: <https://www.prisonpolicy.org/reports/pie2018.html>.



Bureau of Justice Statistics (n.d.). *The Justice System. What is the sequence of events in the criminal justice system?* Retrieved online: <https://www.bjs.gov/content/justsys.cfm>

Browne's (2015) work in racializing surveillance is useful in situating race and racism as lenses to understand and reread the language of recidivism. Specifically, and drawing from Winant (2012), Browne elevates processes of racialization by positioning anti-Black violence as a foundation of contemporary surveillance practices – such as the systemic monitoring of recidivism. She situates anti-Blackness as a key site through which surveillance is practiced, arguing that deep investments in racism work to sustain and rationalize contemporary monitoring and tracking practices. Browne is concerned with the violent and normalized regulation of Black mobility (and in this case, also literacy) and how that regulation has become routine. When multiple layers of surveillance practices, such as parole, probation, or ankle monitoring, for example, coalesce, those practices work together to sustain and *justify* the present social order. The present social order is radically unequal and part of the reason social disparities remain – including inequalities along dimensions of class, race, gender, ability, citizenship status, language, and related identity-based strata, is because surveillance practices overly target systemically disenfranchised communities.

Browne proposes a concept called *racializing surveillance*, where she pushes for documentation when enactments of surveillance, such as tracking recidivism, strengthen boundaries along racial lines. Important for the present analysis, is documenting the outcomes of those surveillance practices when the results are often violent and/or discriminatory treatment (such as denying people in prison the opportunity to participate in college if they have a long or life sentence or denying programs money because they haven't proven themselves successful because of high recidivism rates). In the specific context of higher education in prison, the extent to which an emphasis on reduced recidivism reifies racial boundaries is key; that is, the extent to which reduced recidivism as a justification for higher education in prison is raced and therefore invites discriminatory and violent treatment, is central to understanding the language of recidivism in this particular context as racialized. For Browne (2015), surveillance practices are not race neutral and therefore, any surveillance practice that fuels racial discrimination is an enactment of white supremacy, which would

include using recidivism as a dominant justification for college-in-prison. Mechanisms associated with the carceral system, from heightened police surveillance in lower income neighborhoods and/or communities of Color to racial disparities in criminal sentencing, to the school-to-prison nexus to felony disenfranchisement laws, all function as a type of racializing surveillance.

Reduced recidivist logic as reifying criminalized subjectivity

The social currency of reduced recidivist logic is a function of hyperincarceration, wherein the rationing of postsecondary education in prison is seen as reasonable only insofar as it may prevent re-incarceration. This logic is most often framed by emphasizing education's seemingly simplistic value-added role in reducing recidivism: "receiving correctional education while incarcerated reduces an individual's risk of recidivating after release" (RAND, 2014). When the purposes of higher education in prison are solely anchored in a rationale of reducing recidivism, students are dehumanized because it constructs the incarcerated subject as eternally criminalized (Foucault, 1977).

In his work on punishment and inclusion, Dilts (2014) shows how criminalized subjectivity fuels a permanent social disenfranchisement for people inside and outside of physical prisons. Through a genealogical tracing and theorization of criminalized subjectivity in the U.S., Dilts shows how persistent white supremacy and felon disenfranchisement structure a broader political system that promotes a logical exclusion of people with felon histories. Using the concept of membership, he argues that systemic punishment in the U.S. is intimately related to inclusion and exclusion in society, and in this regard, broad-based felon disenfranchisement moves well beyond the ballot box for it fuels a system of racial subordination and domination that is "continually reestablished and maintained through the current electoral system" (p. 5).

Dilts is useful in thinking through how labeling people as 'felons' – or 'criminals' – has far-reaching consequences beyond whether or not someone is funneled back to prison. In previous work along with coauthors (Castro, Brawn, Graves, Mayorga, Page, & Slater, 2015), we argued against reduced recidivist logic as the gold standard rationale for access to higher education in prison because of what it necessitates: an eternal criminalized subject. We asserted that reduced recidivist logic feeds criminalized subjectivity, a necessary apparatus of the carceral state. In effect, if reduced recidivism is the primary goal of higher education in prison, then the provision of higher education in prison only makes sense because the individuals inside *are* criminals. We stated:

Providing postsecondary education in prisons through such logic, then, is parasitic upon a criminalized subjectivity, where the reasons for providing access is to ensure that incarcerated people will contribute to society in permissible ways and not return to prison...Even amid higher education's best intentions, reduced recidivism as a rationale for access does not allow formerly incarcerated people to be seen as people, but only as criminals: former criminals, reformed criminals, relapsed criminals, but always, criminals (p. 28)

Invoking reduced recidivism as the primary reason to make available higher education in prison reifies criminalized subjectivity by positioning incarcerated people as objects to be reformed (Foucault, 1977). Contemporary recidivism rates indicate that an emphasis on "corrections" and/or "reform" is simply not working in the best interests of incarcerated, formerly incarcerated, and/or soon-to-be incarcerated people. Justifications for providing

access to higher education during incarceration insofar as that access will reduce contemporary recidivism rates makes little sense in a sociopolitical climate where formerly incarcerated people are stripped of their abilities to participate in most aspects of social life. In 2018, a person with a felony conviction on their record will face obstacles in *at least* the following areas: employment, housing, military service, holding public office, the right to bear arms or own guns, parental rights, travel, public social benefits, jury service, education, and voting, among associated undocumented and difficult-to-document challenges.⁶

Through the work of felon disenfranchisement, a sub population of non-citizens is created. This population is rendered as unworthy of citizenship and human rights, which is the reason why the language of reduced recidivism makes sense in the particular context of higher education in prison – and not higher education in non-carceral contexts. Justifying higher education outside of prison through the language of reduced recidivism makes little sense, unless one has reason to believe currently non-incarcerated students are on a path to prison. Schneider and Ingrahm’s (1993) concept of the social construction of target populations is useful here. As a political phenomenon, their theory asserts that social constructions of particular communities – such as communities constructed as “at risk” – influence policy agendas and associated rationales for choosing particular policy paths. Because of the widespread disenfranchisement faced by incarcerated and formerly incarcerated people, frequently referred to as “civil death”⁷, a theorization that connects the ways incarcerated people are constructed in the social imagination to dominant policy rationales (such as access to higher education) may be helpful in understanding why certain narratives garner social currency. As Schneider and Ingrahm (1993) contend, “Persons who are both powerless and negatively constructed will have mainly negative experiences with government” and the dominant messages that circulate are that “they are bad people whose behavior constitutes a problem for others” (p. 342). As negatively constructed subjects, incarcerated and formerly incarcerated people face extraordinary stigma within most facets of U.S. society and are largely treated as problems to be reformed via public policy.

Requiring that higher education in prison work to reduce recidivism is an example of target population discourse. If the language of reduced recidivism only applies to formerly incarcerated people (it cannot function for currently incarcerated people because recidivism is irrelevant), then formerly incarcerated people are the subgroup for which this discourse singularly applies. The fact that communities of Color are excessively targeted by incarceration matters for this point, too: criminalized subjectivities are disproportionately projected onto bodies of Color and in a broader context of white supremacy, such projections seem rational and fair. Resisting these connections must become the work of higher education in prison – and continue for those programs already engaging such praxis, if college-in-prison is to meaningfully enact anti-racist social change.

⁶ For more, see: The Sentencing Project. (2016). *Felony disenfranchisement: A primer*. Retrieved online: <http://www.sentencingproject.org/wp-content/uploads/2015/08/Felony-Disenfranchisement-Primer.pdf>

⁷ Civil death refers to the loss of almost all civil rights and privileges on behalf of an individual who has been convicted of a serious crime. Felon disenfranchisement and collateral consequences of criminal conviction (i.e., additional civil state penalties) work together to produce a ‘death’ in the civil world because the individual convicted of a crime is not permitted to participate in almost all aspects of civil-social life. For more on the history and permanence of civil death in the U.S., see: Chin, G. J. (2012). The new civil death: Rethinking punishment in the era of mass conviction. *University of Pennsylvania Law Review*, 160, 1789-1833.

Toward Anti-Racist Praxis

College-in-prison programs exist in a broader social and political context of enduring racism. The inertia of white supremacy is fierce. As the field of higher education in prison grows, it will be important for prison-university efforts to carefully consider the reasons for their partnerships and how they want to measure success. For college-in-prison programs concerned with racial inequality and justice – as all programs should be – it is essential to proactively resist the desires to simplify the work by solely turning to metrics like recidivism to demonstrate success. As a number of authors in this volume contend, students deserve more and it is an opportune time to educate the public about the purposes of this work. Anti-racist praxis requires that we – as directors, instructors, supporters, and stakeholders of college-in-prison, recognize and call out patterns of racial subjugation that may appear fair or logical. As part of this work, it is on us to fortify the racially colorblind outcomes conversation with more meaningful and accurate descriptions of the power of college-in-prison, including the power to reduce racial inequality. Some questions to consider in approaching the work of anti-racism may include:

- How should college-in-prison programs function in the broader context of white supremacy?
- In what ways do college-in-prison programs tacitly endorse racial colorblindness and how can they work against it?
- How can college-in-prison programs contribute to a more robust and accurate understanding of measuring impact and experiences in a context of racial discrimination?
- If and to what extent do college-in-prison programs replicate racial bias and privilege, and how they can work against the forces of systemic racism?

When higher education must prove itself valuable because it keeps people out of prison in a context where great incentives exist for keeping people in prison, college-in-prison programs are at a disadvantage from the outset. Other social forces are pushing for broader rates of incarceration, specifically targeting communities of Color, and higher education cannot be held responsible for that expansion. Nor should higher education in prison be framed as having a single negative good (that is, something that prevents something else: e.g., keeping adults out of prison) but rather we should also realize this is an opportunity and responsibility to expand our understanding of higher education in prison as a positive good, such as opening critical conversations and projects, providing conceptual tools for self and community enhancement, reconnecting people to their own projects involving thought and creativity, among related social projects promoting social healing, civic engagement, and human flourishing. Indeed, we should think about college in prison in much the same ways we think about college more broadly. Taking higher education as an experience more seriously requires that it is not seen as purely instrumental or as simplistically causal in its relationship to mitigating rates of incarceration.

Expanded access to quality higher education during incarceration is necessary. Increased exposure and funding, and the growing support from national networks is promising. Yet, we should also remain cautious to the reasons underlying this moment of swelling support. As we envision a future of higher education in prison as disentangled from carceral control and in pursuit of what Sudbury (2016) refers to as “countercarceral praxis” (p.

18), we will want to hold onto the commitment that it matters not simply who is provided access to higher education, but why. College-in-prison programs can and should work against the forces of systemic racism, and rethinking the language of reduced recidivism as a rationale for the work is a worthwhile place to begin.

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