

5-2021

Caring Against the Carceral: How Families Mediate the Social Death of Incarceration

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Citation

Claire, J. (2021). Caring Against the Carceral: How Families Mediate the Social Death of Incarceration. *Graduate Theses and Dissertations* Retrieved from <https://scholarworks.uark.edu/etd/4078>

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Caring Against the Carceral: How Families Mediate the Social Death of Incarceration

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts in Anthropology

by

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Bachelor of Arts in Psychology and Anthropology, 2018

May 2021
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Abstract

Incarceration, especially in the United States, is deeply related to issues of racism, poverty, and citizenship. These particular experiences are the result of a history of biopolitical control affecting Black and brown communities and have a quintessential origin in enslavement. Those who are incarcerated are isolated, dishonored, and powerless as a result of the criminalization of race and poverty. These observations led to questions surrounding the particular impact families may have on the experiences of those who are incarcerated. Families of Incarcerated Loved ones, or FOILs, mediate incarceration through intentional socialization which has the potential to counteract the realities of social death. Through virtual fieldwork and community engagement, it was found that FOILs have the potential to counteract social isolation and alienation. Their ability to fully participate is impacted, however, by their own financial circumstances and the residual effects of carceral adjacency. FOILs, then, must work first to ensure their own socialization, honor, and power prior to committing significant portions of their time and energy to resisting their loved one's social isolation.

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Introduction

Historically, during times of national crises, U.S. political consciousness expands in such a way that produces the opportunity for U.S. residents to pull back the curtain and reveal what is behind the scenes of the operating of the nation: Violence perpetuated by the State. War, economic depressions, and pandemics, to name a few examples, have the potential (and perhaps tendency) to put on display the deep inequalities at the root of statehood, sovereignty, and jurisprudence. The structure of U.S. social life as it currently stands operates within a purportedly innate hierarchy of deservingness, a triage of care, a sliding scale of human-ness. It is this hierarchy that the COVID-19 pandemic has unearthed; Who is essential, who receives what care, and who should be the first to be given a vaccine are all questions that unveil the power of the State to define and decide life and death based on this hierarchy. While these are questions that have remained at the heart of critical theories surrounding nationhood prior to COVID-19, this contemporary manifestation of a national crisis engages with global and virtual systems of communication which allow for massive mobilization of information. Spreading rapidly through the continental U.S. beginning in the late winter of 2020, COVID-19 forced U.S. institutions of government to re-evaluate how and for whom to care, whether at a community or national level. In an effort to “flatten the curve,” the center for disease control (CDC) provided guides that outlined the places where individuals may be at a higher risk of contracting the virus. Among these places of high risk were schools, movie theaters, gas stations, and public transportation (CDC 2020). However, one place evaded the attention of these lists despite evidence of mass spread: Prisons (Kinner et. al. 2020). Not only did prisons parallel the increase in cases on the outside, but they were shown to have massive outbreaks even when the national levels decreased (Williams et. al. 2020). Incarcerated people were not just stagnantly vulnerable

but were often placed in positions and spaces of increased risk. For example, when El Paso, Texas hospitals, funeral homes, and morgues became inundated with the bodies of those who died from COVID-19, the labor of incarcerated people was used, in lieu of paid employees, to transport bodies between facilities (Garcia 2020). As the COVID-19 cases increased, incarcerated individuals and their loved ones protested the lack of proper precautions that could have prevented infections (Cornfield & Hutton 2020). Still, some facilities were said to have used exposure to COVID positive people as a method of discipline. One incarcerated person reported that they “can’t help but feel [the officers are] trying to spread COVID-19 through the prison system” (Personal Communication with John Imprisoned Smith, 2020).

Rapid spread of illness within the prison system is not a COVID-19 exclusive phenomena but yet another example of the triage of care in the United States. In neglecting the health of those who are most vulnerable, many argue that the wellness of the populations that are not imprisoned is put at risk as well. However, risk and outcome are contentious subjects in terms of addressing public health, as these subjects’ analysis often disregards the structural causes of poor health care systems and places blame onto the individuals in the community. COVID-19 and its spread within the carceral world provides further evidence to support the 2016 findings of Dolan and colleagues that infectious diseases (such as HIV, HPVs, and tuberculosis) are more prevalent in prisons. This increased prevalence, they argue, is not a result of lifestyle choices but rather an indicator of systemic poverty, criminalization of drug use, and overwhelmed prison healthcare systems. The physical occupancy of cells requires incarcerated people to be in direct proximity to their cellmates’ biological fluids regardless of positive infection or comprised immune systems. Given the inherent chaos of prison healthcare, COVID-19 has presented extraordinary barriers to the administrative functions of the entire carceral system.

In a bureaucratic effort to slow the spread of COVID-19 from inside prisons to outside, many institutions have postponed the release dates of incarcerated people as a COVID-19 precaution. These efforts continue despite powerful arguments for the contrary, which claim that releasing all nonviolent offenders is “normatively desirable” as a process of COVID-19 prevention (Kovarsky 2020). In delaying release indefinitely, administrations can continue to scarcely inform families of the status of their loved one. It is these family members, and a group of them, who call themselves FOILs, Families of Incarcerated Loved Ones, who are the subject of this thesis. Journalist Emma Lubitsch, for example, found that even prior to the pandemic there is evidence of systemic abuses by administrations such that families are not reliably informed when their incarcerated loved one falls ill or passes away (2020). The overarching and continual anxiety of not knowing whether your loved one is alive coupled with the COVID-19 specific fear of never seeing their loved ones timely release produces an emotional burden that is exacerbated by visitation restrictions. As in-person visitation restrictions expanded during the pandemic and video visits became the technological norm, many families experienced a particular melancholy at the lack of physical touch, one FOIL sharing that “it has been a year since I was last able to hug [my fiancé]” (Anonymous, 2020). As the complexity of the circumstances rises, FOILs have frequently been left in the position of deciding whether or not to visit their loved one despite the risk of COVID spread, a deeply ethical dilemma that is not entirely in their control.

Embedded in these experiences with COVID-19 are the realities of incarceration in U.S. jails and prisons. It is clear that the carceral system was not designed in such a way that is compatible with the health and well-being of those touched by the system. This is not a realization, but rather a statement made for nearly a century by philosophers who pondered the

ethics of confinement (Howard 1929). Following a contemporary and practical approach, human-rights activists, criminal law attorneys/public defenders, civil rights activists, and critical race theorists, among many others, have been addressing the political, social, economic, juridical, and historic impacts of the prison industrial complex. The reality that traverses all aspects of the carceral world is the consolidation of racialization and criminalization. In Michelle Alexander's seminal work *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Alexander argues that there exists a "racial undercaste," which is defined by "a system of mass incarceration that governs the lives of millions of people inside and outside of prison walls" (2010:129). This is to say that when we talk of the criminal justice system in the United States and those most profoundly impacted by it, we are speaking of Black, brown, and poor white communities. Prisons have become the quintessential experience of marginality, and it was with these marginal communities in mind that I began this research.

Methods

My particular interest in the criminal justice system stemmed from a connection made on social media. In 2019, I began communicating on Twitter with a man known by the pen name *komrade z*, who would share his daily experiences as a "lifer" (someone sentenced to life in prison, although he had his sentence significantly reduced, leaving him with 15-20 years still to serve). Our communication depended on his access to contraband smart-devices, which meant that I would go months without hearing from him, only finding out after that he was sent to a solitary holding unit (SHU, for short, also called solitary or solitary confinement). It was through *komrade z* that I was shown a network of inside people using social media. Notably, I followed a page of incarcerated people actively studying law behind bars. This group worked to build networks across facilities and connect incarcerated people with further resources. I also

discovered many art collectives, resistance movements, poets, and civil rights leaders all within this virtual community of incarcerated people and their supporters. While *komrade z* was incommunicado, I met John “Imprisoned” Smith on Twitter and began communicating in a similar fashion. Smith then introduced me to virtual advocacy groups, some of which were formed by him in order to disseminate relevant information to his network and coordinate political activities. Very shortly after allowing me to join these groups, Smith was transferred to a new facility and was being monitored closely for symptoms of mental distress, meaning he was unable to directly communicate with his more extended network. Graciously, his loved ones who maintained contact with him agreed to talk with me and share their own stories. From here, I was referred to a larger group of nationwide supporters and advocates for the rights of incarcerated people.

While I initially began with the intention of working with people currently incarcerated, I found that the activities of Families of Incarcerated Loved ones, or FOILs, was profoundly impacted by their proximity to an incarcerated person. They also frequently function as intermediaries between the advocacy community and their incarcerated loved one, sharing stories and photos to document and magnify the experiences of those inside. In this sense, I found that the FOIL experience was a legitimate, albeit limited, reflection of the carceral experience. This particular Facebook-based community of advocates is complex, including members who were currently or previously incarcerated themselves, members who used to have incarcerated loved ones, members who were affected by their loved ones crimes and those who hold true that their loved one is innocent. There are also criminal attorneys and social workers who often promote their services at reduced (or completely pro bono) prices.

The group I specifically worked with, which I choose not to name in an effort to protect privacy, is a closed group that was first created May 9th, 2018 and is currently home to nearly 10,000 members. There are five moderators of the forum who represent the U.S coast to coast (as do the members). All moderators are somehow connected to a person incarcerated and/or have been incarcerated themselves. I have seen posts requesting regional specific information, or FOIL solidarity based on a particular facility, yet organizing is not limited by geographic location. The average post reflects a positive outlook through encouraging messages, photos, videos, or news stories, yet frustration with the system is well-represented by policy updates or requests for prayers. The most active members of the community tend to be FOILs in particular, making this an important space for transmitting FOIL-specific information.

While my ideal research methodology was individual interviews with FOILs, few expressed interest in this direct communication. I received permission from the administrators/moderators to post my request for participants in the larger group, yet did not find success at recruiting FOILs. While I was disappointed at this outcome, I was given permission by those administrators/moderators to use quotes from user posts so long as I did not identify the individuals. Because there was one FOIL with whom I directly communicated, I made the decision to amalgamate the qualitative data (posts, comments, photos, videos, and links) of community posts and the direct responses of the individual FOIL. The purpose of this was not to argue that all FOILs experience life in the same way, but rather to indicate just the opposite—they have very distinct experiences yet remain members of the group because of their similar identities, because of their culture.

From the beginning, I felt the discomfort many anthropologists associate with first entering a community to which they are an outsider. To be clear, this discomfort was on my own

accord; The nature of the group was such that members were not required to reveal how closely or peripherally they have been touched by the carceral system. However, as a means of contextualizing and situating myself as an author, I begin this work with such an acknowledgement. I lay far in the peripheries of the prison industrial complex. I have not, nor to the best of my knowledge has anyone in my family (immediate and extended) been arrested, held in jail, or been convicted of a crime and sentenced to time in prison. This is also a testament to the basic protection from criminalization my family holds as a direct product of our whiteness. This subject space I inhabit absolutely does limit my ability to understand the socio-emotional ramifications that come when one either directly or indirectly (through a family member) enters the criminal justice system. Furthermore, my whiteness in particular will always inhibit my ability to comprehend the socio-economic, emotional, physical, and ancestral consequences of simply living as a Black, brown, or Indigenous American. Additionally, the FOILs with whom I have had direct (albeit virtual) contact have no qualms in pointing out the degree to which, as someone without an imprisoned loved one, I just won't understand. One FOIL in particular noted that it is those who also have incarcerated loved ones who are the most helpful, noting that "it is an emotional rollercoaster most won't understand," therefore "only people with incarcerated people understand really." These statements are also indicative of a communicative directness exhibited by many FOILs, which perhaps is a mechanism used for enforcing protective boundaries. To this accord, both FOILs and virtually active incarcerated people set up these boundaries for themselves, such as using a pseudonym or not revealing any particular location. These boundaries did not hinder the depth of my research, as I was not interested in the specifics of court cases, convictions, locations, or any other information that may identify a person detained.

Going forward, I would like to acknowledge choices in methodology and terminology that were made, the barriers to research as a result of the pandemic, and the difficulties of doing research amidst inequalities of race. First, I found that academic texts varied in the way in which they chose to address people who are incarcerated. In Lorna Rhodes' work *Total Confinement: Madness and Reason in the Maximum Security Prison*, a work through which she describes the lives of inside men in a Washington State prison facility, she confronts the difficulty of representing varying perspectives and experiences indicative with the prison experience, noting that one's relation to the actual prison space can determine the terms they find appropriate (2004:9). Thus, Rhodes chooses to use a myriad of different referential terms that she deems contextually appropriate in any given scenario. On the other hand, scholar Leanne Trapedo Sims states directly that she has intentionally chosen the term "inside women" in an effort "to avoid reducing the women to their crimes" (2018:172). These choices represent a larger issue of representation and stigmatization which often befalls academics and outside-activists. Writing about a group which I am not a member must entail an acumen for the language used to refer to and describe people and their positionalities. Therefore, in an effort to acknowledge the variance between academic terminology and the more colloquial terminology used by FOILs, I have chosen to use two terms interchangeably: **Inside person**, which acknowledges the physical boundaries of prison without dehumanizing the individual, and **incarcerated person**, which more specifically names the institution responsible for policing the boundary. Furthermore, Sims' choice to use "inside" in scare quotes led to internal debate on whether I would choose to do the same, eventually culminating in the decision to use **inside person** as a standalone phrase without quotes. I chose to do this for the sake of brevity and authenticity, as incarcerated people are not just hypothetically inside but literally detained within an enclosure.

There was also some difficulty presented when choosing how to refer to people who have loved ones in prison. There are various groups and organizations that use terms such as “FFIP: Friends and Family of Incarcerated People,” “Prison Families,” or “Families Left Behind.” I chose FOIL: Families of Incarcerated Loved Ones to mirror the use of familiar terms within groups, while also specifying “Loved Ones” to indicate and highlight the emotional connection incarcerated people have with those they regularly communicate. Additionally, I have chosen to use the acronym “FOIL” as an umbrella term to refer to both the virtual community of advocates (which was not exclusively made up of FOILs), in which I was a participant, and actual individuals who have incarcerated loved ones, including the individuals whose experiences were recorded in other studies. This choice is, first and foremost, a reflection of my effort to protect the identities of those who shared their stories with me or the larger group. The term FOIL also helps to purposefully locate a group of people with social similarities in a rightful community worthy of anthropological study. Finally, while I went into the actual research with a pre-written list of questions, like in any social scenario these questions shifted over the course of my communication with FOILs. Those with whom I spoke directly signed consent forms agreeing to have their thoughts, experiences, and opinions shared in this work [see appendix A for IRB approval].

The purpose of this study is primarily to discuss the ways in which FOILs bridge the social gap experienced by their alienated, confined, and dehumanized loved ones. This social gap is illustrated by the reality that incarcerated people are physically and emotionally distanced from a social life that is not defined by the carceral space they inhabit. Grounding this research is the concept of social death, which will first be described independently and subsequently mapped onto the prison industrial complex. In addressing the prison industrial complex as well

as social death, race and racism are vital considerations and determinants of carceral adjacency. Throughout this work, I address race at various different points, as the FOIL community is a space not immune to internal racisms. The FOIL community includes individuals from diverse racial identities, and these differences are acted-out in their discussions that seek to make claims of irregular treatment based on race. To approach this point of contention, I ask how social death relates specifically to the Black experience and acknowledge the difficulty of including white incarcerated people and their families in the theory of social death. I then discuss the explicit and implicit ways in which FOILs mediate their loved one's social death. I argue that this mediation is limited in scope and impacted by financial, emotional, and social/political factors. Finally, I argue that the collective efforts of FOILs and advocates are an effective way to provide a rehumanizing platform for incarcerated people in a space where advocacy seems futile.

What is Social Death?

Orlando Patterson's work *Slavery and Social Death* is a foundational text that merges the transatlantic slave trade and resulting chattel slavery in the U.S. South with the work of social theorists, behavioral analysts, and philosophers into a conceptual understanding of a death without dying (1982). Patterson is concerned with describing the experiences of enslaved persons not as a matter of their everyday material reality as many have done before him, but rather as a matter of speculating the ways in which relations of power are mapped onto the body. Patterson first defines slavery as "the permanent, violent domination of natively alienated and generally dishonored persons" (1982:13). Social death, then, is employed as an enveloping term to characterize those individuals with no social existence outside of ultimate subordination. The enslaved person relegated to "non-personhood" is understood by Patterson's framework to be dead to and isolated from all existence except the labor that their body can provide. They are

socially dead, no longer belonging to a community and with no social world outside their connection to a “master” (1982:38). We might relate the concept of social death to a similar theory of bare life proposed over a decade later by Italian philosopher Giorgio Agamben (1998). In Agamben’s work *Homo Sacer: Sovereign Power and Bare Life*, he describes bare life as pertaining to those who are “lacking almost all the rights and expectations that we customarily attribute to human existence, yet [are] still biologically alive,” bare life describing a human who “may be killed without the commission of homicide” (1998:159). While these two theories both describe ways of existence, Patterson’s social death describes the actual mechanisms by which social death is constructed.

Power is the overarching theme of Patterson’s work, whether that power is from independent wealth or institutional support. Patterson is interested in the various facets of power relations and how such relations came to be and were able to persist. He introduces and describes three different social relations of power: Those that occur when there is a threat of violence from one person to another, psychological relations of power that occur as a matter of persuasion and manipulation, and cultural relations of power by which participants obey a force of power that manifests as symbols, rituals, or other acts of cultural display. The latter relation of power implies that the patterns that make up the anthropological view of cultures function outside of individual will but rather are mechanisms of coercion based in a regime of power. I am certain that there are anthropologists who would be delighted to contest these implications, yet I approach the issue with trepidation as to avoid over-essentializing Patterson’s argument. He is not making the direct claim that cultural displays are limiting to personal freedom and therefore oppressive, but rather he brings into view the way that power functions to produce norms within a cohesive social unit. By looking to the norm-creating institutions within any given society with

a critical sort of relativism, we may be able to uncover the sources, manifestations, and consequences of different structures and dispersals of power. The dispersal and consequence of power most relevant to this study is, of course, the process of social death.

There are three primary actions of a social killing: to uproot, to depersonalize, and to desocialize. As we will see these processes can be, to some extent, compared to Arnold van Gennep's rites of passage (1960). The first step of a social killing, to uproot, requires a separation from the familiar. This separation, on a conceptual level, is similar to van Gennep's theories in that in order to begin the ritual process one must be separated from the life they have come to know. While Patterson himself draws a connection to van Gennep in arguing that slavery is a rite of passage, we must use caution to avoid conflating culturally variable rites of transition with the quintessentially ruthless violence of enslavement. With regard to slavery, of course, "uproot" is a rather passive way to refer to the violent kidnapping of a human being. "Uproot" does not seem to address the force that is required to do so, and the power it takes to break existential bonds to a place. However, Patterson does not claim that the actions of social killing are done without power, but rather should be understood as one undertaking of such regimes that already require force and violence to function.

The second step of a social killing, depersonalization, is one which requires the stripping of individuality and any association that individuality may have had with that previous life from which one was uprooted. By stripping personhood, regimes of power create a mass of bodies that can be used as subhuman tools of labor. This is a practice which validates human death through homogenization. Those who were previously individuals with particular names and life-stories become nameless and story-less and therefore ignoble. Patterson also notes how depersonalization as a step of social killing was perpetuated through the rape of and subsequent

child-rearing by enslaved women in the U.S. South. Even when the child was biologically related to the enslaver, they were immediately thrust into a depersonalized life in death such that their existence and childhood development were solely for the purpose of expanding the labor force. There are many examples within U.S. slavery that confirm the step of depersonalization, such as auctioning of enslaved people, physical examinations akin to those performed on cattle, or paperwork drawn to confirm an individual's 'owner' (Hartman 2007).

The final step to a social killing, and perhaps the most salient for the matter at hand, is desocialization. After separating and de-individualizing, the overseeing regimes of power work efficiently to disallow kinship associations. This process, of course, occurs in conjunction with the other steps; Forcibly uprooting is removing one from their social world, as is depersonalizing. In the full exertion of power that occurred during slavery in the U.S., the social was especially disallowed through the forceful separation of families. Because kinship networks are often an individual's first method of socialization, many anthropologists have argued that "close kin ties are intrinsic to the social constitution of persons" (Carsten 2003:83). Furthermore, there is evidence that in times of distress, "the extension of kinship ties is deliberately sought out" (Carsten 2003:103). Thus by severing these ties that are evidently essential to socioemotional stability, regimes of power could assert the relation between 'master' and 'slave' as the primary social determinant above all else. Patterson argues that the supposed kinship tie between 'slave' and 'master' is only a veil covering the reality of relations of domination (1982:18). While preventing authentic affinal relationships was a legitimate tool for establishing social death, so too was establishing "quasi-filial" networks of fictive kin (Patterson 1982:63). Patterson further argues that if we characterize adoptive networks of fictive kin as a genuine assimilation and transfer of constituted privileges associated with the status, "quasi-filial"

kinship only adopts the language of kinship to validate the slave-master relationship. In other words, the enslaver co-opts the language of kinship to meet his own ends and validate his identity as the dominator.

Resulting from a severing of authentic biological or fictive kinship networks during U.S. slavery are the empty spaces in the family trees of contemporary Black Americans, for these spaces represent kin who were forcibly separated or killed while enslaved. Having been separated from a known space, a known identity, and now any known relationship, an individual is now “socially dead.” Yet what physical death and social death have in common is the maintenance of existence through memory. While a person may be separated from their family, this does not mean that they are forgotten by their family. However, unlike the physically dead person who exists outside of waking reality, the socially dead person exists in a liminal state where they are neither living nor dead. This is another way in which the passage through stages of social death is much like moving through rites of passage. Liminality is inherently uncertain and thus shrouded in insecurity.

There are also two types of social death: intrusive and extrusive. Intrusive social death refers to the social killing of the enemy within. In other words, the social killing of a captured infiltrator who is made into the property of the state. This is most relevant in times of war when social structures are under strain. It is also a lens through which we can understand, for example, the justification of torture of prisoners of war at Guantanamo Bay (Khalili 2012), or the forced imprisonment and deportation of immigrants (De Leon 2015, De Genova & Peutz 2010). Extrusive social death, on the other hand, is used to refer to the insider who has fallen. This is the citizen-subject turned defector who is then made into the “non-person” property of the state. In breaking a juridical social contract, the defectors’ fall from society is justified (or rationalized)

through Kantian ethics of utilitarianism. The idea of a social contract was originally proposed by Jean-Jacques Rousseau, where he argued that “as soon as this multitude is united into one body in this way, any offense against one of the members is an attack on the body [politic]” (Rousseau 1968:8). The defector, or the person who has committed an offense impacting a member of a society, has broken the social contract, and is extruded to the far margins of society. In some historic contexts, this could mean a literal expulsion outward, whether onto land or sea. Extrusions, however, do not exclusively fall within the umbrella of social death. For example, refugees during wartime are often affected by militarized brutality and are expelled from their homelands as a last resort. Refugees, then, have been expelled by a show of force and a regime of power, but they are not necessarily expelled for the purposes of transforming their existence into property (though they are certainly dehumanized). Applying the concept of social death to contexts outside of the transatlantic slave trade and U.S. slavery is a slippery slope, yet scholars such as Patricia Collins argue that while designating the differences between types of oppression transnationally is important, intersectional paradigms that consider various nodes of power and their intersections are indispensable (Collins 2000:245). Patterson himself does not take up a discussion of refugee crises and thus perhaps would not seek to map it directly onto social death, yet many refugees are the result of violent social processes that carry similar characteristics and outcomes to Patterson’s understanding of social death. Patterson does, however, ask later in his career whether or not Jewish concentration camps would be considered spaces of social death. It appears, then, that Patterson is willing to consider social death as occurring outside the contexts of U.S. slavery.

Extrusive social death requires a mechanism for determining the extruder. One process through which this task is executed is criminalization. Whether *de facto* or *de jure*,

criminalization is a method through which social existence can be mapped onto some bodies but not others. In Lisa Cacho's work *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*, she defines criminalization as "being stereotyped as a criminal as well as being criminalized," being criminalized meaning "to be prevented from being law-abiding" (2012:4). By preventing certain groups from being law abiding (through policy decisions, legal precedence, or disproportionate enforcement), the extrusion of a person to the margins represents a social death. Criminalization is especially salient as a contemporary exhibition of social killing when we consider the population that is most affected by these policy decisions, legal precedence, and disproportionate enforcement: Black Americans. The result of this routine criminalization is incarceration; Thus, the connection of social death and incarceration is explained through both the process of criminalization and the institutions that react to and hold captive such "criminals." This connection will be further discussed in the direct comparison between social death and prisons.

There are then three features of the socially dead person. First and foremost, they are powerless. This is inextricably connected to the other two features, as it is power which allows the others to function. Second, they are alienated. Patterson refers to this specifically as "natal alienation," in which they are intentionally separated from familiarity and kinship. Finally, they are dishonored. In being relegated to the pits of social existence, the socially dead person exists only in that state of dishonor. They are reputation-less and always used as the base of a comparative social framework which bestows honor only to the "master." They are the undesirable, responsible for inflating the reputation of those other who stole their power. Through this lens formulated by Patterson, we can see both the true materiality of power and the relevance of the family to contest this power. In the subsequent section, I follow these features

and provide a more thorough description of social death within the contemporary prison industrial complex. Before delving into these specificities, however, I find it useful to address the academic critiques of the concept of social death.

While many scholars have recycled and supplemented Patterson's social death, others contest its generalizability. For example, in Jared Sexton's work *The Social Life of Social Death*, he questions attempts to use social death as a concept that transcends U.S. slavery (2011). The power dynamic that characterized Black American enslavement, he argues, is incomparable to modern manifestations and consequences of domination. These arguments are theoretically sound, as the pure, unmitigated cruelty of enslavement is undoubtedly the precedent of ultimate domination. However, in order to complexify these critiques Sexton also notes that there is value in efforts to "revisit the most basic questions about the structural conditions of antiblackness in the modern world" (2011:23). In comparing the social death of enslavement to modern imprisonment, we are following the institutions that have usurped power, alienated, and dishonored Black Americans. These institutions, from chattel slavery, post-Emancipation Proclamation sharecropping, and Jim Crow laws to the contemporary structures of law, have clearly changed in form yet retain the essence of that original power through wealth and whiteness. Black Americans still experience many of the consequences accrued from centuries of enslavement, such as lack of intergenerational wealth leading to impoverishment, extrajudicial punishment such as police brutality or hate crimes, and forced confinement. In acknowledging the institution as primarily populated by Black Americans, we also must address the existence of white Americans in that space. Using social death as a framework for understanding incarceration has drawbacks, most notably the question of explaining whites in a space of social death. Can whites be socially dead? If they can exist in spaces of social death, how is it mapped

differently upon the body? Are there levels of social death that depend on racial identity? Does assuming a continuum of social death obscure Patterson's main argument? While social death has been applied to a variety of different forces of institutional violence, it is imperative to critique applications that involve white populations. Patterson's argument was situated in a particular context of Black enslavement, and thus any use of the theory that involves whites necessitates commentary on the significance of white social death. The following section seeks to define the features of social death (powerlessness, alienation, and dishonor) and unravel the ways these features may (or may not) be applied to an analysis of the contemporary prison industrial complex, including the ways in which whiteness fits within this application.

Features of Social Death

In order to fully comprehend the powerlessness of the socially dead, we must first endeavor to define the power of which we speak. According to the foundational social theorist Max Weber, power is "the chance of a man or a number of men to realize their own will in a communal action even against the resistance of others who are participating in the action" (1946:180). This is to say that power is either an individual's or an entity's ability to assert them/itself, and their will. But power, as we have learned from Patterson's work, is not fairly given or equally distributed. Rather, power is markedly distributed for the exclusive benefit of those who are maintaining power, whereas those who are seeking it anew are constrained by their non-power. Power, using Weber's definition, requires some form of resistance to another's will and thus implies that for one to have power another's must be taken or else subverted or challenged. Following the implication that power is a limited resource leads us to philosophical questions of free-will, ownership, and force. Does power for one require the powerlessness of another? How is ownership constituted without a force of will over another? In the context of

social death, we can answer these questions quite simply. The slave owner always executes an ultimate power of will over the enslaved person through force. The forms that force takes are the same steps of social death: uproot by force, depersonalize by force, and desocialize by force. In social death, we are concerned with ultimate power that requires the elimination of the socially dead's will. It is that elimination of will that we see in contemporary imprisonment.

There are various factors which we can look at to understand how power is distributed in United States society, including identities such as race, class, gender, and physical ability. Yet the quintessence of this distribution is the physical body and how those identities are represented by those bodies. The State, which has been and will henceforth be used to refer to the nodes of control that exist as institutions within U.S. society, has the capacity to assign value through the definition of life and death, or, in the words of Achille Mbembe, has the resources to execute biopower (2003). Biopower is an ultimate and all-encompassing form of power which asserts State control not through ideology but through efforts to control the physical body through various means such as legislation and de facto enforcement. Some examples of biopower based State action include legislation that bans the right to terminate a pregnancy, the criminalization of drug use, or state-run psychiatric institutions. A State which depends on this biopower functions through biopolitics, or the assertion that "the species and the individual as a simple living body become what is at stake in a society's political strategies" (Agamben 1998:8).

Social death fits neatly within the framework of biopower/politics, as it is through the process of social death that an individual is reduced just a body awaiting correction. Theorist Michel Foucault also addresses the way in which power is asserted through the delineation of certain bodies as undeserving yet under exploited. These bodies, according to Foucault, "may be subjected, used, transformed and improved," and are consequently determined as docile bodies

always usable and disposable to the State (1975:136). As the State labels some bodies as docile, regimes of discipline and punishment can legitimize State-led subjugation. Biopower, then, is productively mapped onto bodies through incarceration.

Powerlessness as a feature of social death is a mechanism through which discipline can be manifested productively. Discipline, whether arising as an “art of distributions,” “control of activity,” “organization of genesis,” or “composition of forces,” serves as a tool of biopower by legitimizing the placement of certain bodies for certain uses (Foucault 1975). Each person serves a purpose as a gear in machines of mass production to the extent that that each person’s life is valued only as much as they are irreplaceable, and death is mourned only as much as their absence affects profitability. These theories are most notably represented at the historical precedence of the industrial revolution when lines of manufacturing required repetitive work in order to increase profit margins. “Work,” became not just physical acts of processing (e.g., tending to livestock, crops, or home), but spaces of control where the individual is placed in a hierarchy and their value is always determined by such. Here we reach a pivotal conjunction between capital and power such that the citizen-subject is a placemark for income. If it costs, theoretically, \$100 to maintain a life each year, and the product of that life’s labor is equal to less than \$100, then to the capitalist it makes little sense to preserve such a life. In other words, it pays to have the power to define who lives and who dies. Asserting biopower is, at its core, a productive method of control that works to both uplift the one in power and depress those who are not. In such capitalist societies where capital gain is based not on the usefulness of the body, but the power to manipulate those useful bodies, status becomes a commodity in itself that must be maintained at all costs.

The status of the enslaved (socially dead) person was always relative to and required by the honor of the ‘master.’ In other words, in order to comprehend the status held by those of ‘high honor,’ a status of ‘low honor’ must be established. This elemental understanding of differential status is addressed in Lisa Cacho’s work *Social Death* (2012). Cacho states that “ascribing readily recognizable social value always requires the devaluation of an/other, and that other is almost always poor, racialized, criminalized, segregated, legally vulnerable, and unprotected” (2012:17). Cacho, in conscripting Patterson’s theory of social death, argues that “to be ineligible for personhood is a form of social death” (2012:6). Cacho incorporates Patterson through his “inalienability problem,” which is to say that rights are inalienable and unrecognizable when they are attached to racialized bodies. To some degree, Cacho’s incorporation of social death is minor and relies on inequalities in jurisprudence to explain the space of social death. Cacho argues that criminalized and racialized bodies are socially dead **because** they do not have rights, rather than understanding the nonconferment of rights as being the result of social death. This is not to say that Cacho’s argument is truistic or unfounded, but rather that her argument would be strengthened by intensifying the connection to Patterson’s explanation of social death.

To fully conceptualize status as it relates to social death, we may begin to see honor and status in U.S. society as a pyramid, such that the few at the top sit on the backs of the other, crushing spines for the sake of maintaining the hierarchy. Asserting that hierarchy of status and terminating “any relation that is not supervised by authority,” are thus essential instruments through which biopower maintains social death and what Foucault terms “coercive individualism” (1975:239) Those who are socially dead are required to have a chaperone in order to validate the space they inhabit. This chaperone serves two purposes. First, the chaperone is a

reference point that asserts the hierarchy. Second, the chaperone, overseer, supervisor, by the privilege of their position, is given tools for disciplining the body (which of course also buttresses the hierarchy). One of these tools of discipline is the observation and humiliation of individuals. Joshua Price, in his work *Prison and Social Death*, uses social death to unpack the results of his qualitative research with incarcerated people (2015). According to Price, humiliation involves “stripping people of dignity, honor, or pride, rendering them helpless, and making them the object of contempt” (2015:41). Here again we see how power, and biopower in particular, is produced and reinforced through the body of the socially dead. In Lorna Rhodes’ work *Total Confinement*, she argues that incarcerated men in maximum security prison who are relegated to isolation chambers carry out acts such as “shit-throwing” due to a “threat to the coherence of self,” a threat which often comes from severe or ‘petty’ acts of humiliation (2004:56). Humiliation is a method of social coercion, and to humiliate is an active process of forcing an/other to fall lower on the hierarchy through a loss of pride, worth, or power.

Partitioning, discipline, punishment, and dishonor all require what Foucault terms individual partitioning, or the process of “distributing individuals in a space in which one might isolate and map them, but also of articulating this distribution on a production machinery that has its own requirements” (1975:146). In other words, to partition the individual into a productive whole, that individual must first be isolated, placed out of view, and essentialized as a gear in the machine. Isolation in the context of social death is further described as a “condition of kinlessness” which, Mbembe argues, “is imposed on [individuals] through law and power” (2017:33). In Patterson’s work, alienation is described as occurring primarily through the process of forced kinlessness, such that an individual is separated from familiar patterns of relationships for the purpose of reducing their existence to a state of dishonor. Enslavement, in other words,

requires processes of isolating individuals from kinship, which is not only inessential, but is also a barrier to the effectiveness of the institution. Forcing solitude, discouraging communication, and cutting off community helps the State assert power especially in communities that rely on kinship bonds for survival. Thus, by “tracing the history of natal alienation,” we can begin to see the articulations by which “the forced separation of incarceration echoes that of slavery” (Price 2015:23). Natal alienation is especially salient for Black Americans, as studies have shown the importance of kinship for “ethnic socialization” and identity formation (Schwartz 2007). State sanctioned violence is perhaps one of those “certain negative circumstances [where] the metaphors of kinship have the ability to take on meanings that are more literal than metaphorical” (Carsten 2003:158). While the state enforces biopower, the family becomes a practical and material solution for support.

Prison as Social Death

In describing social death, it is difficult to avoid the clear linkage to the contemporary carceral system. We can see social death undoubtedly within Foucault’s definition of a prison, which he describes as “an apparatus intended to render individuals docile and useful, by means of precise work upon their bodies” (1975:231). The carceral system as a whole, then, “combines in a single figure discourses and architectures, coercive regulations and scientific proportions, real social effects and invincible utopias, programmes for correcting delinquents and mechanisms that reinforce delinquency” (1975:271). Going forward, I will use the term carceral not only to refer to the physical space of confinement we call prisons, but also to refer to all that is touched by a regime of discipline, such as parole boards, surveillance techniques, child welfare, immigration detention, and all methods of enforcement (e.g., police/sheriff departments,

Immigration and Customs Enforcement, Transportation Security Administration, Federal Bureau of Investigation, Drug Enforcement Agency etc.).

The most profound conjunction between social death and contemporary carceral systems in the U.S. is the modern process of mass incarceration. Mass incarceration, at its core, typically refers to the extreme and disproportionate number of Black Americans either imprisoned or somehow touched by the carceral (Mauer & King 2007). To put it plainly, both the social death of enslavement that Patterson describes, and contemporary social death of imprisonment depend on the bondage of Black Americans. In a report published by *The Sentencing Project*, researchers Marc Mauer and Ryan King address the race-based disparity of people imprisoned, showing that 2.3% of all Black Americans are imprisoned, whereas 0.4% of white Americans are imprisoned (2007:4). Thus, the carceral system seems to function primarily as a method of disciplining and scaffolding Black bodies for the purposes of state control (Alexander 2010). This section will further discuss the parallels that can be drawn between Patterson's *Slavery and Social Death* and contemporary incarceration.

While I argue throughout this paper that social death and contemporary imprisonment are theoretically commensurate, there are flaws in this comparison that are crucial to note. First and foremost, white prison populations are difficult to place within Patterson's framework. Because Patterson directly maps his concept of social death onto Black enslavement, navigating the framework with white populations places them primarily in the role of "master." This characterization relies on the historic argument that there was a point when white indentured servitude was abandoned, and white, primarily Christian populations coalesced for the sake of the common goal of domination and economic advancement. As argued by Patterson and reiterated by Michelle Alexander in her work *The New Jim Crow*, there was a pivotal point in

American chattel slavery where “the planter class,” as Alexander calls them, “deliberately and strategically...extended special privileges to poor whites in an effort to drive a wedge between them and black slaves” (2010:31). Thus white imprisoned populations can be further described in terms of their privilege, such that the severity and profundity of social death experienced by these populations is moderated by the benefits construed upon them by their race. Alexander further argues that “in the era of mass incarceration, what it means to be a criminal in our collective consciousness has become conflated with what it means to be black” (2010:246). In other words, white imprisoned people and their families still experience many of the effects of imprisonment, yet it is not their skin color that is conflated with criminality. Perhaps, in the context of prison as social death, this means that whites can more easily maneuver the confines of social death and the “mark of criminality” through the privilege bestowed upon them by their race. Patterson might refute this, saying that an ability to escape is irreconcilable with the ferocity of social death, and I might be inclined to agree. Thus we move forward with efforts to understand the parallels between social death and contemporary American carceral systems while maintaining an awareness of the perturbation to the theory that white imprisoned people represent.

The prison industrial complex is a term devised as a contemporary sister to the military industrial complex and refers to the capital expansion of privatized prison industries. The term is routinely used to critique the accumulation of profit arising from mass incarceration and to question the place of the prison in a supposedly ‘civil’ society (Shapiro 2011). Furthermore, Michelle Alexander notes that imprisoned people are treated similarly to Black Americans during the Jim Crow era. This, of course, draws a connection to the over-representation of Black Americans in prisons. A 2016 documentary by Ava DuVernay titled *13th* directly addresses the

13th Amendment to the United States Constitution passed in 1865 after the emancipation proclamation, which states that:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. (U.S. Const. amend. XIII, §1)

This amendment plainly states that slavery and involuntary servitude are constitutional in the United States so long as it serves as a punishment for a crime, leaving a loophole for exploitation. Importantly, “crime” itself has fluctuating meanings which depend on cultural changes and the intentions of regimes of power. For example, the war on drugs initiated by former president Ronald Reagan sought to criminalize and increase punishment for some drugs but not others, which often depended on the race of the population using each (Murakawa 2014). This is also reflected in contemporary legislation decriminalizing possession of marijuana, which some argue only followed after marijuana use became associated with white, middle class college students (Alexander 2010:257). This indicates, then, that the exception written into the 13th amendment to the constitution provides a chasm through which profit based on slavery and involuntary servitude can remain. The loophole within the 13th amendment is especially effective for understanding criminalization. According to Robert T. Chase in his work *We are not slaves: state violence, coerced labor, and prisoners' rights in postwar America*, this chasm has been well traversed, as prison labor with either diminutive or no compensation has continued since the passing of the 13th amendment (2020).

Alienation as a mechanism of social death is apparent in prisons, as can be understood by the forced physical separation of individuals from their family. Especially salient in this comparison is the use of solitary confinement as punishment. Those forced into solitary enclosures are separated from their families and kin and severed from any connections they have

made with other imprisoned people. Isolation to this degree has been shown to deeply affect the well-being of those who must endure it. A 2015 paper published in the American Journal of Public Health argues that “living conditions in solitary confinement are physically unhealthy, extremely stressful, and psychologically traumatizing” (Cloud et. al 2015:19). Little exposure to sunlight, few opportunities to exercise, and a generally depersonalized space are only some of the factors which negatively affect measures of health and well-being. Furthermore, many of those subjected to solitary confinement only socially interact with guards, who certainly wield a power over them. In placing confined individuals into a social hierarchy with only themselves and the guards, the powerless and dishonored status of one subjected to social death is reaffirmed.

Social death accurately describes the prison industrial complex and can likewise be used as a tool for recognizing and defining the actual prison experience. Price succinctly argues in his work *Prison and Social Death* that “to be sentenced to prison is to be sentenced to social death,” further specifying that the permanency of social death is much like the fact that “while many people integrate themselves back into the society after imprisonment, they often testify that they permanently bear a social mark” (2015:5). The mark of criminality is profoundly impactful, as it indicates a deviance from the social contract and whatever weight and connotation that may have in any given environment. While many who were previously incarcerated say they have “paid their debt to society,” this infraction will always, whether in social or economic terms, count toward delinquency and recidivism rather than rehabilitation. Scholars Western and Pettit further argue that social inequality in prisons extends beyond the prison walls and is invisible, cumulative, and intergenerational (2010). These forms of inequality within prison do not leave the individual once they leave the prison, but rather mark them and their kin as part of a

distinctive social class which Western and Pettit call the “invisible class.” Once we move beyond the specificities of the parallel between prisons and social death, we can further the understanding of this “invisible class” and the way it is marked on FOILs in particular. I ask these questions in subsequent sections, but here it is important to note that the prison experience is more expansive than the walls of the institution.

Not only do incarcerated people exist in a space of total biopolitical domination, but they are assumed to be there as a consequence of their intentional incrimination and expected to exhibit some sort of “self-control.” Self-control is an overarching theme which combines the powerlessness, alienation, and dishonor of social death. In Lorna Rhodes’ 2004 work *Total Confinement*, she notes that officers often insist “that inmates, too, should be able to control themselves under difficult circumstances” (58). The assumption of universality attached to “self-control” marks a distinction in the exertion of power. There are various implications that come with the insistence on self-control as a measure of criminality. First, this implies that the labeling of the criminal is self-induced rather than the result of what Cacho calls a “de-facto status crime,” which refers to the preeminent labeling of certain bodies as always already criminal (2012). Second, assumptions of self-control set a precedence for enduring violence as a process of docility rather than rightfully expressing anger or frustration with inhumane treatment. Third, self-control implies that struggles an “inside” person may have are their own fault rather than a reflection of the system acting the way it is intended to. Thus, in Rhodes’ words, “producing a docile and obedient inmate requires that the prisoner’s will be brought into direct contact with the will of the officer” (2004:63). As we learned from Weber, power assumes an opportunity to realize will in an action, therefore the inside person, being unable to enact their will, is

powerless. Those who are socially dead, by the nature of that status, do not have bodily autonomy but rather a biological life controlled entirely through the institution.

What can mediate this, I argue, is intentional socialization to counteract the alienating effects of social death. In the following sections I unpack this dialectic of social death and family. Through interactions with FOILs, I found the feeling of alienation to be highly relevant. In attempting to mediate the alienation of their incarcerated loved ones, FOILs illuminate the depth of isolation their loved ones experience. This experience of isolation is then reverberated beyond the prison walls, in a sense casting a shadow over the lives of FOILs. The following section discusses the form and function of this carceral shadow. This shadow caused by the residual experiences of incarceration and social death, I also argue, is mediated by the socioeconomic status and race of a FOIL in important ways.

Who are FOILs?

When incarcerated people attempt to advocate for themselves, whether institutionally, physically, or otherwise, the results are null. For example, in Montoya & Coggins' 1978 analysis of *Jones v. North Carolina Prisoners' Labor Union*, they maintain that the court/traditional judicial system follows a "hand-off" doctrine in response to in-prison litigation. In this case, the court ruled against the unionization of inside people, arguing that self and internally collective advocacy would be "disruptive" to the "security and order" of the prison (1978:815). In other words, the attempted labor organizing was labeled in terms of disorder, rather than seeing it as an act of self-advocacy and thus self-control. Similarly, *komrade z*, the inside person I mentioned previously, shared with me the consequences of speaking up about inhumane treatment: more inhumane treatment. *komrade z* was sent to the SHU (solitary) each time he was found teaching common law to his bunkmates. While communicating with *komrade z*, he shared with me

screenshots of a document he called “blue-leaks,” in which he was mentioned as a person subject to law enforcement investigation for his “radical” activities. “Blue-leaks” refers to a massive trove of data leaked and compiled by virtual activist group Anonymous (Lee 2020). *komrade z* also revealed to me that he had books on law and civil rights taken from him, posters ripped down from his cell, and is well acquainted with solitary confinement. While the correctional officers never directly indicated the purpose of their punishment, *komrade z* was unhindered in labeling the crackdowns as oppressive and intended to stop prison organizing efforts. At the core of self-advocacy is a consciousness of the way one is affected by social position—yet self-actualization through education involves the risk of being solitarily confined for ambiguous periods of time.

Rights for the socially dead are volatile—they are not self-possessed but rather dependent on either an authority’s “good graces,” or, alternatively asserted through self-education (Cacho 2012:53). The former, however, is the only politically sanctioned route to the bare minimum rights. Social media, as a platform for incarcerated people who can find access through a hacked tablet or contraband smart phone, is often used to reveal the day-to-day cruelties within the system and share the realities with friends, family, and the general public. While the ability to document injustices is an important step towards self-advocacy, these cruelties indicate an explicit connection between Patterson’s social death and contemporary imprisonment [Figure 1]. Given this information, the inefficiency of self-advocacy is clear, leading us to question the functionality of other sources of advocacy.

Before continuing with the characteristics of the FOIL experience, I want to readdress race and racism and its relevancy within the community. While my project is undeniably intertwined with the racialization and criminalization of certain bodies, I did not seek



Figure 1: Tweet posted publicly on September 6th, 2020 by John "Imprisoned" Smith, an incarcerated person introduced in the introduction.

demographic information from FOILs that they did not offer, thus I did not collect data on racial or ethnic identities. I have no doubts that Black and brown FOILs experience adjacent incarceration differently than white FOILs just as Black and brown incarcerated people experience incarceration differently than incarcerated whites. Because the scope of my project is focusing on the general ability (or inability) of FOILs to impact the social experiences of their incarcerated loved ones, I was limited in my ability to unpack the intricacies of race-specific FOIL experiences. Often FOIL abilities intersect with issues of race, but sometimes they do not. I have argued throughout this paper that race is a moderator of social death and adjacent experiences. Race, then, is an important variable in understanding the gravity of social death and can also affect the energy and effort FOILs are able to put towards their incarcerated loved one.

Throughout this section, I note race at important points where I found it to affect the shadow of social death. I found discussions of race to be challenging moments in the FOIL community, hence this issue is addressed further in subsequent sections that directly seek to outline challenges for organizing.

Without a doubt, outside family members play a role in the experience of their “inside” loved ones regardless of physical proximity. Yet, in what is seemingly a juridical ignorance to preventing recidivism, there are no formal laws which requires institutions to allow family contact (Black 2010). What we have seen during the COVID pandemic, for example, has reasserted the reality that prisons can arbitrarily close or open an inside person’s lines of communication. This can be a widespread policy affecting all those incarcerated within a complex or solely enacted on an individual. One FOIL shared with me an instance when their inside loved one was cut off from outside contact for weeks without notice. Seizing an incarcerated person’s ability to connect with family reflects a profoundly sinister intent to silence. Fear, which is a productive mechanism of control, “thrives on ambiguity” (Green 1994:135). As a testament to this, the times between contact are, for many FOILs, the most trying emotionally. Not hearing from their loved one inside elicits feelings of jealousy, fear, and frustration. They tightly grip their phone and carry around portable charging banks in case they get a call, which is often just enough to know their loved one is not sick, hurt, or dead. This fear is especially prominent when they know their loved one had their phone “privileges” revoked or were thrown in the SHU, as this could mean that cruelties are undocumented, information is manipulated, and rights are unmistakably trampled. Many FOILs also depend on their loved one’s access to a contraband smartphone in order to communicate, which furthers the fear they have of unhindered and abrupt loss of contact. What often occurs when an inside person loses

their access to smartphones is an indication of the burden FOILs carry. They often become responsible for disseminating information to their inside loved one's network. FOILs essentially become not simply a messenger, but a person who must commit to all the complications of communicating for two. In the age of social media, the amount of time and energy that it takes to be socially consistent as an individual is high, thus, to be responsible for communicating sufficiently for two people is extreme. Yet, as many FOILs shared, they signed up for the task and they will continue for as long as it takes.

The insecurity provided by this culture of ambiguity is not without serious emotional impact on FOILs, often manifesting as compassion fatigue. Compassion fatigue is an idea originating in the field of counseling psychology and is described as “the burden of tending to the suffering” (Figley 1995:1). It manifests as a feeling in an individual that occurs when they have “experienced indirectly the primary traumatic stressors through helping those who had experienced those traumas” (Figley 1995:4). The term is often applied to social workers, counselors, or nurses, yet I argue that it can be extended to FOILs to describe secondary contact with carceral regimes of power. FOILs who provide emotional support to their incarcerated loved ones shared that they feel helpless when their inside loved one's rights are being violated. “It creates co-dependent thoughts,” one FOIL shared with me, further adding that “people who fight do it at great emotional cost.” In Carol F. Black's work *Doing Gender from Prison*, she discusses the roles of wives of incarcerated men, specifically noting gendered manifestations of emotional support (2010). Women in these roles are expected to be “the nurturing partner for someone who is needy” (2010:3). In reading this, I thought of a FOIL who shared how emotionally dependent her incarcerated partner is:

Emotionally, I saved his life not too long ago because he was so messed up, but he still called me. And I was able to talk him into doing the right things to get help.

Plus he tells me that it means a ton to have me out here knowing he is supported because he couldn't do it himself. For him, he really says that emotionally he looks forward to our conversations and that he thinks about me at night before going to sleep (Anonymous, 2021)

While incarcerated men have to “emotionally detach from [their] family in order to survive,” unreciprocated emotional support on the outside can “mean the difference between life and death” (Black 2010:5-7). Black argues that the keyword here is “unreciprocated,” as the inside husbands do not necessarily have the resources to support in any way whatsoever, yet might also feel a need to detach from their family in order to reclaim the masculinity they feel they have lost. Leaving their wives to care for children, provide financially, or take care of household responsibilities alone, as well as necessitating an emotional and financial commitment from their wives creates feelings of shame based in societal notions of manhood and deviance. In those situations where a FOIL is the difference between life or death, urgency may feel necessary yet it not accessible. Being relegated to working multiple jobs and caring for children often means that time is limited, and finances are deeply insecure. Thus, the ability (or inability) of a FOIL to consistently communicate with their “inside” loved one as a matter of life or death takes a toll on both their emotional and financial security.

The form of communication a FOIL chooses is often dependent on their financial circumstances. For example, Black notes that many outside partners “prefer letter writing because it is obviously the cheapest type of communication” (2010:7). Phone-calls are costly, consistently interrupted, and thus forcibly short. Various civil rights organizations have taken notice of the price gouging of phone calls, one group noting that the phone companies force prisons and jails to increase costs in order to take a cut of the profit. However, there has been

Over time: Phone rates in prisons and jails

National survey results for 15 minute calls, 2008-2018

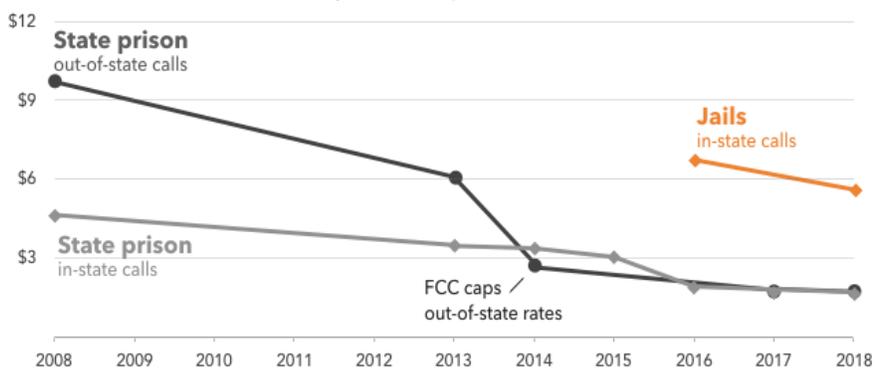


Figure 2: Report by Prison Policy Initiative (prisonpolicy.org), table developed from results of their nationwide surveys. See: (https://www.prisonpolicy.org/phones/state_of_phone_justice.html#methodology) for data collection methods. Reprinted with small-scale general permissions: <https://www.prisonpolicy.org/reprints.html>

some progress made in lowering the costs of phone-calls. This is an issue that prison advocates are deeply concerned about, as we know that communication, either with an attorney, family member, or other outside person can be the difference between life and death. Notably, the Federal Communications Commission (FCC) has recently capped fees [see figure 2] and costs after pressure from prison reform initiatives (Wagner & Jones 2019). Those who work on prison policy initiatives are also interested in addressing the communication problems faced by those who have been jailed awaiting trial. Charging exorbitant amounts for legally innocent people awaiting trial, Wagner and Jones argue, “punishes people who are legally innocent, drives up costs for their appointed counsel, and makes it harder for them to contact family members and others who might help them post bail or build their defense” (2019).

One alternative to paying fees for phone calls is letter writing. However, while letters can be less costly than phone calls, one FOIL shared that “people who continue to write usually have time and [money]—they can invest in people. People with no money often don’t have the resources to do so.” Writing letters requires time set aside to write, gather other materials to

send, and funds to pay for postage. In person-visits is another alternative that, while more satisfying for the physical connection, can cause undue burden on a FOIL. First, the location of an inside person is not always based on the location of their loved one. This means that in person visits can require hours on the road, or even cross-country flights. There are also other factors which may affect a FOILs ability to physically visit. For example, a poll taken of 37 FOILs within the advocacy group I joined showed that 62% of the group does not feel safe visiting their loved one during the COVID pandemic. Additionally, as I will discuss further in subsequent sections, FOILs prior to and throughout the pandemic report feeling criminalized by guards when they visit their loved ones. Some FOILs also report showing up to visit and being told to go home or being asked to wait yet never getting to see their loved one. These barriers to in person visits limit the authentic socialization I argue is essential to offsetting the alienation of social death.

The carceral landscape is not lacking in efforts to diversify methods of communication. For example, JPay is a for-profit communications and technology company specializing in “secure” technology for use by incarcerated people and their loved ones. While relatively new to the tech industry, JPay has expanded to 35 states. With JPay, FOILs can pay for a tablet to be sent to their incarcerated loved one. Through the tablet’s compatible software, the FOIL can send money, emails, or videograms to be seen by their inside loved one. The incarcerated person can also use the tablet to purchase music, movies, books, or educational materials. While perhaps a seemingly genuine company interested in bridging the social gap between incarcerated people and their loved ones, it is far from benevolent. JPay is a private prison contractor parented by Securus, a giant in the world of carceral technologies. In other words, JPay is part of a capitalistic venture which profits enormously from mass incarceration. The social alienation of

social death in prison is a necessary prerequisite for JPay to exist, as the company is able to capitalize on a desire to appease that alienation. FOILs aren't just obligated to pay for the tablet but must also pay for an electronic "stamp" with every message they send. Incarcerated people must also pay to download music, movies, games, and educational materials. It is clear that JPay does not close the gap of communication for all, but rather reinforces a hierarchy in which only those who can afford their services can mitigate alienation. Generally, FOILs find JPay to be helpful, albeit expensive. The carceral system is increasingly privatized such that the costs to operate prisons fall on the families, either directly through systems such as JPay or indirectly through government subsidization made available through taxation.

FOILs exist in a carceral system of reciprocity in which they may be considered "quasi-imprisoned." Naomi Murakawa's work *The First Civil Right* discusses the 1990s-era political emphasis on crime "prevention" through enforcement rather than an administrative effort to relieve the source through a furtherance of welfare systems (2014:17). Not only did lawmakers have a general distaste for building structures of welfare for poor communities, but there were various political initiatives which sought to directly punish those who may seek support from such structures. One example of these consequential reforms is Proposition 187, which was passed by California voters in 1994. Also referred to as the "Save Our State (SOS) Initiative," Prop. 187 forbade undocumented immigrants from seeking non-emergency public services (Cacho 2012). This proposition, according to Cacho in her work *Social Death*, "would have charged state workers in the health, welfare, and education professions with the policing function of the state" (2012:39). Just three days after passing, Prop. 187 was found to be unconstitutional based not on its innate cruelty, but rather on its supposed infringement on federal jurisdiction (Mcdonnell 1997, 1999). In punishing those who are already disadvantaged and marginalized for

relying on social care programs, Prop. 187 would have further funneled poverty-stricken communities into carceral institutions. The punishment of poverty affects not just those who are incarcerated, but FOILs often struggle economically and emotionally **because** of their loved one's incarceration and their own adjacency to the carceral. Visits from child protective services (CPS), use of SNAP benefits, and living in government subsidized housing are all mechanisms through which the state can police poor bodies. The effects of incarceration (and thus social death) leave traces of disadvantage upon FOILs, disadvantages that operate on a continuum that is primarily informed by socioeconomic status and race. FOILs are in the perpetual position of hanging on to the grasping hands of their incarcerated loved ones, incarcerated people's only true lifeline. In taking on this task, FOILs are essentially choosing to carry the weight of another life. In other words, if we understand the pivotal and defining characteristic of social death to be the cutting of social ties then FOILs are the last defense for a social killing. The weight of maintaining this second life affects FOILs in oppressive and debilitating ways.

Poverty is a cycle that repeatedly intersects with and runs parallel to experiences of incarceration. Two studies done in 2019 and 2020 found that, amongst the total of 3,836 women participants, those with incarcerated partners were more likely to work multiple jobs and to exhaust support from kin than those without incarcerated partners (Bruns 2019; Bruns 2020). Working multiple jobs is indicative of the need to financially support a loved one during incarceration, including filling their commissary fund, paying for calls and letters, using time-off for physical visitations, or paying for childcare. In thinking about the crowded schedule of a FOIL, it then becomes clear that time is a resource not all are privileged to have. Without free time during working hours to seek government assistance, many FOILs come to rely on assistance from their family. While requests for financial support within the FOIL network often

take the form of fundraising, members often ask for advice on financial troubles. For example, one FOIL asked in their post:

Does anyone know where I can get help with bail money to get my LO home with me and our children, Im not able to work due to having 3 kids one of which [is] adopted, and we're desperately needing him with us during this time (Anonymous, 26 March 2020)

Networks of kin, Donald Braman argues, “are essential to the ability of those who are otherwise resource-poor to survive hard times” (2003:159). However, in considering the impact of incarceration there is risk that networks of kin take on just through loving and caring for someone incarcerated. The work by Bruns demonstrates the profundity of financial impact caused by the prison industrial complex. Not only do FOILs dig a hole in their pocket attempting to maintain communication, but familial finances are consistently strained by the for-profit nature of private prisons, and by the societal mark left on incarcerated people that limits their ability to provide equivalent financial support during and post-incarceration. Furthermore, FOILs often look for emotional assistance from the Facebook group, one sharing their frustration:

I have cried and cried and cried and then some more. I feel sad, mad, and I fought so hard. I don't think I can go through this again. Another two years is a long time. I'm so physically sick and emotionally drained (Anonymous, 22 February 2021)

When addressing criminality, FOILs tend to fall on the forgiving side of justice. Posts in the group that reference crime can be distinctly categorized as either framing innocence (e.g., stating their loved one is “serving time for a crime he didn't commit!”) or centering a mindset of forgiveness (e.g., “its called unconditional love”). In other words, most FOILs believe that either their loved one is innocent or that their loved one committed the crime and are deserving of forgiveness. Throughout these conversations the cruelty and injustice of the system itself is a prominent participant. Whether or not they believe their loved one is guilty or innocent, most

FOILs recognize that harsh sentencing and the imprisonment that follows are not productive ways to rehabilitate their loved ones. These thoughts sometimes take radical forms, such as one FOIL encouraging their community to “ask the inmates to forgive you for rationalizing and justifying genocide, supporting human trafficking, and slavery of all races because we were seeing everything as an ‘eye for an eye’” (Anonymous, 12 April 2020).

When FOILs address the particulars of violent crimes, I am reminded of Laurence Ralph’s discussion of police torture in Chicago in his work *The Torture Letters: Reckoning with Police Violence* (2020). Throughout this work, he marks the ideas of guilt and innocence as irrelevant to charges of institutional mistreatment. Ralph, in outlining the particular case of Andrew Wilson, encourages readers to “see enough humanity in him to understand why it is just as wrong to torture him as it is to torture an innocent man” (2020:23). FOILs as a community will exist whether or not outsiders believe their loved ones are guilty or innocent, and likewise they will continue to advocate for fair treatment for “insiders” regardless of their own perspective of guilt or innocence. FOILs recognize not only injustices in the system, but pre-incarceration risk factors. They recognize certain childhood experiences, such as poverty, hunger, or childhood abuse. In discussing the future of incarceration and the particulars of reform, one FOIL shared an insight that “the carceral system doesn’t allow them to be both abuser and abused” (Anonymous 2020). In other words, FOILs can see that criminal offenses in prisons are not addressed through trauma-informed care and rehabilitation but rather reproduce the same negative outcomes they are supposedly preventing. This is especially noticeable, many FOILs suggested, in the experiences of children with incarcerated parents. I find it important here to note that I did not speak with children of incarcerated parents and thus the analysis is

limited to secondary testimonies. All those in the advocacy group were adults, yet they often shared sentiments and stories involving their children.

When one is incarcerated, there are often children left behind who are particularly vulnerable to the harmful effects of the prison industrial complex. Over half of all incarcerated people in state and federal facilities have minor children, an astounding number (Glaze & Maruschak 2010). Half of those parents were the primary income generator in their household prior to their incarceration, meaning that the household per-capita income was lowered, affecting the possibility of inter-generational financial security (Braman 2004:156). Furthermore, half of those incarcerated parents are Black. When addressing the population of incarcerated Black parents, it is first and foremost important to acknowledge harmful analyses based in racism, such as the Moynihan Report. The Moynihan Report argued that Black disadvantages were the result of poor parenting and lack of solidified family structures (Moynihan 1965). While in general “high rates of parental incarceration likely adds to the instability of family life among poor children,” we must remember that incarceration, especially in Black families, is largely the result of systemic criminalization (Western & Pettit 2010:14). Children, especially Black and brown children, who already touched by the carceral system do not have the tools to self-advocate within a system that has already planned for their incarceration. What is commonly called the “school to prison pipeline” is the process through which underfunded public schools, historically populated by Black and brown students in the community, fail to provide necessary tools for self-advocacy. These so-called “inner-city schools,” are often heavily policed, which leads minor students directly into the carceral system through juvenile detention. Black youth “offenders” are more likely to have their case tried in court, more likely to be committed into a facility, and more likely to be transferred to an adult facility (Rovner 2016). These students who are already on the

radar of the carceral system often have parents who have been or are currently incarcerated after having entered the system in a similar way. In other words, having an incarcerated parent expands the marginalization of already disadvantaged communities, and seems to be a social positionality all its own.

FOILs must navigate their own experiences of marginalization while simultaneously supporting their inside loved one. One FOIL shared that they “advocated to the jail when [my loved one’s] rights are being trampled. Jail staff often do this, and then they try to treat me as if I don’t have rights.” Others share that when visiting their loved one, they are “being treated like criminals themselves” (Black 2010:8). They report that during visitation they are constantly monitored and policed by guards who can arbitrarily end their visit early without oversight (Black 2010). A FOILs willingness to engage socially is easily overridden by a system “they blame... for tearing apart the family bonds that they feel would help rehabilitate their prisoner” (Black 2010:10). As previously mentioned, there is no legislation requiring prisons to allow visitation. For inside people who rely on their family for support, not allowing them to see their family is a direct detriment to recovery or rehabilitation. Responsibility is displaced onto the family, who is simultaneously blamed for criminal adjacency and expected to prevent state-structured recidivism with no state-given resources. This consistent concern for the safety of a loved one, which manifests as financial, emotional, and political support is what I call the *FOIL Tax*. The *FOIL Tax* refers to the disadvantages that come with having an incarcerated loved one, of being quasi-imprisoned. Love, in this sense, has a cost that can significantly impair a FOIL’s material reality. Many FOILs are also the victims (directly or indirectly) of their loved one’s crime, which complicates both their desire and ability to provide nodes of support. Those FOILs who do mention being the victims of their loved ones’ incarceration and criminalization often

post in the community complaining of rules against release to and communication between victim and perpetrator. For example, some states use automatic protection orders as a method of victim protection which, in the context above, can prevent reconnection between injurer and injured when there was a prior established relationship. Despite these challenges, I have found in my work that FOILs are ambitious in their love and will go to great lengths to prove to the world that their incarcerated loved one is a person who is deserving.

There are, at any given time, hundreds of FOIL-created petitions collecting signatures through the platform change.org. Through these petitions, FOILs work with their community to provide legal, financial, and political aid on behalf of their inside loved one. There are a variety of purposes that these petitions serve. Some of the petitions are requests for investigations into mistreatment on behalf of an incarcerated person. There are also requests for better conditions for institutions state-wide, requests for support of a particular legislator or legislation, calls for release of wrongfully convicted people, or calls for re-trials. While the general success of these petitions is an indication of solidarity and mutual support within the FOIL community, they are also a sign of deep socioeconomic disadvantage. When asking one FOIL about the particular ways they feel they support their loved one, they shared with me that their loved one relies on the generosity of donors from their GoFundMe (an online platform for raising funds and awareness for certain causes) to support themselves. As companies such as the prior mentioned Securus Technologies (and their subsidiary JPay) see a major profit from mass incarceration, the everyday people who exist in the liminality of the system are drained emotionally and financially. FOILs struggle to make ends meet, which, I have argued, does not lead to patterns of incarceration and delinquency but is rather an effect of the inequalities inherent in the criminal justice system. Survival, then, becomes a matter of faith, fate, and pure luck. One FOIL shared a

message of support with the group, stating that they are “praying that the lord will overhaul our justice system.” The Facebook group seems to be organized according to each member’s/participant’s social role. For example, there are two to three FOILs who share daily prayers, religious ideas, and Christianity based motivational photos. Religious posts tend to receive consistent levels of engagement overall, however posts that are emotional in content elicit larger crowds of empathetic supporters. There are then those who take on the responsibility of education, sharing articles that detail legislation or outside posts that speak to the issues that are important to FOILs. The posts I consider to be educational do not seem as popular, yet function as a buffer for the more casual conversations. Finally, there are the organizers who take on the responsibility of sharing resources for ongoing advocacy initiatives. These initiatives take various forms, and it is with this consideration in mind that we move to the final section, which discusses not the struggles but the possibilities of radical change through FOIL advocacy.

Strategies and Platforms for Social Life: Challenges and Successes

Near the end of my research period in the virtual community of FOILs, another student conducting research posted a request for “minority” participants in their study of mothers with incarcerated sons. This post received significant backlash from individuals doubting the relevance of race and ethnicity, some saying that “hurt has no color,” or “all inmates, regardless of color are suffering.” The post clearly hit a point of contention that many feel with regards to placing and understanding disadvantage within a race-based configuration. The reactions assumed that the student who posted the request did not believe that white FOILs and incarcerated people hurt, which was quite evidently not the case. Similarly, one FOIL shared with me that “though many talk about race, the fact is that poverty is likely a larger disadvantage than race.” These statements, while accounting for poverty as a leading factor in rates of

incarceration, do not consider the existence of a “refuge of whiteness.” In Shana Redmond’s chapter “*As though it were out own*”: *Against a politics of identification* published in a Critical Ethnic Studies reader, the “refuge of whiteness” is such that:

Whiteness might be deployed as a helpful socioeconomic and political tool, but it comes with an escape hatch—a path of return for those who dare to play on the dark side. This is a luxury unavailable to the majority of the Black and brown people on whose behalf [whites] claim to labor (2017:27)

So, yes—White FOILs and their white inside loved ones suffer, experiencing similar emotional isolation, social alienation, and systemic violence that racialized FOILs and their racialized inside loved ones do. However, the purpose of specifying Blackness and brownness as particularly salient in understanding disadvantage is to point out that while it is white poverty that is criminalized, it is the *actual bodies* of brown and Black populations that are criminalized. In other words, existing within a racialized body is always an indicator of what Lisa Cacho calls a “de facto status crime” (2012). The term de facto status crime "captures the many ways in which people and places of color have become necessary signifiers to recognize illegality or criminality" (Cacho 2012:44). Cacho argues that whites can decriminalize themselves by directing attention away from conduct as criminal and towards status as white. Furthermore, a white person can accumulate wealth and thus status to avoid criminalization while Black individuals are not afforded the same. The inability of white communities to see and acknowledge the exceptional disadvantages faced by Black and brown communities is, unfortunately, present as a barrier to the organized solidarity among FOILs of differing races.

The post by the student mentioned above was unfortunately not the only iteration of struggles the FOIL community faces when addressing race. It is common for posts that mention race to receive one or two comments that attempt to move the conversation away from race. However, administrators of the group often step in to moderate these discussions and clarify the

connection between race and incarceration. For example, one FOIL posted information documenting the case of an imprisoned Black man, mentioning institutional racism in their caption. In response to this, one individual made comments referring to their experience of being arrested as a white person. The same individual made the comment that those who bring up race are “part of the problem.” The group overall has rules against discrimination and racism in comments, yet these more ambiguous and symbolic forms of racism persist. In Eduardo Bonilla-Silva’s work *Racism without Racists*, he confronts this exact issue of the persistence of systems of oppression despite claims of “colorblindness” (2018). Bonilla-Silva argues that whites have developed rhetorical tools for bypassing discussions of race, one such being the projection exhibited by the FOIL above (2018:87). These rhetorical tools are most commonly manifested as denial by white FOILs, such that “it is not a race problem” becomes a way to avoid a conversation that could result in difficult realizations of privilege. In these sorts of scenarios where whites reject race as a moderator of life experience, we often find that Black individuals are called upon to “educate” or change the mind of someone who may be committed to mishearing. While this occurs somewhat in the FOIL community, there are white individuals who take on the task of educating other whites on racial disparities in the prison population. This social occurrence (whites educating whites) takes some pressure away from Black FOILs, who already must navigate through social death without being burdened with the responsibility of proving well-documented disparities in prison populations.

As we return to Patterson’s primary work, we must first address the peculiarities of Black resistance. Reasserting personhood, bridging the gap of alienation, and re-honoring the socially dead is a monumental task. Yet the task of Black Americans in general to prove social deservingness is a preliminary requirement to actually reasserting personhood. While whites

fight for their right to not be cruelly and unusually punished, for example, Black Americans must first prove that they are deserving of the right in the first place. This task that we might call the animation of social life, or what is “another name for freedom and an attempt to think about what it entails,” is different, and perhaps more challenging for Black FOILs and their incarcerated loved ones (Sexton 2011:17). In his work *The Social Life of Social Death: On Afro-pessimism and Black Optimism*, Jared Sexton argues that “Black life is not social life...Black life is not lived in the world that the world lives in, but it is lived underground, in outerspace” (2011:28). This outerspace is a reality which allows the sufferer to see their suffering, and to realize the intention with which they were put underground.

It is clear, through the arguments presented in this paper, that FOILs, depending on their racial and ethnic identity, live to some degree in this underground. White FOILs experience a family life guided by their loved one’s incarceration yet can still use their whiteness to stay exempt from some parts of the FOIL tax. FOILs of color, on the other hand, cannot escape in the same way, but are rather “in the trenches.” The Black FOIL existence fits well within Sexton’s argument that “black social life steals away or escapes from the law...frustrates the police power, and in so doing, calls that very policing into being in the first place” (2011:36). In other words, policing exists for the explicit purpose of surveilling Black communities, and thus a cycle exists such that these communities are over-criminalized because they are over-policed, and over-policed because they are over-criminalized. If Black existence is characterized as always criminal and always requiring policing, how might one disentangle and disengage the label of criminality? Cacho argues (with limitations) for a “politics of deviance,” in which “claims to empowerment through deviant and defiant behavior urgently unsettle the stubborn relationship between value and normativity” (2012:167-168). In other words, if criminality is always

assumed, genuine liberation could possibly be sourced from a reliance on the permanency of labels of deviance.

Having addressed the barrier between FOILs of color and white FOILs, there are pedagogies of consciousness shared by FOILs that actively work at overcoming that barrier. FOILs understand, either intuitively or through their incarcerated loved one, that “cultures of terror are based on and nourished by silence and myth” (Taussig 1984:469). If the culture of terror is the carceral, then it would make sense that speaking of the terror as it is rather than remaining silent could be a space of transformation. However, cultural consciousness of the carceral landscape is steeped in stories of “magical realism.” One FOIL shared with me that, with regards to popular stories surrounding incarceration, “people seem to think they don’t happen.” TV and movies filmed in this carceral landscape, while sometimes addressing the faults of the system, largely represent the prison as a “rightfully” dehumanizing, terroristic, and violent space. Some on the outside may think that “those” people “deserve” to be there, hence the silencing of actual narratives of enduring systemic abuse continues to perpetuate the Kantian conclusion that “they” are there for the good of “us” all. FOILs play a major part in the effort to not only reeducate themselves on criminality and state violence, but also to re-educate the general population towards a more nuanced and critical stance in regard to the criminal justice system.

FOILs employ multiple “strategies of visibility,” or methods of revealing, such as publicizing court proceedings. In Dan Berger’s 2014 work *Captive Nations: Black Prison Organizing in the Civil Rights Era*, he addresses the use of court proceedings as a public space to disseminate radical information. Thinktanks and nonprofit organizations such as the Prison Policy Initiative, the Sentencing Project, the Innocence Project, and the Marshall Project all work

further towards liberation through strategies of visibility by funding research and publishing reports. Support from these types of projects is vital to sustainable activism yet FOILs also exhibit more singular and personally impactful methods of activism. For example, FOILs often invite large groups of people to court proceedings, supplying what some FOILs call “civilian oversight.” At one point in my communication with FOILs, I was asked to virtually attend one of these court proceedings. Set on my calendar for 11:30AM on a Wednesday, I was looking forward to using my presence to boost awareness for the issues. I waited in the virtual court room as unrelated cases went by. At 12:30PM, I reached out to the FOIL to tell them I tried to attend but perhaps was in the wrong room. “Yeah, they’re about two hours behind. Not sure if we’ll even get in to see the judge today,” they replied. Thus, while attending court proceedings can be an important way to hold the system accountable and advocate for a loved one who is incarcerated, the timing of court often means that a FOIL will have to devote an entire day to being present. Taking days off is nearly impossible for some FOILs due to financial troubles or packed schedules. However, strategies of visibility do not require attendance in the courtroom. By advocating for and communicating with their loved one, they create a space to hold the carceral system accountable. Within the community of FOILs, they share the firsthand accounts of their loved ones, including abuses by guards, poor sanitation, and very unappetizing photos of their daily meals. FOILs also share successful methods of juridical advocacy, words and messages filled with support, love, kindness, and sympathy, and ask questions about how to work JPay or how to contact a parole board. Strategies of visibility thus requires a visible and accessible space to share the intricacies of their experience and learn from the stories of others.

Understanding the structures and functions of the system is imperative to mitigating the alienation of social death. FOILs practice what Italian philosopher Antonio Gramsci called

“organic intellectualism,” or the practice of harboring “folk wisdom” as a mechanism of social cohesion, the “thinking and organizing of any given social class” (1971:3). By creating a community grounded in similar social positionality through the cultivation and dissemination of “folk wisdom,” FOILs have successfully established a collective consciousness. Many FOILs also maintain a rolodex of resources having learned through experience who is best suited for any given situation their loved one is encountering. This organic solidarity, or a solidarity which comes from each individual serving their best-suited role, that arises in conjunction with a “collective consciousness” is a compulsory prerequisite to promoting meaningful social change (Durkheim 1984:50,63). Each individual within a FOILs network serves a role in the greater community, and while there are often disagreements over outcome, most FOILs do understand the inhumane nature of the system. The community which I joined, as previously state, is not exclusively FOILs but is rather a group that has come together based on the common awareness of poor conditions in prisons. FOILs within this community, then, serve a particular role in which they share their experiences and stories. They ground the group in their wisdom of the system and experiences of quasi-imprisonment, and often rely on the support of non-FOILs to boost the impact of their message.

In Charles Mills’ work *The Racial Contract*, he further confirms the importance of mapping the system, arguing that “until the system is named and seen as such, no serious theoretical appreciation of the significance of these phenomena is possible” (Mills 1997:10). This “serious theoretical appreciation” is part of what Chela Sandoval, in her work *Methodology of the Oppressed*, may consider the semiotics and rhetoric of emancipation, or a strategy that appropriates dominant intellectualisms (Sandoval 2000). This is all to say that learning and sharing knowledge through traditional academic rhetoric or through organic folk wisdom are

both legitimate and functional methods of advocating through vocalization. Given Linda Green's assertion that "silence imposed through terror has become the idiom of social consensus," adopting a methodology of visibility and communication is practical, and indeed, FOILs have accepted it as such (1994:239).

Jared Sexton's *The Social Life of Social Death* argues that a methodology of visibility is not just practical but imperative, stating that "one is not only about to learn about the world while learning intensively about one's local and immediate conditions, but that one cannot learn about the world otherwise" (2011:7). With this we can return to the idea of "outerspace," such that, in order for change to occur, there must be extensive knowledge of that space. FOILs represent an opportunity to learn about that space without diving in head-first, as they have knowledge of what that space is like, yet they are far enough to escape its murderous grasp. An important caveat to this, however, is the reality that not all FOILs are willing or able to follow that opportunity. Some FOILs also believe that the system is rightful as it is, and that their loved one's 'choice' is not their responsibility. The barriers outlined in the previous section showed how difficult it can be to support an incarcerated loved one, thus FOILs who step away are perhaps only at fault for protecting themselves from the intoxicating fumes of the carceral world. Chela Sandoval supports the argument that knowledge in the form of "a differential mode of consciousness," (for those in "outerspaces" specifically), substantiates the "movement of meanings that will not be governed" (Sandoval 2000:141,143). By maintaining contact with their loved ones through what the system considers illegitimate means (e.g., through contraband smart phones), FOILs enter into a "politics of love," which "breaks the citizen-subject free from the ties that bind being, to thus enter the differential mode of consciousness" (Sandoval 2000:141). The performance of love by FOILs on a daily basis "takes on a much different quality than what

most people in the outside world define as ‘relationship’” (Black 2010:2). It requires patience, understanding, and a will to understand.

While this paper has focused on the specific experiences of people who have incarcerated loved ones, this sort of political solidarity need not be relegated to FOILs. Solidarity can be extended to a broader community where systems of mutual aid, whether that be emotional or otherwise, can be established for the benefit of those affected by the criminal justice system. For example, Leanne Sims writes of the relationships between indigenous/pacific islander high school students and similarly identifying inside women with whom they exchange letters (Sims 2018). Sims argues that “the dialogic exchange between the inside women and the high school students serves as a political tool to counter the experience of dispossession in the carceral space to which they have been consigned” (2018:175). This suggests that any socialization outside of the carceral system can be legitimate method of counteracting the features of social death. Sims further notes that “the bonds that the inside women form with students via epistolary and oral testimony are cultural productions that highlight political trauma, familial trauma, vulnerability, and marginality” (2018: 178). Sims documents the deep sense of intimacy that comes from understanding one’s own identity through the eyes of another. The high school students who have experienced structural and ancestral trauma can find encouragement through the testimonies of the inside women. The ideas the inside women of Sims’ work share are those of forgiveness, of working and knowing beyond Western epistemologies of “good” or “bad”; In these testimonies, the high school students become “the extended community of witnesses via the power of performance” (Sims 2018:186). In reading of performing authenticity, I am reminded of Rhodes’ consideration of performance within the carceral field (2004). She writes that “prisoners are explicit that their lives have developed this strong performative dimension,”

which is a testament to an inside person's perpetual transformation as a means of survival (Rhodes 2004:170). In the dehumanizing concrete landscape, softness of character is not liberatory but dangerous, even life-threatening. This understanding of the performance required by imprisonment helps us see the significance in the testimonies, poems, and other forms of expression documented by Sims. If the self that is presented in the prison itself is untrue, inauthentic, then only space which does **not** require that inauthenticity holds potential for liberation through truth and vulnerability. This is to say that FOILs in particular are important conduits for re-socializing the socially dead, but they are not the only ones. The high schoolers provide a platform for socialization outside the space of social death in a way that emulates the socially important role of FOILs.

Conclusion

In social death, incarcerated people come to depend on their "outside" loved ones for connection, security, and empowerment. It remains to be said that FOILs **do** have the potential to mediate the effects of social death to some degree. However, mediation may be limited by financial, social, or emotional stability. FOILs, I have argued, must pay the *FOIL tax* as a consequence of their adjacency to the carceral system. This tax extends beyond financial responsibility, further affecting social positionality, health and well-being, and child-development. Yet, by providing a platform through which incarcerated people can be seen and heard, FOILs they can empower by encouraging **self**-advocacy, personal and creative expression, and political engagement. In providing the tools (whatever they may be), it is crucial that FOILs consider their own positionalities. Black and brown FOILs in particular must first overcome their own adversity and oppression, as those who are already racialized as ineligible for personhood are in their own right socially dead (Cacho 2012:6). FOILs, as a community, must overcome

hostile white discourse that occurs when race is acknowledged as a particular point of marginality. White FOILs, then, have the potential to validate the experiences of racialized individuals while also acknowledging that their loved one, indeed, is also hurting. This is perhaps the most extensive barrier to the implementation of meaningful change, as it represents a deeper level of resentment construed by the broader U.S. society.

The COVID-19 pandemic is a moment in world history where the limits of creative innovation were tested. New platforms for communication opened only when the context of COVID required them, and similarly, the FOIL community found new ways to approach activism and freedom through the limitations of the pandemic. FOILs demonstrated to me through their virtual community that resistance requires creativity and imagination. Many scholars have argued that resistance requires futurity in combination with pessimism. We must both understand the far-reaching impact of the prison industrial complex and the strength and seemingly impermeability with which it operates and be willing to imagine a future without the system. Each FOIL has a different idea for this future. Some argue that total abolition of all carceral institutions is the only humane solution, while others argue that a reform of the system into a one that compassion-based rather than punishment/discipline-based is the most reasonable solution given the monstrosity of incarceration as an institution. All FOILs, their ideas, their experiences, their behaviors, their choices, are different, just as individuals are in any given society. The methods of support FOILs choose often represents these differences. Sometimes support means making a slideshow of their loved one's pictures to showcase their growth, or writing a public eulogy when they have passed, or fundraising to benefit legislative change, or petitioning for their release, or documenting inhumane treatment, or answering their phone calls at 3AM, or maintaining a social media profile, or praying for them, or sending them money,

cards, email, or video messages. Sometimes, even, support means stepping away and working to support your children so that your loved one has a place to come home upon release. Sometimes it means stepping away completely. The system is profoundly harmful and thus exhausting in all sense of the word. FOILs, as the bearers of support, play a key role in mitigating the direct effects the system has on their inside loved ones.

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Appendix



To: Jessica Claire
BELL 4188

From: Douglas J Adams, Chair
IRB Expedited Review

Date: 11/25/2020

Action: **Expedited Approval**

Action Date: 11/25/2020

Protocol #: 2010289850

Study Title: Incarcerated Peoples and Their Loved Ones

Expiration Date: 10/29/2021

Last Approval Date:

The above-referenced protocol has been approved following expedited review by the IRB Committee that oversees research with human subjects.

If the research involves collaboration with another institution then the research cannot commence until the Committee receives written notification of approval from the collaborating institution's IRB.

It is the Principal Investigator's responsibility to obtain review and continued approval before the expiration date.

Protocols are approved for a maximum period of one year. You may not continue any research activity beyond the expiration date without Committee approval. Please submit continuation requests early enough to allow sufficient time for review. Failure to receive approval for continuation before the expiration date will result in the automatic suspension of the approval of this protocol. Information collected following suspension is unapproved research and cannot be reported or published as research data. If you do not wish continued approval, please notify the Committee of the study closure.

Adverse Events: Any serious or unexpected adverse event must be reported to the IRB Committee within 48 hours. All other adverse events should be reported within 10 working days.

Amendments: If you wish to change any aspect of this study, such as the procedures, the consent forms, study personnel, or number of participants, please submit an amendment to the IRB. All changes must be approved by the IRB Committee before they can be initiated.

You must maintain a research file for at least 3 years after completion of the study. This file should include all correspondence with the IRB Committee, original signed consent forms, and study data.

cc: Ram Natarajan, Key Personnel