“Trying to get Free”: A Theoretical Centering of Black Women’s Post-Carceral Narratives of Systemic Unfreedom

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ABSTRACT

This article examines how Black justice involved mothers navigate the enduring unfreedom of post-imprisonment life. Drawing upon the analytical framework of Black Feminist Criminology (BFC), this paper argues that centering women’s narratives of unfreedom provides a context for understanding and critiquing systemic and structural oppression. Interviews with 37 Black formerly incarcerated mothers from transitional organization in New York and Massachusetts reveals how women a) Identify instances of structural oppression at the hands of the legal system and b) Deploy individual responses that reframe power dynamics, their marginal status and prioritize self-actualization. Substantively, this study holds implications for identifying how unfreedom persists and is concretized through the very institutions that regulate women’s post-imprisonment journeys. Theoretically, the paper addresses how a Black women-centered framework, such as BFC, captures the complex and intersectional nature of (un)freedom in marginalized women’s lives.

Introduction

Research on the post-incarceration experiences of formerly imprisoned women has, to date, largely focused on the process of their social reintegration after their release from prison. Broadly, this line of scholarship focuses on a woman’s life experiences after she leaves prison and examines how her identity structures her relationship to society and her social networks (Bui & Morash, 2009; Heidemann et.al, 2016). The analytical thread that unites this line of inquiry is the examination of narratives that detail how women navigate the process of acquiring stable housing, finding employment and reuniting with children (O’Brien 2001; Opsal, 2011, 2012, Michelsen 2019). A key element that distinguishes narrative centered scholarly appraisals of formerly incarcerated women’s lives from evaluation-based analyses, is the extent to which the latter emphasizes outcomes and correctional metrics, such as recidivism rates, in framing women’s decisions and experiences. For example, in evaluative analyses, like those used by correctional institutions, emphasis is placed on how certain intervention methods reduce the likelihood that women will re-offend (Holtfreter et. al., 2004). When outcomes are centered in this way, writing about the lives of justice involved women is framed as an assessment of their ability to meet a particular set of benchmarks within a given time frame. As a result, the complexities of individuals’ journeys, which are seldom linear, are distilled to facts and figures used to rank the effectiveness of programmatic models (Gurusami, 2017).
While outcome-driven analyses provide important insight into the scale and reach of carceral institutions, these analyses also serve another purpose: Policy evaluations help to justify continued program development and funding (Sudbury, 2002). Though practical from a fiduciary standpoint, a consequence of the outcome driven manner in which reentry is framed is that it centers correctional and para-corrrectional institutions’ priorities in ways that overlook the needs of incarcerated and formerly incarcerated persons (Goldberg & Evans, 1998). As a result, rehabilitation can become a capitalistic enterprise whereby women’s post-incarceration lives are reduced to bottom line priorities and described using paternalistic language (Williams et. al, 2020). Gilmore (2007) describes this dynamic between the carceral State and incarcerated persons this way: “Rehabilitation proposes that the unfreedom of prisons provides an occasion for the acquisition of sobriety and skills, so that, on release, formerly incarcerated people can live lives away from the criminal dragnet.” (p,14). The truth is, as Gilmore explains, is that the dragnet is pervasive, engulfing women and men in ways that do not end once they leave the physical boundaries of the jail or prison site. Rehabilitation, therefore, does not mark the end of carceral oversight, but rather changes the nature and extent of women’s relationship with carceral institutions.

The hurdles that a formerly incarcerated individual faces are difficult across the board, but for Black women the post-incarceration transition means also contending with challenges pre-dating their imprisonment. On the surface, race, class and gender are the readily identifiable triple jeopardies facing Black formerly incarcerated women (Smith, 1983; King, 1988; Collins, 1990; Potter, 2006; Beale, 1995,2008). Added to these structural factors, Black justice involved women are also evaluated and judged by their parental status, the type of crime for which they were convicted, and the aggravating factors related to their criminal charge and conviction (Potter, 2006). Therefore, in order to contextualize the post-prison narratives of formerly incarcerated Black women, it is important to center their experiences inclusive of the structural aspects of who they are as Black women. Specifically, using Black Feminist Criminology (BFC) provides a framework whereby the lives of Black formerly incarcerated women are studied through the unique and necessary lens of Black womanhood (Potter 2006).

A theoretical framework that examines the confluence of gender, race, class, and criminal identity offers a means by which the intersecting and cumulative experiences that shape life following imprisonment is understood. Importantly, BFC does not view Black women’s identities as additive factors that alters their life chances by
quantitative or measurable degrees. Rather, Black women’s identities are multiplicative in that these sites of oppression typically operate in tandem (King, 1988). In this way, BFC accommodates analyses that view marginalized identity statuses as both intersecting and fluid, changing depending upon social context, power dynamics and the stage in a woman’s life course. Moreover, this approach allows for a holistic centering of the lived realities of Black women in and adjacent to the criminal justice system. As a result, the narratives that women share illuminate the ways in which life after imprisonment is not synonymous with freedom (Williams, 2019; Williams, et. al, 2021). Rather, the reentry process, as it currently exists, is often a modified version of unfreedom that women must navigate amid structural barriers and the burdensome expectations of institutional actors. To this end, I explore the following question: How do Black formerly incarcerated women respond to structural level oppression in ways that prioritize their individual needs?

Unfreedom in the Life course of Black Justice Involved women

Between 1978 and 2015 the number of women incarcerated in the United States has increased by 823%, roughly twice the increase of the male population (Sawyer & Bertram, 2018; Sawyer, 2019). While in recent years there have been modest decreases in the rate of growth in the male incarcerated population in states like Texas, Wisconsin and Indiana, the female imprisoned population has continued to grow. Even in states like New York and Massachusetts that have witnessed declines in the female incarcerated population, those declines still lagged behind that of males (Sawyer, 2018). This decades-long swell of the incarcerated population has exacerbated structural inequality in significant ways. Each year, when roughly 1.9 million women are released from prisons and jails across the country, the overwhelming majority of them rank economic precarity as their primary concern (Garcia & Ritter, 2012; Sawyer, 2019). In fact, for women who re-offend, poverty is cited as the leading contributing factor (Holtfreter et. al., 2004). Despite the significant economic and social needs of formerly incarcerated women, there are few sources of support. According to the National Institute of Corrections, the number of existing reentry programs for justice involved women are simply insufficient to address the number of women released from jails and prisons each year (National Institute of Corrections, 2021).

The alarming rate of prison growth in the United States has further highlighted the degree to which incarceration reproduces and exacerbates longstanding inequities along racial and ethnic lines. According to the Sentencing Project, Black women are
among the most vulnerable populations presently incarcerated (Kajstura, 2019; The Sentencing Project, 2020). Overall, Black women have a one in 18 chance of incarceration compared to a one in 45 chance of incarceration among Latina women and a one in 111 chance of incarceration among white women (Goodwin, 2020). Not only is the probability of being incarcerated higher for Black women compared to their white counterparts, but the speed with which they are incarcerated is twice as fast. This means that in the United States one in every 300 Black women is currently incarcerated, compared to one in every 704 Latina women and one in every 1,099 white women (West, 2010; Willingham, 2011). As dire as these disparities are, they convey only one dimension of the gendered and racialized aspect of criminalization among Black formerly incarcerated women.

To understand why Black women are incarcerated at disproportionate levels, it is important to place their experiences within the broader context of the systems that create the circumstances whereby abuse and mistreatment occur. Before a Black woman is incarcerated, she is a Black girl, and in this country Black girls often faced other forms of structural unfreedom within schools and communities (Jones 2009; Shedd, 2011; Flores, 2016). Existing data on incarcerated women’s abuse histories remains limited, but the research that does exist shows that anywhere from 31% to 48% of incarcerated women have been victims of child sexual abuse (Raj et. al, 2008). Because approximately half of incarcerated women report that their first arrest occurred when they were juveniles, this underscores an important link between childhood abuse and arrests later on: Most girls’ first arrests occurred as result of running away from home to escape abusive home environments (DeHart, 2008; Chesney-Lind & Shelden, 2012). For thousands of girls in this country abuse creates the context for later criminalization leaving an already vulnerable population of survivors to battle the toll of trauma alone (Mignon, 2016). For Black girls, experiences of abuse are made worst because those entrusted to intervene often view them not as victims, but as perpetrators of violence. For example, in schools when Black girls fight in self-defense they are often incorrectly identified as the aggressors and punished, thus providing one ancillary to the school- to-prison pipeline (Tonnenson, 2013). Not only are schools the setting for Black girls’ criminalization, but they are also sites of abuse with 60% of Black girls reporting sexual abuse as students (Tanis et. al, 2017).

The “web of trauma” that begins with abuse and is reinforced by juvenile criminalization, work together to place Black women in fragile relationships (West, 2004). Across all women, research shows that a contributing factor to the rise in incarceration is gender-based violence. Intimate partner victimization not only elevates
the risk of individual physical and emotional harm, it also increases the likelihood that women will engage in law violating activities, such as drug use and violent crimes (Heney & Kristiansen, 1996; Browne et al., 1999; 1996; Raj et. al, 2008). This explanation captures only the reactionary consequences of legislation and enforcement that disproportionately impacts poor women of color. One out of every four Black women has at one time been a victim of intimate partner victimization, higher than that of any other racial group (St. Vil et. al, 2017). Put another way, Black women are more likely to lose their lives as a result of intimate partner violence than any other group of women in this country. While it may be tempting to view these experiences solely through the lens of micro-level interactions, mitigated or aggravated by interpersonal relational dynamics, low income Black women are particularly vulnerable to abuse, thus highlighting the intersection of the personal and the structural (St. Vil et. al, 2017). It is against this harrowing backdrop of interpersonal conflict and systemic inequity that many Black women enter and exit correctional institutions.

Black Feminist Criminology and the Post-Prison Narrative

One of the reasons for the emphasis placed on measurable indicators of rehabilitation is the expectation that life after incarceration marks a new stage in a woman’s life course. Like other significant life changes, such as employment and parenthood, leaving prison ostensibly marks a transition both in a woman’s involvement in criminal activity and her relationship to the carceral State (Uggen and Kruttschnitt, 2016). As Potter (2006) notes, feminist criminology has done much to problematize this framing of life course transitions based on male-centered studies by centering gender and the unique experiences of women. The factors associated with desistance among males, for example, don’t necessarily hold the same level of salience from women and can actually make transitioning to life after prison more difficult. This is most notably illustrated in the area of parenthood, which while associated with desistance for males, present challenges for women who disproportionately assume care taking roles and must do so with limited resources and a lack of social capital (Michalsen, 2011, 2019). Still, even while centering gender, feminist criminology doesn’t fully capture the life experiences of Black women because other identities, such as race and ethnicity, are central to how women move through their social world (King, 1988; Willingham, 2011; Potter, 2006).

The undercurrent of unfreedom that regulates the lives of Black women once they leave physical confinement exists at multiple levels. Potter (2006), in advancing the significance of a Black feminist criminological approach, outlines four of these areas:
First, there are the structural constraints that impinge on Black women’s experiences. Second, the role of the Black community and intra-cultural influences on Black women’s lives. Third, women’s intimate and family relationships. Lastly, Potter examines how at the individual level, Black women interpret and respond to the social forces around them. Drawing upon Potter’s framework, the present analysis attends to the first and last of these concerns, structural barriers and women’s responses to marginalization. Attention to these two areas is not to dismiss the significance of relationships and community-level forces that inform Black women’s carceral narratives. On the contrary, the intersection of community-level factors and intimate relationships with structural oppression is such that women’s experiences are necessarily impacted, directly or indirectly, by broader structural constraints. Remaining in an abusive relationship, for example, is sometimes influenced by economic vulnerability, while inadequate or inimical community level responses to Black girls’ and women’s abuse are impacted by socio-historical trauma left unaddressed (Brazelton, 2015). Thus, when speaking about their experiences in a relationship or about their community, the role of broader systemic issues looms large, and places their individual responses within the context of societal and institutional oppression.

Analysis through the lens of BFC not only elucidates the layers and interconnectedness of marginality that impact justice involved Black women, but calls for a critical reexamination of how post-prison success is defined and identifies the ways in which such definitions are not only counterproductive to Black women but are, in some instances, anti-Black. In examining Black women’s post-prison narratives, the foregoing analysis shows how the structural factors that constrain women’s freedom and the resulting individual level responses to those constraints, challenges the myth that reentry is synonymous with post-carceral freedom. Moreover, the centrality of Black women’s experiences illustrates how formerly incarcerated women subvert the paternalistic rhetoric of reform and rehabilitation by subtle and direct acts of resistance.

**Methodology**

This analysis stems from a larger project in which 70 formerly incarcerated mothers of different racial and ethnic backgrounds were interviewed across three reentry programs. Between 2010 and 2011 37 Black formerly incarcerated mothers were interviewed at two research sites. Eighteen women were interviewed at the first site, Helping Hands Inc., while 19 of the women interviewed were affiliated with Mother’s
Love. There were no Black women interviewed at the third site, Restoration House. Helping Hands, Inc. is a non-residential organization whose services address the needs of formerly incarcerated mothers. The organization holds weekly parenting and employment workshops and employees place women in contact with social and legal services that assist them with child reunification, employment, housing and ongoing legal cases. Located in Massachusetts, the clients at Helping Hands reside in nearby towns and cities, though several were born and raised in other parts of the country. Mother’s Love is a residential program located in New York, which provides temporary housing for women and their children. Women are required to abide by a strict curfew, meet the work obligations set by the program and respect the requirement that no outside guests spend the night in living spaces. While living at Mother’s Love, women participate in an unpaid internship program as part of their work training. A few women are eventually hired as full-time paid employees, while others find work at off-site locations. Once women find their own housing they can choose to still participate in workshops and training sessions held on the premises of Mother’s Love. For both Helping Hands and Mother’s Love women’s participation is sometimes a condition of their probation or parole. In those instances, failure to attend workshops or abide by rules holds consequences beyond dismissal from the program. The possibility of returning to prison is the most serious consequence for not meeting post-incarceration requirements.

I was granted entrée into each organization by their executive directors who allowed me to advertise the research study. On flyers posted in highly visible areas of each organization, the study was briefly described along with my contact information. Because I spent several hours a day throughout the week at each site, the majority of women approached me directly. Interviews lasted between one to two hours and were then transcribed and coded using the software AtlasTi. In addition to interviews, I observed workshops at Mother’s Love and organized administrative files and created monthly newsletters at Helping Hands at the request of the executive director. In total, I spent approximately 100 hours on the site of Helping Hands and 300 hours on the premises of Mother’s Love. It should be noted that the names referenced in this analysis, such as respondents’ names and the names of organizations are pseudonyms, used to protect the identity of participants.

| Table 1. Respondent Demographics |
|----------------------------------|
| Number of Respondents            |
The structural marginalization of Black women occurs in a number of ways and its impact undergirds the process whereby women are sanctioned and criminalized.
Moreover, how Black women experience marginality is not static, and can depend on a range of factors, such as economic positionality, educational background and even society’s assessment of their phenotypical proximity to whiteness in the form of colorism and featurism (Crenshaw, 2011; Viglione et al., 2011; Roberts, 2014; Garcia-Hallett, 2019; Monk, 2019; Stockstill & Carson, 2021). The post-carceral narratives that women share address how their experiences with law enforcement, criminal courts and the labor market are shaped by multiple and intersecting statuses. On the surface, women’s criminal identities are used as justification by State actors and institutions for relegating them to the margins of justice. However, women recognize and critique the manner in which they are treated, viewing their stigmatization as unjust. In recounting their journeys within jails, prisons and reentry programs, women highlight how the powerful play a role in creating and perpetuating the conditions for their physical and social unfreedom.

*Legal Marginalization*

For years, one of the women I interviewed, twenty-five-year-old Kishana, tried to leave an abusive relationship. Yet, despite numerous attempts to report her boyfriend Gary’s attacks to law enforcement, he never faced consequences. When she learned that she was pregnant, she made a final attempt to leave their home. Her plans were derailed, however, when he unexpectedly arrived early from an out-of-town business trip. In the altercation that followed, she used a boxcutter in self-defense, barely missing a vital artery on her boyfriend’s neck. In the criminal trial that followed, Kishana was convicted of assault with a deadly weapon. Reflecting on the perceived injustice of her conviction, Kishana states,

**Kishana:** When I first got it [prison sentence] I was like this is so unfair like they had police reports. They had like thirty-five police reports and he didn’t do a day. I just thought it was unfair. I thought the justice system sucked.

**Geniece:** Thirty-five reports against him?

**Kishana:** Yes.

**Geniece:** For abuse?

**Kishana:** Yes. And um he didn’t do a day. And I got all of this time and I’m pregnant. I just couldn’t fathom it because there is no self-defense law in New York. So, I had a lot of animosity.
While Kishana was angry that none of the thirty-five police reports that she completed did not result in her boyfriend’s arrest, she wasn’t entirely surprised. Her ex-boyfriend was friends with local police officers and Kishana was on probation for a fight she had at a local bar months before meeting Gary. To Kishana, law enforcement didn’t see her as a battered woman. Instead, they weighed the words of her boyfriend against that of a young Black woman under State supervision. The imbalance of power between Kishana and her ex-boyfriend was later mirrored in the imbalance of power between her and state prosecutors. Thus, despite a documented history of physical abuse, she was convicted and entered prison pregnant and alone.

Twenty-eight-year-old Trisha’s arrest and conviction was not the first time she experienced injustice by institutions. As a child, desperate to escape the turmoil of an abusive home, she immersed herself in school only to be molested by a teacher. Then, when her mother was incarcerated, she and her brother had to live with their emotionally abusive grandmother. Years later, as she listened to the judge read her sentence, she had come to expect that, if nothing else, institutions did not value her life. Her trial for attempted murder only further concretized her belief that social institutions viewed her with callous indifference. Although there was no physical evidence linking she and her co-defendants to the assault for which they were charged, closed circuit footage showing them arguing with the victim prior to the attack was enough to lead to a conviction. When I asked her to share her thoughts on the trial she stated,

**Trisha:** And I’m like but basically our initial charge was attempted murder. Are you serious?... We got shitted on. The jury was all white...You’re getting people from the area that just committed this crime. They don’t want us gay people out there anyway so of course they going to go against us. So I got 8 years, she got 11, one of my friends got 5, the other one 3 1/2, the other three got a six months five years’ probation deal. I could have got that, well they offered me 3 ½ but I said “3 ½ what’s the catch?” they said ‘well, you got to plead guilty”. I said “I’m not pleading guilty. I have morals and beliefs and just because I’m a lesbian doesn’t give the next person the right to disrespect me. what happened to self-defense?” New York doesn’t have a self defense law.

For Trisha, the problems she encountered at the judicial level could not be decoupled from the issues of systemic racism and homophobia. The same institutions that failed her as a Black girl, were now failing her as a Black woman and the promise of blind justice was as empty as the notion of societal color blindness. In Kishana’s case, her
conviction meant she had to face the possibility of placing her infant son in foster care or with his father, the very man who abused her for years and who she blamed for her incarceration. Her choice underscores how structural oppression reproduces itself in the lives of justice involved women, in the choices they must make for and about their children. Facing the indignity of this choice, Kishana weighed the risks of foster care, a system that disproportionately harms Black mothers and their children, against placing her child with his father, a man with a violent history (Roberts, 2011; Clifford & Silver-Greenberg, 2017). Ultimately, her boyfriend was granted custody.

**Employment Marginalization**

Perhaps the single most important expectation set by correctional institutions, aside from crime avoidance, is that formerly incarcerated women secure employment. This expectation, however, is often challenging for formerly incarcerated women, given the competing demands that they face after confinement. Particularly for Black women, the expectation to meet a certain set of goals while on the labor market are not only difficult but also counterproductive in ways that furthers their oppression while under the surveillance of penal entities. Gurusami’s (2017) analysis of rehabilitation labor, finds that Black women are expected to engage in work that is reliable, recognizable and redemptive. The framing of work in this way—work that is full time, meets State actors’ definitions of a conventional vocation and ascribes a type of morality-by-association—is often unavailable to formerly incarcerated women. In my interviews with women, they shared that not only were employment opportunities limited due to the formal expectations set my State actors, but it was clear to them in both explicit and implicit ways that self-actualization, or engaging in work that aligned with their goals and talents, was either unrealistic or unavailable. In this way, the unfreedom of carceral institutions extends beyond physical structures and into the unfreedom of the embodied Self. Black women’s criminality is framed as an inert and fixed aspect of their identity, making the possibility of a life for themselves where fulfillment and wholeness are reality difficult to attain.

When Danisha, a 29-year old mother from New Jersey, was released from prison she had hopes of working in medical billing. She trained with a company that convinced her that she would be able to find employment, even with a criminal record. Once she completed the program, however, her hope was met with disappointment.

**Danisha:** I even went back to school quickly, to do a medical billing trade. Because I had, I have some experience in that. But I wanted to refresh myself, ‘cause I was away [in prison] so long, I wanted to refresh myself on the program. And I went to school
for that…and they slammed the door in my face, and they knew that I was a felon beforehand. Told me to take the class, and they would chance me, and they did…like I’m doing everything I need to do. I mean it’s very discouraging, you get very discouraged at times.

A likely critique of the barriers women face when seeking employment is that those barriers are deserved. Women committed a crime and therefore should not expect “handouts” from the State or private employers. This critique assumes that women are unaware of the stigma of a criminal record and do not anticipate the road blocks awaiting them. Moreover, those barriers run counter to expectations created by the State, in the form of probation and parole requirements. Women know that their options will be few and far in between, but they also know that failure to meet the expectations set for them jeopardizes what they hold most dear: A life outside of prison, reuniting with their children and, one day a semblance of normalcy.

Another woman, Elise from Massachusetts, shares her goals for employment,

**Elise**: And I really want to work with people who have HIV. Because you don’t need any type of certification training in New York. And I don’t want to get a job that I’m not educated in because when it comes time for me to apply for a job I’ll always be at the bottom of the list because I have no type of educational background.

Danisha’s and Elise’s shared experiences of anticipating rejection are not uncommon. In her audit study Pager (2007) examined the extent to which Black and white men with and without criminal records were denied call backs for job interviews. What she found was that while a criminal record reduced the chances that Black men with criminal records received job interviews more than it did for their white counterparts, a criminal record was less of a barrier for white men with a criminal record than it was for Black men who did not have a criminal record. This finding also holds true for Black women. Ortiz (2014) found that not only were Black women with a criminal record less likely to be called back by prospective employers than their white counterparts, but that Black women without a criminal record had a 37% lower chance of being called for a job interview than white women who did have a criminal record. Racist hiring practices like this further exacerbate the challenges Black women like Danisha and Elise face.

Even without a criminal record, Black women are often seen as combative, unreliable and antagonistic to mainstream norms (Jones, 2009; Roberts 2012, Mondé, 2018). The neoliberal stereotype of The Welfare Queen has made poor Black women an easy
target for institutionalized discrimination (Ortiz and Briggs, 2003; Power, 2005; Roberts, 2013). When compounded with a criminal record that bars woman from positions that require state licensure, such as cosmetology and child care work, the odds stacked against Black justice involved women are significant. For Black and Latina women who enter prison with lower levels of formal education compared to their white counterparts, the elimination of these vocations as options makes it all the more difficult for them to support themselves after leaving prison. Thus, when placed within the context of reduced job opportunities and anti-Black hiring practices, the formidable challenges set before women exist, in part, because the very people and institutions that penalize them for failing to reach required benchmarks have also created the criteria many will be unable to meet.

**Individual Agency through Counternarrative**

In earlier iterations of feminist criminology, the centrality of the Women’s Liberation Movement often meant centering the priorities and experiences of middle-class white women to the exclusion of minoritized women (Collins, 2000; hooks, 2000). As a result, critical claims leveled against male-centered criminology were often appraisals that emphasized gendered concerns, while overlooking the racialization of gendered identities (Britton, 2000; Belknap, 2020). A key strength of BFC is that by drawing upon critical and intersectional frameworks, the counternarratives presented by Black justice involved women are framed not as one-off experiences, but viewed as legitimate critiques of larger scale social injustices (Wing, 2003; Potter, 2006). This is significant because the way Black women reframe structural oppression within the criminal justice system and the labor market is seen within the context of their individual lives, which provides a site for agency driven criticism and resistance.

**Centering and (Re)Framing Black Motherhood**

The women interviewed did not uniformly identify incarceration as a nadiral point in their lives. While separation from their children and communities were among the most difficult areas of their life experiences, it was the events, relationships and decisions leading up to incarceration that were framed as the most challenging aspects of their lives. They saw incarceration not as culminating in one status or identity (i.e. ex-offender) but rather as a manifestation of interconnected experiences from childhood to adulthood. Twenty-year old Aaliyah, a mother of a newborn daughter, captures the interplay between pre-carceral events and incarceration.
When Aaliyah was arrested for petty theft and forced to spend the first part of her pregnancy in jail, it wasn’t the first time she experienced a flawed criminal justice system. After giving birth to her first daughter at the age of thirteen, she told a hospital social worker that her pregnancy was a result of sexual abuse she suffered at the hands of a close relative. Rather than providing her with resources or seeking alternative housing with other relatives, she was expected to return to the same home where the abuse occurred. Her immediate family viewed her confession as an act of betrayal and she and her newborn were kicked out of her father’s home. Reflecting on her severed family relationship and incarceration, Aaliyah’s response was one that centered her parenting and Blackness, viewing her role as a Black woman and a Black mother as an act of resistance. Growing up she often felt like an outcast within her own family and it was that view of herself that she pushed back against in describing her goals: “I was like the one that was different, the one that everybody like-- well, most of the time it was-- because my sisters were lighter than me. Because I’m darker I was the ugly one.”

By the time she arrived at Mother’s Love, Aaliyah began to counter the pain of her childhood experiences by centering Black women in her understanding of the world. She saw her story, as a mother and woman with a criminal record, as nuanced, rather than as a source of shame. Her lived experience as a Black woman was connected to those of other Black women, even those with markedly different lives. To her, being Black was no longer a justification for her dismissal, but a source of resistance against stigmatization.

Aaliyah: I was writing about Harriet Tubman, about black women being strong. This was what I was writing when I was younger. Like strong women have always influenced me. There is something about strength, it’s beautiful...Obama, yeah he the president, but you always hear about how Michelle Obama she was a better lawyer...She felt strong. Even I watched my grandmother. My grandfather was the provider. He went out and made all the bread. But I’m telling you, she controlled how he spent that bread...What she said goes. She was firm in her word. She was a strong woman. Like her family was together because she was alive.

Acknowledging injustice and how one was wronged is not synonymous with internalizing the labels associated with those acts of injustice. Aaliyah was a survivor of abuse and an ex-offender but, as Potter notes, there is a distinction between “situations which women encounter” and those that are “endemic to their identity”. (Potter, 2006:110). This is not to say that women don’t want institutions and
individuals who wronged them to be held accountable. Rather, women desire not to be
defined by their pain or by punitive measures against them, but to be seen as whole
beings with complicated journeys.

The counternarrative Aaliyah describes—centering an experience and self-appraisal
that contradicts previous representations of her Black womanhood—was not
uncommon among the woman I interviewed. Some women spoke about changing their
method of parenting to foster a nurturing environment for their children. For example,
Cadence, a 28-year-old mother from New York, hoped to challenge the discipline
centered method of parenting she witnessed among Black mothers in her community,
including her own mother. Growing up in low-income housing in a high crime
neighborhood, her mother was focused on she and her siblings’ economic needs and
keeping them out of danger. According to Cadence, her mother’s approach to
parenting was excessively strict and part of the reason she believed they did not have
a closer relationship. As Middlemiss (2003) notes, poverty not only impacts the
tangible economic status of a family, but it takes a toll on the emotional bonds strained
under its weight. This in turn can impact relational dynamics in historically
marginalized communities (Miller-Loncar, 1998; Brazelton, 2013).

By displaying outward affection towards her children and being a mother who is “... giving them [children] kisses and...reading bedtime stories”, Cadence wanted to
provide an alternate model of Black motherhood, unrestricted from the strain of social
inequity and community level crime. Another form of resistance women displayed was
less common. Some women were critical of institutions that ostensibly were supportive
of their post-prison transition process. Their criticisms exposed how reentry programs
can function as para-correctional entities, which surveil, regulate and judge women’s
behavior.

Subversion through Critique

For most individuals, criticism of one’s employer can be a risky endeavor. Critique of
an employer or those who hold supervisory positions can result in retaliation in the
form of promotional denial, poor performance evaluations and even termination
(Milliken et.al, 2003). For women of color, the risk associated with employer criticism
is even greater (Ortiz & Roscingno, 2009; Hall et.al, 2012). This is what makes the
criticisms women shared about their experiences in reentry programs all the more
significant. They were not only risking temporary economic security or a job promotion
but the social capital needed for future employment, assistance with child reunification
and, in some cases, positive feedback to their probation and parole officers. Even so,
some women felt slighted by their organization and voiced their concerns to me and one another. One example of this form of resistance was 24-year-old Krystal, who felt Mother’s Love’s organizational identity as a place that centered women and children was contradicted by her interactions with staff members.

**Krystal:** And they told me, they were instructing me... “Listen, Krystal, if you don’t get your daughter back by the time you go to trial then we’re going to have to take you out of program”. And I am like, “Well I thought this is the program for mother and children to help you get your child back, and I am not going [to continue] thinking that.” One of the girls called me the other day. She told me she’s been here for a year. They’re not giving her a chance to - they don’t have any other solution for you to go to, but the shelter system...this is all very business.”

Like Krystal, Trisha also provided a pointed critique of institutional actors who she believed failed to live up to their stated claims of advocacy for women.

**Geniece:**...Do you think your perspective of the program has changed...over the course of the year you’ve been here?...

**Trisha:** It’s dramatically changed. Like I can’t stand it. I can’t stand it....Once you get plugged in their working programs you’re basically working for the food stamps that you’re getting and they’re slaving you. You’re in the parks, cleaning up parks and stuff like that.

Once optimistic about her future in the program, Trisha’s assessment, made a year after our initial conversation, was sharply critical of staff members and Mother’s Love’s work training program. To her and Krystal, the initial honeymoon phase they experience as new members at Mother’s Love had worn off and was replaced with the callous indifference they experienced within correctional institutions. Trisha, in particular, was frustrated because of her recent experience challenging the judicial system. During her trial, her already pessimistic view of the criminal justice system was made worst by inadequate counsel. She expected the judges and jury to be biased against her but realizing that her defense attorney was uninvested in her case, meant that she would have to be her own advocate.

**Trisha:** When I got upstate [in prison] I got into college...On my spare time on the weekends I would be in the law library looking up different cases that the judge [presiding over her case] had and I would make different marks on how they won their case and what errors he made, because I know he made an error: ... I put in the appeal...
for all of my co-defendants so I forwarded...it to their lawyers because even though we had lawyers working for us, they go home at a certain time. They not thinking about us. This is our freedom we talking about. They already free. We trying to get free....And my lawyer was like impressed with it like “You just came up with all this on your own?”. I was like “Yeah! I read every single sentence in that transcript...” And I submitted it and sent it to them [co-defendants] and they sent it to their lawyer and we all ended up winning our appeal. And one of them [co-defendant] got her sentence overturned.

While in prison, Trisha wrote to the executive director of Mother’s Love and, upon admission into their program, looked forward to their support. Yet, a year after her involvement in the program, she realized that Mother’s Love had more in common with other institutions that previously failed her than she initially anticipated. Although the criminal justice system is comprised of diverse elements, such as correctional institutions and reentry organizations, Krystal and Trisha highlight how these parts form a system that extends their unfreedom to varying degrees. For Black women who have witnessed over and over again how their well-being is a casualty of the U.S. legal system, they know that there is no metaphorical cavalry arriving on their behalf (Bell, 2016). Knowing this, women formulate strategies of resistance that center their best interests in the midst of ongoing oppression.

**Discussion**

Black women who enter the criminal justice system are aware, more than most, that the decisions made about their lives and futures often ignore their existing vulnerabilities. As a result of previous failed state interventions and non-interventions they experienced as children, in foster care, or as survivors of intimate partner victimization, they know the limitations of institutions and how those institutions perpetuate their marginal status (Potter, 2008; Richie, 2018). So, when women are told to trust the defense strategy of a disinterested public defender or a post-release care plan that prioritizes institutional objectives above their self-development, they hope for the best, while bracing themselves for disappointment. Throughout their life course women witness and experience the iterative nature of unfreedom in the way that the vested interests of those in positions of power appear to center fiduciary concerns and institutional reputation. To counter this reality, women identify instances of unfreedom as embedded in the systems around them, rather than endemic to them as individuals. They respond by contextualizing their social location through the critique of people, places and institutions they perceive as upholding structural oppression.
The framing of post-carceral narratives, from the vantage point of Black women, is crucial to capturing the full picture of how Black women experience systemic unfreedom. In Trisha’s case the racist and homophobic aspects of the legal system are named and the judge, jury and her defense attorney are each deemed as incompetent, biased and unprepared. The powerlessness conferred upon Trisha by society, as a result of being a Black queer woman, is subverted by her judgement against these very systems. By advocating for herself and her co-defendants, she exposes the myth of fair, legal representation, while illustrating that the only individual vested in her freedom is herself. Like Trisha, Kishana believed that her treatment by the criminal justice system was rooted in bias. Because of her probationary status, her formal complaints of domestic violence were juxtaposed against the reputation of her boyfriend, whose relationships with law enforcement insulated him from consequences. Taken together, their accounts are emblematic of how the criminal justice system reinforces and magnifies the dehumanizing experience of being a Black, criminalized woman in the United States.

By centering Black women’s narrative framing of their journeys, a Black feminist criminological approach, calls into question the systems put in place to regulate their behavior post-incarceration, including the nominally gender-responsive methods framed as benefiting them in reentry programs. When women leave jail or prison, they are instructed to have a laser-like focus on meeting goals that conform to standards set by judges, parole boards, probation officers and reentry staff. Even when methods claim to elevate the needs of women and children, it is difficult to fully disentangle the experience of incarceration from the surveillance of reentry programs with their required staff-client meetings, trainings and curfew hours. While women’s own vision of the future may align with the goals set by others, the obligatory aspect of those goals combined with the punitive consequences for not adhering to those goals, means that decisions made about their lives by others are imposed upon them against their will.

This is a subtle form of unfreedom, but unfreedom nonetheless, and women are not unaware that missteps carry the risk of a return to prison, the loss of housing, or delayed reunification with their children. For Black women, whose tenuity in society precedes their criminal record, the pressure to prove that they are fully rehabilitated places their self-hood as tangential to the requirements they are expected to fulfill. In response to this pressure, women call into question the authority of their evaluators. Through the application of a Black women centered theoretic, the narrative descriptions women offer show how they measure their journeys, not exclusively
against metrics of reentry programming and correctional entities, but by their own understanding of who they are and where they exist along the margins of society.

**Implications**

This paper underscores the analytical utility of theoretical concepts and frameworks that center the marginalized populations under study. As a framework, Black feminist criminology addresses the structural oppression of Black women, by interrogating how oppression is expressed through sexism, racism, classism and criminalization (Potter, 2006, 2013). Furthermore, BFC privileges the narratives of marginalized women and thus shifts the conventional researcher-study participant relationship. Researchers are not “giving voice” to women’s concerns, but rather centering their voices by illustrating the ways in which they have been historically unheard or silenced. In sum, one of the most meaningful contributions of BFC is that it acknowledges the agency of minoritized women in the midst of repeated and intentional societal exclusion.

At a substantive level, this paper highlights the false trichotomy between the pre-incarceration, incarceration and post-incarceration stages of life. So often when women enter prison they already have intimate knowledge of unfreedom, such that the physical unfreedom of imprisonment exacerbates the existing trauma of those prior experiences. Upon leaving prison, women recognize the reverberating echoes of State paternalism in rehabilitative rhetoric that tells them what they should value and how they should comport themselves. Thus, in order to understand the extent of what Carla Shedd calls the carceral continuum—the spectrum of carceral and carceral adjacent institutions that marginalize already vulnerable populations—it is important to take women’s accounts seriously and continue to center their narratives in scholarly analyses (Shedd, 2011). In this way, the totalizing nature of the Carceral State is more fully understood as exacting unfreedoms upon the women who’ve left prison and those who remain.

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