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## The Circuitous Reach of Carceral Censorship

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*Carceral censorship functions as a repressive apparatus obstructing flows of information and knowledge needed to transform individual lives, as well as bring about criminal justice reform and social change. This article examines the ambiguity, unpredictability, irrationality, but also extensive reach of carceral censorship, from the perspective of faculty teaching and learning inside prison in New York State. The authors examine carceral censorship practices along four main dimensions: communications censorship, interactive censorship, information exiting prison, and research censorship. Our analysis explores the role of censorship in disrupting basic human needs for people in prison, and the extended network of people imprisonment impacts, as the era of mass incarceration unfolds.*

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**A**s social science scholars who teach at public institutions and firmly believe in quality education accessible to all, we are invested in research that can impact our lives in response to major social issues of our time. We have devoted ourselves, as best as we could, to fighting for and redressing social inequities that prove damaging not only to those directly affected, but ultimately to society as a whole and our collective well-being. As part of our research on combined classes in New York State prisons—which bring “outside” college students into prisons for college courses with incarcerated student peers—we are particularly interested in how faculty who teach combined courses navigate the constraints of prison censorship while working to provide as equitable a college experience as possible for inside and outside students. Over time, our interest in prison censorship has also extended to include its impact on faculty scholarship and dissemination of knowledge for the public good, more broadly.



Censorship in prison comes in many forms and has, over the last half century, come to represent a labyrinthian form of control that expands far beyond prison walls, impacting not only people in prison, but also their family members, partners, friends, and ties to the community. Prisons are provided relatively free reign and need not ask for permission when banning materials, as they enjoy great autonomy in the name of safety and maintaining security. Prison officials are often in the front line of those who determine what materials are accessible or censored to individuals, in prison libraries, as part of educational or vocational programming, and during facility events (such as academic conferences in prison, for instance). Consolidating intact with the dramatic growth of the US prison population between 1972 and 2009 (Nellis 2003), the far-reaching stranglehold of censorship control reinforces neoliberal punitive logics that separate humans from each other and segment them according to social divides (Harcourt 2010).

An increasingly robust and revelatory body of literature documents content-based prison censorship, especially for its direct and important impact on the incarcerated (see Austin 2021; Conrad 2016; Marquis and Luna 2023). The most common reason noted for bans in a 2023 report was content perceived to be “sexually explicit”, effectively extending censorship to “art, medical and drawing books” (Marquis and Luna 2023). Recent research has also documented a sharp increase in what PEN America has called content-neutral censorship related to vendor contracts. As Marquis (2023) notes, “the number of carceral facilities nationwide that limit literature to certain publishing vendors rose from roughly 30 percent in 2015 to 80 percent in 2023”. This newer form of censorship restricts “who can mail literature, . . . who can receive it, or how the package has to look” (Marquis 2023).

A growing body of literature also examines censorship related to higher education in prison specifically, though largely focused on the barriers that advocacy organizations negotiate on behalf of prison college programs (see Wade 2021 for an overview). Far less research directly explores how faculty themselves experience and deal with prison censorship, beyond obvious challenges related to their course syllabi and content material. Prison college programs are acutely aware of the censorship challenges confronting them and their faculty, cognizant that they operate at the discretion of prison protocols and that even minor infractions can jeopardize the very program itself. This is, at the very least, what faculty teaching in prison college programs often internalize for fear of threatening a substantial lifeline to the world outside of carceral confinement.

For faculty who aspire to advance and disseminate scholarship about the value and particulars of teaching and

learning inside prison, carceral censorship becomes deeply embedded as part of their scholarship practice. Venerated notions of academic freedom take on highly charged and contested meaning when teaching, learning, and engaging in scholarship inside facilities. As a self-selected group of educators who essentially agree to forego the coveted virtues of academic engagement free from interference, we must abide by the rules or not be invited back. More importantly, the fear of jeopardizing student access to higher education inside prison, by breaching arcane and seemingly arbitrary censorship protocols, generates a form of self-censorship and policing practice that is difficult to account for.

This article examines the ambiguity, unpredictability, irrationality, but also extensive reach of carceral censorship, from the perspective of faculty teaching and learning inside prison in New York State. Advocates championing the First Amendment rights of the incarcerated have long expressed despair over vigilante powers to obstruct information and communication in and out of US correctional facilities. Regulations vary from state to state, but are often so vaguely construed that they function more like rogue rule. The authors map out and examine carceral censorship practices along four main dimensions: communications censorship (written and non-written information allowed into facilities); interactive censorship (codes of conduct inside facilities); freedom of expression flowing out of prison (information allowed to exit facilities), and research censorship (for policy planning and social change purposes).

Our analysis begins with an overview of correctional censorship and First Amendment jurisprudence in the United States, before contextualizing the contours of censorship practice that influence life, learning, and scholarship inside New York prisons specifically. The article concludes with a summary of the far-reaching impact that variant forms of censorship have for faculty and their students, as well as for the reintegrative relations and human potential of people in prison, their families, and the communities to which they belong. As such, we etch out the consequences of carceral censorship for living, learning, and loving with dignity for faculty and students alike when caught in the expansive reach of human confinement in the United States.

For many, criminal justice has become synonymous with White supremacy and social control, with race and racism at its foundational roots. It is the “new Jim Crow” as Michelle Alexander (2010) persuasively argues. It needs no mentioning that criminal justice and mass incarceration impact people of all kinds, yet we know too well that the numbers are disproportionately skewed by racial demographics and socio-economics. The fundamentally racist “Southern strategy” (i.e., tough-on-crime, the war on drugs, and zero tolerance



politics) that precipitated the behemoth of mass incarceration, ushered in a carceral state and prison industry that now comprises “more than 4,100 corporations and their government conspirators” (Worth Rises 2021). Propped up by human investment gaps in spending and redirecting of public monies, the prison industrial complex prioritizes policing, surveillance, and confinement over community resources and support structures that enable communities and families to grow and flourish together; to live healthy, productive, and fulfilling lives (Davis 2003; Gilmore 2007). It is a system that rationalizes systemic “massive human misery” (Rodriguez 2010, 17), structured around “bleeding people and their communities of their resources, and then further exploiting their devastation” (Worth Rises 2021).

A principal instrument of penal control and the erasure of people in prison from public view, include the chaotic practices that coalesce to configure carceral censorship across US prisons. Following in the footsteps of scholars like Michelle Alexander, Angela Davis and others, whose work on mass incarceration have been crucial for bringing the crisis of incarceration injustice to a broader public, we understand carceral censorship as part of the broader “racial and social control” (Alexander 2010) that deserves more than attention. It serves to discipline and preserve artificial distinctions that catalogue and classify us. Carceral censorship functions as a repressive apparatus obstructing flows of information and knowledge needed to transform individual lives, but also to bring about criminal justice reform and social change.

### Carceral Censorship and Accountability in Context

The timeless question of “who will guard the guards themselves” haunted us long before Enlightenment prison reformer Jeremy Bentham designed his infamous Panopticon prison. A literal translation of “quis custodiet ipsos custodes?” the query is often traced to the second century Roman poet Juvenal and references the conundrum of how to control those in control. In a peculiar twist to his ubiquitous (and arguably perverse), mind-controlling system of surveillance, Bentham the moral philosopher, was preoccupied with the social duty to mete out “humane” penance. His *inspection principle* was intended for both the incarcerated and their custodians, and advocated public oversight and control over prison management through transparency, public access to prisons, and publicity. Despite its far reach into history however, concerns over oversight—penal and otherwise—and how to hold “the powers that be” to account, have proved persistent and make up a growing burden as mass incarceration unfolds.

More recently, the Black Lives Matter movement catalyzed outrage over police brutality, propelling the question of “who polices the police” to the forefront of public debate. Amid expanding recognition that the criminal justice system has little to do with “justice,” the time is ripe to reevaluate what, who, and how we evaluate, as part of accounting for the public goods we hold in common. We may be “guests in [the] house” of prison by jurisdiction, but the taxpayer monies that fund salaries and operations of public institutions ultimately render corrections accountable to the public (Hager 2020, 5). As the only democracy in the world with no independent authority for monitoring prison conditions (American Civil Liberties Union 2021c), the United States has come under increasing newsworthy scrutiny for its censorship violations over the years.

The 2019 NPR news story from Danville Correctional Facility in Illinois, where the Illinois University Education Justice Project (EJP) provides college programming for the incarcerated, illustrates a stunning example (Gaines 2019). More than 200 books were indiscriminately banned after two “racially motivated” editorial cartoons were identified amid curricular print materials. The cartoons were historical in nature and originated in Yale Law School Professor James Forman Jr.’s Pulitzer Prize winning book *Locking Up Our Own*. Danville’s warden subsequently ordered books removed wholesale, without “authority from higher up” (Gaines 2019), temporarily suspending college courses underway. Among other books banned have been classics such as *Uncle Tom’s Cabin* and the *Narrative Life of Frederick Douglass* (Freedom to Learn Campaign). The Danville censorship case ignited trailblazing blowback, ultimately strengthening the resolve to fight for every human’s Right to Read and expand their mind, but serves as a stark reminder that prison education programs are fragile when at the mercy of a repressive penal state.

Stories of “misguided and harmful . . . censorship” (Bromwich and Mueller 2018) similar to Danville have entered the media spotlight across various states (i.e., Pennsylvania, Florida, North Carolina, New Jersey). Despite being “purposefully exaggerated” (Tager 2019), hyperbole about books as a hidden means of transporting contraband has lent support to draconian policies that prohibit materials from entering facilities. Perhaps most mind-boggling is the censorship case of Texas where more than 10,000 books are banned, but Adolf Hitler’s *Mein Kampf* and Battersby’s *Holy Book of Adolf Hitler* remain on the list of authorized titles (McGaughy 2017). This may not strike readers as surprising in the aftermath of the violent 2020 insurrection, orchestrated by reactionary right extremist groups, which took hold of the Capitol to protest President Trump’s election loss.



COVID-19 has not helped matters. In 2020, American Prospect documented the heightened restrictions imposed on media access in Arizona prisons, where communications between the press and people in prison were drastically reduced post COVID-19 pandemic (Piser and Brown 2020). Representing a state with one of the highest incarceration rates in the country, Arizona Department of Corrections introduced the new media policy amid rising numbers of COVID cases in prisons (Piser and Brown 2020). Piser and Brown describe the ruthless policy move as “rooted in decades of restrictive state or federal communications policies that have made the incarceration system a black box,” noting that the stakes appeared to intensify with the ravaging effects of the pandemic inside jails and prisons. Mailroom staff are often the first to review incoming print materials, and possess a great deal of subjective latitude to accept or reject content (McGaughy 2017).

Censorship in prison expands far beyond book bans or access to text-based information. After situating prison censorship within the tightening legal confines of US jurisprudence, the remainder of this article documents some of the far-reaching mechanisms by which carceral censorship in New York State prisons serves to maintain a repressive state.

### Prison Censorship and US Jurisprudence

On the heels of mounting controversy over US prison censorship, and the absence of rational, systematic mechanisms of accountability, scholars and practitioners have expressed increasing concern over the constitutional rights of people in prison. The First Amendment rights of people in prison have been notoriously restricted under US jurisprudence. This is in large part because the courts hesitate to overstep the authority of prison officials in matters related to prison protocols, deferring instead to their “expert judgement” (Pell v. Procunier 1974). The American Civil Liberties Union (ACLU) explains that despite the US Supreme Court ruling that the “First Amendment entitles prisoners to receive and send mail, subject only to the institution’s need to protect security, . . . prisoners’ rights are often curtailed far beyond what is necessary for institutional security” (ACLU 2021a, para. 1). Many of the cryptic censorship protocols appear to serve neither security nor any other rational purpose, but instead harm

not only prisoners, but also their families, friends, and the public. Communication between prisoners and the outside world permits prisoners to preserve ties with their families and friends, to preserve their humanity, but also allows the public a means of oversight over conditions inside these closed facilities. (ACLU 2021a, para. 2)

In 1974, the landmark *Pell v. Procunier* case ruled that prison officials be accorded wide-ranging deference, unless “substantial evidence in the record . . . indicate that the officials have exaggerated their response to [security] considerations.” (para. 22). The 1987 Supreme Court ruling *Turner v. Safley*, in turn, upheld deference to the “expert judgement” of prison officials, establishing the widely used *Turner* test to determine the constitutionality of restricting the fundamental rights of the incarcerated. Infringing on prisoners’ constitutional rights is considered valid providing it reasonably and legitimately relates to penological interests, “unless the logical connection between the regulation and the asserted goal is so remote as to render the policy arbitrary or irrational” (Turner v. Safley 1987, para. 2). Yet definitions of “penological interest” are as subjective and potentially irrational as they are reasonable and justified, depending on the individual, ideological, or political perspective. When compared to other Western cultures, the archaic penal philosophy that predominates across US corrections appears nonsensical, at least if rehabilitation is the intent. Many Western European penal systems espouse restorative prison praxis, experimenting with the “normalization principle” (Rijt, Ginneken, and Boone 2022) and policies that facilitate reintegrative success for people returning to society (Chammah 2015).

The institutional protections that US jurisprudence has granted corrections and penal policy are daunting, particularly considering 1996 legislation that rendered fair court hearings for prisoners virtually impossible (Poser 2016). Poser (2016) explains that the 1996 Prison Litigation Reform Act (PLRA) “crippled the federal judiciary’s ability to act as a watchdog over prison conditions” (para. 2). Designed to reduce the exorbitant number of prison lawsuits that reach the courts, the law introduced new regulations for prisoners grieving their rights. The “exhaustion requirement” of the PLRA stipulates that prisoners first submit grievances to their prison’s administration, internally, and appeal any decision as far as their state correctional system allows, before turning to the courts (Poser 2016). Lack of external governance or systematic oversight overwhelmingly discourages grievance procedures however, fraught as they are with confusing irregularities (Poser 2016, para. 4). That prison administrators would remain impartial and measured in evaluating complaints directed at the institution they represent is suspect, at best, and overall doubtful considering the renowned track-record of corruption within corrections. The potential for fraud is not only flagrant, but a temptation seemingly difficult to resist, if news media over the years is any indication.

Part of Clinton-era criminal justice legislation, the PLRA effectively made protecting the rights of the incarcerated



through legal means evermore arduous, while facilitating the ability of prisons to circumvent external accountability. Court orders composed a major source of oversight in US prisons prior to the PLRA, but have since plummeted (Schlanger 2015). The “exhaustion requirement” in particular has proved a deterrence, but provisions in the act also restrict lawsuits alleging mental or emotional harm, and impose a host of regulations related to the financial burdens of litigation on the part of the incarcerated. Courts are no longer allowed to waive court fees for incarcerated people, and if lawsuits succeed, the statute limits the amount of litigation costs that courts can order a prison facility to pay attorneys who represent the incarcerated. This has drastically reduced the number of lawyers willing to represent prisoners in their cases. The ACLU National Prison Project reports that the PLRA “and its state analogs significantly reduced judicial oversight of prisons, . . . and has resulted in serious abuses going unchecked” (ACLU 2021b).

As isolated sites where politically powerless and vulnerable populations are hidden from view, “external oversight is critical to guard against mistreatment and abuse” (ACLU 2021b). How prison administrators, many who do not hold terminal degrees in any disciplinary field of higher education, nor specialized degrees relevant to criminal justice, and many who—to the dismay of watchdog groups—receive limited training (Russo et al. 2018), would be poised to assess the value and validity of information and education materials flowing in and out of prisons is hard to understand. Research by Wade (2021) into security clearance procedures for instructional materials for higher education in prison programs nationwide found that

the vast majority of programs submit materials for security screening, with prison management and staff most frequently overseeing this process [responsible for overseeing materials: Wardens, 27; security staff, 12; State DOC, 10; and review board 4]. Notably, state departments of corrections were four times less likely to be involved with security screening than prison personnel, while independent review boards only rarely participated. (13)

Wade also found that content restrictions were far more prevalent among survey respondents than modality or school supply restrictions (50%). When asked specifically about formal and informal subject matter restrictions, college in prison administrators reported:

the expected bans on content related to violence, sex, and drugs, [but] respondents also reported informal restrictions imposed on content related to mass incarceration, rioting,

racism, and gender and sexuality. The prevalence of informal restrictions on topics directly related to race like Black Lives Matter, slavery, and racism was especially noteworthy. (15)

This central finding of Wade’s (2021) study—that subject matter “restrictions occur outside the bounds of formal policy”—clearly impacts faculty as much as incarcerated students (16). College program administrators and institutions can challenge those restrictions, but must constantly weigh the risks of those challenges. Incarcerated students may be unaware of the restrictions they are facing. And if they knew, grieving those restrictions is a burdensome, risky prospect. If those students did challenge the restrictions, it is unclear how prison administrators would evaluate the legitimacy of grievances based on prisoner constitutional rights under the First Amendment any differently than they did to restrict the content in the first place. As a form of autocratic, ad hoc obstructionist process, that operates at the leisure of a deferential judicial system, challenges from the incarcerated to content bans appears to protect prison institutions from outside accountability, and resembles more makeshift justice. With no independent authority or body to monitor conditions inside prisons, and with severely curtailed media access into prisons, judicial oversight of the sites where humans are constrained from view remains an impossibility.<sup>1</sup>

There is nationwide need for systematic oversight and accountability, following humane standards (universal human rights based) that protect prisoner rights and ensure equitable pathways toward human transformation and reintegration, including the freedom to learn through education embedded in meaningful human relations. Absent the freedom to access substantive content upon which pursuit of knowledge depends, and to learn in relation to others, the human right to freedom of thought, conscience, and religion (United Nations 1948) is severely constrained. As a global leader in incarcerating people, the time is long overdue for the United States to reckon with the extent to which prison censorship policies violate basic (universal) human rights and needs. Despite cumulative warnings about dwindling information on “what happens behind prison walls,” a morass of inchoate practices serves to sustain impermeability of censorship across US jails and prisons (Calavita and Jenness 2015, 2).

1. The Correctional Association of New York (CANY) is the only independent organization in New York with authority under state law to monitor prisons and report findings to the legislature and the broader public, but they experience great limitations in this role.



## Censorship Inside-Out: War On and Beyond Written Words

As recently as spring 2021, we grappled with the dilemmas that censorship and policing of relations impose on our freedom to express and collectively reflect on our experiences of learning together in the combined classes that both authors have taught. In preparing for a panel presentation at a conference on the significance of “building community,” we found ourselves self-surveilling content from fear that the experiences we had shared, and in turn wished to share with a wider audience, somehow threatened the exigencies of penal governance. As we were honing our talking points on the subject at hand—the ability of combined class participants to develop genuine connections and build community, facilitated by classroom activities and willingness to open their hearts, minds and emotions—we were reminded, as we often are, of the absurdity that such relational management and theatrical masquerading represent. Why should we labor so hard to diffuse and camouflage remarkable feats in community building, when they are precisely the meat of the matter that give meaning; that heal, repair, restore, reinvigorate, and rejuvenate us?

At a very basic level, prison censorship implicates the knowledge, information, and resources—printed, spoken or otherwise—that enter and exit prisons. This has obvious repercussions for education content and pedagogy when teaching and learning inside prisons, particularly where critical, dialectical theory and praxis are concerned. Despite the overall increased focus on prison reform in recent years, censorship practices seem only to have exacerbated. Entering prison facilities, the nonincarcerated must prepare to navigate a deluge of unpredictable powers to censor, without explanation. Few externally independent checks and balances exist for how censorship policies are determined or enforced, resulting in “little oversight or public scrutiny” (Tager 2019). In New York State, censorship is coded within a series of directives that infringe, to a lesser or greater degree, on flows of information, communication, and relations. They include, inter alia: the *Volunteer Services Program Directive* and its *Standards of Conduct for Volunteers*, the *Media Review Directive*, and the *Research Studies and Surveys Directive* (New York State Department of Corrections and Community Supervision, 2020). The following sections review each in turn, alongside their impact on the rights of people in and beyond prison, as they strive to extend higher education behind prison walls.

## Written and Unwritten Communication Censorship

The New York State Department of Corrections and Community Supervision (NYS DOCCS) is beholden to directives that all employees, visitors, the incarcerated, media, researchers, and the public must follow. Restrictions on literature and information authorized to enter and exit prison facilities include all print and nonprint mediums, and require clearance following the Media Review directive. Any publication that incites disobedience against law enforcement officers or prison personnel, or that advocates violence, is prohibited (NYS DOCCS 2020, 1–2). Materials are vetted by the Facility Media Review Committee, which the directive recommends consist of “representatives from Program Services and . . . Security Staff” (NYS DOCCS Media Review 2020, 4).<sup>2</sup> Beyond a brief mention of including education staff on the review committee, little reference is made to materials used inside facilities for educational purposes specifically.

Censorship of information, literature, and media that may enter and exit facilities present particular challenges for college-in-prison programs. Although it is official “Departmental policy to encourage inmates [*sic*] to read publications from varied sources if such material does not encourage them to engage in behavior that might be disruptive to orderly facility operations”, the Facility Media Review Committee has discretionary power to approve or deny materials (NYS DOCCS Media Review 2020, 1). The directive describes in very broad and general terms “the reasonable good faith belief” that establishes whether a “publication violates one or more of the Media Review guidelines” (NYS DOCCS Media Review 2020, 4). This raises obvious concerns related to interpretation and relevancy of information resources—as based in knowledge and expertise of curricular content—and composition of designated review boards. As indicated earlier, the absence of any external oversight for evaluating the appropriateness of postsecondary learning materials inside prison facilities is particularly problematic.<sup>3</sup>

Censorship and media review also raise challenges related to time and scheduling, moreover, when teaching in response to developments that emerge inside liberal arts college classrooms. As dynamic sites where content and the curricular schedule is often adjusted to accommodate the needs and interactive progress of students, clearance of materials can

2. i.e., the Guidance Unit, Mental Health office, Chaplain office, Education Unit, etc.

3. However, it is not lost on the authors that a formal policy restricting materials might be even more conservative and punitive than informal decision-making.



be an ongoing battle against time in a short semester. Even under the best of prepared circumstances, instructors cannot always anticipate developments and the direction in which a course unfolds. If emergent, relevant curricular resources are to be infused along the way, media review takes time when vetted according to protocol. This becomes particularly applicable in relation to cutting-edge social issues that coursework seeks to engage, amid a rapidly shifting social and political landscape that social media and technology now inspire.

### Code of Conduct and Interactive Censorship

Prior to entering prison facilities on a regular basis, visitors are initiated in the codes of conduct designed to regulate interaction between the incarcerated and nonincarcerated. All visitors not officially employed by NYS DOCCS, but who enter the facility on a regular basis, are designated “volunteers.” They are expected to abide by “the rules, regulations, and guidelines required of Department employees,” but must also comply with directives specific to volunteers (NYS DOCCS Volunteer Services Program 2020, 3). Anyone with volunteer status must complete a 3–4 hour orientation, alongside fingerprinting and identification certification, before frequenting the prison. The orientation distinctively characterizes incarcerated people as a separate breed of human, unequal in moral measure, and cautions participants about their overall manipulative prowess. Volunteers are instructed to maintain distance at all costs—physical, personal, emotional. Visiting (“outside”) students leave the orientation with mixed reactions that range from fear to sadness, offense, anger, cynicism, and ridicule. Teaching combined classes threw into sharp relief the reach of carceral censorship and its influence over our faculty role as mediators of the prison classroom experience.

Orientation participants are coached in the (gendered) particulars of appropriate attire when entering prison facilities: nothing see-through, too tight or revealing; no skin above mid thigh, plunging necklines, bare backs or midriffs; no open-heel shoes; no green (reserved for the incarcerated); no gang-related insignia or symbolism, and so forth. Participants are further instructed in the sundries or essentials that may or absolutely may not accompany them into the facility (no click pens, spiral notebooks, electronics, glass bottles, implements of escape, drug paraphernalia, intoxicants, poisons, items that could be used as a weapon or pose a danger, and so on), and are drilled in what they can and cannot say, discuss, disclose, express, share, or communicate when in the presence of fellow students in prison. There is no mingling or

cavorting without pedantic purpose. There is no breaking of bread and sharing of food, drinks or treats, even to celebrate milestones. Above all, there is no touching or expressions of affection, no physical gestures of compassion, no hugs goodbye at the end of semester.

The censorship directives regulating information that nonincarcerated people entering a facility are authorized to share with people in prison are particularly perplexing, and at a fundamental human level, feel offensive. Coded in the Standards of Conduct for Volunteers, they cover information that is both personal and more general in scope, that faculty and student participants of combined classes may exchange during conversation. The codes of conduct create obvious conflicts of interests between learning embedded in human relations on the one hand, and the risk of “getting kicked out of prison” on the other (Scott 2013, 28). As Rob Scott (Cornell University Prison Education Program) explains: “you can be banned from prison if you are deemed to be overtly friendly or ‘fraternizing’ with incarcerated people” (2013, 28). The parameters for acceptable versus unacceptable interaction and information sharing between students inside and outside prison becomes a slippery slope that contradicts contemporary classroom pedagogy and learning, in which human interpersonal relationships and dialectical knowledge accumulation are centerstage.

As the cornerstone of liberal arts education and learning through free exchange of ideas, critical thinking and expression pose difficult dilemmas related to the “comments and presentation content” that DOCCS deems acceptable for volunteers. The directives specify that interaction and content must be kept positive, and that “profanity, vulgarity, and comments that are critical of a particular agency or group of individuals will not be tolerated” (NYS DOCCS Standards of Conduct for Volunteers 2020, 4). Volunteers are “expected to support the Departmental Mission and not to portray the Department in a negative fashion” (NYS DOCCS Volunteer Services Program 2020, 3). During interactive exchanges, “personal information . . . such as [that] pertaining to your family, home address, phone number, and personal habits should not be revealed (NYS DOCCS Standards of Conduct for Volunteers, 4). All in all, volunteers are expected to maintain a “professional relationship” when “working with inmates [sic throughout] on a regular basis,” and to “avoid becoming emotionally involved with inmates” (3).

### Freedom of Expression Beyond the Walls of Prison

Faculty and nonincarcerated students alike are technically prohibited from discussing or reporting on their





participation in programs from inside facilities. The directives regulating information that leaves the prison are ambiguous, and rouse uncertainty regarding what visitors are authorized to share with the outside world at conferences, for publishing purposes, in academic forums, on main college campuses, or at large. The excessive and obtruse restrictions on communication flows in and out of prison interfere with significant opportunities for dialogue and exchange that students, faculty, and researchers rely on to develop scholarship and advance knowledge through peer review, feedback, and debate. As alluded to earlier, the directives produce a problematic gray-zone in which the First Amendment rights of not only the incarcerated, but also the nonincarcerated, are potentially infringed upon. To what extent is it appropriate for the State to deny nonincarcerated students the right to share their personal experiences of learning alongside incarcerated students, with students on their main campus, their families or friends, or with the public at large?

These and related questions about the legitimacy of prison protocols, and their lack of clarity, reveal the complexity and reach of carceral censorship—the rights of all people to express themselves freely inside but also beyond prison walls. It has problematic implications for scholars and researchers who aim to advance policy and reform efforts on important social issues of the day. For scholars affiliated with a higher education system on the brink of collapse, where more than 70 percent of all instructional staff are now neither tenured nor tenure-tracked (working on insufficient if not unsustainable salaries), and for which publication determines whether they perish or prevail, investing in this exigent area of research straddles professional suicide (American Association of University Professors 2017). The monumental hurdles that prevent efforts to understand and redress the contemporary crisis of criminal injustice—academic or otherwise—become the gravest censorship of all.

### Censorship of Research and Policy Planning

Ironically, it is the official policy of DOCCS to “promote research in the field of Corrections and Community Supervision and to support professional studies of Departmental operations” (NYS DOCCS Research Studies and Surveys 2020, 1). The Research Studies and Survey Directive lays out the guidelines for conducting research. The Division of Program Planning, Research and Evaluation, located in Albany, is primarily responsible for approving and monitoring research, but a great deal of latitude exists at the facility level when determining what is viable. This creates discretionary obscurity regarding what is or is not permissible.

The research directive guidelines include a list of seven basic requirements: that research is conducted by professional researchers, college faculty, or graduate students; that an acceptable research proposal is submitted; that research has value for DOCCS; that research will not interfere with facility operations; that research participation is strictly voluntary and anonymous; and that study findings are submitted to DOCCS for review prior to publication.

The directive further specifies requirements during research, including the use of consent forms, explaining the goals and methods of research to participants, and prohibiting the compensation of research participants. Overall, these guidelines correspond with Federal policy to protect human subjects during research, also known as the “Common Rule,” which include specific protections for people in prison. As the baseline standard of ethics that guide biomedical and behavioral research involving human subjects in the United States, the Common Rule governs the oversight required by Institutional Review Boards (IRBs) at US academic institutions and when research is financed by government funds. Challenges related to university IRB clearance are well known to scholars, who dread the bureaucracy, time drain, and labor investment that research proposals often involve, no matter how necessary the protections may be.

In part, the problem has been traced to the use of a medical model to establish guidelines for all research, including ethnographic fieldwork and qualitative interviews that do not involve “experimentation” on subjects. As Essig (2011) explains in her *Chronicle of Higher Education* commentary “IRBs have effectively shut down our ability to actually find out about people’s lived experiences” (para. 3). Because speaking to research participants is treated as “equivalent to experimenting on them,” laborious, and in many cases inappropriate, IRB protocols undermine fieldwork and qualitative data collection altogether (Essig 2011, para. 3). These critiques from researchers led to the revision of the Common Rule after 2018 (Jaschik 2017). The Revised Common Rule expanded the types of research that can be exempt from review, simplified consent forms, and allowed the use of a single IRB. Revisions to the Common Rule notwithstanding, IRB conundrums are often compounded by discrepancies in interpretation related to ideology and research validity. Like the media review boards pieced together in prison facilities and designed to represent select constituents, IRBs typically convene a mix of multidisciplinary researchers and lay people (following Common Rule specifications).

The problem, of course, is that what one representative deems research worthy and legitimate in design, another finds objectionable. Essig (2011) describes being summoned by her university IRB because she had “interviewed people



who identified as transgender” but had failed to treat them as a “vulnerable population” under the designation “people with mental illness” (para. 4). The psychology professor presiding on the review board maintained that people who identify as transgender suffer “from Gender Identity Disorder as listed in the DSM,” and that the research design was therefore flawed (Essig 2011, para. 5).<sup>4</sup> We need only imagine how analogous inconsistencies in ideological interpretation might seep into and influence assessment of materials deemed permissible or not, as part of media review inside prisons. In sum, we ask what is to be done when “getting through the IRB is far more difficult than getting through the prison doors” (Essig 2011, para. 3), yet getting proposed research through the prison doors in reasonable time makes actually conducting prison research something of an impossibility? This has been the predicament we find ourselves in, as years pass and we wait, nudge, plead, and finesse, to make headway.

We submitted our first IRB proposal to the college where both authors have taught prison combined classes in the spring semester 2014. After seven university IRB reviews, multiple revisions, and extensive back and forth, including an irregular request from DOCCS that our research be approved by the Inside-Out Prison Exchange Program at Temple University<sup>5</sup> (where one of the authors was trained), we finally received NYS DOCCS approval in May 2017. The approval authorized research in two New York State correctional facilities for women only however, despite our request to include male facilities in the study. Further delayed by the need to secure permission from the prison Superintendent—who requested DOCCS confirmation authorizing us to record interviews (despite explicitly stated in the approved proposal)—it was not until spring 2018 that we were able to begin interviews inside prison. This final permission allowed us to record interviews using the facility’s ancient audio-recorder only. As grateful as we are for permission to document the experiences of students in prison, the inferior quality of recordings on this antiquated machine has added great cost (labor and time) to transcription and data analysis. It serves as another reminder of the obstacles that discourage, and effectively censor, the voices of people in prison.

### **Carceral Censorship, Reintegrative Relations, and Human Potential**

Protecting against escape plans or other provocations of “lawlessness, violence, [and] anarchy” notwithstanding, how

do we move toward meaningful reform if those at the epicenter of the current criminal justice crisis are denied access to and erased from public debate (NYS DOCCS Media Review 2020, 1)? And how can faculty who aspire to maintain academic freedom and students’ rights contribute to that meaningful reform? In its current shape, or shapelessness, carceral censorship comes to permeate critical dimensions of social life and interfere with our ability to improve our condition. Included in this realm are such hallmark indicators as educational equity for all, teaching and learning together as social beings, academic freedom and the right to share knowledge, research and development for policy and planning, but also freedom of expression writ large—for the astounding number of humans impacted by mass incarceration, inside and outside prison.

There is little that educators strive for more than genuine, transformative learning environments, where culturally responsive and compelling content enable students to connect with each other, and connect content they learn to their lives; where generative dialogue resonates with personal experience. In the shadows of a disjointed double consciousness that carceral censorship animates, however, faculty and student participants of combined classes are dissuaded from celebrating community and the transformative relations generated against all odds. Instead, they must wrangle the distorted sense-making of carceral censorship logic. Human connections and the formative sense of community they foster breathe life into learning, but are constrained by byzantine and seemingly irrational censorship protocols that are often arbitrarily or unsystematically enforced.

Students assimilate classroom knowledge through interacting, developing trust, and sharing their ideas, interpretations, experiences, hopes, and aspirations for the future—none of which can be detached from their identity as individuals or members of communities. When able to lower their guard and communicate meaningful points of interconnection, students consolidate learning in new ways. As such, we argue that the restrictions formally inscribed onto student interaction in prison classrooms, including combined classrooms, represent a profound and dehumanizing censorship violation. How, we ask, do you engage in academic discourse, explore new knowledge, and partake in generative learning with others without developing relationships, and toward what end? In what way does prohibiting students from perusing and interpreting subject matter, as contextualized within their lived experiences and understandings of contemporary life, not violate freedom of expression?

Research has accumulated on the significant role of human interpersonal relations, interaction, and sense of belonging for learning, as well as for health, healing, and

4. This definition has since been dropped in DSM-5.

5. despite having no dominion over the research.



well-being more generally. Building on foundational theory of cognitive and developmental psychology (Piaget 1975; Ruble 1994), a growing body of literature suggests that “informal social interaction with peers from diverse backgrounds challenge students’ familiar cognitive frameworks” (Utheim 2020, 8), which in turn not only stimulates active thinking and provides important opportunities to practice interactive skills, but hones ability to navigate conflicting perspectives (Hurtado 2005; Gurin et al. 2002; Gurin, Nagda, and Lopez 2004). Such findings reinforce studies linking cognitive development to ruptures in “familiar conceptual frames that interactions with diverse peers occasion” (Gurin et al. 2002; Roksa et al. 2017; Utheim 2020, 27). All this is to underscore the importance of interpersonal and social interaction for cognitive development, and for facilitating the disequilibrium (Piaget 1975) needed to interrupt “mindless” (Langer 1978) habitual thinking schemas.

At the root of transformative learning is a climate that encourages curiosity and creative imagination, independent thought, critical questioning, dialectic analysis, and Socratic dialogue. Although these pedagogical anchors may stand in stark contrast to the dogma and control that pervades prison life, they comprise the vestiges of enlightenment that enable humans to grow, restore, transcend, and flourish as members of their community. In short, they are the sort of dynamic processes you are unlikely to acquire when alienated from others—in relation to whom your thoughts,

feelings, behaviors, reactions, and understandings assume meaning. Transformative learning is not a tidy transaction of vetted information transferred from one person to another. It is relational, messy, unpredictable in effect, and intended to take students outside their customary comfort zone. The information diversity and cognitive dissonance that emerge from *engaging with* others who are different from ourselves are essential to expand understanding and integrate knowledge in new ways.

A shift in tone has emerged among US correctional professionals. It has in part been attributed to the influence of European corrections, where rehabilitation takes precedence over punishment and where the goal is to couple “counseling and education with an environment that mimics the world these men and women will rejoin at the end of their sentences” (Chammah 2017, para. 2). This represents a crucial development, considering mounting evidence on the significance of social belonging and human connection for well-being, healing, and ability to thrive (Mead et al. 2021). The era of neoliberal penalty has led us light years adrift from our responsibility to provide the supports that avert unmet need in the first or final instance (Harcourt 2010). Instead, carceral governance—with its impermeable censorship grip—represents a failure of the imagination; a failure to understand and appreciate the profound potential of human connection and belonging for repairing harm and restoring justice—whether teaching, learning, or pursuing research for the common good, inside and outside prison.

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