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Caring for Archives of Incarceration

The Ethics of Carceral Collecting at University Archives

ANNA ROBINSON-SWEET

ABSTRACT In recent years, university archives have initiated efforts to document mass incarceration in the United States. As they engage in this work, it is important to examine how archivists are responding to the ethical challenges presented by collecting and stewarding records related to incarceration. This article addresses that need by reporting on the findings of qualitative interviews with archivists working at academic repositories with major collections focused on incarceration. This study's focus on university archives reflects their prominence in undertaking such work, which is likely to continue given these institutions' comparative autonomy and access to resources. Evaluating this work is urgent because of the vulnerable position of those most impacted by the prison system. Three major themes emerged from the interview data collected in this research: (1) financial and intellectual resources available at universities to support incarceration-related archiving; (2) the university context can provoke ethical anxiety for archivists working with incarceration-related collections; and (3) obtaining meaningful consent is a particularly difficult challenge for archives that steward incarceration materials. Placing these findings within the context of the academy's carceral entanglements and in dialogue with critical prison studies and critical archival studies scholarship, I argue that ethical incarceration archiving demands a liberatory approach. This approach begins by asking if and how incarceration archiving can help get people free.

RÉSUMÉ Au cours des dernières années, les centres d'archives universitaires ont entrepris des efforts de documentation des incarcérations de masse aux États-Unis. Alors qu'ils s'engagent dans ce travail, il est important d'examiner comment les archivistes répondent aux questions éthiques qui émergent à travers la collection d'information et les responsabilités associées à la garde des documents reliés à l'incarcération. Cet article aborde ce besoin en mettant en lumière les résultats qualitatifs d'entrevues avec des archivistes œuvrant dans des centres d'archives universitaires comprenant des collections importantes centrées sur l'incarcération. L'accent de cette étude sur les archives universitaires reflète l'importance d'entreprendre de tels travaux. Cette exploration risque de se poursuivre étant donné l'indépendance relative de ces institutions et de leur accès à des ressources. Évaluer ce travail est urgent étant donnée la position vulnérable des personnes les plus touchées par le système pénitencier. Dans cette recherche, trois thèmes majeurs émergent des données collectées lors des entrevues : 1) les ressources financières et intellectuelles disponibles dans les universités soutiennent les initiatives d'archivage reliées à l'incarcération; 2) le contexte universitaire peut provoquer de l'anxiété éthique pour les archivistes travaillant avec les collections reliées à l'incarcération; 3) obtenir un consentement important représente un défi particulier pour les centres d'archives qui préservent du matériel qui concerne l'incarcération. En situant les résultats de recherche dans le contexte des études universitaires sur l'incarcération, et en dialogue avec les études critiques sur les prisons et les études critiques archivistiques, je soutiens que l'archivage éthique de l'incarcération exige une approche libératrice. Cette approche commence par se demander si et comment l'archivage de documents sur l'incarcération peut contribuer à la libération des personnes.

Introduction

In 2018, Harvard University's Schlesinger Library made headlines when it acquired the personal papers of former political prisoner Angela Davis.[1] In 2022, the media reported that Brown University was archiving the collection of Mumia Abu-Jamal, an activist and writer who remains incarcerated.[2] And in 2023, Johns Hopkins University received publicity when it was awarded a large grant to house the American Prison Writing Archive.[3] These acquisitions, all made by prominent universities, suggest a burgeoning academic interest in documenting the carceral state. While carceral records have long proliferated in government archives and there are community archives committed to collecting materials about incarceration, academic archives have until recently declined to document this topic. As academic archivists delve into the work of collecting incarceration-related materials, they are confronting the challenges of stewarding records that have the potential to re-criminalize, stigmatize, or traumatize the people they document. While previous critical archival studies scholarship helps elucidate the stakes of archiving incarceration materials, there has been little research that studies this topic – and certainly none that is specific to the context of academic archives in the United States.

This article begins to fill this gap by reporting on the findings of qualitative interviews with archivists working at university repositories with major collections that document incarceration. Most of the archives in this study have recently acquired collections on the topic, some initiating ongoing efforts to document incarceration. This study's focus on university archives reflects their prominence in undertaking such work, which is likely to continue given these institutions' comparative autonomy and access to resources. As university archives receive media attention and financial grants to collect on this topic, there is an urgent need to evaluate this work, particularly considering the vulnerable position of those most impacted by imprisonment. This research begins to build that understanding by asking the following questions: How does the university context

1 Jennifer Schuessler, "A New Home for Angela Davis's Papers (and Her 'Wanted' Poster)," *New York Times*, February 13, 2018, https://www.nytimes.com/2018/02/13/arts/angela-davis-archive-harvard.html.

2 Jennifer Schuessler, "Brown University Acquires the Papers of Mumia Abu-Jamal," *New York Times*, August 24, 2022, https://www.nytimes.com/2022/08/24/arts/mumia-abu-jamal-brown.html.

3 Patricia Leigh Brown, "For the American Prison Writing Archive, a 'Shadow Canon' Sheds Light," *New York Times*, April 17, 2023, https://www.nytimes.com/2023/04/17/arts/american-prison-writing-archive.html.

influence academic archives' stewardship[4] of incarceration-related collections? How do archivists describe the challenges of working with carceral materials? What approaches do they take to navigating these challenges?

I situate this research within the field of critical archival studies, which defines those approaches to studying the organization, management, and use of archives that "(1) explain what is unjust with the current state of archival research and practice, (2) posit practical goals for how such research and practice can and should change, and/or (3) provide the norms for such critique."[5] In what follows, I examine current archival practice for incarceration-related records and offer a liberatory ethic of care as a norm for evaluating this practice.

Literature Review

While archives have long held materials related to incarceration, scholarship in the field has only recently paid concerted attention to the topic. As archives engage in shaping the historical record of the era of mass incarceration, an understanding of the place of carceral systems in our society is needed. For this, I look to literature from the interdisciplinary field of critical prison studies. Given the focus of this research on university archives, literature on the relationship between the university and the prison is particularly pertinent. In archival studies, relevant areas of scholarship include recent research on carceral archives and writing on archival ethics.

The University's Carceral Entanglements

In the early 2010s, I was working as an organizer in a poor, predominantly Black neighbourhood, knocking on doors and asking to speak with residents about issues facing the community. A few times, the person I asked for was sarcastically

4 I use *stewardship* to describe university archives' work with incarceration-related materials because it connotes relationships of responsibility between archivists, records, stakeholder communities, and individuals. As Joel Wurl points out, the ethos of stewardship is very different from that of custodianship, in which the archive takes physical and legal possession of material. Since the term *custody* is also used by the criminal legal system to describe its relationship to the imprisoned, I refrain from using it to describe the subject of my study. See Joel Wurl, "Ethnicity as Provenance: In Search of Values and Principles for Documenting the Immigrant Experience," *Archival Issues: Journal of the Midwest Archives Conference* 29, no. 1 (2005): 65–76.

5 Michelle Caswell, Ricardo Punzalan, and T-Kay Sangwand, "Critical Archival Studies: An Introduction," *Journal of Critical Library and Information Studies* 1, no. 2 (2017): 1–19, 2, https://doi.org/10.24242/jclis.v1i2.50.

said to be "off at college." I soon learned that this was a sardonic explanation for the incarceration-induced absences of young people in the neighbourhood – an exodus of a very different sort than that which occurs in affluent communities. This invocation of college in place of prison points to a fundamental connection between the two, one that goes beyond population age. As cultural theorists Fred Moten and Stefano Harney argue, "The university . . . is not the opposite of the prison, since they are both involved in their way with the reduction and command of the social individual."[6] According to Moten and Harney, prison controls the social individual through correction of criminality while the university does so through professionalized critique – critique that forecloses oppositional ways of being/thinking/acting. In this way, criticism becomes a counterinsurgency tactic, disciplining the academy's subjects into professionalism, particularly in the wake of 20th-century movements that challenged the university as a site of power within a white-supremacist, capitalist, settler state.[7]

The oldest universities in the country were opened during the colonial era to train missionaries to convert Indigenous people to Christianity and dispossess them of their land. Enslaved people built the campuses that trained these colonizers and laboured in the residences of students and faculty. As historian Craig Wilder explains, the university served the needs of a nascent white-supremacist nation and benefited from its spoils:

> In the decades before the American Revolution, merchants and planters became not just the benefactors of colonial society but its new masters. Slaveholders became college presidents. The wealth of the traders determined the locations and decided the fates of colonial schools. Profits from the sale and purchase of human beings paid for campuses and swelled college trusts. And the politics of the campus conformed to the presence and demands of slaveholding students as colleges aggressively cultivated a social environment attractive to the sons of wealthy families.[8]

6 Fred Moten and Stefano Harney, "The University and the Undercommons," *Social Text* 22, no. 2 (2004): 101–15, 114, https://doi.org/10.1215/01642472-22-2_79-101.

7 See Roderick A. Ferguson, *The Reorder of Things: The University and Its Pedagogies of Minority Difference* (Minneapolis: University of Minnesota Press, 2012).

8 Craig Steven Wilder, *Ebony & Ivy: Race, Slavery, and the Troubled History of America's Universities* (New York: Bloomsbury Press, 2013), 77.

This social environment supported white students' belief in their supremacy over people of colour. The production of racial science was an early priority for the American university because it provided justification for slavery and territorial expansion. Scholars collected evidence for this science, sadistically examining the mutilated bodies of people of colour and placing these remains in university collections.[9] In some cases, these remains persist in the archives, museums, and laboratories at universities, tangible evidence of the academy's investment in white-supremacist violence.[10] As recently as 2021, it was revealed that Princeton University and the University of Pennsylvania were in possession of the remains of young Black women who were killed in the Philadelphia Police Department's 1985 MOVE bombing. After the massacre, anthropologists affiliated with these universities received the remains from investigators and used them in their classes.[11]

The MOVE bombing case is demonstrative of the ongoing ties between the academy and state violence, a relationship that is rooted in racism. While the early American university served the state through its co-operation with slavery and genocide, the same logics have been at work in the academy's support for carceral expansion. Eugenics, which provided a scientific rationale for slavery and colonization, also supported belief in the inherent criminality of non-white people, thereby serving law enforcement's targeting of communities of colour.[12] In the 1980s, social scientists trained by the previous generation's eugenicists created the *broken windows* theory of policing: that minor crimes, left unpunished, would lead to lawlessness. Adopted by police departments all over the country, this academic invention caused prison populations to swell with low-

9 Wilder, 211–39.

10 For example, the photographs of enslaved people commissioned by eugenicist Louis Agassiz are retained by Harvard University's Peabody Museum. Jarrett Drake, "Blood at the Root," *Journal of Contemporary Archival Studies* 8, no. 1 (2021), https://elischolar.library.yale.edu/jcas/vol8/iss1/6.

11 Artforum Media, "Penn Museum, Princeton Treatment of MOVE Bombing Victim Remains Spark Controversy," *Artforum*, April 22, 2021, https://www.artforum.com/news/penn-museum-princeton-treatment-of-move-bombing-victim-remains-spark-controversy-85551.

12 For example, August Vollmer, the founder of University of California, Berkeley's criminology department and early chief of the Los Angeles Police Department, was a eugenicist. John Knefel, "Police and Racist Vigilantes: Even Worse Than You Think," *The American Prospect*, September 10, 2020, https://prospect.org/justice/police-and-racist-vigilantes-even-worse-than-you-think/.

income Black, Latinx, and other people of colour.[13] In the 21st century, research continues to produce theory and technology in support of law enforcement, such as the use of data science to justify racialized policing.[14]

Aside from producing research and theories to support carceral dominance, the university maintains material ties to the criminal punishment system. Many universities have their own police departments, which act in concert with local law enforcement to maintain campuses that are exclusionary and even dangerous to people of colour.[15] Universities also leverage their sizable financial assets in support of the prison system. A student-led campaign at Harvard, for example, revealed that institution's investments in private prisons, technologies of surveillance and policing, and companies that profit from servicing prisons.[16]

While the university remains deeply bound to the carceral state, the academy can also be a site of resistance. In the 1960s and '70s, students of colour led movements to liberate the university from the grips of white-supremacist state power. These movements resulted in the creation of Black, Chicano, and Asian American studies departments. Rather than viewing these initiatives as breaks from the university's historical allegiances, however, Roderick Ferguson argues that the academy began incorporating and distributing minority difference as a means of disciplining opposition to the academy's alignment with the state and capital. Ferguson uses the metaphor of the archive to explain how this occurred: "The academy would begin to put, keep in reserve, and save minoritized subjects and knowledges in an archival fashion, that is, by devising ways to make those subjects and knowledges respect power and its 'laws.'"[17] Or, in Moten

13 Justin Peters, "Loose Cigarettes Today, Civil Unrest Tomorrow: The Racist, Classist Origins of Broken Windows Policing," *Slate*, December 5, 2014, https://slate.com/news-and-politics/2014/12/edward-banfield-the-racist-classist-origins-of-broken-windows-policing.html.

14 Ruha Benjamin, *Race after Technology: Abolitionist Tools for the New Jim Code* (Medford, MA: Polity Press, 2019), 80–84.

15 See, for example, Scott Jaschik, "Entering Campus Building While Black," *Inside Higher Ed*, April 14, 2019, https://www.insidehighered.com/news/2019/04/15/barnard-suspends-police-officers-after-incident-black-student; TJ Grayson, "A Police Shooting at Yale Shows How Campus Police Have Fostered a Climate of Fear," *Slate*, April 29, 2019, https://slate.com/news-and-politics/2019/04/stephanie-washington-yale-shooting-campus-police.html.

16 The Harvard Prison Divestment Campaign, *The Harvard-To-Prison Pipeline Report* (n.p.: The Harvard Prison Divestment Campaign, October 2019), https://harvardprisondivest.org/wp-content/uploads/2019/10/191014_HPDBooklet_WEB.pdf.

17 Ferguson, *The Reorder of Things*, 12.

and Harney's terms, the academy used the resistance of minoritized subjects to refine its counterinsurgency techniques, using token concessions such as the creation of under-funded departments to negate oppositional demands while leaving the fundamental alignment of university, state, and capital unchanged. Ferguson, Moten, and Harney's critiques bear on the current rise in critical prison studies scholarship, which comes as the carceral state confronts unprecedented resistance from activists and intellectuals.

Critical Prison Studies

As the US prison apparatus exploded in size beginning in the mid-20th century, activists like those in the Black Panther Party and the American Indian Movement articulated this growth as the latest manifestation of the state's racial violence.[18] Scholars aligned with these movements, such as Angela Davis, were the first to critically examine mass incarceration, its impact on communities of colour, and the parallels between the prison system and enslavement. Davis explains that she and other scholar-activists began to use the term *prison industrial complex*, or PIC, to describe these phenomena "because of the extent to which prison building and operation began to attract vast amounts of capital – from the construction industry to food and health care provision – in a way that recalled the emergence of the military industrial complex."[19] Davis writes about how the PIC performs "ideological work" by seeming to solve the problems produced by racism and poverty.[20] In a similar vein, geographer Ruth Wilson Gilmore speaks about the prison as an institution that exploits racial difference to produce premature death.[21]

Both Davis and Gilmore are scholars and prominent organizers in the movement for PIC abolition. PIC abolition, as articulated by organizer, writer, and librarian Mariame Kaba, is "a political vision, a structural analysis of oppression, and a practical organizing strategy. . . . PIC abolition is a vision of a restructured society

18 For example, see University of California Press, "The Black Panther Party's Ten-Point Program," *UC Press Blog*, February 7, 2017, https://www.ucpress.edu/blog/25139/the-black-panther-partys-ten-point-program/; Brianna Wilson, "AIM Patrol, Minneapolis," MNopedia, May 16, 2023, https://www.mnopedia.org/group/aim-patrol-minneapolis.

19 Angela Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 12.

20 Davis, *Are Prisons Obsolete?*, 16.

21 Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley, CA: University of California Press, 2007), 26.

in a world where we have everything we need."[22] Critical prison studies scholarship is often explicitly or implicitly abolitionist, a political orientation that, as historian Micol Seigel says, is a natural outcome of the ways in which critical prison studies scholars set about "eviscerating the common sense that supports the prison and its world."[23] As Seigel explains, such critiques name antiblackness rather than crime as the driving force of mass incarceration. They also offer an alternative genealogy of the modern prison, tracing its origins to the emergence of the welfare state during the Progressive Era rather than to the post–World War II conservative backlash to radical activism. In fact, critical prison studies scholars dismiss the notion that mass incarceration is primarily a conservative project, revealing the role of liberal politicians and their policies in constructing and maintaining the PIC.

Critical prison studies scholars engage in these critiques from a variety of disciplinary perspectives. While there is no unifying methodology in critical prison studies, there are shared approaches, such as prioritizing the perspectives of those who have experienced incarceration. As queer theorist Eric Stanley says, "One of the central ethics of working in solidarity with imprisoned people is to understand them as experts on imprisonment."[24] The testimonials, artwork, and writing created by incarcerated people are sources for critical prison studies scholarship. While acknowledging the powerful intellectual work being done by prisoners, scholars grapple with the ethical conundrum of using this work to produce scholarship. Political philosopher Joy James, who has published collections of writing by political prisoners, warns that, "At the university, they [political prisoners] can be encased in window displays – bartered and sold in the academic market as the objects of inquiry for studies in political resistance or pathology. . . . their currency accrues, but often only to be managed by others."[25]

Engaging with incarcerated people as experts on the PIC is one of the ways that critical prison scholars push back against academic practices that make marginalized people subjects rather than agents of research. By producing

22 Mariame Kaba, *We Do This 'til We Free Us: Abolitionist Organizing and Transformative Justice* (Chicago, IL: Haymarket Books, 2021), 2.

23 Micol Seigel, "Critical Prison Studies: Review of a Field," *American Quarterly* 70, no, 1 (2018): 123–37, 124.

24 Eric A. Stanley, Dean Spade, and Queer In Justice, "Queering Prison Abolition, Now?" *American Quarterly* 64, no. 1 (2012): 115–27, 119.

25 Joy James, "Academia, Activism, and Imprisoned Intellectuals," *Social Justice* 30, no. 2 (2003): 3–7, 5.

scholarship that centres the voices of those whom our society tries hardest to silence, these academics are working to amplify what Randall Williams calls "a counterarchive of struggle"[26] or what Kelly Lytle Hernández calls a "rebel archive."[27] Such archives speak in opposition to archives produced by and for the carceral state.

Carceral Archives

Those working in critical prison studies draw on counter archives or rebel archives as a means of countering the carceral state's own archival power. This power is embodied in what archival studies scholar Tonia Sutherland calls *carceral archives*, which she defines as any records or collection of records that "work in the service of oppressive state powers."[28] These records are used to construct what Sutherland calls *carceral narratives*. Describing the interplay of the archive and narrative in the PIC, Sutherland writes, "What follows the construction of carceral archives . . . in the modern criminal justice system is a process of narrative construction and storytelling: the transformation of evidentiary information, data, and metadata into legal evidence, and the furnishing of that evidence in hearings and trials in support of carceral outcomes."[29] In this way, the archive provides the necessary fodder for a system that uses information, framed as evidence, to justify punishment. These inventories include arrest records, court transcripts, media accounts, surveillance data, and prison dossiers, all of which contribute to a portrayal of systematic racial violence as individual actions supported by a legal code.

This documentation has been described as a mechanism of dehumanization, a means of *symbolically annihilating* those who are subjected to state violence. As Michelle Caswell writes, symbolic annihilation is linked to bodily annihilation in that it renders people and communities, "expendable, invisible, or nonexistent before they are subject to violence, particularly state-sanctioned

26 Randall Williams, *The Divided World: Human Rights and Its Violence* (Minneapolis: University of Minnesota Press, 2010), xxviii.

27 Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill, NC: University of North Carolina Press, 2017).

28 Tonia Sutherland, "The Carceral Archive: Documentary Records, Narrative Construction, and Predictive Risk Assessment," *Journal of Cultural Analytics* 4, no. 1 (2019): 5, https://doi.org/10.22148/16.039.

29 Sutherland, 10.

violence."[30] Symbolic annihilation also occurs after bodily annihilation, erasing the violence and those who suffered it from the record. Archivist Gabriel D. Solís succinctly describes how symbolic annihilation in carceral state records "reveal a foundational logic in dominant ideas of justice: killing conceptually makes it much easier to kill actually or justify a killing in the aftermath."[31] Jarrett Drake recounts a chilling example of how this occurs: an incident in which New Orleans police officers justified their murder of two unarmed Black men by using "descriptive devices" such as the "'waistband shooting' script."[32] In other cases, the state uses records to completely erase its own violence. Historian Marisa Fuentes writes about the redacted incident report released by the Louisville Metro Police Department after their murder of Breonna Taylor, which stated that Taylor was struck by five to eight bullets but suffered no injuries. Reflecting on the archiving of this incident report, Fuentes writes,

> The victim had no injuries. Because that one empty document, meant to account for the police killing of a Black woman, was willfully blank. It demonstrates the reach of state power and the archives' complicity in blatantly erasing the violence against Breonna Taylor. This document will remain part of the official archive that future scholars will have to confront. We are witnessing, in real time, how archives silence and eradicate Black experience and impose doubt on Black testimony.[33]

The archive that silences Breonna Taylor and Black testimony shows the cruel complicity between archives and racialized state violence. This complicity is reciprocal: while the carceral archive lends legitimacy to the narratives put forth by the criminal punishment system, the narratives promoted within this system also legitimize the archive as a source of evidence. Some within archival studies see this symbiotic relationship reflected in archival praxis. Drake, for example,

30 Michelle Caswell, *Urgent Archives: Enacting Liberatory Memory Work* (Abingdon, UK: Routledge, 2021), 84.

31 Gabriel Daniel Solís, "Documenting State Violence: (Symbolic) Annihilation & Archives of Survival," *KULA: Knowledge Creation, Dissemination, and Preservation Studies* 2, no. 1 (2018): 2, https://doi.org/10.5334/kula.28.

32 Jarrett M. Drake, "Insurgent Citizens: The Manufacture of Police Records in Post-Katrina New Orleans and Its Implications for Human Rights," *Archival Science* 14, no. 3–4 (2014): 365–80, 375, https://doi.org/10.1007/s10502-014-9224-2.

33 Marisa J. Fuentes, "'Attending to Black Death:' Black Women's Bodies in the Archive and the Afterlife of Captivity," *Diacritics* 48, no. 3 (2020): 116–29, 120, https://doi.org/10.1353/dia.2020.0022.

argues that access policies and descriptive practices are two ways archives operate as systems of exclusion akin to the prison.[34] For archivists invested in dismantling the PIC, such critiques demand new approaches to archival work.

Archival Ethics

The relationship between the archive and the carceral state presents archivists with ethical challenges that cannot be resolved by professional guidelines like the code of ethics published by the Society of American Archivists (SAA). This code, intended as a guide rather than a binding set of rules, defers multiple times to the law.[35] The contradiction in turning to the law for ethical guidance is demonstrated by South African archivist Verne Harris's experience during the waning days of the apartheid government, when he witnessed the intentional destruction of documents by apartheid officials. As with the SAA's guidelines, the professional code of ethics in South Africa indicated that he should try to prevent this destruction – but only if doing so would not violate workplace policies and the law. Writing about the dilemma presented by this situation, Harris asks how one should understand such guidance if one's workplace, and one's boss, is an apartheid state. In the end, Harris decided to follow his own moral direction and become a whistle-blower. In reflecting on this decision, Harris calls for an alternative understanding of ethics that is contextual. He writes that those in power will always expect to determine the context for archival decision-making through the implementation of laws and professional codes of ethics that conform to those laws. But Harris argues that archivists have the ability to recontextualize – to be responsive to other voices, perspectives, and value systems. In doing so, archivists practice an "ethics of hospitality," which is responsive to the "call of justice."[36] Jamie A. Lee further develops this concept of hospitality in the archives to make a call for "radical hospitality," an ethos of openness that is particularly attuned to non-dominant ways of being and knowing: "Radical hospitality is a world-making practice that recognises all

34 Jarrett M. Drake, "'Graveyards of Exclusion': Archives, Prisons, and the Bounds of Belonging," *Sustainable Futures*, March 27, 2019, https://medium.com/community-archives/graveyards-of-exclusion-archives-prisons-and-the-bounds-of-belonging-c40c85ff1663.

35 Society of American Archivists, "SAA Core Values Statement and Code of Ethics," accessed April 20, 2023, https://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics.

36 Verne Harris, "Ethics and the Archive: 'An Incessant Movement of Recontextualization,'" in *Controlling the Past: Documenting Society and Institutions*, ed. Terry Cook (Chicago: Society of American Archivists, 2011), 356.

the ways people and their histories have been oppressed, erased, and denigrated. It is also a space to lift up the voices and visions and living histories of those who have experienced the inhospitable."[37]

Those who have experienced incarceration have experienced inhospitality at its most extreme, an inhospitality that is evident in the records produced by and through the US carceral state. Despite the prevalence of such material and the obvious ethical dilemmas presented by its archiving, there has not been much scholarship on the topic. One of the few articles that considers the ethics of archiving carceral records is a case study on the digitization of ledger books from a Wisconsin juvenile prison.[38] The authors, who are also archivists who worked on the project, examine the delicate balance between privacy and access in digitizing records about incarcerated people who had little agency in the creation or content of such records. The archivists were guided in their decision-making by privacy law, the needs of potential users of these records, and their ethical obligations to surviving family members of those documented in the records. While this case study clarifies how legal frameworks can be supplemented by other ethical considerations, the authors of the article do not consider the broader implications of providing online access to a body of records that serves to criminalize and dehumanize their subjects. Following Harris, how might an ethic of hospitality have guided the archivists to recontextualize the prison ledger books? Such recontextualization would trouble the perception of such records as evidence and open up a different understanding of the records subjects' positionality.

While case studies on carceral archives in the US are scarce, archival studies scholar Tywanna Whorley's article on the records from the infamous Tuskegee Syphilis Study surface some of the tensions that emerge from stewarding records documenting state violence.[39] Whorley critiques the privacy restrictions imposed on patient medical records from the study, which rely on privacy law. While protecting patient privacy is crucial, Whorley argues that, in this case,

37 Jamie A. Lee, "Archives as Spaces of Radical Hospitality," *Australian Feminist Studies* 36, no. 108 (2021): 156–64, 162, https://doi.org/10.1080/08164649.2021.1969520.

38 Laura Farley and Eric Willey, "Wisconsin School for Girls Inmate Record Books: A Case Study of Redacted Digitization," *American Archivist* 78, no. 2 (2015): 452–69, https://doi.org/10.17723/0360-9081.78.2.452.

39 Tywanna Whorley, "The Tuskegee Syphilis Study: Access and Control Over Controversial Records," in *Political Pressure and the Archival Record*, ed. Margaret Procter, Michael Cook, and Caroline Williams (Chicago: Society of American Archivists, 2005), 109–17.

the restrictions allow the government to avoid full accountability and add to continued distrust of the medical establishment among African Americans. As Whorley makes clear, legal obligations are not the only – or the most important – ethical consideration for archivists stewarding this material. Indeed, Caswell and Marika Cifor argue that legal frameworks should not guide archival ethics. Instead, they argue for a feminist ethic rooted in care, which they call *radical empathy.*[40] This approach entails engaging in empathetic relationships with records creators, users, subjects, and the broader community. This empathy becomes radical, the authors explain, when we as archivists open ourselves up to "be shaped by another's experience, without blurring the lines between the self and the other."[41] Since the publication of Caswell and Cifor's article, the concept of radical empathy has found an audience among archivists working with survivors of state and interpersonal violence.[42] Work has not, however, been published on how this framework would apply to US carceral archives. Whereas law-based ethical principles often foreclose care for the creators and subjects of incarceration records, ethics of radical hospitality and empathy offer possibilities for contesting state-sanctioned neglect.

Method

This article reports on the findings of qualitative semi-structured interviews with archivists at university archives that collect materials related to incarceration in the United States. This research is situated within the interpretivist research paradigm and, as such, is not intended to be generalizable. Interviewing within the interpretivist context has "the aim of eliciting the meanings of participants . . . to understand them from their own points of view."[43] The research reported here

40 Michelle Caswell and Marika Cifor, "From Human Rights to Feminist Ethics: Radical Empathy in the Archives," *Archivaria* 81 (Spring 2016): 23–43.

41 Caswell and Cifor, 31.

42 See, for example, Rachel Tropea and Georgina Ward, "Fierce Compassion and Reflexivity: Transforming Practice at the University of Melbourne Archives," *Journal of Critical Library and Information Studies* 3, no. 2 (2021), https://doi.org/10.24242/jclis.v3i2.121; Amanda Demeter, "Disgust and Fascination: Feminist Ethics of Care and the Ted Bundy Investigative Files," *Journal of Critical Library and Information Studies* 3, no. 2 (2021), https://doi.org/10.24242/jclis.v3i2.124.

43 Kirsty Williamson, "Questionnaires, Individual Interviews and Focus Group Interviews," in *Research Methods:*

focuses on the subjective experiences of participants, in this case, on archivists' experiences of their work. I identified potential participants through preliminary research to locate university archives holding significant collections related to incarceration. I reached out to archivists at these sites via email to determine the best person at the archive to participate in the research. The resulting group of 11 participants all had direct experience in appraising, processing, and/or overseeing work on materials related to incarceration. This participant pool represented seven university archives; in cases where more than one person from the same workplace participated in the research, additional participants were included because they had distinct roles within their archives. The relatively small number of participants resulted from the study's focus on US-based university archives that intentionally collect on the topic of incarceration; while the number of such archives has grown in recent years, there still are not many repositories doing this work. In some cases, archivists' efforts to document the carceral system have been met by criticism both within and beyond their institutions. In recognition of the difficulty of doing this work, and in an effort to facilitate open and honest reflection on it, all of the participating archivists and archives have been anonymized in this article. Broadly speaking, the archives discussed in this research include repositories at private and public universities of various sizes. The relevant collections at these archives ranged from the personal papers of currently or formerly incarcerated people, collections of prisoners' written testimonials, organizational records from prison advocacy groups, oral histories with formerly incarcerated people, and police records. While I recognize that important context is lost by not providing greater detail on the collections discussed, this information could easily be used to identify participants. In the interest of assuring anonymity, the findings provide only broad descriptions of the archives and collections that are the subject of participants' remarks.

Interviews with participating archivists were conducted over Zoom and followed a semi-structured protocol that focused on archivists' experiences working with incarceration-related materials and their feelings about these experiences (see appendix). Transcribed interview data was then analyzed using thematic coding techniques. Widely used in qualitative research, thematic coding

Information, Systems, and Contexts, 2nd ed., ed. Kristy Williamson and Graeme Johnson (Cambridge, MA: Chandos Publishing, 2018), 379–403, 387, https://doi.org/10.1016/B978-0-08-102220-7.00016-9.

is a reflective process in which data is placed within a conceptual context.[44] Thematic analysis is rooted not in seeking to extract some universal truth from the data but in reflexivity on the part of the researcher. It was therefore crucial that I reflect on my positionality throughout this research. I come to this research as a cisgender white woman with a background in archival work and community organizing. My socio-economic status and current place within the academy have mostly shielded me from the violence of the PIC. These positionalities both overlapped and did not overlap with those of my participants in varying ways. Having worked at a university archive for three years, I approached my interviews from a place of empathetic understanding for the work that archivists do and the environment in which they do it. I recognize that the focus of this study risks centring archivists rather than the people who have been most impacted by the carceral system: current and formerly incarcerated people and their loved ones. It is crucial to hear and learn from these communities, who are the creators, subjects, and users of the records discussed in this article. I consider the research reported on here to be the first stage in an ongoing inquiry into the ramifications of archiving incarceration. And as an archivist myself, I felt most prepared to begin research on this topic from a shared professional standpoint.

Findings

In my interviews with archivists who work with incarceration-related collections at university archives, participants spoke about the content of their collections, the challenges of stewarding material documenting prison experiences, the ways their archives' academic context affected this work, and their personal reflections on their work. Here, I elaborate on three common themes that emerged across the interviews, those that arose most frequently across interviews and encompassed a variety of responses.[45] These findings relate primarily to the acquisition and processing of carceral records; because so many of these collections are recent acquisitions, my participants generally had less to

44 Kirsty Williamson, Lisa M. Given, and Paul Scifleet, "Qualitative Data Analysis," in Williamson and Johnson, *Research Methods*, 455–56, https://doi.org/10.1016/B978-0-08-102220-7.00019-4.

45 The findings described here report on data from nine of the eleven participants. The two remaining participants worked with carceral collections in somewhat different capacities, so their responses stood apart from the others. I hope to include findings from these interviews in future work that draws on this data.

say about access, outreach, and use. Indeed, in some cases, the collections in question were not yet or had only recently become open to researchers. The first two findings pertain to how the university context influences archives that are collecting on the topic of incarceration. The third finding demonstrates one of the most common challenges archivists faced when doing this work: ensuring meaningful consent from incarcerated and formerly incarcerated records creators and subjects. Taken together, these findings demonstrate that academic archives afford opportunities for collecting on the topic of incarceration while also presenting ethical challenges for the archivists who do this work.

University Resources Encourage Incarceration-Related Collecting

Archivists interviewed for this research described ways that the academy's resources supported their efforts to document carceral experiences, which represented a new area of collecting for many of the archives discussed. Four of the seven archives represented in this research had recently acquired their first significant collection focused on incarceration. All these accessions were initiated outside of the archives by another person or group of people at the university. Even in those cases where the archives drove incarceration-related collecting themselves, participants described collaborating with faculty, students, and research centres to acquire and steward their materials. Participant 3 explained that, even though the archives drove their collecting initiative, they relied on input from curators, faculty, and students:

> We decided to build it out as its own collecting direction because, though it speaks to some of our other collecting directions, it is such an important part of US history – a new area for special collections and one of the most pressing social issues of our time. I wrote the collecting direction text, but of course had deep consultation with the curatorial group . . . as well as some graduate students and faculty who work in the area, just to make sure that we were really robust and sensitive. We were very purposeful in not naming it only to highlight the system of mass incarceration itself. We're not interested in documenting the system because the system itself produces so many records. . . . Most of the records that scholars have used and that we have access to are actually government records, carceral records; the government is great

> at making records of itself. . . . So, we wanted to really focus on the individuals and communities, their stories and voices.[46]

This participant went on to explain that faculty interest was part of what made their university an ideal site for undertaking collecting around the topic of incarceration; an intellectual community combined with the university's resources positioned their archives to take on an initiative that presented many challenges:

> We have enough staff with expertise. . . . We actually kept saying, "If we can't do it here, I'm not sure that it can be done. Because we're at an Ivy, we have the resources, we have the intellectual community, and we have the will. We have to make this work." And so, one of my hopes is that by launching this collecting area and showing that it can be done, we will actually open the door for other places to begin to collect in this area as well. Because you always need somebody to jump out there first. So, we did it.[47]

As described above, the university's resources not only accommodated this collecting initiative but compelled it.

A number of participants similarly spoke about the benefit of archiving incarceration records within an institution that has resources to steward and promote the material. Participant 1, an archivist who works at an Ivy League university, said,

> I would say, some of the benefits are that we have a very large staff, which means that we have a lot of expertise in archival description and other areas of archival practice here. . . . Even though it is a very high production shop, generally, we do have staff time to allocate to projects like this. And we also have had . . . pretty solid, administrative support too. And people are willing to share their expertise.[48]

46 Participant 3, interview with the author, February 9, 2023.

47 Participant 3, interview with the author, February 9, 2023.

48 Participant 1, interview with the author, January 27, 2023.

In the archives where Participant 1 works, these staff resources facilitated a project revisiting descriptive practices, particularly for carceral collections. Participant 6 similarly spoke about how the staff support and infrastructure at their university allowed the archives to grow its collections: "The other aspect of that is, especially as we continue to grow, . . . that also means that we have an increased need for managing that metadata and the scans and the transcriptions on our digital platform. And so that's something that [the university] has allowed us to take on as well with a larger IT team and hiring on a metadata librarian."[49]

While all archival collections could benefit from the kind of support described by this participant, acquisitions related to incarceration are especially demanding because this is a new area of collecting that presents novel challenges, such as the consent issues elaborated below. Some incarceration-related collections require more support because of their prominence. As Participant 7 explained, their library's infrastructure allowed them to digitize large portions of a former political prisoners' papers in order to meet the demand of researchers seeking access to the collection.[50] For less high-profile collections, the resources and visibility of the university brought attention that might not otherwise be afforded. Speaking about their archives' collection of records from a prisoner advocacy organization, Participant 11 said, "We have the resources to process and preserve it, and therefore it will have an opportunity . . . [to be] a living archive. So, it doesn't just stay in a space and collect dust. But we're going to try to actively have people use the collection in as many ways as possible."[51] This archivist explained that their institution's ability to do outreach for the collection helped encourage the prisoner advocacy organization to donate its records.

Not all of the archivists who participated in this research worked at well-resourced universities. Participant 4 worked at a public university that primarily serves first-generation college students. While their institution lacks financial resources, Participant 4 described the deep connections their archive has with the surrounding community:

> We're connected and tied to the community in a different way than a Research 1 would be . . . based on the students that we serve; a lot of

49 Participant 6, interview with the author, February 7, 2023.

50 Participant 7, interview with the author, February 16, 2023.

51 Participant 11, interview with the author, January 31, 2023.

> them are first generation and part of the local community. Our faculty also work very closely with the community. And that helps us bring a different perspective to highlight these stories [of formerly incarcerated people] and the ability to form these authentic partnerships. . . . We don't have a budget for purchasing collections. Our collections are acquired through the relationships we build and foster with the community.[52]

Participant 4 explained that without the budget to purchase material or a large staff to process it, students and faculty – including some who are part of a program at the university for formerly incarcerated students – initiated an oral history project documenting prison experiences. Rather than benefiting from a university's deep financial resources, this archives' collecting was made possible by the existence of robust campus programming dedicated to serving a community impacted by mass incarceration. This resource, while less tangible, is no less precious; at most of the other archives discussed, the relationship with impacted communities, or lack thereof, troubled archivists working with carceral collections.

Possibilities of Complicity and Commodification in the Academic Archive

Aside from the archive represented by Participant 4, the archives discussed in this research are part of Research 1 universities with fraught legacies of engagement with the communities they are situated in. Many of the participants expressed unease about how their efforts to ethically document the impact of mass incarceration sat within the context of their institutions. As Participant 7 said, "I feel like . . . the Ivy League suddenly deciding, 'Let's care for archives of political prisoners,' [is strange] right?"[53] Some, like Participant 5, felt that collecting initiatives on incarceration removed materials from the communities they represented:

> I think we all were, to the extent that we could be, given the separation and removal that we as the archives have from the actual communities in which this work is happening . . . I think we did the best we could, given the context. But I think the context of what it means to take these

52 Participant 4, interview with the author, February 1, 2023.

53 Participant 7, interview with author, February 16, 2023.

> records from these really vibrant community organizing formations that are so rooted in their membership and the communities and the work and to bring it to the archives . . . I was like, "What if this could be a project that was actually more entrenched and by and for the people who've been in this work?"[54]

For this participant, the archive's acquisition of records from a prisoner advocacy organization was inherently harmful in some way because the records were no longer being stewarded by the community that created them. The subsequent work that the archivists did to process the collection and make it accessible was only the "best they could do" given this provenance.

A number of participants described how academic legacies of extraction, exploitation, and colonialism haunted their work with materials by and about incarcerated people. As Participant 3 said, "We . . . need to make sure that we're not being extractive, that we're putting it [the collection] in context, and that we're not being predatory. There's such an extractive and abusive history of the way that the academy and research has interacted with incarcerated individuals, including through medical research and other ways."[55] This archivist spoke about the need for trauma-informed ethics in collecting materials produced by current and former prisoners to counter the university's legacy of extractive and predatory research with incarcerated people. Some, like Participant 11, described how the history of their particular institutions overshadowed their work: "I mean, it's kind of hard with, let's face it, [the university is] not connected to the areas that they're in. They're kind of colonial spaces where they have, like, terraformed the entire area."[56] Participant 6 "wrestled" with whether their university was the best place for a collection of materials created by incarcerated people:

> [The university] does not have a great reputation for its engagement with the direct community around where it physically is located. And I think that part of taking in collections like this and projects like this is an attempt to rectify some of those things. I think it's really important that we're cognizant that we are not used as a tool in that way but that

54 Participant 5, interview with the author, February 10, 2023.

55 Participant 3, interview with the author, February 9, 2023.

56 Participant 11, interview with the author, January 31, 2023.

> we also meet that [negative legacy of interaction with the community] with another level of action as well.[57]

This participant raised the concern that collections highlighting incarcerated individuals might be used to launder the university's bad reputation within the surrounding community. They believed that there would need to be "another level of action" to address concerns that archival collecting is a disingenuous act.

The archivists quoted above worried that their universities support for incarceration-related archiving was a potential distraction from harmful institutional legacies. For Participant 9, it was the university's *lack* of support for the archive's acquisition of an incarceration-related collection that was revealing:

> Getting from the point where I learned the collection existed to the pickup was the most painful [professional] experience of my life and the most challenging. It changed me. And I don't think we'll ever get over it. I mean, it was so hard, and so appalling ethically sometimes, that it was just, it really was an opportunity where the curtain was pulled back. And we just saw how the sausage gets made in any institution and how sensitive these institutions are around upsetting anyone, even when the topic that can be so upsetting is literally just resources. It's just archival information.[58]

The archivist went on to explain that, in the end, the university "found a way to do the right thing"[59] by acquiring the collection, but that it required a lot of pushing on the part of archivists, faculty, and alumni. Another participant described how the process of acquiring a carceral collection gave them a new perspective on their university and "a few white hairs."[60] Other participants also discussed the emotional weight of occupying positions of privilege within the academy while stewarding the materials of imprisoned records creators. As Participant 3 explained,

57 Participant 6, interview with the author, February 7, 2023.

58 Participant 9, interview with the author, January 24, 2023.

59 Participant 9, interview with the author, January 24, 2023.

60 Participant 3, interview with the author, February 9, 2023.

> I do a lot of questioning. I'm an academic, and special collections is my strength and passion. I'm not in a social services agency, I'm not a community activist. That's not what I do. Does what I do really matter? And can I make a difference? And I had to sit with that a lot. Are we just getting these materials to make [the university] look good? Are we getting this material to add a feather to our professional bonnets? Is this material actually going to make a difference? And I worry a lot about the ethical implications, given that we have not developed an ethical framework in the profession for this type of material.[61]

Archiving records created by prisoners also compelled Participant 2 to consider their complicity with a violent system: "It had just gotten to a point where I was like, 'I can't carry this anymore.' Like, it is with me all the time. And it's the weight of not even just this collection individually. I think it's the weight of seeing that this is one person's experience that represents the experience of thousands of people. And I participate in a society that makes that happen."[62] Participant 2 explained that in processing this collection, this "weight" of responsibility had led them to be particularly attentive and cautious with seemingly small processing decisions. For many of those interviewed, concerns about the relative benefit and harm of their work crystallized in decisions around consent.

The Difficulty of Consent in a Carceral Context

Consent emerged as a common ethical sticking point for participants in this research. Archivists recounted difficulties in communicating the terms of acquisitions to ensure that the consent they received when accepting records created by prisoners was informed. Regarding archives with materials about incarcerated people that were created by outside individuals or organizations, archivists debated whether and how to obtain consent and what to do in its absence. In one example of this, Participant 5 described their internal conflict about the wishes of the people documented in the records of a prisoner advocacy organization:

61 Participant 3, interview with the author, February 9, 2023.

62 Participant 2, interview with the author, January 26, 2023.

> The archive contains a lot of materials where people producing them, I would guess, probably had no idea that they would end up in an archive, visible to anybody who wants to see them. . . . For example, . . . for the sort of reports that they [the advocacy organization] did, . . . they would collect stories from incarcerated people whose narratives would then make up or be intertwined in the report. And my urge, as somebody who . . . knows the silences of the archive, I'm like, "Wow, these stories are so valuable and important and . . . should be known to people." But then I think about, "Well, did the person who shared this story, would they really want it to be known – or want it to be known within this particular context of an academic archive?"[63]

As this participant weighed the desires of records creators and records subjects, choices such as whether to redact people's names became ethical flashpoints.

Some of the archives included in this study decided to redact records in cases where they could not obtain consent. One archive with a longer history of collecting incarceration materials had a policy of removing any references to a person's incarceration. Participant 7, an archivist at this institution, explained the practice and why they decided to change this approach:

> There was a paternalistic way of thinking around records related to incarcerated people that was to protect them from anyone else knowing they had been incarcerated. . . . There was a very robust redacting practice here. You know, redacting people's names, redacting their prisoner identification number. . . . Even when the collection wasn't about that per se, this was the practice. Like, we are protecting these people from anyone knowing they were incarcerated. . . . How we think about what we're doing . . . has shifted, I think, to one that's more about care and consent.[64]

The same archivist went on to describe how they approached consent in a more recent acquisition of a political prisoner's papers, which included recordings of interviews with incarcerated women:

63 Participant 5, interview with the author, February 10, 2023.

64 Participant 7, interview with the author, February 16, 2023.

> We had a set of material and we had to navigate multiple levels of consent that had been given [by the incarcerated women] at the outset and then to think about what did that mean for us in terms of wanting to honour and respect the . . . consent that these women had given in the first place with the other piece, which is, they don't know that their material is now in a library. . . . Those were some of the questions that we really thought about, not to protect them from anyone knowing they were incarcerated – like the fact of their incarceration is not something that we feel needs to be erased – but to make sure that their stories . . . we weren't making them available if they didn't want them to be available.[65]

In this case, the interviews in question had taken place many years before the records had been donated, and there was no contact information available for the interviewees. The difficulties of finding and communicating with record creators and/or subjects to obtain their consent are particularly challenging with collections related to incarceration.

Multiple participants spoke about the barriers to communication set up by the prison system and how these barriers impeded their ability to get consent. Participant 6, who worked with a collection of material created by various incarcerated people, explained:

> It's a sad function of the carceral state that people are hard to keep track of. And especially as we're looking at circulating [materials from the collection] more widely . . . we want to make sure that we're not just sharing work broadly because we think it's what needs to be happening but gathering consent each time we want to circulate something. . . . And . . . there's no real way to streamline that or make it super-efficient without making some compromises that we're not really willing to make. And so it is a significant challenge to have to go through the process of snail mail, waiting for a request like that to get to someone and then waiting for it to come back. . . . And also, people get moved around all the time, and so we don't have any sure way of knowing if someone has been moved.[66]

65 Participant 7, interview with the author, February 16, 2023.

66 Participant 6, interview with the author, February 7, 2023.

Maintaining communication with incarcerated records creators is often only possible via mail, which is subject to the whims of prison censors and changing policies. On top of this slow and intermittent mode of communication, prisoners are constantly moved among facilities. As Participant 6 said, these are not just side effects of the prison system but a core part of how it functions to keep people disconnected from the outside world. Another participant described the lengths to which their university went in order to obtain consent from an incarcerated donor: "In the case of [the incarcerated donor], there's a person who has power of attorney for him and they can't bring in paper and pen to see [him] so they basically had to memorize the donor questionnaire, ask [him] the questions, call us immediately after, so we could complete it with the information."[67] Given the obstacles described by this participant, it is no wonder that very few university archives hold materials created by incarcerated individuals.

When the impediments put in place by the prison system come up against university archives' desires to be responsive to a burgeoning academic interest in incarceration, there is a risk that someone might skirt the rules regarding consent. Participant 3 shared an example of how this could occur:

> Another way that we think about consent is that I have been perusing dealer's catalogues and websites . . . to see if anything is coming up in terms of incarceration. I did find a set of, small set of letters, maybe like 30 to 50 letters, that was from 2013 that was from an incarcerated individual to his girlfriend, and I asked one of the curators to write to the dealer to just say, "How did you get this material? What's the provenance?" And they said, "We're actually really not sure. It came up in, like, kind of a large papers sale somewhere else." . . . We said, "Okay, well, we're definitely not purchasing this material." . . . Nobody consented to have it be sold or become part of a collection. . . . Who knows, it could have been in a pocket of something at Goodwill. . . . I don't even think it should be on the market.[68]

This anecdote reveals a potentially troubling side effect of the sudden interest in university collecting on incarceration. As archives associated with well-

67 Participant 3, interview with the author, February 9, 2023.

68 Participant 3, interview with the author, February 9, 2023.

resourced universities seek out materials related to incarceration, dealers are apparently taking note. While all the collections described thus far were either purchased or donated to the archives directly from the creators, the emergence of materials with dubious provenance indicates how crucial it is to carefully consider consent when working with incarceration-related materials.

Discussion

The findings from this research reveal some of the ethical considerations that archivists struggle with in their work with carceral collections. Records by and about people whose autonomy has been compromised by imprisonment present inherent challenges to archivists' ability to ensure that they have consent. As participants shared, decisions about how to steward carceral materials are made more fraught when they occur within academic institutions with legacies of exclusion and extraction in the surrounding communities, many of which have been heavily impacted by mass incarceration. While archivists working with carceral collections experience tension related to this institutional positionality, many also pointed out that the universities' resources prepared them to take on the challenges of doing this work. As many of the participants noted, their ability to steward incarceration-related materials benefits from the space, infrastructure, and staff/faculty expertise available on campus. Ironically, the material resources available at universities have in many cases been accumulated partly through investment in the PIC. Many participants emphasized the importance of their intellectual environment rather than material resources; it not only supported archival efforts to document the impact of mass incarceration but was often the very impetus for such collecting. With over half of the collecting initiatives discussed originating from students, faculty, or staff external to the archives, it seems that academic archives are responding to scholarly demands for primary source material documenting the PIC. This trend reflects the influence of critical prison studies, which sees more students and faculty studying incarceration from a vantage point that, as Eric Stanley says, understands prisoners as "experts on imprisonment."[69]

69 Stanley, Spade, and Queer In Justice, "Queering Prison Abolition, Now?,"119.

Scholarship that relies on the expertise of incarcerated and formerly incarcerated people helps upend "the common sense that supports the prison and its world" but it may also risk turning incarcerated and formerly incarcerated people into commodities for academic prestige.[70] University archives exist primarily to serve their own communities; the most likely use of prisoners' papers and the records from prison advocacy organizations stored at these repositories is in the production of academic articles, books, and talks. As scholars and the archives that serve them increasingly turn their attention to those in confinement, experiences of state violence are transformed into the currency of the academic marketplace, and these experiences become commodified. A more direct monetization occurs when manuscript and special collections dealers are involved. The anecdote shared by Participant 3, who found letters from an incarcerated person being sold by a third-party dealer without the creator's consent, is evidence of this capitalization. When the deep pockets of elite academic archives meet the vulnerable positions of prisoners, the conditions for exploitation are apparently ripe. Incarceration archives risk making literal Joy James's warning that political prisoners can be "bartered and sold in the academic market as the objects of inquiry for studies in political resistance or pathology. . . . their currency accrues, but often only to be managed by others."[71]

Many of the archivists interviewed for this research were aware of this danger and shared their personal struggles to reconcile their academic positions with the experiences of those who have been imprisoned. As Participant 3 asked, "Does what I do really matter? . . . Are we just getting these materials to make [the university] look good?"[72] The concern that carceral collecting will primarily serve the university's public image is also reflected in Participant 6's remark on the incongruity of Ivy League universities' sudden declarations of their intention to care for the archives of political prisoners. After all, these are institutions that have long profited off the PIC. The undercurrent of unease participants expressed is understandable given the academy's historical role in upholding white supremacy. And even while archives seek to document the impact of a system that has been a crucial apparatus in the suppression of Black life, the universities they are housed within continue to play a role in this suppression.

70 Seigel, "Critical Prison Studies," 124.

71 James, "Academia, Activism, and Imprisoned Intellectuals," 5.

72 Participant 3, interview with the author, February 9, 2023.

Harvard, for example, engages in historical soul-searching on the topic of slavery while continuing to fight descendants' efforts for the return of photographs depicting their enslaved ancestors.[73] These actions demonstrate that moves toward institutional atonement often remain confined to the interests of the university itself. In this context, incarceration archives risk being confined as objects of study, material for the production of counterinsurgent criticism.

It is important, however, to distinguish the motivations of the institution from those of the individuals who are doing the work to acquire and steward incarceration-related materials. The participants in this research evinced an awareness of the harm inflicted by the academy and the archive and a desire to avoid perpetuating it. Indeed, many of the participants saw their work as operating against the carceral archive. As Participant 3 explained, their archive's focus on people impacted by incarceration is a way of speaking back to the government records that have long been the only archival sources for scholars researching prisons and imprisonment. Participant 5 described their approach to processing as informed by the knowledge that people have been "forcibly conscripted into an archival gaze through their interactions with the carceral state."[74] To position their work in opposition to such violence, many archivists explicitly discussed the ethics that guided their work. As they struggled to understand how the creators and subjects of carceral records would want to be represented in the archive, participants demonstrated their empathy. This empathy became radical when participants were themselves "shaped by another's experience, without blurring the lines between the self and the other."[75] For Participant 2, for example, the experience of processing a political prisoner's papers resulted in a fundamental shift in how they understood their own positionality: "This is one person's experience that represents the experience of thousands of people. And I participate in a society that makes that happen."[76]

Participants who approached their work with radical empathy engaged in resistance against a system that was designed to remove care and impose neglect. But is care and hospitality enough? As the findings of this research reveal, archivists

73 See Drake, "Blood at the Root," 10–11.

74 Participant 5, interview with the author, February 10, 2023.

75 Caswell and Cifor, "From Human Rights to Feminist Ethics," 31.

76 Participant 2, interview with the author, January 26, 2023.

who desire to ethically archive experiences of incarceration are troubled by knowledge of their own institutions' involvement in the violence they are documenting. The prison may be the most egregious spectacle of white supremacy but, as Moten and Harney remind us, the same logics of exclusion, neglect, and discipline are at work in the academy. Archivists stewarding the materials of those impacted by incarceration should not turn away from the contradictions that arise from doing this work within the university. In a follow-up to her co-authored article on radical empathy, Caswell writes,

> Empathy is radical if it upends existing power relations in favour of oppressed people, if it interrogates intersecting structures of violence, if it is a catalyst for structural change. Injustice is structural and personal, public and private, always-already political. Our care in response to injustice must focus on caring for each other enough to liberate us all.[77]

In the case of archives related to incarceration, the power dynamics are extreme and the liberation at stake is material. As such, a practice of care that is attuned to structural issues – an ethic of liberation – is necessary. Archivists following a liberatory ethic of care begin with the question, "How can my work help get people free?"

While there is no definitive answer to this question, the words of Ruth Wilson Gilmore are instructive here. Gilmore argues, "We need theories that work: We need guides to action. We need to take apart – to *dis*articulate – theory from decorative imitation if we are to rearticulate its epistemological power in political praxis."[78] Substituting *archive* for *theory* in Gilmore's call to action helps define the goals of a liberatory archival ethic: archival efforts to ethically document incarceration must resist becoming "decorative" – window dressing for institutions built on white-supremacist violence – and become politically useful. To do so, archivists who steward papers, testimonies, and creative works by and about incarcerated people should prioritize the use of these materials by those who are working for freedom. To do so, archives will need to resist

77 Michelle Caswell, "Feeling Liberatory Memory Work: On the Archival Uses of Joy and Anger," *Archivaria* 90 (Fall 2020): 148–64, 164.

78 Ruth Wilson Gilmore, "Decorative Beasts," in *Abolition Geography: Essays towards Liberation*, eds. Brenna Bhandar and Alberto Toscano (London; Verso, 2022), 75.

the commodification and ownership impulses of their institutions and embrace distribution and accessibility. Rather than simply extract, archivists should consider how the material resources of their institutions might serve those who are still inside. And archivists should be attuned to the political struggles within their own workplaces. Groups like Abolition in Special Collections are organizing archivists to address complicity in their own backyards.[79] When archives do seek out the materials of those impacted by incarceration, they should do everything possible to resist their efforts becoming decorative, public relations distractions from ongoing collaboration with the PIC. And in cases where this is not possible, or where institutional constraints prevent the archive's political activation, archivists should consider not collecting.

These principles are possible starting points for an approach that responds to the conflict and contradictions of archiving incarceration experiences with care. The need for such an approach is made evident in the comments shared by the participants, who are part of a new professional cohort working with carceral records in academic archives. In adopting a liberatory ethic of care, archivists can be responsive to the political and material stakes of archiving incarceration, which are highest for those still behind bars.

Conclusion

Prison is the negation of care. To practice archival care with the material traces of this negation is a difficult and at times impossible task, as the findings of this article make clear. Even an approach rooted in critical politics and guided by empathy will come up against the structural constraints of the archive, the university, and the prison. Archivists interviewed in this study describe the intractable challenges of acquiring meaningful consent in the context of a system that is designed to disempower, of offering visibility to people who live under the violent gaze of the state, and of reckoning with their own roles in a society that produces carceral experiences to be archived. The quandaries of consent, complicity, and commodification are deepened when such work occurs

79 Abolition in Special Collections (AbSC) Group (website), accessed August 28, 2023, https://www.ablaspeccoll.org/.

within the academy, which like the prison is a product of the white-supremacist state. A liberatory praxis that is attuned to such predicaments is necessary in order to create possibilities for dismantling them.

My argument – that archivists should adopt a liberatory ethic of care in their work with materials created by and about those impacted by incarceration – comes in response to participants' own reflections on their work. The greatest challenges for the archivists I interviewed came not in finding resources to carry out their work but in addressing their own anxieties about the ethics of archiving experiences of imprisonment, especially within the university. Indeed, in most cases, the resources available through the university made the acquisition and processing of incarceration-related materials easier; no one described a shortage of space, infrastructure, or staff expertise as a hindrance to their efforts. On the other hand, many described acquiring consent as a major challenge. And while this challenge would likely exist regardless of the type of archive doing the collecting, it is made more pernicious by the academic legacy of non-consensual research on marginalized communities, including prisoners. Participants' awareness of this history compelled them to approach their work with incarceration-related records with extra care and caution. A liberatory ethic of care requires this kind of attention to the relationship between archivists' own positionalities and those of the prisoners whose experiences they are stewarding.

Some of the archivists interviewed in this research came to see the struggles of their incarcerated records creators as their own, evincing radical empathy. For archivists working at universities, such struggles involve various efforts toward dismantling institutional complicity: cops off campus, divestment from the PIC, and reparations for communities targeted by centuries of white-supremacist violence. For those who work at other kinds of repositories, the path forward might look different. I am not sure there is an argument to be made for a liberatory ethic of care within governmental archives, but this could be an inquiry for others to undertake. I also encourage archivists and scholars to expand on the themes identified in this article in a variety of contexts to propose and put into practice a liberatory ethic of care. In future work, I plan to expand my focus to autonomous community archives that archive experiences of incarceration, expanding on the interview data already collected. I am also aware that more information needs to be gathered on access and outreach for carceral collections, particularly for those collections housed at universities – for example,

how will academic resources be marshalled to ensure access for impacted communities? Most importantly, continued attention must be paid to the impact of archiving incarceration materials on those who are most affected by it: the people currently or formerly imprisoned and their loved ones. Ultimately, true care in stewarding archives of incarceration will only be attainable when those behind bars are free.

BIOGRAPHY Anna Robinson-Sweet is a doctoral candidate in the Department of Information Studies at the University of California, Los Angeles, where she is also pursuing a certificate in digital humanities. Her research examines how communities impacted by state violence in the United States use archives and records for accountability beyond the confines of the legal system. Robinson-Sweet's research has been published in *American Archivist* and the *International Journal of Information, Diversity, and Inclusion*. She previously worked as an archivist at The New School Archives and Special Collections. Robinson-Sweet holds an MLIS from Simmons University.

Appendix: Semi-Structured Interview Protocol

General background

1. Please introduce yourself and describe your professional background.
2. What is your current position? What are your main responsibilities? How many colleagues do you work with?

Incarceration-related work

3. What collections have you worked with that are related to incarceration?
4. In working with incarceration-related collections, what has been your role in this work?
5. Prior to working on these collections, what was your familiarity with this subject matter?
6. How do the collections you described fit within the broader collecting focus of your archives?
7. From your perspective, what motivations drive your university's collecting of incarceration-related materials?
8. Has your archives' collecting focus changed over time?
    a) If so, how do you think these changes relate to broader shifts in the archives profession?
    b) How do these changes relate to what is happening in society overall?
9. Who do you envision as the users of these collections?
10. How do actual or intended users influence your work processing and describing incarceration-related materials?
11. Have you assisted users in accessing your archive's incarceration-related collections? If so, what has this experience been like?

Feelings and reflections about work with incarceration materials

12. What are some of the challenges you have found to be in working with these collections?

13. How have you dealt with these challenges?
    a) Who do you talk through these challenges with?
    b) What resources do you consult?
14. In relation to these challenges, when a difficult decision needs to be made, what is the process? Who ultimately has the authority to make such a decision?
15. How do you feel your position in a university positively or negatively impacts your work with incarceration-related materials?
    a) What, if any, resources does the university offer that are helpful in doing this work?
    b) What, if any, limitations do you face by virtue of working within a university?
16. What do you enjoy about working on incarceration-related collections?
17. What have you learned from your experience archiving incarceration-related material?

Closing questions

18. Do you know of other archivists at university archives in the US who have worked with incarceration-related collections?
19. Is there anything we haven't discussed that you would like to add?