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Motherhood, Blackness, and the Carceral Regime

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Motherhood, Blackness, and the Carceral Regime

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Abstract

Motherhood, Blackness, and the Carceral Regime

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In light of the phenomenon of mass incarceration in the United States, black women have become the fastest growing incarcerated population in the U.S. Given the fact that more than 75% of incarcerated woman are the primary caregiver for at least one child under the age of 18 the growing incarceration of black women results in the separation of many black mothers from their children. This assault on black motherhood is part of a historically persistent practice of subjugation, control, and maintenance over black women's reproduction and bodies starting from slavery. This report will not only map this repressive trajectory into the present, but it will also focus on examining black motherhood through the lens of mass incarceration. Furthermore, this report will not only attempt to situate the enduring practice of black women's subjugation within larger discourses around racism, sexism, oppression, state control, domination, and power but also within an understanding of manifestations of embodied blackness.

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Introduction

I cannot recall you gentle.
Through your heavy love
I have become
an image of your once delicate flesh
split with deceitful longings.
When strangers come and compliment me
your aged spirit takes a bow
jingling with pride
but once you hid that secret
in the center of furies
hanging me
with deep breasts and wiry hair
with your own split flesh and long suffering eyes
buried in myths of no worth.

-Audre Lorde "Black Mother Woman"

This report will be an attempt to think through black motherhood through the present phenomenon of mass incarceration. It will also stand as the beginnings of the theoretical foundations for my future ethnographic work on incarcerated mothers in the state of Texas. Although work on incarceration and its effects and overrepresentation in the black community is not new, centering the black woman's experience as well as her experience as a mother within the context of state perpetuated confinement is an understudied area. Although studies on incarceration and mothers are growing fields of interest, it should be reiterated that it is very rare that the black woman is centered in the process. Given, the legacy of exploitation and physical and symbolic violence against black women, their bodies, and their families in the United States, it is crucial to foreground black women's experiences in order to fully understand larger processes of control and domination. The Combahee River Collective, a group of radical black

feminists, comment on the lack of attention to black women's experience when they state that

> …merely naming the pejorative stereotypes attributed to black women (e.g. mammy, matriarch, Sapphire, whore, Bulldagger) let alone cataloguing cruel, often murderous treatment we receive indicates how little value has been placed upon our lives during four centuries of bondage in the Western Hemisphere. (Anzaldua and Moraga, 212)

Furthermore, the Collective's statement speaks directly to understanding the place of black women's treatment within larger discourses of oppression when they state that

> There is a very low value placed on Black women's psyches in this country which is both racist and sexist…We might use our position at the bottom, however, to make a clear leap into revolutionary action. If black women were free it would mean that everyone else would have to be free since our freedom would necessitate the destruction of all systems of oppression. (213)

For black women in the United States motherhood has historically been a contentious issue. The representations of this hyper scrutinized condition, as played out in the lives of black women, ranges from the valorized and indestructible black/mother/goddess to the vilified and pathological welfare queen. Although, these two depictions may seem at first glance to be completely conflicting, they begin to converge

in the sense that both are externally assigned, and both are stereotypes that fail to center the lived experiences, standpoints, and understandings of the woman and mother. Regardless of the direction along the continuum of categorization, these conceptualizations of black mothers exhibit the ways in which caricatures are built around varying perceptions of motherhood and how the act of mothering is constantly being monitored, policed, and pigeonholed with the intent of identifying and defining what is good mothering, what is not good mothering, and who is or is not an acceptable and appropriate mother.

It is important to note however, that given the nature of patriarchy, dominion over female bodies, which includes the maintenance of reproduction and female sexuality, and also encompasses the supervision of ideologies around motherhood, has effects on a number of women. Nevertheless, given the intersections and compounded capacities of patriarchy, capitalism, racism, and sexism, black women, experience, as the Combahee River Collective, asserts "the synthesis of these oppressions that create the conditions of [their] lives" (Anzaldua and Moraga, 210). This being the case, and given the particular racial binary and history within the United States, traditional ideologies around motherhood are rooted in histories of anti-black racism that are made to exclude along racial and class based lines. Patricia Hill Collins problematizes this when she acknowledges the investment in the idea of the matriarch or the "strong black women" by black individuals. In particular Collins addresses black men who at times accentuate characteristics such as "devotion, self-sacrifice, and unconditional love-the attributes associated with archetypal motherhood" (Collins, 1999). This is not to the say that these

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attributes are negative. Yet, black motherhood within the context of the United States is an issue that is not only externally contested but is also probed from within the black community. Moreover, overemphasis on these elements may not only fail to acknowledge real social, economic, physical, and mental costs or strains of mothering that effect black women, but it also tends to uphold the restrictive philosophies about motherhood based on ideas of traditional white, middle-class, standards and experiences.

Many feminists and in particular black feminist writers and thinkers have made theoretical contributions that attempt to rethink and reconceptualize heteronormative ways of understanding family structure and the characterizations and understandings of mothering (Collins, 1999; Hooks 1999). Despite the leaps and bounds that these writers and theorists have made and continue to make, they are still competing against a historical and yet continuously present and pervasive tradition of racism, sexism, patriarchy, and capitalism that systematically continues to infiltrate the multiple and daily facets of life for black women and mothers.

Part one of this report will examine the historical legacy of subjugation and the attack on motherhood for black women in the United States starting from slavery. It will not only map this repressive trajectory into the present but will set the stage for a dialogue around the current and endemic phenomenon of mass incarceration in the United States that today incarcerates black women at a higher rate than any other segment of the population[1]. Part two of this paper will address the various ways that the punitive system of gendered (in) justice continues to be reproduced and overarchingly affects

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[1] www.ACLU.org

black women. This section will not only review current literature on incarcerated women but it will also contain a large focus on motherhood and the literature that addresses current and potential solutions to important issues for incarcerated mothers. Finally part three of this report will attempt to locate this perpetual suppression of black motherhood within a discussion around space and manifestations of blackness and will end by considering the transformative potentialities of this punitive gendered, and racialized space.

Chapter 1-From Slavery to Incarceration: The Illegitimacy of Black Motherhood

> *Race has been a constitutive element, an organizational principle, a praxis and structure that has constructed and reconstructed world society since the emergence of modernity, the enormous historical shift represented by the rise of Europe, the founding of modern nation-states and empires, the conquista, the onset of African enslavement, and the subjugation of much of Asia.*
> -Howard Winant, *The World is a Ghetto*

Before outlining the historical and continued presence of racial and gendered subjugation for black women, I would first like to situate this analysis within Howard Winant's framework around race. Winant's construction of race is useful to my argument about black women's subjugation because it attempts to situate the existence as well as the transformations of race temporally. This parallels with the historical manner that I am situating of black women and mother's experiences in the United States for this report. Yet, in order to fully understand black women's experiences, it is also necessary to build upon Winant's framework and connect this understanding of race to the black feminists more gender nuanced understanding of oppression.

In the second chapter of the book *The World is a Ghetto,* Winant presents a historical overview of the role that race has played in the emergence and continuation of modern society. He references the manifestation of race in various aspects of modern formations such as the establishment of empire and nation, capitol and labor, and culture and identity to support his assertion that "the racialization of the world is both the cause and consequence of modernity" (Winant, 3). By locating race as part of the "cause" and

not merely a byproduct of modernity, he opens the door for an understanding of race that situates it not only as an important feature of modern society but as an element that was in actuality crucial to its advent. "There is obviously no one 'event' that marks the onset of modernity," he states.

> All the elements that were unevenly accumulated and accreted to create the modern world had their earlier incarnations: protocapitalist systems for extraction of their states, their metropoles and hinterlands; and cultural logics of identity and meaning can readily be found in the ancient and middle ages. Early forms of racial distinction can be identified throughout these precursive forms of sociohistorical organization. (Winant, 20)

He continues to say that the difference that occurs in modern society is "the global reach and lack of unified rule," henceforth, "Modernity, then, is a global racial formation project" (20).

My purpose for referencing Winant at this point is not to present or begin an in depth historical analysis of race and modernity as he presents in Part I of his book. Instead, I offer his understanding of race within the context of modernity to emphasize the centrality and enduring nature of race in modern society. Foregrounding race in this particular way acknowledges the imbedded presence of race in the social consciousness but allows for a discussion that maps race as well as its varying manifestations within the social structure over time. Furthermore, he asserts that "the race concept will continue to work at the interface of identity and inequality…" (35). Along this same vein, and in grasping the inextricable nature of race as a concept and racial inequality in modern

society, is the idea as expressed by Fanon that racism has also had to adapt itself over time (Fanon, 32). Ultimately, Winant's analysis of race supports the claim that, despite ideas and hopes for a color-blind society, time has not erased race. If racial underpinnings existed prior to the inception of contemporary modern society and contemporary racial understandings, and served as a critical contribution to modernity's geneses, it then follows that race would continue to be an instrumental part of modernity's current structure. "A global racial order remains; transformed, but not transcended" (Winant, 34). This type of understanding about race and racism is extremely important when attempting to chart, as I am in this report, the maintenance of racism and it effects, both historical and contemporary, on black womanhood and motherhood in the U.S. Nevertheless, Winant's racial analysis fails to completely do the work necessary to locate and fully understand black women's experiences and subjugation over time and space. Instead, black feminist thought has provided a more comprehensive framework that not only encompasses race but also the various other manifestations of oppression such as class, gender, and sexuality that operate in the lives and experiences of black women.

An example of the many contributions that black feminists make to understanding the junctures of race, class, gender, and sexuality in black female's daily realities can be found in the book *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture.* Joy James, in the third chapter of her book, recalls, for example, the Anita Hill and Clarence Thomas court case which illuminates the ways in which many times racial and class politics are at times severed from the gender and sexual politics that run alongside of them. James states that "Reductionism is endemic to discussions in which

the politics of sexual harassment are isolated from racial and class politics" (James, 129). For the purposes of this report, I would like to rephrase this statement to say that reductionism is endemic to the discussions of black women in which sexual and gendered politics are isolated from racial and class politics. Within this rephrasing is ultimately the notion of intersectionality as held by many feminists and especially black feminists. My purpose for referencing intersectionality though is not to assert some opinion about the necessity of intersectional analyses within our academic work. Although this is still very important, it also important to note how intersectionality plays out in a very real way with the intermingling of race, class, gender, and sexuality and within the lives of black women.

Just as the aforementioned quotes by the Combahee River Collective, black feminists have made very important interventions that not only acknowledge the importance and influential nature of race but also the ways in which multiple oppressions meet and mingle through the bodies and lives of black women. Just as Winant discusses the longstanding and pervasive nature of race, these other gendered and sexualized manifestations were also very present from the beginning in the lives and histories of black women in the United States. This understanding of black women's positioning with the social fabric in the U.S. is critical to the process of mapping how technologies of power and domination operate via the black female body as well as how they evolve and continue to manifest themselves in the suppression and subjugation of black womanhood and in particular motherhood over the course of time.

Slavery

Slavery marked an important moment in the history of race in the United States. This economic and profit driven institution was a prime example of the way in which race, economics, and exploitation can and do actively coexist. This institution exhibited how the necessity to maintain such a large-scale operation that was contingent upon the forced participation and domination of a suppressed and racialized group resulted in an increased propensity towards violence that was "deemed essential to proper relations of free white persons and black captives and the maintenance of black submission" (Hartman, 83). More importantly, the practice of African enslavement required an instituted racial hierarchy and in particular an ideology and daily practice of anti-black racism that would lay the foundation for race relations, formations, and understandings for years to come. Race, as a pertinent part of the modern social structures, was (and is) inextricably intertwined and inseparable from the existence of patriarchy, capitalistic advancement, and colonial and imperialist expansion. Slavery, also having been a part of this modern process, possessed these same characteristics and it is through this institution that these repressive configurations began to be systematically exercised via the black female body.

Dorothy Robert, in her book *Killing the Black Body,* asserts that "the essence of Black women's experience during slavery was the brutal denial of autonomy over reproduction. Female slaves were commercially valuable to their masters not only for their labor, but also for their ability to produce more slaves" (Roberts, 24). In other

words, black female slaves were not only valuable because of their ability to do work but they were the means for producing, or rather "reproducing" the slave labor force. Maintenance and management of the reproduction and bodies of enslaved black women was crucial to the continuation of the institution of slavery. Nicole Rousseau in her book *Black Woman's Burden: Commodifying Black Reproduction*, acknowledges that

> If the Black U.S. slave experience is exploitive and alienating, then the position of the Black female slave is uniquely dehumanizing in that the success of the very structure that oppresses her immensely relies on her abilities to sustain it through production and reproduction. (Rousseau, 63)

In continuing to unpack the repercussions of enslavement on black women, it is important to acknowledge how the severance of black women from their reproductive agency in practice also resulted in a severance of black women not only from the experiences of mothering their own children but ideologically from access to motherhood period. Much has been written about the effects that slavery had on black families and in particular the broken familial relationships due to forced slave breeding and sale of family members and children on the auction block (Herskovits, 1941; Mintz and Price, 1972; Guttman, 1977; Roberts, 1999)[2]. Ultimately, the enslaved black woman was only associated with motherhood to the extent that she had the ability to physically bear children and by the fact that relegation of the enslaved status of black children was dependent upon the legal status of the enslaved and propertied women. Saidiya Hartman

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[2] I site these particular authors only to note the history of work and research done on the black family during slavery and not to make any claims about the soundness of the analyses or arguments of these particular authors about the black family.

in her book *Scenes of Subjection* expounds upon this relationship between slavery and motherhood when she states that

> Motherhood was critical to the reproduction of property and black subjection, but parental rights were unknown to the law. The negation was effected in instances that ranged from the sale and separation of families to the slave owner's renaming of black children as a demonstration of his power and domination. The issue of motherhood concerned the law only in regard to the disposition and conveyance of property and the determination and reproduction of subordinate status…The law's concern with mothering exclusively involved questions of property… (Hartman, 98)

Given this, not only was black motherhood an illegitimate and inconsequential concept during slavery but it was in effect non-existent.

It is important to note that running parallel to the economic utilization of black female bodies during slavery are the ideological underpinnings that also support this practice of exploitation and control. Stereotyping black women as less than human allowed for the participation of white individuals in these violent acts of domination and repression. For example, not only could black women be used as economic vessels but their bodies were also at the disposal of the plantation owners to be used for sexual pleasure. Rape was such a rampant occurrence that, as sited by Dorothy Roberts, "the classification of ten percent of the slave population in 1860 as 'mulatto' gives some indication of the extent of this abuse" (Roberts, 29). Connecting rape to the historical

attack on black motherhood is pertinent for two reasons. First and foremost, and as alluded to in the previous quote by Roberts, the rape of enslaved black women many times resulted in the pregnancy of the woman. This occurrence provided an opportunity for the slave master to then participate in the active replenishment of his own labor force. Furthermore, it is important to locate reproductive agency alongside rape and other incidences of sexual violence in order to fully comprehend the greater ideological significance of sexual control and power.

Jennifer Wriggins in an article entitled "Rape, Racism, and the Law" asserts that raping black women was in fact a "weapon of white supremacy" (Wriggins, 118). This short and yet weighty statement embodies some of the most significant points needed to understand the symbolic, ideological, and physical implications of sexual violence for black people during slavery. Wriggins' particular word choice in this statement evokes, what seem to be very appropriate imageries of combat and war. One author, Joane Nagel discusses the role that sexual violence and rape plays in time of war. She maintains that

> Sexually taking an enemy's women amounts to gaining territory and psychological advantage. In countries around the world, rape often is seen as a polluting action, a way to soil the victim actually and symbolically, sometimes extending beyond the moment of violation when victims are mutilated or when pregnancies or births result. (Nagel, 11)

Here, Nagel's depiction of rape illuminates the ways in which sexual violence and domination against the woman is in actuality an attempt to dominate, control, and gain advantage of an opposing group both physically and symbolically. Even though some

may argue that plantation owners were not engaging in an all-out state initiated and declared war against black slaves, the same violent technologies of war were indeed being utilized in an attempt to maintain domination and black subordination.

In continuing to contemplate Wriggin's statement, it is important to comment on her mention of white supremacy. If white supremacy can most simply be described as part of the "global reach" that Winant references, which also encompasses the historical conservation of racial and gendered hierarchies that place European colonial and racial imperialism and sexism at the head, then not only can the rape of black women be considered a tool used to dominate and preserve an elevated position of power but also establishing economic power through the bodies of a subordinated "other" falls in line with this concept as well. Hartman sites

> …the sanctioning of sexual violence against slave women by virtue of the law's calculation of negligible injury, the negation of kinship, and the commercial vitiation of motherhood as means for the reproduction and conveyance of property and black subordination. (Hartman, 84)

It is here that she recognizes the central role that sexuality and control over black slave's sexuality and reproduction plays in processes of domination and subjugation. Hartman's argument asserts that the legally sanctioned and normative nature of sexual violence such as rape or assaults against reproductive agency "establishes and inextricable link between racial formation and sexual subjection" (Hartman, 85). Overall, the system of slavery and the particular relationship between black women's bodies, economic production, and reproduction helped to establish both an ideological and practical framework of

dominance and violence that would set the standard for present day racial understandings of black women's sexuality, their bodies, and their relationship to motherhood.

From Life to Death: Post-Slavery Attacks on Black Motherhood

After the abolition of slavery, the attention given to black women and their reproduction did not cease nor did it decrease. It did shift. Whereas during slavery, the life of the enslaved woman as well as the ability to give life carried significant economic weight, the end of slavery resulted in a crucial devaluation of black life. Here, the term "life" is not referring to the practice and interactions of day to day activities that produce some existence of a social being or social livelihood. I use the term life instead to refer to in the most basic sense, the culmination of corporeal processes that allow a body to function, or in this context to labor and produce. Ultimately, the post slavery era meant that the stability of the American economic system could no longer be contingent upon the reproduction of black bodies. Nevertheless, maintenance and control of black life still mattered immensely, but it began to take on an entirely different form.

Dorothy Roberts in her book Killing the Black Body outlines the role that race has played and continues to play in the discourses around reproductive justice. From the eugenics movement, to birth control, government funded abortions, and forced sterilization, the intersections of race and reproduction have continued to result in inequalities and assaults on black women and motherhood. In contrast to slavery, the above mentioned policies, practices and movements were prompted by notions about

racial inferiority, population control, and ultimately the cessation of black procreation. In her chapter on birth control and eugenics, Roberts states that

> The spread of contraceptives to American women hinged partly on its appeal to eugenicists bent on curtailing the birthrates of the "unfit", including Negroes. For several decades, peaking in the 1970's, government sponsored family planning programs not only encouraged Black women to use birth control but coerced them into being sterilized. While slave masters forced Black women to bear children for profit, more recent policies have sought to reduce Black women's fertility. Both share a common theme- that Black women's childbearing should be regulated to achieve social objectives. (Roberts, 56)

She also quotes Margaret Sanger who was not only a strong proponent of birth control but also a strong supporter of the Eugenics movement. Sanger states that

> …the mass of Negroes, particularly in the South, still breed carelessly and disastrously, with the result that the increase among Negroes, even more than among whites, is from that portion of the population least intelligent and fit, and least able to rear children properly. (Roberts, 77)

Conversations about who was fit or unfit to mother became the predominant dialogue that underscored much of the responses to black reproduction post-slavery and into the present. Moreover, questions about pathology and moral and cultural transference were also central to many of these racialized understandings about motherhood.

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Another scorching and widely popularized example of this discourse about pathology is the Moynihan Report of 1965. This report, fully titled "The Negro Family: A Case for National Action," attempted to pinpoint the problems of black people in the United States by focusing on the state of the black family. Moreover, not only did the report locate the decline of the black nuclear family as the primary source of black degeneration, but it also attributed the problems in black communities to the faulty headship of the black woman. Not only did it cite that female led households were predominant in black communities, but it also asserted that these black mothers emasculated black men and pathologically transmitted the inferior cultural dispositions of crime, poverty, welfare dependency, and deviance to their children. This report was an open assault on black motherhood. Not only did it present a detrimental and racially branded notion of the black mother but it dispersed and promoted this idea to the larger American society as a definite reality. The creation and release of this report supported the historically based claim that black mothers are incompetent and deviant and that their statuses as mothers is not only problematic but illegitimate. More importantly, the Moynihan Report labeled the supposed societal influences, as imparted by this constructed ideal of the black "matriarch," that ultimately resulted in the decline of the black family, as not only something that deserved national attention but also something that necessitated "National Action" as the full title of the report suggestions. In fact, the report ends with this definitive statement:

> The policy of the United States is to bring the American Negro to full and
>
> equal sharing in the responsibilities and rewards of citizenship. To this

end, the programs of the federal government bearing on this objective shall be designed to have the effect, directly or indirectly, of enhancing the stability and resources of the Negro family. (United States. Department of Labor, Office of Policy Planning and Research. *The Negro Family: The Case for National Action*, 1965)

The aftermath of this report did not cause an onslaught of reforms and policy changes that were intended to bolster the black family. Instead, what resulted were policies and laws built upon the further identification of black women and black motherhood as a primary source and reproduction of societal degenerates and rendered them the targets of state surveillance and suppression.

Dorothy Roberts' reference to Francis Dalton, a distant cousin of Charles Darwin as well as supporter of eugenics, not only furthers this discussion around black women as pathological cultural mediums but it again addresses the purportedly necessary response to this perception on behalf of the state. Dalton is quoted by Roberts saying that he felt that it was "…counterproductive to waste public charity on people who produced children with inferior qualities." He also asserts that, "the time may come when such persons would be considered enemies of the state, and to have forfeited all claims to kindness" (Roberts, 60). What is most interesting in Dalton's statement is not only his claim of pathological trait transference but also the notion that the continued reproduction of these inferior individuals not only requires the attention and response of the state but it is also a terrorist-like act against the maintenance and well-being of the state. This

recurring acknowledgment of state participation becomes extremely important in outlining a significant shift that takes place from post-slavery and into the present.

During the era of slavery, the state's participation in racial and sexualized violence was predominantly providing legal safeguards and sanctions that would justify the violent treatment of enslaved blacks. This overarchingly had to do with the legality of categorizing slaves as property. Even with the inception of reconstruction, the state's role was to assign a particular legal status to black bodies that would not only devalue them but also provide protection for white perpetuators of racial violence. Given this, the state's role in anti-black violence from the era of slavery and into reconstruction can be described as the enabling structural and institutional frame that supported both the ideological and the interpersonal interactions of racial and sexual violence. This is not to say that the state's role in violence during this era was less important or less instrumental but it worked largely in conjunction and simultaneously with the considerable number of relational acts of racial and sexual violence.

The onset of phenomenon such as the eugenics and birth control movement, and forced sterilization indicates a change in which the state itself begins to take an even more active role in the maintenance and bio-political control of bodies[3]. It is from this vantage point then, that these more contemporary manifestations of violence and sexual control and domination over black women's bodies in particular become a primary project of the state. This is in contrast to slavery in which the state was more of a legal

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[3] Michel Foucault, in his 1978 book *The History of Sexuality: Volume I* as well as in his lecture "The birth of Bio-Politics," discusses the nature of bio-politics in which the maintenance and control of all life processes becomes imbedded in the daily practices of the state. Achille Mbembe builds upon this idea with the term "necropolitics" in which controlling life to the point of death is a process of the state but largely becomes part of society so that all of its members perpetuate necro-political power.

buttress to racial and sexual violence and control. Again, this argument is not to negate or downplay the role of the state or government participation in racial violence during slavery and reconstruction, instead it is to articulate the fact that the state's participation did change and also began to take on a more pronounced and more active role in the sexual control. This became the case to the point that individuals such as Francis Dalton had the ability and felt the necessity to make claims about the sexual and reproductive activities of a particular and supposedly inferior population being antagonistic and hostile to the state. Given this shift in the state's standpoint and involvement with sexuality and reproduction, and given this notion about reproduction's confrontation with the state, it follows that the criminalization of motherhood would be the foreseeable progression.

Again, Dorothy Roberts works exhibits how criminalization of motherhood encompassed, for example, drug testing pregnant black mothers in the hospital, legal sanctions that put limits on a woman's right to have more children as well as legally coercing women to have abortions or insert the detrimental drug Norplant. The punitive welfare system that institutionally penalizes the women who are seen to be incompetent and unfit mothers is also part of this process of criminalization of supposedly illegitimate motherhood (Roberts, 1999). One concrete example that Roberts provides is the fact that punishment of mothers who ingest drugs during pregnancy is done so under the guise of an attempt to protect the fetus. Nevertheless, she cites a case in which a woman could face "…up to ten years in prison for ingesting drugs during pregnancy…but can have an illegal abortion and receive only a two year sentence for killing her viable fetus" (Roberts, 171). This effectively exemplifies the inherent contradictions in the state's

supposed claim of fetal protection and how in actuality the intended purpose is retribution of motherhood. A parallel to this can also be drawn between this incident and the function of the child welfare system which conflates economic instability and lack of resources (much of which is a result of the failures of society) with incompetence and the criminal act of negligence and abuse. For example, the Welfare Reform Bill of 1996, which also included The Personal Responsibility and Work Opportunity Act of 1996, marked an era of major change in the distribution of assistance to poor families. These policy changes placed new restrictions on assistance to needy families that not only limited the amount of time that they could receive assistance but also incorporated welfare-to-work programs in which poor mothers many times were required to work and participate in trainings without the institutional support to take care of their children in the process. This, in turn, resulted in the further economic stratification of poor families and many times poverty and lack of economic resources was interpreted as neglect and child abuse.

Dorothy Roberts in her book *Shattered Bond: The Color of Child Welfare* exposes the links between changes in state assistance programs and the reforms of child welfare laws. The removal of economic and institutional support, in conjunction with the Adoption and Safe Families Act, fused to produce the prime social setting that would land many children, and overwhelmingly black children in the foster care system and separated from the mothers and families. In fact, Roberts cites that although black children make up only seventeen percent of the national youth, the make-up forty-two percent of the children in foster care in the United States. This practice of separating

black children from black mothers, especially when the reasoning for this largely a response to the supposed incompetency and irresponsibility of the mother, illuminates again the state sanctioned and policy perpetuated attack on black motherhood.

Overall, these types of practices are more than a simple attack on motherhood. As Luana Ross asserts, ultimately they are a form of punishment against women of color set up to chasten the violation of traditional gender role performance, which was never created for nor readily associated with women of color to begin with (Ross, 1998). For black women in particular though, this trajectory of subjugation, surveillance, and sexual and reproduction control and maintenance is rooted in historical practices and ideologies that surfaced initially in slavery. Therefore, as mentioned previously, the progression from the illegitimacy of black motherhood to its criminalization is indeed fathomable and it set the malevolent precedent that manifested in the mushroomed utilization of the penal system against black women and black womanhood that you see still today.

Conclusion: The Struggle to Be

In concluding this chapter, I feel that it is critical to not only acknowledge black women's resilience in spite of these oppressive pressures but also their persistent acts of resistance in order to avoid casting black women as mere victims of oppression. From the time of slavery, enslaved black women not only resisted against the sexual whims and demands of slavery and plantation owners but they also fought to establish themselves as

humans, as women, and to even maintain the formation of their families[4]. Many authors have noted the various ways that black women during slavery not only asserted their own sexual agency but also made tremendous efforts to keep their children close and their families intact (Roberts, 1999). Enslaved black women resisted in various ways such as physically fighting back, running away, utilizing abstinence and abortives if possible to refrain from having children for the slave master, and even decreased their work productivity as a means of retaliation. Furthermore, and in more present times, black women have organized and mobilized against the state to not only combat institutions and structures that render them economically and socially disadvantaged, but also to preserve their dignity, humanity, and to keep, or often times, reclaim their children. In lieu of the attempt by plantation owners to control and maintain the sexuality and reproductive agency of black women, and despite the repression and the denial of legitimate motherhood and womanhood for black women, they continuously fought (and fight) to affirm their existence not only as people but also as women and as mothers. Just as the subjugation of black women has continued to be a part of the fabric that fashions American society, the resistant spirit of black women also has continued to persist. Amongst discourses and practices that endeavor to instigate black women's non-being, they continue to strive to be.

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[4] There were in fact instances in which a slave woman attempted to take perpetrators of rape to trial. Furthermore, as in the Case with Celia the young enslaved girl, she attempts to fight against the plantation owner who has been continuously raping her and ultimately kills him. Unfortunately, she is tried and sentenced to hang for her act of self-defense. Nevertheless, this provides examples of enslaved black women asserting their humanity despite the legal statues stating that they are indeed sub-human and propertied entities.

Chapter 2-The Racialized and Gendered (In) Justice System

Death
 And dying
Membership
 in the
Sisterhood
 of the
Living Dead
 Loving Madly
Living Fiercely
 All we can
While we can
 Filling every moment
Knowing her/myself
 Now
No Thought
 or gesture
Will gather
 Dust…

- Celeste "Jazz" Carrington, "Untitled" from *Interrupted Life: Experiences of Incarcerated Women in the United States*

Today, the United States holds the highest position for the number of individuals under direct supervision of the criminal justice system and maintains in its custody more than 2million people. More important is the fact that people of color continue to be significantly overrepresented in U.S. prison populations. In fact, blacks who make up approximately 12-13% of the population make up about 44% of the prison population. Hispanics make up about 13% of the population compile about 18% of the prison population and white who make up 69% of the general population only make up about 35% of the prison population (United States. Bureau of Justice Statistics. *Correctional Populations in the United States, 2009*)**.** Women, and in particular women of color, are

being incarcerated at an extremely high rate in comparison to men. In fact, the American Civil Liberties Union cites that black women have become the fastest growing incarceration population in the United States today. Changes in welfare reform and the War on Drugs are largely responsible for the current growth of poor black women in the penal system and it has had tremendous effects on their lives, the lives of their families and their experiences of motherhood.

In the book *Invisible Punishment, The Collateral Consequences of Mass Imprisonment*, Marc Mauer and Meda Chesney-Lind provide a compilation of chapters that review the workings and repercussions of the United States Criminal Justice System. They state that "relying on incarceration as the predominant mode of crime control for the past thirty years, the United States has developed a social policy that can be described only as mass imprisonment" (Mauer and Chesney-Lind, 1). Although the work contributes significantly to the discourses around mass imprisonment, it provides a very detailed depiction of the "collateral consequences" of mass imprisonment, and makes mention of the overwhelming effects on communities of color, it seems to inadequately situate this phenomenon within its appropriate racial history in the United States. Michelle Alexander in her book *The New Jim Crow* helps to seal this chasm.

In *The New Jim Crow*, Alexander's primary argument is that the current phenomenon of mass incarceration is in actuality, the contemporary manifestation of a racial caste system in the United States. She states that she uses the term caste "to denote a stigmatized racial group locked into an inferior position by law and custom." The structure of her argument is to map the racial history of Jim Crow and slavery to show

how that they were indeed caste systems and that present-day mass incarceration is a continuation of this same social structuring. What Alexander's work affords is the ability to position the current carceral regime in the U.S. within its appropriate racial history. It picks up where works like Mauer and Chesney-Lind's stop to assert that racial disparities within the context of mass incarceration are not a mere by product or a "consequence" of some social phenomenon. Instead, mass incarceration is the prevailing demonstration of a racial history and racial structuring in this society that has always existed. Furthermore, connecting incarceration to slavery and Jim Crow specifically places incarceration purposefully alongside the United States historical relationship with anti-black racism, domination, and management of black bodies. This is particularly important for the purposes of continuing to map the black woman's locale and trajectory into the era of mass imprisonment.

Building upon Alexander's concept of the enduring racial caste, the remainder of this chapter will unpack the various processes that go into the creation and preservation of mass imprisonment, the ways in which these processes have managed to overwhelmingly impact black women and link it back to the larger discussion of black women's historical experiences of subjugated womanhood and illegitimate motherhood in the United States.

The War on Drugs

In the first chapter of the book *Crime Control and Women, Feminist Implications of Criminal Justice Policy,* Mona J. E. Danner reframes the legal three strikes rule to

address the three strikes that are affecting women given criminal justice policy reform. She begins by stating that

> The 1994 Federal Crime Control Act marks the 26th year of the 'get tough on crime' movement initiated with the passage of the 1968 Crime Control and Safe Streets Act. The 1984 crime bill increased penalties for drug offenses, thereby engaging the "War on Drugs" and initiating the centerpiece of law-and-order legislative efforts to control crime-mandatory minimum and increased sentence length (Miller, 1).

This shift in crime control philosophy, marked by changes in legislation and policy, had a crucial impact on the growth of incarceration in the United States. Furthermore, changes in the Welfare policies, such as the 1996 Welfare Reform Bill discussed in the previous chapter, that placed increased limitations on the length of time and amount of assistance a poor woman can receive, pulled much needed economic support from poor communities of color and in particular the poor women of color who are the predominant recipients of social services and assistance (Miller, 7). Given this, Danner asserts that these reforms resulted in three strikes against women which included decrease in government assistance, cuts in social services that also include cuts in social service jobs that employ many women in the U.S., and a strike against the families and children who are grossly affected by these policy reform changes. Danner asserts that these issues are a problem and should be addressed for and by all women. Interestingly, Stephanie R. Bush-Baskette maintains in this same edited volume that Black women are in actuality the most impacted by the War on Drugs and welfare reform.

Baskette cites that

> The number of Black females incarcerated for drug offenses increased by
> 828% between 1886 and 1991. This increase was approximately twice that
> of Black males (429%) and more than 3 times increase in the number of
> White females (241%). (Miller, 113)

Past literature indicates that although statistically there is no difference between drug use in black and white populations, there is still the discrepancy in arrests for drug related crimes. Furthermore, many of the arrests are many times first offenses for the women and most of the times much of the drug related arrests are for low level drug use and trafficking. Ultimately, even though the changes in drug and criminal justice policy do affect all segments of the population, the numbers show how it overarchingly affects black women. Even though these statistics continue to expose the problematic racial effects of the War on Drugs, they do not deliver an explanation as to how black people and black women become the most largely affected by drug policy. Again Michelle Alexander addresses this issue when she questions how these drastic racial disparities continue to exist despite brazen denunciation of racism and racial bias by the state and the criminal justice system.

Alexander states, "The central question, then, is how then, does a formally colorblind criminal justice system achieve such racially discriminatory results?" (Alexander, 100) Similar to the statistics presented by Danner, Alexander points out that drug use and sell by black people is in fact no more prevalent than it is amongst white populations. In fact, she states that in actuality whites makes up a larger number of both

drug users and dealers in the U.S. Instead what alexander offers are a few causes for the overwhelming number of drug related black arrests that inevitably provide opportunities for unconcealed racial bias within various level of the criminal justice process. She cites discretion on the part of police forces and the allowed practice of racial profiling and policing as a site in which racial bias enters in the process. Furthermore, the discretionary sentencing, differentiation between sentencing policies such as that which exists between crack use and powder cocaine use, as well as the inability to charge the court for alleged racial discrimination all contribute to the presence or racial discrimination and bias within a system that professes to be colorblind. All of these circumstances compounded result in the overwhelming number of black drug related arrests and as suggested earlier the growing number of black women being incarcerated. Although, Alexander does not provide particular statistics related directly to black women, it is very interesting that the first two examples that she provides at the very beginning of her chapter entitled "The Color of Justice" are the heart wrenching narratives of two black women caught up in the supposed battle of the War on Drugs.

Intriguingly, the War on Drugs not only lands momentous amount of black people and women in the custody of the criminal justice system but it also manages to further disenfranchise incarcerated individuals upon their release. In Jeremy Davis' article, which is included in the Mauer and Chesney-Lind book *Invisible Punishment*, states that

> Recalling that many of the recently enacted invisible punishments target drug offenders with diminished rights, privileges, and benefits, the aggregate consequences of the diminution of citizenship status upon the

African-American community reach staggering proportions. (Mauer and

Chesney-Lind, 31)

In particular, laws that restrict access to public welfare assistance and housing for people

with a drug-felony convictions, make it almost impossible to those individuals to not only

participate in any needed drug treatment but also adequately provide for themselves and

their families upon their release from prison. What is even more staggering is that most

people, and in particular women, who have drug-felony convictions were charged for

having possessed very small quantities of drugs (40). Furthermore, the discrepancy is

further articulated by Gwen Rubenstein and Debbie Mukamal who illuminate the fact that

bans on food stamps and Temporary Assistance to Needy Families (TANF) targets drug

offenses only. For example, they state that "a person convicted of armed robbery can

qualify for TANF assistance after completing a sentence, but some with a single felony

conviction for drug possession cannot" (41).

Ultimately, the War on Drugs not only targets and disproportionately affects black

people and women but it also succeeds in dismantling any type of aid that these

individuals can use to survive when they are released. What this means for women and

families is that not only are they being ripped apart but they are also being stripped of any

chance to mend these broken familial structures and supports. If there is anything can be

attributed to the downfall and poverty-stricken nature of black families, it is not the black

mother as Moynihan's report suggests. It is a combination of social inadequacies that not

only fail black people but in actuality pinpoint them as the targets of their retribution and

destabilizing legal and social policies like the War on Drugs.

Histories of Abuse

The Bureau of Justice Statistics cites that about one third of all female offenses are indeed drug related. Another third are property crimes such as forgery, theft, robbery etc. and the last third are in the category of violent crimes United States (Bureau of Justice Statistics. *Correctional Populations in the United States, 2009)*. What this shows is that about two thirds of all crimes committed by women are non-violent offenses. Yet even with the occurrence of violent offenses, it important to note and consider how sexual, emotional, and physical abuse factors into these violent acts.

Beth Richie in her book *Compelled to Crime: The Gender Entrapment of Battered Black Women,* attempts to not only provide an examination of abuse of black women, which is largely understudied, but she also makes an attempt to connect the battered histories of black women to illegal activity. In order to do this she coins the term "gender entrapment" which she asserts is her attempt to

> …illuminate the dialectic- the contradictions and complications of the lives of the African-American battered women who commit crimes- by explaining the link between culturally constructed gender-identity development, violence against women in intimate relationships, and women's participation in illegal activities. (Richie, 4)

Furthermore she bases this notion of gender entrapment on "the legal notion of entrapment, which implies a circumstance whereby an individual is lured into a compromising act" (4). What this move by Richie accomplishes is the ability to not only focus on the social circumstances that surround the participation of black women in

illegal activities but also it foregrounds the prevalence of various types of abuse within these social circumstances. Not only can and do these instances of abuse be direct causes or catalysts for incarceration-such as with instances of murder in self-defense- but also the emotional abuse can be directly linked to other behaviors such as drug and alcohol abuse.

In the research study, Richie interviews a number of women at the Rikers facility in New York. Of the 31 black women who she interviews, 26 experienced some sort of abuse in their lives and in their intimate relationships. Interestingly, the illegal activities that landed these 26 women in prison are as follows: 4 women were incarcerated for child murder, 4 women for assault on a man, 6 for illegal sexual acts, 3 for a crime during an assault, 5 for an economic crime, and 4 for illegal drug activity. Furthermore, not only did many of the women cite that the abusive men in their relationship played a very large part in their criminal activity but also for 15 of the 26 battered black women the offense the led to their incarceration was in fact their first and only offense. Richie's analysis of the circumstances of these women is stunning. She states,

> Given the broader social conditions that the African-American battered women lived in, staying for them meant participating in illegal activity. From their perspective-created by their experiences if abuse and their marginalized social location-becoming involved in crime was a reasonable behavioral response to abuse-it was part of their survival strategy. Add to this a consideration of the African-American battered women's commitment to dominant ideology about family life, their adherence to

cultural loyalty to African-American men and we can see how the convergence of these factors compelled the African-American battered women into crime. Their participation in illegal activities takes on a new meaning when analyzed from within this context. (Richie, 149)

The connection between histories of abuse and incarcerated status for women is indeed striking. Unfortunately, even as these women enter into the criminal justice system, statistics, research and personal accounts show that this prevalence of abuse and in particular sexual abuse continues even behind the prison walls.

Incarcerated Motherhood

Approximately, seventy-five to eighty percent of all incarcerated mothers are the primary caregiver for at least one child under the age of eighteen. With that said, the growing incarceration rates result in the separation of mothers from their children.

According to the Families and Children of the Incarcerated Fact Sheet, approximately 1.7 million children have at least one parent either in jail or prison. One in fifteen black children and one in forty-two Hispanic children have at least one incarcerated parent. This statistics is comparison to the one in one hundred and eleven white children who have a parent who is incarcerated. Approximately 15-20% of the children who enter the foster care system have a parent who is incarcerated. Furthermore, dependent upon the length of sentence and given the Adoption and Safe Families Act of 1997, incarcerated parents have a very high change of losing their parental rights. These statistics illuminate the ways in which mass incarceration is a key component to the

demise of the black family structure. Specifically, the increased incarceration of black women is a direct attack on black motherhood.

Underscoring the treatment of incarcerated women in prison is the notion that incarcerated mothers are also unfit mothers whose incarcerated status is indicative of their lack of care and responsibility for the well-being of the children. This seems to be society's consensus even though research indicates that mothering and providing emotional and physical support is in fact very important to most incarcerated mothers (Banauch, 1985; Enos, 2001; Miller, 1998; Solinger, Johnson, Raimon, Reynolds, and Tapia, 2010). Still, this ideology propels both policies and practice that undermines and hinders the continuation of familial ties between mothers and their children. Luana Ross in her book *Inventing the Savage* spends a significant amount of effort addressing the needs of Native American women in the U.S. prison system. Of the institutional support provided to incarcerated mothers she states that,

> There is a complex, but ultimately weak, system of institutional support
> for incarcerated mothers as they attempt to fulfill their role as mothers.
> There are special problems associated with prisoner pregnancy, and all
> imprisoned mothers face the challenges of child placement and visitation.
> Mothers who have lengthy sentences or difficulty arranging visits with
> their children are particularly jeopardized. Imprisoned mothers are
> expected to conform to the same standards as other mothers, which
> ignores the important differences in their lives. (Ross, 192)

All of these issues mentioned by Ross undoubtedly come into play for all incarcerated mothers. Yet, just like with the war on drugs, these issues have a vaster and widespread impact on black women purely based on numbers and incarceration rates. Furthermore, Ross references the racist and sexist beliefs that surfaced during court and in confinement for the incarcerated native women. She quotes one woman who states that, "He [the judge] didn't care about me bring a mother because of my crime…I was known for criminal activity and I was known for carrying a gun. So being a mother didn't matter at that point. " (182) Ross quotes another woman speaks about her experience in court with a particular judge. "She was racist toward Indians and I felt that's how she was sentencing me-according to my race. She does not like Indians." (183) Similar to the experiences of these native women, the intersections of race and gender compound and result in disparate outcomes for black women as well. Furthermore, these punitive outcomes which inevitably effect experiences of motherhood are an extension of the U.S. systems maintenance, surveillance and control of reproduction. Even though separating women from their children may not be considered a reproductive justice issue, in actuality it is. It is ultimately still an attempt to manage procreation, reproductive agency, families and bodies. In spite of this, new programs are being developed for incarcerated women that are attempting to remedy the growing separation of women from their children.

In 2009, Women's Prison Association (WPA) released a report mapping the launch of prison nurseries and community-based residential parenting (CBRP) programs around the country. In the past 20 years about ten different states have followed suit in

developing programs to keep incarcerated women and their children together. As mentioned in the WPA report, very little research on the efficacy of these programs has been conducted. Moreover, the research that has been done is usually implemented by the Departments of Corrections in the state or the non-profit organizations that many times manage these various programs in contract with the state. Thus far, much of the research relies on notions about recidivism and the emotional impact of family reunification on the mother and the child. Nevertheless, much of the research also fails to situate the growing incarceration rate of women within larger social, economic, and racial understandings and processes imbedded in these penal structures.

Lynne Haney in her book *Offending Women: Power, Punishment, and the Regulation of Desire,* provides an ethnographic account of both a juvenile and adult community-based facility tailored to the maintenance of the bond between incarcerated mothers and the children. One of Haney's primary arguments though, is that these supposedly progressive institutions still manage to reinforce and perpetuate many of the traditional and yet detrimental and disempowering discourses around consumerism and capitalism, gender roles, competency and dependence on the state. What is still missing is the foregrounding of black women's experience and other women of color outside of stating the mere fact that they are overrepresented these various incarcerated populations.

Incarcerated motherhood remains to be one of the greatest consequences of the move to mass imprisonment that is largely affecting women. Not only does this phenomenon affect motherhood by destabilizing the ability of women to live healthy lives and provide for their families, it actively removes women from their children and

separates them from the ability to mother in ways that they see fit. Returning to the fact that black women are the fastest growing incarcerated population, the inevitable repercussion is yet again further assaults on black motherhood, black families, and black children.

Conclusion: Resistance

The reality that incarceration falls directly in line with the historical subjugation of black women and the consistent practice of separating and removing black children does not make the occurrence any less distressing or any less urgent. Something must be done. Those women most directly affected by mass incarceration have organized and mobilized for years in order to fight this particular oppression. Victoria Law in her book *Resistance Behind Bars: The struggles of Incarcerated Women*, devotes an entire book to reversing the invisibility of women's resistance that occurs both inside and outside of the prison walls. She also references the work of Juanita Diaz-Cotto's book *Gender, Ethnicity, and the State* and another work entitled *Breaking the Walls of Silence: AIDS and Women in a New York State Maximum-Security Prison*, both of which are devoted to highlighting incarcerated women's activism. Women have been going to filing lawsuits, struggling, resisting, protesting, marching and rioting for years to have their voices heard and the experiences known. Yet more often the not these efforts and voices go unheard. Even on the outside of prison walls, women, mothers, and previously incarcerated individuals can be seen making significant attempts to raise awareness and make changes pertaining to issues that largely affect incarcerated women. Media and online websites

such as Women in Prison: A Site for Resistance are testaments to the growth and importance of this work. More importantly, these types of movements and work are also proof of the history and devotion of women and particular black and brown women's participation in resistance and struggle against the oppressive processes of the state against black and brown people.

Chapter 3-Prison: A Geography of Blackness

There is something organic to black positionality that makes it essential to the destruction of civil society. There is nothing willfull or speculative in this statement, for one could just as well state the claim the other way around: There is something organic to civil society that makes it essential to the destruction of the black body. Blackness is a positionality of 'absolute dereliction,' abandonment, in the face of civil society and therefore cannot establish itself, or be established, through hegemonic interventions.
-Frank B. Wilderson III, *The Prison Slave as Hegemony's (Silent) Scandal*

In attempting to further examine the implications of mass incarceration in the United States, it is important to understand the ways in which race, class and gender intersect and vary dependent upon location and context. In particular, this section of the report will attempt to illustrate how within the context of the United States, prisons become spaces of undeniable blackness. Building upon various definitions and uses of the idea of blackness, this chapter will address the ways in which blackness is constructed, perceived, and understood from both the inside and outside of the confined space of the U.S. prison system. Furthermore, given the designation of prison as a black space, what are the transformative potentialities that lie within this locale?

Demographically Black

As exhibited in the previous section, statistically and demographically speaking, black people are significantly overrepresented in the prison population. Moreover, in the media, television, newspapers and movies, the stereotypical prisoner is depicted as a young, black, struggling and troubled male (This is even despite the exponential growth of black women being incarcerated today). Within the social consciousness in the United

States, prisoners are equated phenotypically with black male bodies. Almost as important as the actual demographic itself are the processes that ultimately target black bodies and land them into U.S. jails and prisons. In other words, a large part of the causation and root of mass incarceration lies in the history and prevalence of anti-black racism.

Angela Davis in her book *Are Prisons Obsolete* provides an analysis in which she connects anti-black racism, slavery, and the increased utilization of the penal system. She asserts that after the abolition of the slavery, the employment of the Slave Codes and the criminalization of particular crimes of survival such as "petty thievery into a felony that relegated substantial numbers of black people to 'involuntary servitude'" (Davis, 33). She asserts that the abolition of slavery, in conjunction with the thirteenth amendment which legalizes slavery under the criminal justice system, largely transformed the racial composition of prisons in the United States from predominantly white to overwhelmingly black. In essence, in order to control the labor force and the movement, behavior, and activities of newly freed slaves, the penal system became a medium to punish, criminalize, and gain retribution over freed black people in the United States. In particular in regards to the management of labor, she quotes Mancini who states that

> Among the multifarious debilitating legacies of slavery was the conviction that blacks could only labor in a certain way-the way experience had shown them to have labored in the past: in gangs, subjected to constant supervision, and under the discipline of the lash. Since these were the requisites of slavery and since slaves were blacks, Southern whites almost

universally concluded that black would not work unless subjected to such intense surveillance an discipline. (Davis, 32)

Today, the criminal justice system mirrors the aforementioned era right after slavery in which the activities and daily lives of blacks were criminalized. Today, the war on drugs, inequality in sentencing, surveillance of black bodies, and lack of economic resources all target and inevitably help to incarcerate a momentous amount of black people. Nevertheless, it is important to note just as Davis does in her work, that racism operates in such a way that it effects and results in incarceration for various other populations. She states that

There are other racialized histories that have affected the development of the U.S. punishment system as well- the histories of Latino, Native Americans, and Asian-Americans. The racisms also congeal and combine in the prison. Because we are so accustomed to talking about race in terms of black and white, we often fail to recognize and contest expressions of racism that target people of color who are not black. (Davis, 26)

This assertion from Davis is very true. Nevertheless, it important to acknowledge the pertinent role that anti-black racism played and plays in the history of incarceration and the progression towards mass incarceration in the U.S. Dylan Rodriguez's argument about the link between the middle passage and today's penal structure is also in direct dialogue with this notion. He states,

I am arguing that a radical genealogy of the prison regime must engage in historical conversation with the massive human departure of the

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transatlantic Middle Passage, an apparatus and regime of capture and forced movement that outlines its own epochal conception of the non- and subhuman, the prototyping of normative black punishment in a white new world, and the blueprinting of the abject (and durably captive) black presence under the rule of Euro-American modernity. The Middle Passage foreshadows the prison as it routes and enacts chattel slavery, constituting both a passage into the temporality and geography of enslavement… (James,42)

He then continues to assert that

…while contemporary prison regime captures and immobilizes the descendants of slaves and non-slaves alike, I consider its technology of violence to be inseparable from a genealogy of transatlantic black/African captivity and punishment... (42)

So, given arguments such as Davis' and Rodriguez's, and given the racial binary that does exist in the U.S. consciousness, ideas and perceptions about blackness are inseparable from largely underscore social realities as well as the structures and functions of U.S. institutions.

Perceived Blackness

Davis mentions on multiple occasions in her work the ways in which incarcerated white individuals are in fact seen as closer to blackness. She asserts that "people sentenced to the penitentiary in the north, white and black alike, were popularly represented as having a strong kinship to enslaved black people" (Davis, 28).

Furthermore in her chapter on incarceration and gender she addresses the way that criminality, deviance, and sexuality still manages to be racialized "thus, white women labeled as 'criminals' are more closely associated with blackness than their 'normal' counterparts" (Davis, 68). Both of the examples exhibit what can be called a spectrum or a continuum of blackness. Here, this conceptualization of or perception of blackness is not linked directly to phenotype. Instead, it is an assumption and categorization based up an ideology around behavior and social status linked to race. Interestingly, other authors have also offered these types of understandings about blackness. Building upon these definitions, will offer another example of the ways in which the prison is conceived as a black space.

Jacqueline Nassy Brown in her book *Dropping Anchor, Setting Sail: Geographies of Race in Black Liverpool,* provides an ethnographic example of how blackness is shaped and constructed in a small community in Liverpool. For the purposes of this current argument, I will focus on Brown's examples of how white women who were married to black men and mothered black children were seen to be part of the black community in Liverpool 8. She refers to this population of women as "the white women of the black community" (Brown, 203). What is most interesting about her interviews in this community is the discrepancy between how the white women see themselves and how they are seen from the outside. These women have been shunned from their own white communities and then forced to relocate to a community in which their sexual choices and racial mixing is accepted. Brown, in discussing a particular interview with a white mother in Liverpool, states that although "she feels part of the Black community"

she "does not feel the need to define herself as black" (Brown, 206). On the contrary, Ian, a black man in Liverpool whose mother is black asserts that "white women like his mother are 'Black inside'" (Brown, 203). This divergence brings into question notions of community, inclusion, and interpolation. In what ways must a person's self-perception fall in line with how others see them? Can someone be a part of the black community but not be black? What are the advantages and disadvantages, if any, of these types of racial arrangements? Edmond T. Gordon and Mark Anderson in their article, "The African Diaspora: Towards and Ethnography of Diasporic Identification" speak to this when they question whether or not external categorizations or "truths" are more important than an individual's self-perception. Although Gordon and Anderson are specifically talking about African diasporic identity formation, they are still talking about blackness, they are still referencing a highly personal and political process, and they are still engaging with this idea that identity and questions of inclusion and community require acknowledging the fact that identity is "constructed, ascribed, affirmed, and denied" (Gordon and Anderson, 294).   In the instances of the white women and mothers that Brown interviews, she maintains that automatically inserting these women into black spaces not only strips them of agency but also ignores their own personal acknowledgement and self-identification of their whiteness alongside existing in black communities.

Tariq Modood in his article "Political Blackness and British Asians" offers another scenario in which non-black or afro-descendant populations have been categorized as black. He alludes to an era in the 1980's in Britain in which there was a creation of a political community united around the notion of blackness but also inclusive

of populations that are not phenotypically black or who are not in actuality of African descent. He quotes Yasmin Ali who states that

> Black in the British usage was intended to convey a sense of a necessary common interest between the communities of the old empire (or the New Commonwealth). It was a usage predicated on the politics of anti-racism. As such, 'black' became 'hegemonic' over other racial/ethnic identities in the late seventies and early eighties. (Modood, 860)

This conceptualization of blackness stems not only from experiences of racial discrimination, violence, and maltreatment but also from the need to mobilize and organize around these issues in order to survive and resist these oppressions. Modood's primary assertion in this paper is that the inclusion of British Asians in this understanding of blackness harms them and does not adequately serve their particular needs. He lists various ways that including Asians in blackness is problematic including such things as the fact that not all British Asians would identify themselves as black, black offers too narrow of a conception of racial discrimination, it creates a false essentialism, the notion of 'black" obscures Asian needs, including Asians in blackness creates a too politicized identity, and blackness does not support ethnic pride in British Asian communities. This damage exists even despite the acknowledged existence of racism towards various ethnic minorities in Britain and despite the necessity to organize together around very similar struggles.

Both examples of blackness as expressed in Brown's book and Modood's article show how constructions of blackness not only can differ over time, space, and context but

also how ideas and perceptions of blackness can expand and becomes more inclusive in particular spaces. To return to Davis' notion that white individuals who are incarcerated or seen as criminal are perceived to be closer to blackness, I want to also extend this notion, if possible, to other racial and ethnic groups in general. If incarcerated status denotes a proximity to blackness, even for whites who historically and ideological are located as the complete opposite or foil of blackness, than it follows that other non-white groups can also be located along this spectrum and continuum of blackness.

In order to avoid essentialist notions about blackness and race as well as to avoid shrouding conceptions of blackness that negate the uniqueness histories and experiences of other non-white groups, I want to clarify my purpose for foregrounding blackness in this way. First and foremost, it is important to note the ways in which interpolation and external groupings can still have major effects on social realities and social consciousness. Even though the white women in Liverpool saw themselves as white, they were ostracized by the white community and forced into the community in which other whites felt that they actually belonged-the black community. Acknowledging alternative constructions of blackness helps to better understand the ways in which bodies are racialized dependent on location, time, and space and can embody and be symbolic of a particular racial sense even if the individual being categorized does not see it that way. Given this, and in conjunction with the demographically marked character of U.S. penitentiaries, prisons can and are seen as spaces of blackness. This is even the case for those individuals, who may be seen to be closer to blackness, may even identify with the black plight and situation to an extent but do not want to be personally associated with

blackness. Nevertheless, in this setting, embodied blackness many times has more to do with racist ideas around behavior, social status, and criminality than it does with an individual's histories or personal backgrounds and experiences.

Gender and Blackness

Another important component and lens to understanding blackness that Brown's work and ethnographic recollections in *Dropping Anchor, Setting Sail* provide, is a depiction of the gendered nature of blackness. As mentioned previously, many times blackness is predominantly housed in the ideas of the black male body. Interestingly, for the women Brown interviews, their association with blackness stems from their sexual interactions with black men. It is due to this that they are relegated to exist on the margins of white society and in black communities. What of the white men who date black women? Brown quotes Lisa, a white woman who married a black man, who states that

> It's different for the White men. White men walk around with a Black woman on their arm, and they think they're a hell of a guy! All their mates will think they're a hell of a guy 'cause the Black women are usually elegant, beautiful, beautifully dressed, and "exotic"… But it would be different for a white woman…If you're with a black man you're loose… (Brown, 211)

Although this example speaks directly to historical power dynamics and practices between white men and black women during slavery as well the embodied privilege of white men in general, it also shows how blackness and perceptions of blackness are gendered and sexualized entities. Moreover, it exposes how the predominant

conceptualizations of who is and can be categorized as black are rooted in racist, Eurocentric, and sexist understandings of race, power, desire, and sexuality.

Although this particular example of gendered blackness revolves around the experiences and perceptions of a white woman, this depiction can be drawn upon to unpack further the gendered nature of blackness. What this example illuminates is the way that blackness when housed in different gendered bodies can mean very different things. For instance, for black men, blackness does embody aspects pertaining to hyper sexuality but it also includes other dynamics wrapped up various other stereotypes such as criminal, lazy, the black brute, etc. produced from the era slavery. Blackness house in a female body on the other hand becomes linked to notions of female sexuality and more importantly sexual promiscuity, prostitution, and lasciviousness. Furthermore, as shown in the Brown example, associations with blackness for females produces a hyper scrutiny of reproduction and motherhood. Although this surveillance and management of reproductive activity may be a byproduct of heteronormativity and patriarchy, when compounded with blackness this results in an aversion and the delegitimization of black womanhood and motherhood.

The Criminalization of Blackness

In returning to a discussion of the prisons, it is important to not only link the prison to blackness but also show talk about the ways in which blackness itself becomes synonymous with crime. In are Prisons Obsolete, Davis references Frederick Douglass assertion that the south "had a tendency to 'impute crime to color'" (Davis, 30). She further asserts that even years after slavery's abolition the conflation of crime and color

continued to be the dominate practice. Today, it can still be argued that it is not the crime that is being punished but instead it is an entire community that has been criminalized (Davis, 113). As mentioned earlier in this report, there are other examples like motherhood that become hyper scrutinized and ultimately criminalized in the U. S. system. Nevertheless, at its root is anti-black racism and the objective to admonish the state of blackness. It has been stated in other works that even when taking into consideration attributes such as gender and class, race still tends to supersede them. Race and blackness, in this case, seems to override other aspects of the person's humanity. This is not to say that blackness negates other layers of oppression such as gender, sexuality, and class nor is it more important. Instead, blackness seems to be an enveloping cloak that intensifies the expression of oppression dependent upon what other demographics it interacts with. As an example, let us turn again to this notion of black motherhood. Motherhood in itself can be a vulnerable state in various different contexts and for various different reasons. Black motherhood on the other hand, became a target when slavery necessitated maintenance of racialized black bodies and when the formulation of anti-black racism became the predominant outlook that was imbedded in the U.S structure and governed racial and gendered social sentiments. It has been assaulted for years and has become a part of the sensibility and structure of U.S. society. So to reiterate once more, aversion to blackness in general denotes an aversion to all other aspects of life associated with blackness. Just like with the culmination of slavery when black procreation shifted from controlling life to halting it and instigating death, surveillance and ultimately criminalization of black activity is a part of the historical

trajectory of anti-black racism intended to impede and prevent the furtherance of blackness.

Conclusion: The Prison as a Site of Black Resistance

If the prisons are indeed a black space, and they are also an undeniable political space, then what is the potential for resistance and mobilization within this space? Joao Costa Vargas in his book *Catching Hell in the City of Angels: Life and Meanings of Blackness in South Central Los Angeles,* provides various examples of the varying and sometimes conflicting ways in which blackness can manifest itself. Yet he suggests that "blackness contradictory nature and its multiple manifestations are the very engine of its creative and revolutionary potential" (Vargas, 217). Victoria Law's work, as displayed in second chapter of this report, cites and acknowledges the various day to day struggles and acts of resistance by incarcerated women. These types of everyday acts are indeed crucial to the struggle but what are the ways in which the prison can be a site of resistance that helps to break down larger systems of oppression, racism, and global white supremacy. Julia Sudbury in her book *Global Lockdown*: *Race, Gender, and the Prison-Industrial Complex* connects the prison to "global capitalism, neoliberal politics, and U.S. economic and military dominance." She maintains that framing the prison in this way is a means to help rethink "both prison and anti-globalization activism and research" (Sudbury, xii). With this assertion, Sudbury is emphasizing the prison's intimate relationship with larger structural and systematic processes of power and oppression which is an important to do when considering how the prison can be a place of resistance. Furthermore, she provides

an example of how and what prison activism can look like when she mentions the importance of bringing the work of prison activists into the light of the "free world" against the powers of the state that actively participates in the "'disappearing' of potential social actors" (Sudbury, xxvi).

Nevertheless, if the prison does have potential as a transformative space, its historical and inextricable link to blackness must always be remembered. This is because, the dismantling of aversion to blackness, i.e. anti-black racism would require the breakdown and revamping of the entire U.S. system as we know it. In other words, resisting from the vantage point of the prison abolition also means resisting not only carceral and prison regimes but all systems of oppression.

Although there is still much to be discussed and brainstormed in terms of what activism, resistance and struggle must look like and will look like in the times to come, here, it is clear that locating and understanding blackness is crucial to this process social mobilization and change. For all struggles against gendered, racialized, and sexist oppression, for the future of the psychological, mental, and physical well-being of communities, families, mothers and children of color, for the overturning of historical regimes of racial and sexual violence, there must be a creation of new identities and formidable community of revolutionary beings united around a strong political consciousness. With this in mind, all spaces-prison, schools, homes, and our bodies - become potentially transformative and revolutionary.

As a final thought, I would like to maintain that as exhibited in the previous chapter of this report, black women have being a crucial part in the struggle of resistance

against anti-black racism and black oppression. Even historically and in various black political movements such as the Civil Rights Movement and the Black Power Movement black women have made their presence known. It stands to say that in order to combat the carceral regime, which as mentioned previously necessitates a dismantling of all organized and systematic manifestations of oppression, utilizing the black feminist standpoint and platform that incorporates anti-racist, anti-sexist, anti-capitalist, and anti-fascist politics is critical. Furthermore, if centering blackness is pertinent to understanding domination, the centering the experience of black women is also crucial to understanding the larger processes of domination and power needed to disassemble it. In closing, I would like to end with a quote by Bell Hooks who not only proposes blackness as a means of resistance but also loving blackness for black people as a means of transformation. She states,

> Collectively, black people and our allies in struggle are empowered when we practice self-love as a revolutionary intervention that undermines practices of domination. Loving blackness as political resistance transforms our ways of looking and being, and thus creates the conditions necessary for us to move against the forces of domination and death and reclaim black life. (Hooks, 20)

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