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*Carceral citizenship in Latin American and the Caribbean*

## Carceral citizenship in Puerto Rico: Self-help and punishment

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### Abstract

The predominant criminological view of ‘carceral citizenship’ takes citizenship as a purely juridical matter, overlooking key social dimensions of citizenship as a human practice. To understand how the carceral turn is reconfiguring citizenship in Puerto Rico, I explore how formerly incarcerated people carve out a place for themselves in Puerto Rican society under the shadow of the prison. Focusing on one couple and their efforts to operate a therapeutic community, I show how self-help supplies a subset of former prisoners with a publicly recognized form of social belonging. Though more stable and encompassing than the stigmatized exile that awaits many people returning from prison, this carceral citizenship invites formerly incarcerated people to assume critical roles in the confinement, punishment, and care of people convicted of drug offences. Overall, this article highlights how self-help and punishment have emerged as intertwined mediums through which formerly incarcerated people assert their citizenship. *Keywords:* Carceral citizenship, therapeutic community, self-help, Puerto Rico.

Resumen: Ciudadanía carcelaria en Puerto Rico: Autoayuda y castigo

La visión criminológica predominante de la “ciudadanía carcelaria” considera la ciudadanía como una cuestión puramente jurídica, obviando dimensiones sociales clave de la ciudadanía como la práctica humana. Para entender cómo el giro carcelario está reconfigurando la ciudadanía en Puerto Rico, exploro cómo las personas excarceladas se hacen un hueco en la sociedad puertorriqueña bajo la sombra de la prisión. Centrándome en una pareja y sus esfuerzos por gestionar una comunidad terapéutica, muestro cómo la autoayuda proporciona una forma de pertenencia social públicamente reconocida a un subconjunto de ex reclusos. Aunque más estable y abarcadora que el exilio estigmatizado que espera a muchas personas que regresan de la cárcel, esta ciudadanía carcelaria invita a personas anteriormente encarceladas a asumir funciones críticas en el confinamiento, castigo y cuidado de personas condenadas por delitos de drogas. En general, este artículo destaca cómo la autoayuda y el castigo han surgido como medios entrelazados a través de los cuales las personas excarceladas afirman su ciudadanía. *Palabras clave:* Ciudadanía carcelaria, comunidad terapéutica, autoayuda, Puerto Rico.

## Introduction

It is abundantly clear that people with criminal records suffer lifelong restrictions and exclusions that other citizens do not. Studies conducted primarily in North American contexts describe how even many years after completing a criminal sentence, people returning from prison often incur the secondary punishment of being durably excluded from voting, housing, and the labour market (Manza & Uggen, 2008; Smiley, 2023). But in Latin America, there is an underappreciated dimension to all this: self-help. ‘Self-help’ or ‘mutual-aid’ refers to the phenomena by which non-specialists who share a health or social problem come together to define or address that problem together. In Puerto Rico, where this study is set, “therapeutic communities” run by non-specialists who share histories of incarceration, drug addiction, or both now provide a surrogate mode of social and economic participation for people with criminal records.<sup>1</sup> Through their capacity to remake formerly incarcerated people into paraprofessional guides (*guías*) and therapists (*terapistas*), therapeutic communities supply formerly incarcerated people with a publicly recognized albeit highly circumscribed form of social, political, and economic participation. Though precarious, this self-help niche comes with legal benefits and forms of status and recognized achievement that vastly exceeds those documented in studies of re-entry to date (Manza & Uggen, 2008; Miller & Stuart, 2017; Smiley, 2023). Yet the capacity of some formerly incarcerated people to achieve this relatively privileged status (relative to most people leaving prison) rests on them colluding with the carceral state by taking on correctional duties in the confinement, punishment, and care of their peers. The surprising outcome is that formerly incarcerated people – some of whom are only a few months out of prison – come to wield considerable penal power over the futures and fate of Puerto Rico’s criminalized poor.

To understand how the rise of mass incarceration and the proliferation of self-help groups in Puerto Rico are igniting novel forms of belonging, power, and status, I employ the concept of carceral citizenship, theorized here as a historically emergent kind of citizenship that confers its members a unique profile of legal rights and restrictions along with socially felt forms of status and belonging. I base my exploration of carceral citizenship on fieldwork conducted between 2015 and 2020 in dozens of ‘carceral’ sites beyond the prison (Parker, 2020, 2021): in the therapeutic communities, drug rehabilitation centres, re-entry programs, probation hostels, drug courts, and civil courts that are enmeshed in the criminal justice system but whose authority does not stem solely from criminal law (Beckett & Murakawa, 2012). This included long stretches of participant observation and extensive interviews with state officials, police officers, judges, formerly incarcerated people, and their families. From this larger project, I focus here on therapeutic communities located in the non-profit sector. Despite their status as “community-based organizations”, therapeutic communities are institutionally imbricated into the formal criminal justice system through court referrals, court orders, contracts, and payments. Of the fifteen therapeutic

communities I worked with over the course of five years of research, I foreground here a single case study: a program I call Mesón de Dios run by a married couple I call Anette and Immanuel.<sup>2</sup> While their story is ethnographically specific, the challenges they navigate in their efforts to eke out a living in the shadow of the prison speak to the new and surprising relationships of collusion and interdependency that are emerging between carceral states and their citizens.

This article has four parts. The first situates this exploration of self-help and carceral citizenship within carceral studies and citizenship studies. The second describes how the Puerto Rican carceral state came to devolve many of its functions to therapeutic communities run by formerly incarcerated people. Parts three-through-five draw on ethnographic fieldwork. The conclusion offers a final reflection on the relationships of collusion, interdependency and exploitation that produce and sustain this particular iteration of carceral citizenship.

### **Decolonizing carceral citizenship**

Contemporary understanding of carceral citizenship has derived overwhelmingly from the experience of the United States (the mainland, not the colonies). In the now well-known story, African Americans finally gained constitutional protections against race-based discriminations in the 1960's, having endured over a century of slavery followed by seventy years of racial segregation under Jim Crow. But just ten years after Civil Rights, the carceral turn swept across the United States, disproportionately targeting Black Americans. The rise of mass incarceration in the United States undermined many of the civil rights movement's gains, leaving (at time of writing) 1.9 million people behind bars and a further 79 million people branded with the stigma of a criminal record (Sawyer & Wagner, 2023). Today, Black Americans and Latinx communities continue to be disproportionately incarcerated: at five times and 1.3 times the rate of white Americans, respectively. On returning from prison, this disproportionately Black and brown class of formerly incarcerated US citizens encounter wide-ranging legal restrictions and exclusions that limit their options for political and social participation. From the 5.2 million people that are unable to vote because of a felony record (Uggen et al., 2020), to the millions more who are stripped of their social welfare entitlements, the alternative legal-regulatory universe awaiting formerly incarcerated people has been decried a "second-class citizenship" (Lerman & Weaver, 2014, p. 231) that is, a diminished positionality said to be "less than average citizens" (Uggen, Manza, & Behrens, 2013).

This North American understanding of the carceral turn's consequences for citizenship is less helpful for understanding the situation in Puerto Rico. For the three million Puerto Ricans who reside on the island – a colonial territory that enjoys only a "semblance of sovereignty" (Aleinikoff & Aleinikoff, 2009) – there has never been anything "average" or "first-class" about US citizenship. Today, *all* inhabitants of Puerto Rico (criminalized or otherwise) are prohibited from voting in US Presidential elections, while various US constitutional

provisions – such as the requirement of indictment by grand jury, trial by jury in common law cases, and the right to confrontation of witnesses – do not extend to the territory. That “average” citizenship has never existed in Puerto Rico points to the need for carceral theorists to re-assess the presumed binary between ‘first-class’ (non-criminalized) and ‘second-class’ (criminalized) citizens.

Citizenship studies provide ample examples of how citizenship around the world is not a binary system made up of ‘first-’ and ‘second-class’ citizens but rather is a multiply differentiated system defined by multiple intersecting social stratifications that are expressly *not* the basis of national membership, for example race, ethnicity, religion, language, literacy, education, property ownership, occupation, gender, and sexuality (Díaz, 2021; Holston, 2021; Oboler, 2006; Ramos-Zayas, 2007). Rather than existing in a straightforward hierarchy, these intersecting stratifications operate to distribute differential treatment to different categories of citizens. Thus, white Puerto Ricans without criminal records experience a stratified citizenship that is distinct to that of mainland African Americans who do have criminal records.

Race and colonialism merit special attention as axes of stratified citizenship because racial slavery and settler colonialism were baked into the invention of US citizenship in 1790, which initially granted citizenship to “free white people” only (Goldberg, 2001). Centuries later and in the face of enduring US colonialism and racial stratification, scholars are increasingly characterizing liberal citizenship as a fundamentally underhanded project, one that champions equality but works in practice over several centuries to hierarchically stratify its members by race (Bonilla-Silva & Mayorga, 2020; Goldberg, 2001). Writing of Puerto Rico, for example, Díaz (2021) characterizes US citizenship there as an “insidious inheritance” that obscures and ensures the devaluation of Puerto Ricans’ lives in the present while hiding colonialism and racial inequality “in plain sight” (Díaz, 2021, pp. 335-345). Taking these colonial and racial histories of citizenship into account then means considering how criminalization and incarceration operate *in tandem with* other axes of social stratification to reconfigure options for political participation and social belonging in specific ways. In this article, I will be exploring how self-help interacts with incarceration and colonization to afford a relatively privileged status to formerly incarcerated Puerto Ricans whose citizenship is multiply diminished by virtue of their colonial status, their criminalized status, and (very often) their socioeconomic status and ethnoracial identity.

Heeding a point made by Miller and Stuart (2017), who observe that in addition to being *denied* certain rights and entitlements, people with criminal records are also *afforded* unique benefits and services that other citizens are not, I am also interested in what incarceration can be said to ‘add’ or ‘bring’ to the experience of citizenship, beyond just exclusions and forfeitures. But while Miller and Stuart (2017) theorize “carceral citizenship” in this strict legal sense: as the legal restrictions, duties, and benefits that are uniquely accorded to people with criminal records, I caution that citizenship is *never* a purely legal-juridical

matter. As anthropologists have long argued, citizenship is also a human practice and a socially cultivated feeling. As Aihwa Ong (1996, p. 737) famously said, citizenship is a “process of self-making and being-made”.

Extending criminological perspectives that conceive carceral citizenship as a legal-regulatory status bestowed ‘top-down’ by nation states “at the moment of criminal conviction” (Miller & Stuart, 2017, p. 533), my formulation recognizes carceral citizenship as *both* a formal classification *and* as a mode of social membership that has to be fostered and achieved over time and through everyday human practice. This larger-than-legal formulation allows me to grasp carceral citizenship’s social dimensions along with its duality as a status that *both* confers *and* revokes privileges of citizenship. Through self-help, I will argue, some formerly incarcerated Puerto Ricans have succeeded in carving out a social, economic, and political membership for themselves that affords them various rights, benefits, and forms of social belonging that vastly exceed those of most prison leavers. These *generative* aspects of carceral citizenship, while not transcending or ‘outweighing’ the durable exclusions inflicted by criminalization, mean that formerly incarcerated people who embrace self-help can have a drastically different experience of citizenship relative to those who do not. But the desperately needed benefits that self-help supplies come at a cost. The ‘privileged’ place some formerly incarcerated people enjoy as publicly recognized paraprofessionals in Puerto Rican society depends upon them colluding with the carceral state in the confinement, exploitation, and punishment of their peers. Troublingly, self-help recycles and converts formerly incarcerated people into wardens of the carceral state, and the prison emerges as the very medium through which formerly incarcerated people assert their citizenship with. Before I explore all this ethnographically, let me begin by tracing how self-help and Puerto Rico’s carceral state became entangled historically.

### **From prisoners to wardens of the carceral state**

As a US territory and colony, Puerto Rico was among the first Latin American nations to suffer the sky-rocketing rise in criminal convictions that culminated in the early 2000’s in the Latin American prison boom.<sup>3</sup> But as Puerto Rico took its first steps towards mass incarceration in the 1970’s, at a time when the Insular Penitentiary at Río Piedras (the island’s largest prison) was already at double capacity, the influx in numbers predictably proved too much for the prison system. When the incarceration rate hiked from 163/100,000 in 1971 to 315/100,000 in 1991 (PR Department of Justice, 1971; World Prison Brief, 2016), mass escapes and prison riots erupted (Wright, 1982).

From the 1980’s onwards, prison overcrowding sedimented into a chronic, recurring, and (as litigation would have it) expensive problem. In 1979, prisoner Carlos Morales Feliciano filed a class action lawsuit on the behalf of Puerto Rico’s incarcerated population against the Government of Puerto Rico in the infamous case of Morales Feliciano v. Romero Barceló.<sup>4</sup> Harnessing both the

Puerto Rican Constitution of 1952 and the US federal constitution, prisoners levelled various charges against the Puerto Rican Government, including violation of the US constitutional protection against cruel and unusual punishment (Velez, 2021). Following statements from witnesses who described astronomical rates of overcrowding, homicide, violence, and torture (Wright, 1982), a district judge ruled in favour of the prisoners. The Government of Puerto Rico was ordered to reduce overcrowding and to improve prison standards across sanitation, health, and education. When the government repeatedly failed to comply with the court's demands, a tidal-wave of prisoner-led class action lawsuits and court fines ensued. Today, Puerto Rico's government is still reeling from the \$68 million it eventually paid out in court fines between 1980 and 1990 (The Seattle Times, 2014).

One under-appreciated consequence of this litigious chapter in Puerto Rican prison history is the role that self-help organizations came to assume in confining drug offenders, providing a shunt-valve for overcrowded prisons. Akin to the "illicit public-private partnerships" between politicians and criminal "dons" in inner-city Kingston (Jaffe, 2013, p. 738), government officials in the Puerto Rican Department of Corrections entered into various rushed verbal agreements (all technically illegal) with therapeutic communities. Through verbal agreements, hundreds of convicted drug offenders were channelled from prison to therapeutic communities in the early 1980's (Department of Correction and Rehabilitation, 1994). In return, therapeutic communities received a *per diem* for each diverted prisoner. These informal arrangements were subsequently formalized through 'top-down' prison diversion legislation (via amendments to the Law of Controlled Substances of 1971, and via the introduction of Puerto Rico's Drug Court Program in 1996), as well as 'bottom-up' mobilization of former offenders, who established new institutional entities: The Social association for rehabilitated ex-addicts (Spanish acronym, ASEAR), and the Association for the services of rehabilitated ex-addicts and ex-convicts' (Spanish acronym, ASEER), both founded by former offenders in the 1980's.

Through various diversion and probation channels, approximately 4500 people (mostly men) are now housed in a devolved network of approximately 130-140 therapeutic communities. While 93 per cent of these programs are located in the non-profit sector (Upegui-Hernández & Torruella, 2015), therapeutic communities are imbricated with criminal justice through contracts, referrals, payments, and court orders. As a result of their close imbrication with Puerto Rico's criminal justice system, considerable penal power now lies in the hands of recently incarcerated men and women, who perform a wide variety of correctional duties on behalf of the carceral state. These include (but are not limited to) delivering therapies, taking urine samples from court-ordered residents, informing police of bad behaviour or unauthorized leaving, writing case reports, and making recommendations to court.

This seemingly lax arrangement – whereby people who are only a few months out of drug court are placed in charge of people convicted of drug

offenses is supported by legislation. By special legislative provision under the Mental Health Act, all “community-based” and “faith-based” drug service providers are exempt from the usual key government regulations on healthcare (Hansen, 2018, pp. 143-158). This means that the usual regulatory demands placed on hospitals, behavioural health organizations, and other health and mental health care facilities (pertaining, for example, to care quality, evidence-based methods, and credentials of caregivers) do not apply to therapeutic communities. Instead, therapeutic communities need only demonstrate that their premises met basic safety standards (for example, regarding fire escapes and maximum occupancy) in order to receive a government license to provide drug treatment from the Puerto Rican administration of mental health and anti-addiction services (Spanish acronym, ASSMCA). This was often a sore spot for bureaucrats in the health department, who frequently found themselves in the position of having to approve licenses for programs they considered “unscientific” or even “backwards” because they lacked the legal mandate to reject the proposals. As one incensed government regulator recounted to me, on being forced to approve a proposal for a program that promised to offer just one hour of Bible study per week to its residents: “I had to approve it! Because they [therapeutic communities] are exempt from the Mental Health Act, so I had no choice and no legal grounds to reject that proposal”.

To understand how formerly incarcerated people create and assert their carceral citizenship through everyday human practice, the next section considers a couple I call Anette and Immanuel. Their story illustrates how formerly incarcerated people have seized the opportunities available to them by assuming various responsibilities in confinement, punishment, and care of drug offenders. By appropriating the carceral state’s functions, the formerly incarcerated people who embrace self-help are able to claim a publicly recognized position in Puerto Rican society as expressly ‘self-made’ paraprofessionals who are able to avoid, albeit temporarily and never wholly securely, the exclusion and exile that awaits many of their peers.

### **Anette and Immanuel**

Anette was born and raised in Miami, Florida. Her father was strict, an alcoholic, and “used physical abuse to solve everything”. Shortly after her second child was born, Anette had started sniffing heroin. When she stopped going to work, she lost her job as an office clerk and her two children were placed in foster care. By the time she was incarcerated in 2000, her primary source of income was “constantly prostituting myself and robbing, coz (sic) I really lost myself then”, she said. By the time Anette came out of prison in 2002, she had forfeited her right to vote, her access to food stamps, and all hope of ever accessing public housing in the United States. She was also required to attend Narcotics Anonymous meetings twice per week and to check in with her parole officer on a fortnightly basis.<sup>5</sup>

Struggling to comply with the twisted requirements of post-prison surveillance, Anette failed to attend three Narcotics Anonymous meetings in the first six weeks following her release from prison. She was consequently charged with violating the terms of her probation. Offered the choice of more jail time or undertaking “residential drug treatment” in Puerto Rico, where she would be near her estranged Puerto Rican mother, she opted for the latter. Though she would subsequently try to leave the program and be re-arrested several times after that, she eventually succeeded in completing the entirety of her court sentence. It was while living in a therapeutic community in Guayama that Anette converted to Pentecostal Christianity.

Immanuel, a grey-goateed ex-soldier who later married Anette, was born in Manhattan but brought to Puerto Rico when he was nine years old when his parents returned to the island. In his twenties, he enrolled in the military, serving two years in Afghanistan and returning to the island in 2005. By this point, he was nursing post-traumatic stress disorder and a growing addiction to opioid pain killers, itself a souvenir from the stray shrapnel that had inflicted permanent nerve damage to his left shoulder. Deciding to return to civilian life because, as he put it – “What’s a Puerto Rican kid doing in Iraq? I can’t even vote for the fucker that sent me there” – Immanuel landed a job as a housing administrator in a middle-class gated community. But within a few months, he began sniffing heroin and forging signatures on checks, eventually stealing over \$7000 from his employer.

In light of his non-violent offense and his drug problem, Immanuel’s lawyer advised him he was a “good candidate” for drug court. With assurances from his lawyer, he accepted a two-year compulsory treatment order. It was at a therapeutic community in Ponce that he met Anette. She was leading a Bible study class there, having completed her own compulsory treatment order just three months earlier. “After I met Anette, well, I decided to get baptized... We’ve been married for eight years”, Immanuel said, nodding through the office window towards a concrete yard where Anette was hanging laundry.

We were sat in the cramped reception room of Mesón de Dios, a licensed therapeutic community the pair of them had co-founded in 2013, three years prior to our interview. Housed in an abandoned police precinct, Mesón de Dios was home to sixteen men: Fourteen drug court participants and two men undergoing civil commitment proceedings. While there were no locked gates or wire-encrusted walls, by court stipulation most residents were not legally permitted to leave the premises. While many residents complained of feeling “stuck” and “bored”, Immanuel saw something more positive in the arrangement. “Every new *internado* (inmate) we get in here is an opportunity that God has given us to grow”, he would say. “We take them in, and we look after all of them... We know what the internados need, because we’ve been through it too”.

In the year prior to our interview, Immanuel and Anette had tried and failed twice to obtain government funding. With per diems from the Department of Corrections capped at \$25 per drug court participant, they had recently turned to



the US Federal Department of housing and urban development and to the Puerto Rican legislative assembly for additional funds. Their double rebuff made the two government inspections they had undergone in the last year all the more frustrating. “They come here”, Immanuel gestured, referring to representatives from the Administration of mental health and anti-addiction services, who had made two unannounced visits in the past year. “*Y se mete allí, se mete allá...* but they don’t give us anything in the way of support. We have to beg the state for money. And then they act like they are the ones doing us a favour!” Upon the first inspection, ASSMCA officials had informed Anette and Immanuel that their operating license had expired and instructed them to pay the \$200 renewal fee. Their license re-instated, a process which took a few days, Anette and Immanuel were free to get back to the task of running their program. “You wanna know what we get from the government?” Immanuel asked me one day.

If you work in Burger King, part time, for a whole year, that is what we get from the state. For sixteen men. And we give them clothes, we give them housing, we give them food. The government doesn't give us nothing! Let me tell you: This is not a job. It's a calling. Do you know what a calling is? From God. Right! You get it. This is not a nine to five thing, it's seven days a week. Every morning, we put on the pots and pans for food, seven days a week. We give food to these guys that Puerto Rico doesn't want. They bring them here, and it's like in the movies, you seen those movies where the mothers bring their children that they don't want to the orphanage, and run away? It's like that. They bring them here and then they run away, and we never see their faces again.

Observers of this off-loading of corrections work onto self-help organizations might liken it to a broader “informalization of containment” (Garces, Martin, & Darke 2013) that has been documented across Latin America. In Ecuador, Brazil, and Bolivia scholars have described a tendency for governments to implement US-style criminal justice policies that accelerate criminal convictions without making concomitant investments in prison infrastructures (Darke, 2017; O’Neill & Fontes, 2017). This shoe-string approach to ‘law and order’ is said to have given rise to an array of informal and ad-hoc confinement strategies theorized as “making do” (O’Neill & Fontes, 2017). But as Anette and Immanuel’s efforts suggest, what stands out about Puerto Rico is the degree to which those who were previously the targets of incarceration have seized upon the opportunities available to them by creating a new and relatively (to the ordinary prisoner) ‘privileged’ positionality beyond the prison. As I explore in the next section, this affords kinds of power, status, and belonging that have rarely been captured in the re-entry literature (Lerman & Weaver, 2014; Leverentz, 2022; Manza & Uggen, 2008; Smiley, 2023).

## Asserting carceral citizenship

Each morning at 7, Immanuel delivered his sermons. Each afternoon at 4, Anette led her Bible study classes. Both activities were held outside under the shade of a corrugated iron roof, which emitted a rattle whenever it rained. During quieter hours, some residents did woodwork or took to growing yuka and plantain in the garden. Anette spear-headed all of the cooking, assisted by a rotating roster of residents, whose other in-house chores consisted primarily of keeping the place clean and free of cockroaches.

Immanuel asserted himself as *líder* and *guía* with a teacher-like righteousness that was impregnated with the entrepreneurial tropes of self-help books. He was constantly doling out advice (“you won’t get anywhere in life unless you’re prepared to make sacrifices”) and reminding inmates of the importance of “self-belief” and “self-improvement”. His prior military life filtered into his captaincy. He could often be heard castigating some resident or other for failing to make their bed properly or even for holding themselves in the wrong manner. “You still have the street in your body”, he would say, reprimanding residents for sitting in the wrong way or for failing to muster or exude a sufficiently captivated affect during his Sunday sermons. “The way you talk, the way you move your hands when you talk, you have this flow... You’re only twenty-five years old yet you think everyone else has the problem; you have no idea what life is about”.

Immanuel’s monologues in *culto* were captivating on a good day, though they sometimes divulged a backhanded kind of dig that he, unlike the others, had succeeded in improving his life circumstances. “Does it make you uncomfortable to be told what to do by somebody who was incarcerated?” he snapped one day. When the resident in question emitted only a casual bored shrug, denying Immanuel the recognition he was calling for, Immanuel spelled out the differences between them. “Does it make you uncomfortable that an ex-prisoner can come here, *profesionalizarse*, and then be stood here as program director pointing out your flaws (*fallas*) and telling you how to behave?” Comments like this – that distanced and elevated Immanuel over and above the other residents – were among his go-to rhetorical moves. Immanuel was constantly telling men: “I used to have that prison mentality too, but through effort and sacrifice and through years of study, I got to where I am today”.

The carceral citizenship that Immanuel embodied presents a carceral twist on what Helena Hansen characterises as “spiritual patriarchy” in her account of life in a Puerto Rican Pentecostal addiction ministry (Hansen, 2018, p. 186). But whereas Hansen’s Pentecostal ministers asserted themselves as morally pure Christian fathers and masculine heads of households, Immanuel (and Anette, as we will see) drew from a distinctly penal form of patriarchal power: The credible threat of incarceration. Both Immanuel and Anette enjoyed friendly, animated relationships with police officers and sociopenales (probation officers), acquaintanceships they attributed to “years on the job” and that were solidified and

legalized through policy arrangements. One local police initiative – De Vuelta a la Vida – empowered police officers to enrol homeless drug users in self-help programs like Mesón de Dios, sometimes using civil commitment legislation to force homeless individuals to enrol.<sup>6</sup> Not only would the local police officers engaged in this initiative drop by the centre regularly, but Immanuel and Anette alluded to their uniformed friends fairly frequently. “If you’d rather be in prison, you let me know, and I’ll make the call”, Immanuel might say, or: “If you wanna act out and go back to prison, that’s fine. Just say the word”.

For her part, Anette was no stranger to using state power either, even if she referred to all residents as *mi hijo* and seemed to genuinely derive a heart-felt pleasure from having recreated, in some ways, the family that she would had to do without: “A lot of these guys are like me,” she would say. “They never had stable families. So I have to show them how to trust each other, like a family”. While softer than Immanuel in her dealings with residents, Anette was always reminding them that misbehaviour from them would spell going back to prison. She deferred the physical side of discipline to Immanuel, who she would sometimes enlist to do body searches. “We find contraband”, she would say, “Mostly alcohol, knives and phones”, she recounted with a sigh. “Rarely actual drugs, coz we keep a clean house! But when we find things, we have to report it to the *sociopenales*.”

This looming counterfactual would that however restrictive or unstimulating life on the compound could be, there was a much worse alternative waiting around the corner would was hard to ignore, not least because several residents did get transferred to prison. The three escalations I witnessed resulted from minor rule-breaking: drinking alcohol, using “aggressive language”, and “failing to undertake chores adequately” (as was noted in Mesón de Dios’ logbook). The sight of police vans departing down the hill served as a powerful reminder of the credibility of Anette and Immanuel’s warning. By alluding to strings of authority that could be pulled, Immanuel and Anette ensured that residents did not lose sight of how much worse their circumstances could be, and, in so doing, they differentiated themselves from the men entrusted to their care, asserting and elevating themselves as carceral citizens and recognized wardens of the carceral state.

Through these everyday human practices, formerly incarcerated people like Anette and Immanuel participated in both the production and the stratification of citizenship. Specifically, they leveraged the penal power made available to them by virtue of Puerto Rico’s blurred interface of self-help and punishment. Marshalling their access to state power, they carved out and clung to a precarious positionality a step above the common offender. As much as Anette and Immanuel played their part in making themselves as carceral citizens from the ‘bottom up’, their elevated status was also ratified and co-created from the ‘top down’ by state practices. In the next section, I explore this symbiotic legal and social production of carceral citizenship from another angle, focusing on court proceedings. I show how the Puerto Rican state confers therapeutic community

directors' forms of expertise and authority ordinarily ascribed to the caring and legal professions, effectively encouraging and empowering actors without formal qualifications to play the part of doctor, psychiatrist, and even lawyer. By leaving formerly incarcerated men and women like Anette and Immanuel to do the work of representing residents' interests in court would sometimes in lieu of a lawyer would the state co-creates and empowers carceral citizens as arbitrators of punishment.

### **Arbitrations of confinement**

Unlike most licensed drug service providers, Mesón de Dios and therapeutic communities like it are unusual in their method of acquiring clients. They often dispatch staff members to recruit new residents directly from the courts (while doctors or psychologists may attend a particular patient's hearing, they do not 'recruit' new patients from the courts in the same way). "The judges", Immanuel explained, "they have their favourites [programs]... So I gotta get down there... else they start forgetting about us or using some other program". Outside the courthouse, things could get competitive. One morning, having left the compound at the crack of dawn to drive to Ponce in time to catch the court's first hearings, Immanuel and I stumbled on a small *flotilla* of branded minivans announcing the name of another program. "They've already taken that one", Immanuel muttered irritably from behind the steering wheel, slamming us into a sharp U-turn and begrudgingly re-routing us elsewhere.

By 9.15 am, we had found a more promising contender: a drug court in Guayama. On entering the lobby, Immanuel exchanged friendly words with a security guard and then with an office clerk, to whom he handed over a pile of papers. At the top of the pile was a 'certificate of occupancy' attesting that Mesón de Dios had a legal occupancy of 25 and currently had space available for nine new members. A few minutes later, we were ushered inside the court room. By midday, Immanuel had acquired two new referrals, but "lost out" on a third when a representative from another self-help program showed up later that morning. Driving back, I asked Immanuel how much money they would receive for each client. "It depends", he said. "For drug court referrals, we get just \$25 per day", he said, laughing, "which is nothing, considering all the work we do feeding these guys. But the families, they can usually help out". Financial assistance from families was a critical lifeline for organizations like Mesón de Dios.

Sometimes, the social worker will call and ask for a drug test. But the Department of Corrections, they don't provide us with the tests or give us any money for doing them. So we have to tell the family, well, that's up to you, if you don't want them going back to prison, you gotta cover the costs. So if they can, the family will pay for transportation to the drug court or the probation centre, and then they can get the test done there (Immanuel).

According to the Mental Health Act of 2000, drug court participants are supposed to be evaluated regularly by a clinician or a multi-disciplinary team (Legislative Assembly of Puerto Rico, 2000). In practice, however, professional clinical evaluations are rare (Colon, Matos, & García, 2005). Throughout fieldwork, access to healthcare was a pressing problem, with Puerto Rico's headlines proclaiming, "Puerto Rico is losing doctors, leaving patients stranded" (Allen, 2016), and "Why it can take longer than a year to see a doctor in Puerto Rico" (Respaut, 2016). With no professional oversight or even input, Anette and Immanuel were left, yet again, to go alone. Made responsible for every facet of prisoner care, their paraprofessional role strained as it stretched from 'prison guard' and 'rehabilitation guide' to that of 'doctor,' 'social worker,' and even 'lawyer.'

On behalf of each court-ordered resident, Anette and Immanuel had to submit written evaluations to the courts. For drug court participants, these evaluations are legally supposed to be supplementary to professional evaluations made by qualified psychologists or case managers (according to Law 408 of 2000, amended 2008, 2012), though for civilly committed residents, the rules of representation are less clear (according to Law 67 of 1993, amended 1994, 2005, 2008). Yet in the hearings I attended, I frequently saw proceedings go ahead without the attendance of a social worker, psychologist, clinician, or any other qualified professional. Worse, civil commitment proceedings frequently went ahead without even a lawyer in attendance (Parker, Miranda-Miller, & Albizu-García 2022). This lack of professional input meant that judges tended to take the reports of therapeutic community leaders seriously. If Anette said that a resident "failed to comply with the norms of the program", or if Immanuel stated that a resident is "nonverbal communication displayed disrespect towards authority", or if either of them said that a resident "had a bad attitude", these negative testimonies counted.

Having observed dozens of these hearings and read dozens of Mesón de Dios's reports, I never found any reports or recommendations that questioned residents' 'need' for residential institutionalization; nor did I ever come across a case where a self-help program recommended that a resident return to their community prior to completing the 'recommended' (one size fits all) length of treatment, which was usually eighteen months. What is more, on a couple of occasions, Anette and Immanuel recommended that residents stay longer than their initial court sentence. Troublingly, when I inquired into the rationale behind these extended confinements, the explanations I got went like this. One resident, whose internment was legally extended from one year to eighteen months, received a negative report from Anette on account of flirting with the girlfriend-and-visitor of another resident. Another resident, whose internment was extended from six to nine months, received a bad report because he refused to participate in *culto*. Both reports stated the same thing: "The gentleman has maintained a combative, difficult, and inadequate behaviour and adjustment".

Such seemingly trivial grounds for infringing the rights and liberties of citizens are in fact highly consistent with accounts of probation, parole, and court mandated drug treatment in mainland-US criminal justice settings that command much more able resources (Kaye, 2019; Lerman & Weaver, 2014; Miller & Stuart, 2017; Smiley, 2023). The surprising dimension here is therefore not that the carceral states' grounds for stripping citizens' rights and liberties are shoddy, which of course they are. Rather, the striking development here is that formerly incarcerated people have managed to acquire forms of penal power over and above the diminished positionality of their peers, power that they now wield over their peers. In other words, and disturbingly, the prison itself has become the medium through which formerly incarcerated people assert themselves as citizens. As I have tried to show, carceral citizenship is by no means the straightforward product of the United States foisting punitive policies onto its powerless colonized subjects. Nor is it purely a juridical-legal arrangement that comes into being automatically when the state issues a criminal record. On the contrary, formerly incarcerated people who are the targets and victims of the carceral turn are actively involved in seizing upon the opportunities that these structural dislocations present. In so doing, colonized, racialized, criminalized, and stigmatized citizens have refused to be expelled from the polis. Through self-help, formerly incarcerated people have carved out a precarious form of citizenship out of a sentencing and a cultivated a sense of belonging out of exile.

## **Conclusion**

This ethnographic account of therapeutic communities in Puerto Rico illuminates how mass criminalization, prison-overcrowding, and the entrance of self-help into the work of confinement since the late twentieth century are changing the contents and nature of citizenship. This form of carceral citizenship I have described has come into being through both top-down formal legal-institutional mechanisms and bottom-up every day human practice. In a project that is both one of 'self-making' and 'being-made' (Ong, 1996), a subset of formerly incarcerated Puerto Ricans carved out a publicly recognized and legally formalized paraprofessional livelihood that affords them powers, privileges, and forms of status that vastly exceed those of their criminalized peers. The unique profile of forfeitures, exclusions, benefits, and duties that carceral citizenship confers its members transcends a purely juridical-legal arrangement and encompasses socially cultivated feelings of status and belonging. While never approaching the 'full' or 'equal' citizenship that US citizenship and liberalism promise, and while constituting instead one circumscribed membership within a highly differentiated project of US citizenship, the kind of carceral citizenship I have described in this article confers its members valued forms of power, status, and recognition that vastly outstrip the crushing inhumanity and exile that await most prison-leavers in the United States and its colonies.

Yet as I have tried to show, the success of some of formerly incarcerated Puerto Ricans in establishing this ‘privileged’ existence is attributable in no small part to their ongoing collusion with the carceral state and their uptake of its plural responsibilities and functions. As Puerto Rico and other Latin American nations struggle with crime, overcrowded prisons, and slowing economies, it is thus important to recognize how the carceral state and its targets come to depend upon and sustain each other. In the Puerto Rican case, this interdependency is plain to see. Without this self-help shunt-valve, Puerto Rico’s Department of Correction and Rehabilitation would incur hefty court fines for prison overcrowding. Without this reliable stream of criminalized men, self-help programs and the formerly incarcerated people who run them would lose access to their socially and legally recognized paraprofessional status and their distinctly privileged position as respectable citizens whose standing in Puerto Rican society rests on their subjugation of the offenders who come after them. Thus, one of the cruel ironies of carceral citizenship is how it depends on the continued mass criminalization of large swaths of the male population. Having eked out an existence in the shadow of the prison, Anette and Immanuel now cling to hard-earned status only by upholding and preserving the carceral turn’s most pernicious developments.

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## Notes

- 1 In Puerto Rican Spanish, there is one term, *auto-ayuda-mutua*, encompassing both self-help and mutual-aid, a distinction sometimes made but inconsistently enforced in the English-language therapeutic literature (Williamson, 1981). While both terms refer to the practice of non-specialists coming together to define or address a shared problem, mutual aid is sometimes distinguished from self-help because it implies reciprocity, whereas self-help could involve people who have themselves recovered and thus participate primarily as helpers rather than sufferers. Therapeutic communities in Puerto Rico do not make such a distinction, so in this article I use both terms interchangeably.

- 2 To protect my interlocuters, this article uses pseudonyms when referring to people and programs.
- 3 Though Puerto Rico does not amount to an independent nation-state, most scholars consider it a “nation” in the sense meant by Benedict Anderson (1991), as an “imagined political community”. It has other times been characterized as a “stateless nation,” a concept Jorge Duany (2003) uses to capture Puerto Rico’s limited sovereignty but strong sense of national identity.
- 4 Carlos Romero Barceló served as the Governor of Puerto Rico from 1977 to 1985.
- 5 Had Anette remained a resident of Florida, her right to vote in Presidential elections would have been re-instated in 2018, when the state passed a new law granting felons the right to vote. At the time of writing, Florida remains one of a minority of US states that continues to ban felons from food stamps.
- 6 Substance-related involuntary civil commitment is governed by two pieces of legislation in Puerto Rico: Law 67 of 1993 (amended 1994, 2005, 2008) along with the Mental Health Act (Law 408 of 2000, amended 2008, 2012).

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