

UCLA

UCLA Electronic Theses and Dissertations

Title

Raze the Bar[s]: “Gender Responsive” Prison Reform, Criminalizing Race, and Abolishing the Carceral State

Permalink

<https://escholarship.org/uc/item/97n0d4t8>

Author

Duley, Kolleen

Publication Date

2017

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA

Los Angeles

Raze the Bar[s]:

“Gender Responsive” Prison Reform, Criminalizing Race, and Abolishing the Carceral State

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Gender Studies

by

Kolleen Elizabeth Duley

2018

© Copyright by

Kolleen Elizabeth Duley

2018

ABSTRACT OF THE DISSERTATION

Raze the Bar[s]:

“Gender Responsive” Prison Reform, Criminalizing Race, and Abolishing the Carceral State

by

Kolleen Elizabeth Duley

Doctor of Philosophy in Gender Studies

University of California Los Angeles, 2018

Professor Juliet A. Williams, Chair

Research and reform strategies aimed at fighting for justice in women’s prisons brought much-needed attention to the neglected role of gender in relation to mass incarceration. However, my research on California “gender-responsive” prison policies and my organizing with incarcerated survivors of violence resulted in striking conclusions. Although gender-based violence and discrimination are pervasive in US prisons, particular gender-identity reforms seeking legal redress within liberal rights-based rubrics, fail to adequately address the problems articulated by people in women’s prisons. Paradoxically, good-intentioned advocates exacerbate suffering by proposing dangerous policies (e.g. sterilization) and because the state appropriates demands for gender reforms in ways that expand repressive prison apparatuses and lead to racialized and gendered carceral violence against both imprisoned people and the communities they leave behind.

This project tracks the study of gender and criminality and women’s prison reform and critiques problematic mobilizations of gender and/or the plight of women prisoners. I identify commonalities shared by less-successful strategies, posit explanations for what the strategies neglect, and suggest alternatives to advocate for *all* prisoners. This search reflects my extended grappling with one primary question—following the lead of prisoners—what type of research and reform strategies address the deleterious conditions of confinement inside US prisons and jails, *without* expanding the reach of the carceral state further into communities targeted for debilitation?

I assess gender-identity based reforms in women’s prisons by emphasizing the interconnectedness of gender oppression and racializing assemblages in relation to carceral violence and state power. For example, I place the state’s criminalization of abused women’s resistance to violence in relation to the global processes that fuel prison expansion. Similarly, I examine how the prison, as an institutional site of disciplinary power and a mechanism of racialized population management, relies upon gendered violence (and resistance to it) as a primary means to maintain marginalized communities in a state of debilitation. I anchor counter-narratives in theorizing by prisoners, abolitionists/activists, critical prison, race, and theory scholars and feminists in gender studies, black studies, humanities, and law. I call upon “traditions of the oppressed” to ground punishment technologies in relation to (and extensions of) histories of the transatlantic slave trade/racial slavery, settler colonialism, and indigenous genocide. The purpose of my project is to unravel the logics that legitimize the place of prison in society, to “build communities, not prisons,” and ultimately, to challenge the notion that prisons promote community safety or that people ought to be locked in cages *period*.

The dissertation of Kolleen Elizabeth Duley is approved.

Kimberlé W. Crenshaw

Christine A. Littleton

Juliet A. Williams, Committee Chair

University of California, Los Angeles

2018

Dedications

I do not have words to describe the gratitude I have for all the love shared with me by the following humans (and one dog):

Mama and Daddy
Grandma Payne and Verda
Kober Family, especially you Ollie.
Tina Beyene
Freda Fair
Gwen D'Arcangelis
Will Korch
Diya Bose
Anne Shaver
Tere Pinzon
Ora Gessler
Santa Monica Neighbors
Nikki Brown
Priscilla Ocen
Juliet Williams
Kim Crenshaw
Chris Littleton
Sondra Hale
Jenna Miller Von-Ah
Samantha Hogan
Beth Richie
Angela Davis
Liz Cheadle
Andrea Bible
Olivia Wang
Donna Wilmott
Karen Shain
Johanna Hoffmann
Diana Block
All Incarcerated People
Free Battered Women
California Coalition for Women Prisoners
Legal Services for Prisoners with Children
Susan Burton and A New Way of Life
Community Studies Dept. UCSC
Feminist Studies Dept. UCSC
Nancy Stoller
Gina Dent
Recreation Dept. UCSC
Alissa Hull and Prisoner Legal Services NY
And my little lover pants.....Foxy Red Duley

Table of Contents

<u>Introduction</u>	<u>1.</u>
<u>Gender and Criminality: A Review of the Literature</u>	<u>34.</u>
<u>Un-Domesticating Violence: Criminalizing Survivors and U.S. Mass Incarceration</u>	<u>74.</u>
<u>Building Oppositional Praxis and Breaking Down the Gender Responsive Prison</u>	<u>99.</u>
<u>Conclusion</u>	<u>126.</u>
<u>Bibliography</u>	<u>135.</u>

Acknowledgements

“Gender and Criminality” was originally published in the UCLA Women's Law Journal, 18 UCLA Women's L.J. (2012): 273 and reprinted with permission by the Regents of the University of California , UCLA Women's Law Journal.

“Un-Domesticating Violence: Criminalizing Survivors and U.S. Mass Incarceration” was originally published in *Inside and Out: Women, Prisons & Therapy*, ed. Elaine Leeder (2006) and reprinted with permission by Haworth Press and Taylor and Francis Journals.

“Building Oppositional Praxis and Breaking Down the Gender Responsive Prison” was originally published in *Shifting Positionalities : The Local and International Geo-Politics of Surveillance and Policing*, ed. Viteri, María Amelia, and Aaron Tobler (2009) and reprinted with permission by Cambridge Scholars Publishing.

Academic Preparation

Juris Doctorate	University of California Los Angeles School of Law Critical Race Studies and Epstein Public Interest Law Program
Doctoral Candidate	University of California Los Angeles, Gender Studies
Master of Arts	University of California Los Angeles, Women's Studies
Bachelor of Arts	University of California Santa Cruz

Select Publications

“Gender and Criminality: Conflicting Perspectives and Centering the Margins” UCLA Women's Law Journal 18	2012
“Building Oppositional Praxis and Breaking Down the Gender Responsive Prison” <i>Shifting Positionalities: The Local and International Geo-Politics of Surveillance and Policing</i> Cambridge University Press	2009
“Un-Domesticating Violence: Criminalizing Survivors and U.S. Mass Incarceration” <i>Women and Therapy Journal, Challenging Correctional Discourse: Women, Therapy and Prison</i> Vol. 29 Issue 3/4	2006

Sample Teaching Curricula

<i>Introduction to Gender Studies: Feminist Perspectives on Women in Society</i> Teaching Assistant, UCLA	2006-2013
<i>Crises of Mass Imprisonment: A Feminist Antiracist Critique, General Education Cluster</i> Seminar Instructor, UCLA	2013
<i>Sex: From Biology to Gendered Society, General Education Cluster</i> Teaching Fellow, UCLA	2012-2013
<i>Feminist Pedagogies: Teaching Women's Studies</i> Seminar Instructor, Curriculum Coordinator, UCLA	2009
<i>Unlocking Incarceration: A Feminist Perspective, Women's Studies</i> Seminar Instructor, UC Santa Cruz	2004
<i>Introduction to Feminisms, Women's Studies</i> Teaching Assistant, UC Santa Cruz	2003

Select Conference Papers

“Prison Resistance to ‘Cutting is Resistance’: Theorizing in the Flesh” National Women Studies Association Conference, Atlanta, GA	2018
“Prison is Life or Death: Prison Litigation and the Necropolitical” National Women Studies Association Conference, Baltimore, MD	2017
“Feminist Politics of Prison and Police Reform: Prioritize Pro Se Prison Law” National Women Studies Association Conference, Montreal, Canada	2016

“Strategies for Structural Reform in Women’s Prisons” Henderson Center for Social Justice Symposium, Oakland, CA	2011
“Sexual Violence, Sovereignty, and Imprisonment” UCLA Critical Race Studies Symposium, Los Angeles, CA	2011
“Intersectionality Applied and Appropriated in Women’s Prisons” UCLA Critical Race Studies Symposium, Los Angeles, CA	2010
“The Gender Responsive Prison: Benevolent Incarceration and Possibilities for Abolition” UCLA Women’s Law Journal Symposium, Los Angeles, CA	2009
“Conscious Incarceration and Safety States: Family Detention Centers and the Women’s Prison” Duke University and the University of North Carolina, Durham, NC	2009
“Working for Gender Justice: Strategies Challenging Gendered Prison Expansion” (and) “Abolition and the Academy: Scholar Activists and Gender Justice” CR 10: Strategy and Struggle to Dismantle the Prison Industrial Complex, Oakland	2008
“Productive Invisibilities: Intersectional Remedies and the Gender Responsive Prison” Society for the Study of Social Problems Conference, Boston, MA	2008
“Feminist Empiricism, Intersectional Remedies, and the Gender Responsive Prison” National Women’s Studies Association Conference. Cincinnati, OH	2008
“Constructing Race and Criminality: ‘Gender Responsive Sterilization in Prison?’” Thinking Gender Graduate Student Research Conference, UCLA	2008
“Building Oppositional Discourse and (breaking down) the Gender Responsive Prison” Interrogating Diversity: Policing and Surveillance, American University, D.C	2007
“Un-Domesticating Violence: Criminalizing Survivors and U.S. Mass Incarceration” Feminist Dialogues on Social Justice: University of Washington	2005
“The “Other” Feminism: Prisons, Race, and the Anti-Violence against Women Movement” <i>CSU Monterey Bay Women’s Multicultural Conference, Keynote Speaker</i> Monterey, CA	2004

Professional and Community Affiliations

Dukeminear Sexual Orientation and Gender Identity Law Journal	2009-2012
Disability Rights California	2012
ACLU Los Angeles National Police Accountability Project	2012
Supreme Court of the State of New York, Appellate Division, Second Judicial Dept.	2011
Edwin Gould Services for Women and Children, Steps to End Family Violence	2010
African American Policy Forum Global Affirmative Action Praxis Project	2007- 2012
A New Way of Life Reentry and Sober Living Home	2005-2007
The Freedom Archives	2005
The Challenging White Supremacy Workshop	2005
Free Battered Women	2003-2009

Introduction

Domination is complicated and varied. But domination is so successful precisely because it sets the terrain upon which struggle occurs at the same time that it preempts opposition not only by already inhabiting the vectors where we would resist (i.e., by being powerfully in place and ready to appropriate oppositional gestures), but also by having already written the script that we have to argue within and against.

Waheenma Lubiano

“Like Being Mugged by a Metaphor”

To say that gender, as a category of analysis, is under theorized in canonical literature on crime, criminalization, and incarceration is an understatement, given the quantity of research and resources dedicated to the practice of containment and punishment throughout America’s long and troubled entanglement with carceral power. In the past 150 years, there has been greater, but still insufficient, attention paid to people in women’s prisons and to the connections between gender oppression and criminality more widely. While these writings and efforts to bring about justice for people in women’s prisons brought much-needed awareness to the neglected role of gender in the practice and theory of incarceration, they also set precarious precedents. By uncritically forwarding problematic theoretical assumptions and strategies, many good-intentioned scholars and activists have seen their demands appropriated by the state in ways that expand repressive prison apparatuses. Rather paradoxically, efforts thus result in more—not less—racialized surveillance and gendered state violence against people in prison and their communities.

The following chapters track the study of gender and criminality and women's incarceration in scholarly literature and critique particular ways in which advocates and activists have mobilized the category of gender and/or the plight of people in women's prisons in criminal justice legal reform efforts and within liberal rights-based paradigms. Throughout, I identify commonalities shared by the less successful strategies, those that mobilized gender in problematic ways, and I posit explanations for what the theories or strategies may have neglected. I also offer suggestions for how scholars and activists might better advocate for all prisoners. The search for commonalities, for what was not working and how to change it, reflects my extended grappling with one primary question, which has fueled (or perhaps plagued) my research and activism surrounding the prison industrial complex for the last decade. It has been my goal—following the priorities already articulated by incarcerated peoples—to identify and support research and criminal justice strategies that address the strikingly sclerated conditions of confinement inside US prisons and jails, *without* expanding the reach of the carceral state and its power to determine the fate of those living in marginalized communities targeted for deliberate debilitation. The theoretical interventions I offer in response to the research and strategizing that I see as problematically mobilizing gender in challenging women's incarceration also stem from this question. Most importantly, I try to anchor the counter-narratives I present in each chapter in lessons put forth by prison abolitionists and social movement activists and by critical prison, race, and theory scholars and feminists in not only gender studies, but Black studies, ethnic studies, and law. The commonality here is that each field of inquiry take as the starting point the interconnectedness of gender oppression and racializing assemblages in narratives of state power and call upon the

traditions of the oppressed as they ground the theorization of punishment technologies in relation to (and as extensions of) histories of the transatlantic slave trade, racial slavery, settler colonialism, and indigenous genocide.

Accordingly, I position the prison system as just one disciplinary institution of the carceral state whose purpose and function is rooted in the creation, management, and maintenance of race, racial capitalism, and racialized population control measures, and remains in relation to, albeit differently, gendered social formations today. In the following chapters, I try to unearth these historical foundations and to contextualize the prison within a diffuse network of population management and social control mechanisms. My research and teaching disputes the legitimacy of prisons in society; I unravel the logics that authorize the prison and ultimately challenge any notion that prisons keep us safe or that people should be locked in cages *period*.

Themes

Prisons and Racializing Disciplinary Power: One of the most prominent themes in the chapters is my positioning of the prison as one of the primary racializing disciplinary institutions in the modern west, endowed with the power to create and maintain race and racism and divide human populations into varying degrees of humanity, of which non-white subjects continue to be barred from the category human. I most commonly argue that reformer's lack of race-consciousness made identity-based reform proposals and singularly gender-based theories on women's criminality problematic because they fail imprisoned women of color. Similarly, I argue that scholar's reliance on gender essentialism practically primed their proposals to be appropriated by the state in ways that harmed—rather than helped—incarcerated women by pre-packaging gender in comparative analysis model. But most importantly, I position the prison itself as a racializing disciplinary institution. For example, I question the use of liberal rights-based frameworks seeking recognition of personhood in prison based on gender-based group suffering. When the prison is seen through a larger frame – where it is no longer possible to view the prison as an autonomous site of repressive state power – and viewed as an exercise of disciplinary power operating alongside other dispersed arrangements of racializing population management technologies and social control apparatuses, identity-based bids for recognition of suffering lose some of their traction. What is most compelling about this argument is that it need not renounce the successes associated with sex discrimination challenges, rather, it hinges on the reasoning that other types of claims are simply more viable in the prison context.

Reform as Programme, State Appropriation: A central theme (if not *the* primary theme, as hinted in the introduction above) found in these essays stems from my own decades-long wrestling with the possibility that the reforms [we] critical prison scholars and advocates have fought so hard to actualize, have inadvertently had the effect of expanding the reach of carceral state power and strengthening the states ability to criminalize the marginalized communities we purport to serve. The tension between prisons and the reform of prisons first struck me when I read Michel Foucault, but it only started to really matter to me when I saw it sharpened with keener attention to gender, race, and neoliberal capitalism by critical prison scholars like Joy James and Angela Davis and by prison abolitionist organizations like Critical Resistance. The thrust is thus: prison reform movements are not born from the recognition of prison failures, or from the finding of injustice. The theory suggests that efforts to reform or to change prison conditions seem to have accompanied the prison from the start. So much so, that reform seems integrated into the prison's basic functioning:

Prison 'reform' is virtually contemporary with the prison itself: it constitutes, as it were, its programme. From the outset, the prison was caught up in a series of accompanying mechanisms, whose purpose was apparently to correct it, but which seem to form part of its very functioning, so closely have they been bound up with its existence...¹

Though it may be only a fraction of critical prison scholars and activists whom engage this tension, the worry that our strategies fail to meet the mission is great: is our movement decreasing the number of people subjected to imprisonment and are we actively working towards decarceration (getting those already incarcerated out of prison and back living sustainably with their families)? My beleaguered position on this tension

¹ Foucault, *Discipline, and Punish*. 186

reverberates throughout the chapters, but particularly in respect to California women’s prison reform proposals as put forth by Gender Responsive Strategies Commission (GRSC). The proposals for “gender-responsive” reforms fed my fear that perhaps addressing the most egregious aspects of the prison would bleed into the “reform-as-program” prison design. The history of prison reform indeed has this vexed relationship, and the GRSC was no exception. What *may* have been only minimally problematic demands were appropriated by the state to build more prisons for women and to use former women’s prisons to house even more men. I focus on *how it came to be* that feminist researchers and activists who courageously set out to condemn the suffering of women prisoners had their demands so seamlessly absorbed the state, who in the end, appeared to have not only sufficiently addressed the problem but also to have crafted a community-centered and gender-conscious plan for “kinder, gentler prisons.”² In investigating this tension between prison reform and carceral expansion, other themes surfaced, including the importance of researching the mistakes of past movements and investing the energy into articulating more inclusive and more preventative ways to address criminalization, particularly those that invest in community health and food security, economic wellbeing, and self-determination.

Prisons and Historical After-lives of Racialization: Each of the chapters attempt to position the modern prison as an extension of earlier forms of punishment and containment used to control and discipline populations marked for elimination, exclusion, productive surplus and/or disposability. I try to parse out different and contiguous ways in which articulations of modern state punishment evolve from antecedent forms of

² GRSC, Strategies and Proposals for Gender Responsive Prisons

racialization, particularly though continuities of law (for example, the modeling of the black codes on the slave codes or race-based criminalization of pregnant Black women addicted to drugs) and the way in which private practices of violence continue to be codified in law to protect white economic interests (convict leasing system, Jim Crow, the exploitative bail bond system, and immunity for killer cops, for a few examples). This theme can be seen in the chapters when I look at early women's prison reformers focus on "the cult of domesticity" for the "fallen [white] women" and reflect on the ways in which women of color at this time were subject to more harsh forms of punishment by the state or through the legally sanctioned private punishment and regulation within a terror-based domestic sphere, often organized by white women. I also try to position prisons as continuous with historical racialized punishment by trying to historicize and politicize one proposal to improve women's health. When advocates proposed sterilization as a method of reproductive care for women prisoners, many outraged prisoner advocates brought to their attention the long sordid history of both state coercion and private control over the bodies and reproduction of marginalized enslaved Black and indigenous women. In the essays, I urge reformers to heed lessons learned from early feminists who capitulated to the scientific racism of the eugenics movement, thinking it was "good" for poor women. I urge reformers to connect this proposal to the forced sterilization that continue today, from Puerto Rico to Alabama to, most recently, women in the California Valley State Prison for Women.³ Historically and contemporarily, punishment and violence against non-white bodies harm not just the individual, but entire subjected populations. In the prison as elsewhere, law and violence collude in exercising the degree of disciplinary power necessary to sustain injury across entire groups of

³ See Justice Now (justicenow.org) for extensive reporting on the extra legal practice.

humans, categorizing them as less-than-human and/or expediently nonhuman, as malleably as systems require.

Juridical Humanity and Comparison: Writing and reforms seeking legal redress for women prisoners tend to elevate the role of gender identity in a way that unnecessarily hierarchizes prisoners, differentiates between deserving and undeserving victims, and employ comparative logics that can compromise meaningful reforms. Unlike the theme below, *Essentialism and Gender Reform*, where I describe the problems with isolating gender from other vectors of oppression in gender-responsive reforms, here I consider places where women's differences from men are positioned as the locus of harm. Despite the pervasive nature of sexism in society, the reasoning and logic used in women's prison reforms fails to adequately conceptualize the trenchant assemblage of sexism and imprisonment – leaving advocates with little territory from which to stake out redress. The tendency to position sex, and other identity-categories, as the locus of harm is unsurprising given that the inclusion-based model of western liberal human rights discourse requires a showing of [particular] wounding for recognition of legal personhood, in which sex and gender sometime successfully rank. Nonetheless, framing suffering *vis a vis* gender-identity (they suffer because they are women) belies a calculability-based comparative lens that inevitably leans on the *master's tools* and thus collapses.⁴ Here, victim's suffering is compared and measured against each other and women prisoners are placed at odds with incarcerated men in the *Oppression Olympics*,

⁴ Audre Lorde, *Sister Outsider : Essays and Speeches* (Berkeley Crossing Press, 2007).

where marginalized people compete for inclusion.⁵ Using this template in the prison requires a showing of calculability that simply is not available and beckons a much larger question facing Gender and Women's studies (see Future Questions section for further analysis). Bracketing the ways in which women *do* suffer particularly gendered forms of oppression, positioning women prisoners as "especially vulnerable" to sexual humiliation, for example, occludes incarcerated victims of violence in men's prisons from launching persuasive claims for redress. In addition, it forces advocates to either make the argument that sexual humiliation is *not* humiliating to all whom experience it, or to launch a similarly slippery-slope (and retrograde) argument about women's particularly gendered vulnerabilities. In order to bypass appeals to *either* the pitfalls of universalism *or* the irreducibility of particularism in the prison context, gender identity claims need not position women prisoners as more deserving of protection; sexual violence and humiliation are endemic features of imprisonment. *Prisoners are vulnerable by virtue of their imprisonment* and the neoliberal carceral state and the practice of encaging people is the perpetrator of violence.

Essentialism and Gendered Reform: In the following chapters, I review the ways in which gender essentialism continues to surface in efforts to advocate for women prisoners. I look at gender essentialism in two primary modes: 1) I challenge the way in which advocates and scholars (re)position the white liberal feminist subject and reify outdated gender binaries in their efforts to aid women prisoners whom are not only *not helped* by these policies but are *actively harmed* by them. 2) I review the deployment of

⁵ See Andrea Smith, "Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing," *Women in Culture: An Intersectional Anthology for Gender and Women's Studies* 404 (2016).

gender essentialism in platforms suggesting that putting women in positions of power within the prison will substantially improve women prisoners' quality of life.

I contest gender essentialism first by putting into relation women's prison reforms that share the tendency to reify gender norms and binaries but differ by spanning contrasting spatial-temporal frames. I draw connections between early women's prison reform efforts to "domesticate" and revivify "fallen women" and contemporary efforts to "rehabilitate" "non-violent" offenders by "highlighting women's strengths."⁶ Despite grounding in "empirical evidence," allegedly modern efforts to focus on women prisoner's "empathy, care, and intuition" share foundations in universal notions of womanhood that even the most conservative feminists would likely contest.

I next look at gender essentialism by challenging the notion that placing more women into position of power in the carceral system would necessarily lead to positive outcomes for women prisoners. The goal of the "Dignity for Women Prisoners" campaign, for example, was to remove male guards from security housing units in California women's prisons. Despite success in stopping males from performing invasive pat searches, many efforts were met with powerful resistance on the parts of corrections unions. Using examples from female military officers as a starting point to think about the nexus of gender essentialism and state power, I further trouble some these supposedly-feminist ideals. I urge reformers to seek less legally and politically tenuous grounds for their claims. Simply switching the sex of the 'keeper of the keys' does not alter the inherently toxic nature of jailer/jailed relationship. Instead, it is the coercive context endemic to the security housing unit (and prisons in general) that must be condemned.

⁶ Barbara Bloom et al., "Gender-Responsive Policy and Practice Assessment Manual," *Washington, DC: National Institute of Corrections, US Department of Justice* (2014).

Relationality and Political Context: In an efforts to circumvent the pitfalls of the comparative lenses discussed throughout the essays, I sought relational frames that emphasize the political context of mass incarceration, as it is under-theorized in the research and writing on women prisoners. The chapters that follow not only underscore how failures associated with advocates' reliance on gender-identity based rights frames occludes systemic analysis but underscores the importance of positioning the plight of prisoners in a larger political context using relational, not comparative, analysis. A primary aim of these chapters is to disrupt the tendency in literature on gender and criminality and in reform efforts for people in women's prisons to focus on the problems within the prison without looking at larger context in which the prison sits. Some of the ways I attempt to rectify this is to position the prison as it has been in critical race studies, in terms of mass incarceration, and to focus on the ways in which race and racism constitute key components and serve as central justifications in the maintenance of the prison system in the US (and elsewhere). I look closely at those incarcerated survivors of interpersonal violence – whom had the trajectory of their entire lives dramatically shift at the intersection of state violence and interpersonal violence—in order to place prison in conversation with other socio-political process and political context that inform it. Some of the institutions and technologies of power that I position in relation include: neoliberal globalization, capitalism, white supremacy, and the ways in which immigration intersects with detainment and criminalization in the US. I often turn to critical race theorists to reveal the ways that shifting patterns of racialization and law determine the ways crime and criminality get articulated as social constructs (with real consequences). My early

writing on incarcerated survivors of violence endeavored to express the various ways that women inside showed me the greater political contexts that inform their lives. This is how they articulated their experiences with state and interpersonal violence; for them, their lives are inextricable from and in constant relation to these broader socio-political processes that inform patterns of criminalization and incarceration.

Exceptional Brutality Discourse and Crisis Ordinarity: In the following chapters I try to challenge the troubling (and prolific) tendency in antiprison activism and research to concentrate efforts around only the most egregious conditions of violence and privation inside prisons. Such analysis focuses on what may indeed be the worst of carceral brutalities: maximum-security prisons, security housing units, and administrative segregation,⁷ as well as military prisons such as Guantanamo Bay and Abu Ghraib. At first, it seems axiomatic to focus strategies on the most brutal aspects of imprisonment, assuming that this will garner the most attention and bring about the most rapid change. However, in focusing on the exceptional, the everyday violence of the prison is relegated to the realm of the unexceptional, seen as only occasionally unconstitutional (at best) or as a form of justifiable suffering (at worst). Rarely, however, is *either* the quotidian or the most brutal manifestations of violence seen as outside the normal juridico-political order. Violence against racialized populations rarely has been throughout history. Yet focusing on only the most sensationalist forms of violence obscures the ways that violence is routinely used as a method to control prisoners. Guards who commit such acts of terror are rarely held accountable (like police officers). Prisoner's claims against guards for use

⁷ Administrative Segregation is formerly known as solitary confinement, before courts renamed, but not reformed, to comport with the Eighth Amendment prohibition on cruel and unusual punishment)

of excessive force or their claims to contest deplorable conditions are rarely successful (if they even get to court in the first place) due to increasingly difficult-to-prove intent standards, on the one hand, and the practically lawless twin frontiers of judicial deference to prison administrators and the strict limitations on prisoner's ability to bring claims in federal court, on the other hand.⁸ Throughout the following essays, I tease out some of the particulars regarding activist's appeals to the exceptional; I consider how the allure to the extreme stems not only from desperate good intentions but also from the fact this terrain appears the only one from which to contest. Lauren Berlant articulates this tension beautifully: "deployment of crisis is often explicitly and intentionally a redefinitional tactic, a distorting or misdirecting gesture that aspires to make an environmental phenomenon appear suddenly as an event because as a structural or predictable condition it has not engendered the kinds of historic action we associate with the heroic agency a crisis seems already to have called for."⁹ See the Future Questions section for a consideration of how activists might mobilize around the notion of everyday administrative violence as a form of slow death, rather than soliciting appeals to only the most egregious sites of carceral violence.

Representational Suffering and the Agency/Bare life Debate: There is much writing and media that attempts to explain, "how women do time." While I would like to omit entirely representation of women's prisons as resembling summer camp, (many parts of

⁸ See *Estelle V. Gamble*, 429 US 97 (1976); *Farmer V. Brennan*, 511 US 825 (1994). The 1996 Prison Litigation Reform Act severely restricts prisoners likelihood of bringing successful suit against their wards and see §1983 claims against guards for the use of brutal force where prisoners complaints never make it farther than the "inmate grievance program" where prisoners are required to exhaust all available remedies for their claims are even actionable in federal court.

⁹ Berlant, 760

Orange is the New Black) as campy and fetishistic, (read eroticized and/or predatory lesbians) or as populated by psychopathic she-killers, (*Snapped*) such representations travel in an orbit that parallels some academic writing about women prisoners. In trying to bring awareness to the plight of women prisoners, research tends to either speak of the life and practices of prisoners in terms of absolute subjection or in exaltations of agency and resistance. The former tends to deploy “shock-value” where narratives are laden with heart-wrenching stories of the abuse and neglect that criminalized women face both before and during their incarceration. They color women prisoners in the hue of *bare life*; the prose is so saturated with statistics of prisoners’ sufferings and the stories of how childhood abuse lead women to crime are so sordid that they can be as voyeuristic as the dramas above. I purposely excluded most of this type of writing in my review; when included, I largely did so to illustrate a specific point (e.g. I critiqued literature describing the “unique” way women prisoners construct “pseudo-families” as a counterpoint to talk about the more life-affirming ways people survive inside). I articulate this “non-theme” to suggest that I tried to reflect upon prisoner’s experiences in ways that they have described them to me over the years. If not possible, I sought to depict people in women’s prisons in ways typified by theorists I trust and whose work I believe in. I centralize knowledge production that neither exalt prisoners as active agents of resistance nor limits them to a zone of nonbeing, a subject position most saliently defined by incapacitation and immutable violence; instead I look to theorizing that envisions and resuscitates the alternative modes of life that coexist alongside extreme violence and subjection, albeit sometimes in complicated, confusing, and even contradictory ways.¹⁰

¹⁰ See the “Future Questions” section of this introduction for further explication on this theme.

Chapter Summaries

Chapter 1

Gender and Criminality: A Critical Review of the Literature

Conflicting Perspectives and Centering the Margins

“Gender and Criminality” provides a review of research on women prisoners, of literature on women’s prisons’ reform movements, and on writing on gender and criminality which plays particular attention to the role that race and racism play in not only the historical evolution of the prison but in its biopolitical functioning today. This essay lays the groundwork for the next pieces of writing and it gives context to the central themes of this collection.

For example, early criminological and sociological research on women’s prisons and reform efforts reflect prevailing ideologies and sought to explain women’s pathways to criminalization using liberal and early women’s rights discourses characteristic of the time. Though an improvement on earlier androcentric and eugenicist explanations for criminality, these theories carried strong resonances with the past that would continue to trouble reforms in the future. The move away from the biological and towards the sociological as a means of giving context to women’s crimes was only minimally better. In seeking “environmental” explanations, theorists launched a methodology that persists today. In attempting to explain women’s propensity for crime theorists sought evidence of individual adversity; women’s personal histories were mined for traces of childhood abuse, poverty, family dysfunction, drug addiction, and alcoholism. Though an important piece of the puzzle, such narratives tend to devolve into highly racialized “culture of

poverty” arguments later. Still strikingly absent today are nuanced analyses of the relationships that exist among and between intersecting vectors of subordination and the historical and political contexts that inform racialized and gendered criminalization, targeted policing measures, and mass incarceration in a neoliberal carceral state.

In this chapter, I centralize stories and narratives told by prison survivors, particularly those from low-income communities of color most besieged by racial profiling, police killings, and mass incarceration. In addition to the work of traditional academics, I look to activists who challenge the invisibility of gender violence against those women left outside the protective web cast by both the state and the early feminist antiviolence movement—women of color, young women (girls), and lesbians—and whom demand attention be paid to the racial terror that characterizes police responses to them. This analysis uncovers the complex connections between homophobic physical and sexual violence against women and girls and the responses of the criminal legal system, which both disregards the seriousness of these harms and unleashes abusive police power against women and their communities. Of special import here is the groundbreaking story-telling by young women of color in collectives and the historic developments of campaigns like *Say Her Name* and *Black Disabled Lives Matter* which make critical interjections on behalf of disabled women and girls of color into the increasingly vocalized yet still under-theorized killing of black males by police.¹¹ In solidarity, they demand that the brutal murders of Black disabled people and women of color be brought

¹¹ See Kimberlé Williams Crenshaw, Priscilla Ocen, and Jyoti Nanda, "Black Girls Matter : Pushed out, Overpoliced, and Underprotected," (Columbia University; Center for Intersectionality and Social Policy Studies; African American Policy Forum, 2015). And Kimberlé Williams Crenshaw and Andrea J. Ritchie and Rachel Gilmer and Luke Harris Rachel Anspach, "Say Her Name: Resisting Police Brutality against Black Women " (<http://www.aapf.org/sayhernamereport/>: African American Policy Forum; Center for Intersectionality and Social Policy Studies at Columbia Law School, 2015).

into national conversation. They publicize and politicize law enforcement violence committed against poor, gender non-normative women and women of color, whom are as likely to be killed by police and more likely to be sexually-victimized, yet least likely to be named in mainstream media reports.¹²

¹² See Andrea J. Ritchie, *Invisible No More : Police Violence against Black Women and Women of Color* (Boston, Mass.: Beacon Press, 2017).

Chapter 2

Un-Domesticating Violence: Criminalizing Survivors and U.S. Mass Incarceration

The primary purpose of “Un-domesticating Violence” is to bring attention to a particular intersection of gender, criminality, and imprisonment—where state violence and interpersonal violence converge in the lives of those incarcerated for committing crimes related to intimate partner battering and its effects—and to reposition this often oversimplified intersection into a more appropriately wide political frame and relationally imbricated context. I sought to untether the ‘domestic’ from the ‘domestic violence’ frame in order to draw attention to and challenge the ways that theorists forward [primarily] women’s experiences with interpersonal violence to explain their incarceration. I widened the lens on the intersection of state violence and interpersonal violence in order to reflect the structural complexities often ignored in advocacy efforts and to give context to the seemingly contradictory ways that I saw it unfold in women’s lives over the years of working with incarcerated survivors with the organization *Free Battered Women*. In this essay, I tried to keep the circumstances that lead to women’s criminalization in strong tension with the systemic context that undergirds each particular persons imprisonment, without losing sight of the larger sociopolitical processes that sustain carceral state power in general.

In “Un-Domesticating Violence,” I discuss the ways in which women’s personal histories with abuse compound with other modes of institutional disadvantage, including the increasing vulnerabilities that survivors of violence face in the political global context of their everyday lives, including racial discrimination in policing and the criminal justice

system and also in the antiviolenace against women movement. I examined the less publicized (and more harshly punished) ways interpersonal violence pushed women to participate in underground drug economies and in transnational sex work, despite the fact that this pathway does not elicit the type of compassion traditionally granted “women who fight back” against their abusers-when such empathy is granted at all. (It is present neither in the courts nor in the public at large and only nominally so within the mainstream antiviolenace movement.) Another thread of my attempt to un-domestic violence was to politicize the role played by neoliberal capitalism, the tensions between capital’s unfettered mobility combined with strict restrictions on the movement of people, and the “push-pull” dynamic of immigration. Just one example of this is seen in the ways that survivors migrate because of the impacts of in/divestments of the global north on their home economies. As a result, survivors are subject to the increasing precarity and insecurities of immigration in addition to the existing vulnerabilities of abuse, criminalization, and law enforcement violence.

Chapter 3

Building Oppositional Praxis and Breaking Down the Gender Responsive Prison

“Building Oppositional Praxis and Breaking Down the Gender Responsive Prison” takes an in-depth look at debates surrounding “gender-responsive” correctional policies and proposals put forth in California by women prisoner’s advocates, including those tasked by state commissions and those working “on the ground” in activist organizations. I map the contours of movements for “gender responsive” prisons, paying particular attention to themes of gender essentialism, state appropriation of social movement demands, and the idea that prison reform is part of the prison program. Ultimately, my research challenges state representative’s basic assumption that prisons could ever truly offer women a “gender-responsive” environment “based on safety, respect, and dignity” and I argue suggest that building more prisons neither serves prisoners’ needs nor promotes community safety.¹³

Singularly gender-based strategies rely on one-dimensional rather than intersectional notions of gender and do not substantively address the problems endemic to women’s prisons. Not only do narrowly defined “gender-responsive” strategies fail to address women’s “unique pathways to imprisonment,” as promised, these measures actually *preclude* prevention-based analyses of the intersectional and structural inequalities that direct particular populations of people to prison. I examine particularly dangerous ways that reformers promote scientific racism and severely compromise women’s reproductive

¹³ Barbara E Bloom, Barbara A Owen, and Stephanie Covington, *Gender-Responsive Strategies for Women Offenders: A Summary of Research, Practice, and Guiding Principles for Women Offenders* (Washington, DC: US Department of Justice, National Institute of Corrections, 2005).

health and autonomy in “gender-responsive” proposals to offer women the “choice” of sterilization while in prison.

I spend a fair amount of time investigating my primary research question in this essay: what kinds of reforms alleviate suffering inside prisons without expanding the power of the carceral state to punish? I investigate this tension by looking at the ways that so-called “gender-responsive” reform measures lead to prison expansion and, in particular, how the carceral state appropriates prisoner’s demands and positions otherwise good-intentioned advocates and scholars as the vehicle for that expansion. For example, when prisoners and abolitionist activists called for preventative community-based services, resources, and treatment to keep people out of prison and bring them closer to home, legislators identified 4,500 “non-violent” and “low-risk” people in California women’s prisons suitable for release. However, rather than sending home, the bill proposed “Female Rehabilitation Community Correctional Centers.”¹⁴ Such facilities, however, more closely resemble private prisons, operated by private contractors, staffed by formidable union-backed California prison guards, and located as far away from people’s homes and support networks as current state prisons.¹⁵ The larger question remains: if the state identified 4,500 people eligible for release, then why are they not being released?

Even though activists from the organization Justice Now presented the California legislature with a twenty-five-foot long petition signed by nearly thirty-five thousand (3,500) people in women’s prisons demanding an end to prison expansion in their name, the state and supporting prisoner advocates continue to propose “gender-responsive”

¹⁴ *California Assembly Bill No. 2066, an Act to Add Section 3409.5 to the Penal Code Relating to Corrections.*, 2066.

¹⁵ Cassandra Shaylor, "Neither Kind nor Gentle: The Perils of ‘Gender Responsive Justice’," in *The Violence of Incarceration*, ed. Phil Scraton and Jude McCulloch (New York: Routledge, 2009).

prisons. New prison bids even include proposals to fill former women's prisons with men from overcrowded men's prisons; "gender-responsiveness" here leads to greater harm by expanding carceral regimes which disproportionately target poor communities of color.

The fact that state-sponsored "gender-responsive" prison proposals appropriate prisoner and activist's demands for community-based services and redirects resources that could be used to prevent incarceration directly back into building prisons should not be surprising. I conclude the chapter by investigating state appropriation of reforms located within identity-based liberal rights frameworks and suggest that gender responsive advocates inquire more robustly into theories of state power and into social movement history (and heed the lessons learned). The history of California prison reform is "you build 'em, you fill 'em" and requests for the state to solve crises it not only creates, but benefits from, frequently lead to cooptation of activist strategies. Appropriation of gender identity-based reform in the neoliberal prison regime lends credibility to Michel Foucault's claim that prison reform is indeed an integrated part of the prison's overall functioning. In liberal right regimes, the state is always in the process of granting previously excluded groups bids for inclusion, while at the same time, new and/or different groups are excluded, folded out, and/or marked as necessarily disposable.

Questions for Future Research:

Strategizing Gender and Relationality: Sexualized forms of punishment are neither tangential nor incidental to incarceration and the eroticization of violence is an essential part of the objectification process used to maintain power in both women's and men's prisons. As such, why do efforts to challenge sexual abuse inside center on women prisoner's specific vulnerability? Though women may differently experience suffering, I am concerned about the theoretical significance and strategic consequences of positioning women prisoners as uniquely victim to forms of torture that, in actuality, ought to be abolished universally. How do we advance claims for women in ways that avoid spiraling into circular—if not contradictory—reasoning, without abandoning women? Frameworks that unpack the sexualization of state-sanctioned violence position as feminist questions like: why is the rape and sexual assault of male prisoners by male and female guards not considered a feminist issue? How is misogyny (and not just masculinity) variously enacted in men's prisons? What is it about arguments for gender-based injury that lead to cooptation and into a theoretical no-mans land? Supplanting limited comparative and identity-based frames for relational ones less likely to be coopted by the state may lead to extraordinarily positive outcomes for women prisoners and for antiprison activism more generally.

Efforts to challenge the sexual violence that women face in security housing units (S.H.U.), for example, argue that “women are especially vulnerable to sexual humiliation” because women suffer endemics rates of sexual assault outside prison. While I am not contesting that these statements are (or are not) true, on logic alone, who

is *not* damaged by experiencing sexual humiliation? The reasoning becomes increasingly less persuasive as theorists tend to then address “intersectionality” by arguing that “minorities” are *especially* vulnerable to sexual assault and forced nudity because of “race, religion, and culture.”¹⁶ Despite good intentions, this results in reductive formulation of increasing vulnerability based on often orientalist and racially discriminatory assemblages.¹⁷ By the time the list of vulnerable subjects is complete (in one paper I even saw Catholic school girls included), it is unclear who is not vulnerable (ostensibly men). Suggesting that *anyone* is less harmed by sexual violence is not only inaccurate and illogical but the suggestion that male prisoners might be so, has the additional impact of reifying racialized stereotypes (of men of color, in particular) as somehow more immune to pain and suffering. This leaves incarcerated men, already inundated with masculinist beliefs that prevent them from speaking out about their victimization, as underserving of redress and, possibly at increased risk of police violence.¹⁸ How does positioning male prisoners as proper subjects of feminist concern, help us frame feminist arguments for prison reform or abolition in more complex and nuanced ways? If the plight of male prisoners is not a feminist issue (which I think it is, if not for the role that sexism plays in the operation of all prisons) might it be one *just because* of the role that racism plays in sustaining prisons and in the criminalization of

¹⁶ Jude McCulloch and Amanda George, "Naked Power: Strip Searching in Women's Prisons," *ibid.* 114-115.

¹⁷ For example, as theorists attempt to account for the role of race and racism, as they are increasingly attempting to do, they make comments like “beyond the gendered experience and violence of sexual assault, race, religion, and culture may compound the damaging effects of forced nudity” then problematically proceed to use the Abu Ghraib ‘scandal’ to argue that torture is not simply something that happens ‘abroad’ but also ‘here’ (in the United States and peculiarly, only in women’s prisons). *Ibid.*

¹⁸ I am thinking of the representation of Mike Brown as superhuman by killer cop Darren Wilson in a way a kin to Fanon’s epidermalization. See Frantz Fanon, *Black Skin, White Masks* (Grove press, 1967).

women of color, whom white feminists vow to never again omit in their feminist analyses? This methodological question doggedly haunts feminist discourse in general and derisive debates regarding how to account for sexual violence committed against marginalized men and children more broadly abound. Painstakingly pulling apart these particulars, however, may be an exceedingly productive means of harnessing feminist precepts in the fight to end violence. Indeed, it may prove a promising lead for feminist action to abolish the practice of encaging humans, and for antiracist feminist praxis more generally, given the race-based application of incarceration and the barbaric practice's inefficacy in both solving crime and rehabilitating people who commit them.

Future Research: Exceptionalism, Crisis Ordinarity and Slow Death By focusing on the exceptional forms of imprisonment and the most egregious conditions of confinement prison activists endorse what Laurent Berlant calls “crisis ordinarity.”¹⁹ Here, activists “choose to misrepresent the duration and scale of the situation by calling a *crisis* that which is a fact of life and has been a defining fact of life for a given population that lives it as a fact in ordinary time.”²⁰ This is a dangerous distortion, in that it occludes the most compelling reasons to support prisoners and to activate wholesale reform (if not abolition) of *all aspects of the prison*. How might we demand reform of the most violent oppressive parts of the prison, whilst also highlighting the ways in which all aspects of the prison perpetuate violence? In other words, how might activists keep in focus both the execrable and the “everyday” banal violence unleashed both inside the carceral walls and

¹⁹ Lauren Gail Berlant, *Cruel Optimism* (Durham: Duke University Press, 2011).

²⁰ Ibid. 760

outside upon the communities most targeted and most violently upset by the loss of its members to mass incarceration?

One very promising lead on how to achieve this balance is Berlant's articulation of "slow death." When placed in relation to feminist prison abolitionism and both biopolitical and necropolitical discourses, it proffers a provocative way of thinking about the plight of prisoners. Berlant suggests that in focusing on the exception or the crisis, activists engage in the "actuarial imaginary of biopolitics; where what seem like cool facts of suffering become hot weapons in arguments about agency and urgency that extend from imperiled bodies."²¹ However, what if it is the very *everydayness* of the prison—it's very existence—that is the primary problem, how can we avoid focusing on the most egregious parts, when indeed that is location of the most urgent suffering? How do we instantiate more meaningful abolitionist-based reforms to address suffering *and* reduce reliance on the prison system when we can barely keep people inside adequately fed (not to mention alive)? People in prison die every few seconds, while they wait for outside advocates to file mountains of bureaucratic paperwork, rushed court mandated busywork, required to preserve prisoner's right to bring claims, which could easily be lessened if courts eased unnecessarily stringent statutes of limitations. In other words, given the need for abolitionist reforms, what are the particulars of everyday suffering that require urgent attention? My impulse here is to direct prison advocates to consult people inside as to which priorities they want to see as the focus of our justice strategies. Otherwise, there are various polls, taken by organizations like Free Battered Women and

²¹ Berlant, 760

Justice Now and available online, which provide prisoners responses to some of these types of questions.²²

Future Research: Disability, Debilitation and Trans Identity Discourse: Given that even the most conservative estimates suggest that over seventy-percent of people in prison have disabilities and given that fifty-percent of people killed by police are disabled, I think that there is a great potential for future theorizing on the politics of disability and debility for women prisoner advocates and for gender and criminality theorists.²³ In general, debility politics produce great fuel for fodder for coalition building among prison activists, anti-police brutality activists, and trans activists. One particularly interesting nexus between disability rights discourse, prison law, and what I call prisoner rights management, involves New York State prisons where trans activists and transwomen in men's prisons seek "Gender Identity Disorder" (GID) diagnoses from prison medical doctors, because the state is now willing to grant transwomen a permit to wear a bra, upon proper GID diagnosis. Of particular import here, is the near collision of trans-identity and disability politics in that the vehicle for prisoner's gender expression is diagnosis of a mental disorder. This is especially perplexing given that transjustice activists on the outside are fighting to have Gender Identity Disorder removed from the Diagnostic Statistical Manual (DSM), which would effectively end this otherwise celebrated pathway for helping incarcerated transwomen get bras. Jasbir Puar's recent work conceptualizing "debility" as a mode of analyzing and critiquing the privileging of

²² See freebatteredwomen.org and justicenow.org

²³ Cited in Jasbir K. Puar, *The Right to Maim : Debility, Capacity, Disability* (2017). Xii. See also <http://peoplespowerassemblies.org>.

some forms of disability in rights discourses will be useful in thinking about this convergence of disciplinary power. Seemingly contradictory, hinging the right to gender expression upon the diagnosis of disability is actually squarely inline with the perversities of the normal juridical order. This is simply how disciplinary power operates:

[T]his conditional invitation latches onto and propagates celebratory claims of successful integration in order to continue to deplete resources from other, less acceptable bodies with disabilities....the promoting and lauding of certain people with disabilities as markers of acceptance and progress ultimately serves to further marginally and exclude most people with disabilities and serves also to sustain and create networks of debilitation in relation to these privileged and disabled bodies.²⁴

Considering the strong critique of efforts to include women prisoners in rights regimes, what are the theoretical consequences for such a victory, if indeed considered a victory, for disability rights advocates? What will happen to trans prisoners if outside disability rights advocates are successful in their efforts to remove Gender Identity Disorder from the DSM, having now been outted as ‘having’ GID? This smash-up of prison disciplinary power and liberal rights discourse speak to a perplexing problem for activists and theorists alike, particularly in that many women in men’s prisons *want* to be diagnosed with the disorder, because they *want* to wear bras and to express themselves in one of the few ways available to them.

Another way of thinking about this question is as an appropriation of intersectionality, akin to “gender-responsive” efforts made on behalf of people in women’s prisons where activists attempt to advance intersectional arguments, but do so in ways that misses the mark, so to speak, and were readily appropriable by the state.

²⁴ Ibid. 22.

Puar develops this nexus: “Biopolitical control operates most perniciously and efficiently through refining intersectional identity frames—these are frames that still hinge on discrete notions of inclusion and exclusion—as the most pertinent ones for political intervention, thus obfuscating forms of control that insidiously include in order to exclude, and exclude in order to include.”²⁵

Future Research: Self-Harm and the Agency/Bare Life Debate: It is likely that theorists rush to position prisoners as agents of resistance, as described in the above theme, stems from both an optimistic desire to challenge suffering and a dogged refusal to position anyone as having completely lost subjectivity as a result of extreme abjection. However, it is also true that the practices so quickly labeled as resistance are also those that do not fit easily into existing analytical paradigms; additionally, they are practices that are “difficult to stomach” and because they invoke such sadness, they are prematurely redefined in ways that seem to challenge the extremity of the suffering. These include: self-harm, where prisoners cut themselves; “shit-throwing” or otherwise using feces in ways many consider inappropriate; and what has been labeled, “extreme passivity” which include modes of living that appear to some as foreclosures on the will to live, like refusing to eat, refusing to shower, and refusing to use the bathroom in the toilet. If resistance and agency are being used as a catchall solution, to sweep up all the untidy practices that do not fit neatly into existing paradigms, we need more nuanced ways to theorize these practices. I beseech all of us, but especially those of us whose lives have been touched by mental illness, to look for other ways of thinking about this.

²⁵ Ibid. 22-23

The notion of agency often implies a full, self-present, and coherent subject working against something or someone, which is often not the case, especially in the coercive context of the prison. Alexander Weheliye envisions many more possibilities for freedom that occur outside or beyond the lexicon of resistance and suggests that “we might come to a more layered and improvisatory understanding of extreme subjection if we do not decide in advance what forms its disfigurements should take on.”²⁶ How might we map the actions people take under conditions of extreme subjection using oscillations of affect? Can suffering be mobilized in ways that challenge liberal rights discourses and juridical notions of humanity and perhaps redefine altogether the relationship between subjection and what it means to be human? What alternative analytics are already available to prisoner advocates that might better capture seemingly contradictory logics, especially those that are capable of positioning our own experiences of harm alongside messy proclivities towards darkness, mental illness, and/or vulnerabilities based on past trauma?

Given that prison administrators and researchers alike hail people in prison who cut “self-mutilators,” is it possible to look outside the mental illness lexicon of harm altogether? If scholars resist the turn towards “agency” and juridical conceptions of disability as the primary explanatory analytics for those parts of living under conditions of extreme subjection that do not fit easily into existing paradigms of prisoner justice, what alternative logics (hieroglyphics of the flesh, of debility, of slow death and the libidinal) become available? My current project examines how conceptualizations such as Berlant’s slow death, practical sovereignty, and lateral agency prove useful analytical paradigms in challenging the resistance/bare-life debate around self-harm and cutting.

²⁶ Alexander G Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Duke University Press, 2014). 2.

Future Questions: Fleshy Life Death and Theorizing Resistance to Resistance: I close by thinking a bit more about the above question and about how to hold theories that position the prison as a racializing disciplinary site that both creates and delimits what counts as human in tension with the above theories that seek freedom outside agency and within the traditions of the oppressed. This mode of thinking is too often overlooked (and/or minimized) in gender and criminality theorizing – but it is only through introducing different genres of thinking that novel ways of conceptualizing the prison may be born. For example, my current project considers the ways that Simone Browne conceptualizes *racialized surveillance* and *dark sousveillance* to position the practice of branding in racial slavery as a restriction on black mobility written on the body and then reimagines agency *vis a vis* bell hooks’ *black looks* to reframe narratives of black escape. How might this type of theorizing be useful to rearticulate cutting-as-resistance?²⁷ Another mode to both challenge and bring light to the vocabularies of violence and exploitation that surround self-harm may be Alexander Weheliye’s conceptualization of *habeas viscus* and his articulation of the operational logics of Frantz Fanon’s *epidermalization*.²⁸ Similarly pertinent to prisoner’s practices of self-harm is Weheliye’s provocative engagement with Hortense Spillers’ theorizing of enfleshment.²⁹ Through the *hieroglyphics of the flesh*, Spillers makes legible the lasting impacts of transatlantic slavery wherein histories of racial violence are inherited and passed on through

²⁷ See Simone Browne, *Dark Matters : On the Surveillance of Blackness* (Durham and London: Duke University Press, 2015).

²⁸ Weheliye, 176.

²⁹ Weheliye, 176.

embedded flesh and her argument never relinquishes its persuasive power by surrendering to the notion that subjection to this sordid degree inevitably results in the impoverished condition of bare life.³⁰ For Weheliye, the after-lives of slavery are always/already accompanied by modes of living-on and by survival as memories written on the flesh and thus violence can be positioned a precondition for freedom. It is my prediction that there is something in the hieroglyphics of the flesh that likely speaks to whatever it is about the fleshy contours of the body that is so intoxicating to theorists whom continually look to notion of agency to explain self-harm. I explore this in my current project.

Finally, as you read the following essays, I feel it is important to express my greatest fear last. The task of describing violence committed against those who suffered through it, but are now for whatever reason unable to articulate the ways they conceived of their own experience of it, as they were living it, carries great risks.³¹ I want to end this introductory memorandum and preface the readers experience of the foregoing chapters by suggesting that any effort to conceptualize prisoner's practices of self-harm—or any other manner of living under conditions of extreme subjection, for that matter—also carries the risk of reenacting that violence by virtue of the incomplete telling. It is indeed my guttural reaction that to present prisoner's acts of self-harm as resistance, without also *asking prisoners how they define their actions*, is to further align prisoner advocacy with the “refined and subtle death-logics” of disciplinary state power. To avoid the

³⁰ For his articulation of bare life see Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, California: Stanford University Press, 1998).

³¹ Sarah Haley, *No Mercy Here : Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill, NC: The University of North Carolina Press, 2016).

“trafficking in slain bodies” endemic to necropower is to continue to identify and connect with the ways people persevere in the face of suffering, when subjected to conditions of privation and violence, without overstating their subjectivity in terms of your own lived experiences.³² This itself may radically alter the ways in which we advocate for prisoners and how we fight the proliferation of prisons more generally.

³² See Archilles Mbembe and Libby Meintjes, "Necropolitics," *Public Culture* 15, no. 1 (2003).

Chapter 1

Gender and Criminality: A Review of the Literature

Conflicting Perspectives and Centering the Margins

The study of gender and criminality in the United States has undergone considerable changes since the origins of the critical prison studies movement. Research on criminalized women, in particular, crosses many professional disciplinary, epistemological, and methodological fields. Therefore, studies on gender and criminality resist any one methodological structure. Despite its complexity, it is imperative to trace literature on gender and criminality in order to progress efforts to advocate for women [*274] prisoners, gender non-conforming prisoners, and others subjected to criminalization related to gender oppression.

The literature on gender and criminality spans many disciplines and incorporates many simultaneous developments occurring within each discipline. To trace the study of gender and crime, one might start from the rather detached measures articulated in male-dominated research arenas and end with paradigms put forth by feminist criminologists. Yet one would be remiss to consider only gender identity in studying women prisoners. Gender is just one vector of oppression operating in prisons; many activist scholars also recognize prisons as means of racialized social control and state-sanctioned violence. Thus, to adequately study gender and criminality, one must examine work from scholars and activists of multiple disciplines, including feminists, sociologists, historians, and prison abolitionists alike. Chronicling this course, thus, necessitates a bit of jumping around.

It is often difficult to even ascertain a specific point in history from which to begin the analysis of gender in prisons. There have been many forms of imprisonment prior to the establishment of women's penitentiaries as we know them today. For instance, women were imprisoned and suffered gender discrimination in earlier prison systems such as those on American reservations and those during the periods of slavery. Although some researchers do begin their analysis with the birth of the women's penitentiary, this literature review, in an effort to be more comprehensive, includes analysis of earlier forms of incarceration.

Rather than presenting this literature as a mosaic of unconnected histories, I hope to "liberate women prisoners from the criminologists," as called for by Julia Sudbury, in her influential anthology on women's prisons. In turn, I aim to rearticulate the history of gender and criminality from multiple and often conflicting perspectives. I have attempted to contextualize the scholarly literature with its relevant histories. The first section details: 1) studies that articulate and critique the first women's prison and subsequent reform movements and 2) research in gender and criminality. The latter section looks at: 3) studies of police violence against women, sex workers, queers, gender non-conforming and transpeople; 4) studies of gender essentialism in [*275] policing and the deployment of neoliberal feminism post-9/11; and 5) research on the interplay between global capitalism, globalization, and imprisonment.

Women's Prison Reform Movement: Scholarly Reviews

Organized efforts to address women's criminality began during the early nineteenth century. The ideologies set forth in this period continue to influence literature about gender and criminality. n2 Scholar Estelle Freedman's canonical work cataloguing the history of women's prison reform details three different eras: (1) early forms of women's punishment; 2) the growth in understandings of uniquely gendered criminality and efforts to aid "fallen women" by creating women's prisons; and (3) the professionalized women's reform movement and strategies for gender-specific punishment. Both Freedman and scholar Angela Davis present and challenge the theoretical and public discourse surrounding these eras. n3

Prior to the organization of formal women's prison and efforts to reform it, women who transgressed gender norms, social mores, or plantation rules were punished by private parties rather than by formal state sanctioned incarceration; women were punished in the home, by the church or by a slave master and/or his agents. n4 As a starting point, it is important to note that efforts to alleviate the suffering of incarcerated women during the nineteenth century were on behalf of white women. As Angela Davis reminds us, early attention to the plight of women prisoners was paralleled by the atrocious sexualized punishment of Black women under the system of African American slavery. n5 As slaves, they "were directly and often brutally disciplined for conduct considered perfectly normal in context of freedom." n6 The gendered nature of punishment for slave women included [*276] forced reproduction through rape and penalties reserved for pregnant women who did not meet work quotas. n7 Colonialism,

white supremacy, slavery, patriarchy, and economic exploitation were coeval with the rise of the women's prison movement. n8 During this time period, ongoing punishment practices against Native American women continued. Punishment in their communities also included rape and sexual mutilation. n9

The punishment for the few and mostly white women charged with committing public order crimes included penance and possibly jail time. Freedman suggests that the use of incarceration was limited because women were seen as having few political and economic liberties to be revoked. n10 Unlike men, who most often committed crimes against people and property, most women's crimes were considered crimes against public order. n11 Women were sent to jail for crimes against sexuality-based norms and moral codes, most often petty theft, street crimes, and prostitution. n12 During this period, women served their time - often in cruel conditions and often in men's prisons where they were subject to sexual abuse - and then returned to society. n13 The first efforts of formal incarceration were aimed at saving women designated as irredeemable and outside the sphere of acceptable womanhood. n14 Whereas before, women who committed "crimes against chastity" might have repented, served their punishment, and then returned to society, the nineteenth century capitalist codes of stricter morality suggested that women's sexual desire and "impurity" had the power to "unleash the social disintegration which sexuality symbolized." n15 Victorian era codes [*277] of morality created new categories of crime that disproportionately affected women. n16 New crimes against chastity and/or decency arose and applied exclusively to women. n17 Crimes for lewd and lascivious carriage, fornication and adultery, for example, were applied to more women than men. n18 Men in prison, conversely, were seen as having violated social

codes and could redeem their rights and liberties through "self reflection, religious study, and work." n19 Because women were not seen as having such rights, they were ineligible for redemption. n20 These new trends and understandings of female criminalization signaled a significant departure from the idea that women could repent and be redeemed. Rather, the new moral standards led to a category of permanent female criminals. Freedman summarizes the shift: "No longer the perpetrator of a single immoral act, those who crossed the boundary of chastity gained a lifetime identity as a 'fallen woman!'" n21

Throughout the nineteenth century, the mostly white and middle class liberal Protestant, Quaker, and Unitarian women prisoner reformers challenged the fallen woman's hopeless depravity and "substituted an indictment of society and particularly of men for causing her fall." n22 Rather than challenging the notion of the fallen woman, they simply suggested that she could be saved. n23

The second stage of reform established separate women's prisons with women police matrons, based on the idea that women were best served by "same sex counsel." n24 With "feminine influence to bear, fallen women could be redeemed and made into true women." n25 Woman's superior "moral force" alone qualified her for this previously male-dominated profession. n26 A female custodial staff would "minimize the sexual temptations, which [reformers] believed were often at the root of female criminality." n27 Reformers established "homes" with "softening influences" [*278] like "flowers, farm animals, music and visits to the infant nursery" where "feminine employments such as sewing, laundry, cleaning and habits of neatness and industry" replaced the banned habits of "profanity, tobacco, alcohol and coarse behavior." n28

Freedman suggests two failures of domestication prison models; first, reformers' insistence on woman's innate sexual difference and superior morality "limited their power and stifled the inmates they sought to aid." n29 Second, she argues that the reforms were actualized in accordance with the more punitive penal ideals of the time, based on control rather than camaraderie. Freedman suggests that the punitive model failed because of poor planning, inadequate resources, and lack of space; ironically, the plan for a cottage-style prison was actualized as a "bastille-like structure" where the goals of reformers soon came to match the penal interests of the period, with few exceptions. Many of the women's prison administrators of this period gained control and legitimacy because their goals matched those of their male counterparts who utilized punishment as the mainstay of prison programming. Rather than the sisterhood paradigm that structured the early reformers, many of these administrators spoke about the need to control women prisoners, which came into fruition through the more consistent use of corporeal punishment, solitary confinement, and merit-based behavioral programs. n30

On the other hand, Davis' critique suggests that efforts to save criminalized women through forced domestication failed because, in effect, they steered poor women (and especially poor Black women) into "free world" jobs in domestic service. n31 Instead of becoming skilled stay-at-home wives and mothers, many women prisoners, upon release, became maids, cooks, and washerwoman for more affluent women." n32 Thus, women's patriarchal role in performing household duties, though differentially applied to white women and women of color, was left unchallenged. Instead, women's domestic role in the family was taken as natural. n33

Women's prison reform movements of the twenty-first century confront prisons that function to incapacitate, rather than rehabilitate. These new movements in the third era have put forth conservative, liberal reformist, and radical abolitionist critiques of prisons. Davis suggests that in contrast to prior efforts, recent reform efforts situate women's equality with men as the basis for reform. n34 She argues that the modern "separate-but-[*279] equal" approach has led to more repressive prisons as articulated by The Warden Wore Pink, a warden's "feminist" approach to prisons. n35

Research on recent efforts to address the needs of women prisoners by creating gender-responsive prisons illuminates such problems. "Gender-responsive" policy proposals put forth in California, for example, are ostensibly aimed at creating an environment in women's prisons "based on safety, respect, and dignity." n36 But it fails to do so because policy framers base their theories on inadequately static and uniform psychological theories of female moral development. They believe that woman's strengths include "her ability to care, empathize, use her intuition, and build relationships." n37 In developing theories that cater to those characteristics, they failed to account for the varied experiences and actual strengths of many women, especially those of women of color. Not only are these theories used to support the seemingly contradictory idea that prisons can be changed into a "women-specific therapeutic environment" but that all women would be healed by one-dimensional and universalizing theories of "moral development." n38 In this sense, they hope that women will work to attain proper [white] womanhood, which is remarkably similar to earlier efforts to "domesticate" women prisoners. Scholar Laurie Shaffner suggests that such reform

efforts "reify simplistic and antiquated norms of white femininity in order to 'tame' unruly criminalized women [read women of color]." n39

Other activists fight for reforms to get health care in women's prisons, discharge elderly prisoners through compassionate release petitions, and stop human rights violations such as sexual abuse. Prison abolitionists like those in the social justice organization, Critical Resistance [to end the prison industrial [*280] complex], work to "build communities not prisons" and work only for reform that starts to dismantle the prison system itself; they see the prison as inherently repressive, having especially racialized and gendered forms of punishment, and incapable of reform.

There is a long history to this tradition, Angela Davis suggests that "late twentieth century 'abolitionism,' with its nineteenth century resonances," led to the "recontextualization of the practice of imprisonment. A radical strategy to abolish jails and prisons as the normal way of dealing with social problems of late capitalism is not a strategy for abstract abolitionism. It is designed to force a rethinking of the increasingly repressive role of the state during this era of late capitalism and to carve out a space for resistance." n40 Relying on French theorist Michel Foucault, other prison abolitionists suggest that reforms have always accompanied prisons and that they have only led to more and more prisons - not an end to the social and economic problems that place people on the path to criminality. As Foucault argues, "From the outset, the prison was caught up in a series of accompanying mechanisms, whose purpose was apparently to correct it, but which seem to form part of its very functioning, so closely have they been bound up with its existence through its long history." n41 Rather than decrease crime rates, prison reforms have only decreased our ability to imagine more sustainable

measures to address it outside the context of incapacitation and imprisonment. Prison abolitionists argue, prison reforms have strengthened the system's ability to continue repressive and discriminatory practices against the most marginalized people in our communities. n42 This movement, which is detailed in the last two sections, is comprised of activists and intellectuals, both organic and academic. n43 [*281]

Early Literature on Gender and Criminality

Women researchers of the Progressive Era (1900-1920) contributed to a shift in studies of gender and crime from biology to sociology-based and the literature put forth stemmed from a different breed of prison reformer. These college-educated women, trained in law, social work, and medicine, rejected the essentialist position that women were morally superior, suggests historian Estelle Freedman. n44 For example, female sociologist Francis Kellor proposed social explanations for crime and rejected the nativist biological explanations for criminality such as those made famous by Lombroso. n45 Both these explanations were based on individual behavior rather than systemic injustice and, in some ways, spurred the next dangerous shift in the scientific investigations of criminality: eugenics. Although Freedman does not address the way in which racial ideologies, racism and government-supported projects for white racial purity also inform the Eugenics movement, she does explain the ways in which propensity for criminality was added to the list of other hereditary diseases, like mental deficiency, feeble-mindedness, and physical disability, that subjected marginalized individuals to sterilization, institutionalization, and segregation from society. n46 It wasn't until later in the

nineteenth century that multifactor explanations for crime took precedence, and poverty, lack of education, and menial work were seen as contributing to crime. n47 Since it was thought that prisons could not change these causes, feminist researchers recommended extra-institutional efforts to change society and thus prevent incarceration. They also sought to improve women's institutions through diversified programming and education. Freedman argues, however, that the successes of early efforts towards extra-institutional changes undermined efforts to change the prison because they helped to create "last resort" institutions. In trying to prevent delinquency before incarceration through changes in judicial sentencing, policies, and legislation and imprisoning only those who slipped through the network, squalor-like prison conditions prevailed. n48

Rather than conducting research to explain criminality, the major studies on gender and crime of the nineteen-sixties and nineteen-seventies focused on the life inside. n49 As presented by sociologist Barbara Owen, major study presents women in accordance with dominant representations and expectations of racialized "traditional" sexuality-and family-based gender roles [*282] of that time. n50 Generally, these studies discuss prisoner social structures based on the "pseudo-family structure and homosexual relations" that reflect the "family roles and street life" women lived before imprisonment. n51 Female sociologists of the last quarter of the twentieth century also studied the way in which gender oppression affected women's experiences in the criminal justice system, reflecting the burgeoning second wave of the women's movement. In general, they introduced themes into the gender and criminality literature like "partial justice," detailing the way in which women prisoners received unequal treatment compared to

male prisoners and "double deviancy" where women were seen as breaking both gender roles and criminal laws. n52

During this same period, literature in feminist criminology began to gain prominence as well. n53 Feminist Criminal Law scholar Ngaire Naffine identifies three different approaches. She calls the first "feminist empiricism." n54 These criminologists questioned [*283] the objectivity of criminological research that purported to be generally applicable, yet omitted women and sought to extend the rigors of the scientific methods to include them. Feminist empiricists are also credited for creating a large body of literature regarding "women as victims of crime" in order to contest the belief that rape, for example, is committed by strangers rather than by family members and friends. n55 A second strand of feminist criminologists identified the problems of criminology with the pitfalls of positivist scientific research. For example, they questioned the Kantian notion of objectivity and neutrality. n56 This shift included many feminist standpoint theorists who believed that "who does the inquiring matters and who is doing the knowing affects what is known" and that the "epistemological site of the woman 'from below' provides better insights into her condition." n57

Critics of standpoint theory - the idea that justice efforts ought to start from the standpoint of those marginalized in society in order to gain the most holistic perspective of social problems-question the essential unitary notion of womanhood put forth by its proponents. n58 For example, some suggest that the theory erases difference and privileges white women, while purporting to speak for all women. This reflects the critique that feminists originally launched against [male-dominated] criminology. n59 In

some cases, this skepticism provoked larger discussions on the constitution and stability of identity itself and its relation to power and knowledge. n60

Using Michel Foucault's philosophy, a third strand of feminist criminologists suggest that the very categories of identity upon which standpoint theory relies are unstable, constructed through social and political knowledge-making practices, and [*284] carry different meanings across different contexts. n61 Because power, identity, and knowledge are conceptual frameworks already in place and because power relations already define individuals and how they see the world, one cannot turn to any subject for an untainted pre-social, pre-conceptual truth. n62 Others have followed the philosophy of French post-structuralist Jacques Derrida, most famously known for "deconstruction" theories, who suggests that as we acquire language, we acquire our sense of the world and language supplies the frame through which we view the world. n63 The reason that feminist standpoint theorists cannot speak as "women", Naffine surmises, is because "women" is a category that they did not invent. n64

During the same era, writers from movements aimed at fighting racism and state political repression critiqued the way in which race, class, and sexuality relate to imprisonment. The poignancy of their writings suggests that unique perspectives and understandings are produced based on a theorist's relationship towards systems of power and domination. Angela Davis, for example, has borne the burden of incarceration stemming from her political activism. n65 From her prison cell, Davis developed an analysis linking slavery and criminalization by challenging the dearth of writing about women in slave communities. n66 Inside, Davis wrote about women prisoner's conditions of confinement and how the prison and the criminal justice system functioned as tools of

repression - a repression using strategies similar to those employed during slavery. n67
[*285]

Decades later, along with other writers, Davis revisited these themes in calling for prison abolition and in challenging the reliance on Foucault in critical prison studies. n68 Indeed, scholars have put forth compelling gender-based critiques of Foucault, but they rarely contest his silence on the impact of race, colonialism, and slavery. James, for example, suggests that although *Discipline and Punish* is considered to be the "master narrative to critique contemporary state policing...[it]... vanishes historical and contemporary racialized terror, punishments, and control in the United States; therefore, it distorts and obscures violence in America in general." n69 She suggests that because he fails to mention the violence committed against indigenous peoples in Africa and the Americas in writing about the "disappearance of torture as a public spectacle of violence," Foucault positions the western state as a nonpractitioner of torture." n70 His ability to "erase specificity of the body and violence while centering discourse on them...elides racist violence against black, brown, and red bodies." n71

Like James, Davis contends that Foucault's erasure of race and racism indicates a form of epistemic violence. She suggests that, although it may be interesting to examine how the European model affects prisons in the United States, an examination of slavery would help to better understand how the European model of penology - indeed built to reform the system of corporeal punishment - could come to "incorporate, sustain, and transform structures and ideologies of racism." n72 Furthermore, Davis suggests that treatment of racism as "contingent element" of European prison abolition research stems from the absence of race in theories of punishment. Abolitionist discourse emanating from the

Netherlands and Denmark actively denied the importance of race until more people of color immigrated into these countries, argues Davis, and their use of Foucault to demonstrate that ways that reform perpetuates the prison would be more compelling if the role of race and racism in the production and maintenance of the prison were considered. n73 Unlike some of the Foucaultian, feminist, sociological, and criminological literature, Davis' work examines the foundationally racist underpinnings of the criminal justice system. For her, the practice of incarceration was not created for the moral re-education of whites, but for the management of the labor and bodies of recently freed slaves in accordance with the "formal construction of prisoners as human beings who deserved to be subject to slavery." n74 [*286]

The final decade of the twentieth century saw a dramatic rise in the amount of literature surrounding women in prison. In part, this scholarship resulted from the exponential rise (a staggering 3,000 percent increase) in the number of women in prison. n75 The increased criminalization of women - primarily Black and Latina women - may be due to increased penalties for low level drug offenders in the U.S. War on Drugs. n76 Others suggest that it is because of the global prison boom, which became an "economic motor during the downsizing, layoffs, and corporate relocations of the 1980's and 1990's." n77 The first set of literature, hereafter referred to as the "liberal" literature continues to be brought forth by (mostly white) women researchers. Those writings focus on the gendered nature of criminalization and imprisonment and on themes that resonate with second wave liberal feminism. The theoretical backing of much of the literature posits economic marginalization as the primary cause of women's incarceration. n78 Barbara Owen, in line with her prolific contemporaries, Barbara Bloom, Stephanie

Covington, Karlene Faith, and Meda Chesney-Lind, suggests that "female criminality is based on the need for marginalized women to survive under conditions not of their own making." n79 Their literature consistently presents the demographics of women prisoners - proportionally still true today, though in higher absolute numbers - as those who are more likely to be poor, women of color, mothers, and survivors of abuse that occurred before the age of eighteen-years-old. These women are incarcerated for crimes related to drugs, petty theft, and, less often, [*287] violent crime. These crimes are often connected to the women's histories of abuse. n80

The focus on the personal and psychological causes of women's imprisonment and a reflection of the feminist commitment to qualitative and "hands-on" research tends to individualize imprisonment and risks "replicating the criminal justice system's discourse of personal responsibility." n81 Here, women's personal histories are mined for the "root" causes of aberrant behavior. Microanalyses that focus on "familial dysfunction, childhood abuse, drug addiction, and alcoholism" are important, but also tend to obfuscate the political and economic interests in using prisons as a "catch all" solution to social problems. n82 In other words, they tend to obscure the "social disorder signified by mass incarceration." n83 In this literature, individual circumstances do not narrate macroeconomic processes and geopolitics. n84 It is not so much that this early literature fails to mention the way in which various forms of oppression relate to incarceration (hardly possible when most cite Bureau of Justice Statistics clearly show that poor women of color are disproportionately represented in prison) but, rather, most do not consider the ways in which systemic poverty, structural racism, predatory global capitalism, and institutionalized homophobia - indeed intersectional subordination -

converge in the path to prison. In the liberal literature, vectors of oppression beyond sexism might be mentioned in the first paragraph as an example of the "compounding problem," yet, rarely, if ever, are they addressed in their complexity. n85 Rather than deploying structural analysis, issues like racism, for [*288] example, are presented simply as forms of individual prejudice in the same way that many dominant discourses represent race. n86 Attempts at including such analysis, like the work of Karlene Faith, do so with a primarily gendered lens, focusing on the important-but-insufficient histories of criminalization. Although Faith does draw historical attention to crimes like witchcraft, prostitution, violence, adultery, infanticide, and property crimes as a way of historicizing contemporary crimes like prostitution, theft, fraud, drug and violent crimes, her analysis remains primarily on the gendered and class based nature of women's crimes. n87 Thus, the role of race and racism and the very real impact of criminalization and incarceration of those most harshly targeted remains unexamined in much of the literature. n88 In fact, few delve much into why or who goes to prison at all; much of feminist liberal criminological literature, like its androcentric predecessor, discusses - indeed dramatizes - what life is like inside. n89 They detail, sometimes with either a voyeuristic or infantilizing eye, how women prisoners organize themselves socially, how they shape their identity, and how they relate to other women inside, for example. n90 The most influential research exposes human rights violations, like the high risk of sexual assault by corrections staff, the deadly health care, and the pittance pay for mandatory work. n91 In other words, they study how women do time and what time does to them, but often lack sufficient systematic and relational analyses.

On the other hand, more radical feminist researchers in the early stages of the mass incarceration explosion in women's prisons, including Dorothy Roberts, Beth Richie, Luana Ross, Angela Davis, and Ruth Gilmore narrated the way in which structural inequalities, like racism, homosexuality, and the lasting legacies of slavery, colonialism, and sexual violence inform the gendered nature of the mass incarceration of marginalized peoples. This literature deserves more attention than it has received thus far in the sociological, criminal, and mainstream liberal feminist literature. Roberts, for instance, suggests that Black pregnant women addicted to drugs are given disproportionately harsh sentences for using drugs during pregnancy. n92 In [*289] her work, she suggests that they are thus punished because of their poverty, race, and subsequent reliance on state-monitored health care. n93 Regardless of similar or equal levels of illicit drug use during pregnancy, African-American women are ten times more likely than white women to be reported to child welfare agencies for prenatal drug use. n94 Using central tenets of critical race theory which suggests that "race is used to determine who the criminals are, what conduct constitutes a crime and which crimes society treats more seriously," Roberts examines the way in which ideology, representation, and law produce multivalent understandings of gender, race, drug use, and criminality. n95 Her work examines the way that public consciousness and state discourses have been shaped by demonizing racialized and gendered representations of both "crack babies" and "crack moms" in the media, and in turn, how punitive legal actions reflect these messages and perpetuate racialized and gendered notions of criminality. n96 Such intersections in the complexity of women's incarceration are examined throughout this literature.

Beth Richie augments the literature with her interviews of battered African-American women and white women and non-battered African American women imprisoned at the Cook County Jail in Chicago. Her work is pivotal to scholarship about gender and criminality because it shows how women commit crimes as a result of violence they have experienced in their lives, because of the threat of violence, and because of other forms of coercion by male counterparts. n97 Broadly, she explains the way in which gender, race/ethnicity and violence against women "intersect to create a subtle, yet profoundly effective system of organizing women's behavior into patterns that leave women vulnerable to private and public subordination, to violence in their intimate relationships and, in turn, to participate in illegal activities." n98 [*290] Her analysis challenges sociological, criminological, feminist economic analyses of crime by offering the theory of "gender entrapment" to better understand the particular obstacles that criminalized battered African American women face. n99 The theory elucidates the "socially constructed process whereby African American women who are vulnerable to men's violence in their intimate relationships are penalized for behaviors they engage in even when the behaviors are logical extensions of their racialized gender identity, their culturally expected gender roles and the violence in their intimate relationships." n100 It is not to say that white women or non-battered black women are not affected by violence and racism, but that the particular experiences of battered Black women tear at the seemingly continuous fabric of experiences presented by the liberal women in prison literature by introducing important levels of complexity.

Luana Ross also enhances the literature by suggesting that the incarceration of Native women is a result of colonization. They are the most disproportionately incarcerated

group in the United States, yet almost entirely absent from the liberal literature. n101 She argues that the history of colonization, including brutal sexual violence, near extermination, and continued denial of sovereignty informs the experiences of Native women at all levels of the criminal justice system. n102 Ross amends the literature on women in prison by expressing the ways in which genocide, early criminalization of culture, and confinement in forts, boarding schools, orphanages, prisons and jails are tied to native criminalization today. n103 Ross's work takes a fierce approach to the study of gender in the criminal justice system by interweaving the profound way in which neocolonialism and racism affect reservation, non-reservation, and landless criminalized native women at the Women's Correctional Center in Montana. n104

Ross outlines the historical social construction of criminality. In an effort to justify the theft of land later legally allotted to whites, early colonial law and practice aimed to "civilize" "lawless, [*291] backward, and savage" American Indian people by forcing them into assimilation and criminalizing their "everyday behaviors." n105 By using demographic data of women incarcerated in Montana from 1878-1990's, Ross details how Native women's experiences of violence and poverty, as well as their reactions to it, lead them into criminalization. n106 In the latter half of her book, she describes the way race, gender, class, sexuality, religion, motherhood, and reservation status dictate women's experiences inside prison and their relationships to each other, to staff and with prison programming and educational opportunities. n107

Ross' discussion of the ways in which imprisoned Native mothers face unique difficulties in maintaining access to their children shifts sharply from the liberal literature. n108 While the latter literature is sure to mention that nearly eighty-percent of

women in prison are mothers, it rarely describes the way motherhood is differently experienced inside. n109 For example, it rarely examines the intrusion of the welfare system or the weakening of family networks due to the mass incarceration of Black communities, on incarcerated Black mothers and how this makes maintaining access to their children a qualitatively different fight.

Law Enforcement Violence

Women's experiences with state-sanctioned law enforcement violence are also grossly under-theorized. They are virtually absent in the liberal literature on women in prison, the antiviolence [*292] movement and the literature on police brutality. Scholar Annanya Bhattachjee describes law enforcement violence as the abuse of authority and "violations of civil, constitutional, and human rights [by] local and state police agencies; prison systems at the local, state and federal levels; the United States Border Patrol and interior enforcement agents of the Immigration and Nationalization Service (INS)" which have "expanded dramatically, becoming more punitive, highly integrated, heavily funded, and technologically sophisticated." n110 Despite carceral expansion, women survivors of police brutality and state violence rarely make headlines. Part of this deficiency, suggests Andrea Ritchie, is because law enforcement violence against women is seen as a deviation from the police brutality norm. n111 Whereas police violence against men is the direct focus of police brutality literature, such violence against women is seen as a tangential issue. The focus of the impact on women only relates to their positions as "mothers, partners, and children of men of color targeted by systemic state violence and

the criminal legal system." n112 This is not to say that enforcement violence is not deeply racially discriminatory against men of color, that women suffer more than men, or that more women suffer than men. Bhattachjee argues that the invisibility of women in discussion of law enforcement violence must be addressed, and Ritchie concurs: "women should be seen as direct targets of law enforcement violence and agents of resistance in our own right." n113

Transpeople, African American women, Latina women, working class people, lesbians and sex workers are particularly vulnerable because they are often assumed to be hyper-masculine, aggressive, unfeminine and undeserving of protection – and they are most brutality victimized by law enforcement officials as a result. According to Ritchie, these characterizations lead to sexual harassment, brutal physical violence, sexual assault, rape, and murder by state officials. n114 For example, lesbians are seen as intruding on male territory, undermining male privilege and "taking what is not theirs to take" by having sexual relationships with other women. n115 Ritchie describes how one police officer forced his way into the apartment of an African American lesbian at gunpoint. n116 After raping her, the police officer told her that he was "teaching her a lesson" because the world needed "one less dyke." n117 Similarly, transwomen of color, Ritchie notes, are called 'fags,' 'bitches,' 'sluts,' 'whores,' and 'prostitutes' when they are seen on the street and, like sex workers, they are arbitrarily arrested and detained. n118

When sex workers are detained, they report endemic extortion of sexual favors by police officers in exchange for lenience or to avoid routine police violence against them, as well as frequent [*293] rapes and sexual assaults." n119 Scholar Annanya Bhattacharjee corroborates Ritche's theories. Bhattacharjee cites journalist Jeremy Hay

who suggests that statements made by police like, "blow me and I won't take you in" seem "predicated on the assumption that prostitutes don't care who they have sex with and they would do anything to avoid arrest." n120 This type of critical literature highlights many brutal accounts of law enforcement violence against those whose stories are left untold by mainstream scholarly and activist literature - and most of these narratives are documented not by the police, but by young women of color abolitionist collectives. n121

Gender Essentialism and Female Policing

Gender and criminality scholars disagree about the liberatory possibilities of women workers in the criminal justice system and in positions of state power. Would women be less susceptible to abusing authority? The logic behind the early feminist attempts to create women-run prisons and later attempts to replace male prison guards with women in the move to create "gender responsive" prisons suggests that female law enforcement officials will be less abusive than males. n122 With the increased awareness to women as torturers post-9/11, these arguments have gained more scholarly attention. n123 It is argued that switching the sex of law enforcement agents neither challenges the institutional sexism of the state, nor does it effectively address the needs of multiple marginalized people who are subject to violence. n124 [*294]

Similarly, in regard to women torturers at Abu Ghraib prison, Zillah Eisenstein argues that the very presence of women military officers "allures us into thinking that this is what democracy looks like...creating confusion by [having women participate in sexual

humiliation] that women are usually victim to" and that such switching leaves masculinized and racialized gender dynamics in place. n125 In other words, "masculinist depravity as political discourse and practice" can be adopted by either women or men." n126 Eisenstein presents a theory of "sexual decoys" to explain this phenomenon. She posits that sexual fluidity (or understandings of sex/gender as social constructs) and racial diversity are manipulated by the state to serve imperialist ends. n127 Both women's rights and racial diversity rhetoric and the bodies of women and people of color "in drag" are positioned to provide an illusion of feminism and multiculturalism in empire building projects - at the expense of radical social justice. n128 Methods for change through law, for instance, are especially fragile post-9/11. n129 Because women commit torture in this increasingly militarized politic, "Abu Ghraib looks like feminism; females are present [*295] to cover misogyny of empire building while actually building it." n130

The early questions regarding the libratory possibilities of hiring women as prison matrons, warden and officers remain salient. The idea that female guards would act less coercively than male guards towards other imprisoned women (or men for that matter) is a contested proposition. Scholar Jasbir Puar suggests that it is a mistake to exceptionalize women torturers. n131 Her work challenges the idea that there is something inherent in women that would make their behavior less suspect under the power laden dynamics of the prison. "The pleasure and power derived from these positions and actions cannot be written off as some kind of false consciousness or duping by the military." n132 Neither can it be explained through Eistenstein's "white female decoys," argues Puar. Women can be subjects of violence but they can also be agents of it, whether it is produced on their behalf or perpetuated directly by them." n133 Puar borrows from Veena Das to explain

violence as a form of sociality. She wrote that the "economy of violence produces a circulatory system whereby no woman is strictly an insider or outsider. n134

Puar criticizes liberal feminist writings on the problem of tortured prisoners for (re)centering American feminism as the ultimate victim of torture rather than focusing on the various atrocities at Abu Ghraib. n135 In other words, rather than using feminism as a discursive tool to better understand or contextualize women's torture, feminists instead only mourned the fall of the trenchant male/female dichotomy where women are perceived to be more vulnerable to violence and morally superior to men. For example, feminist Zillah Eisenstein lamented, "we are the fanatics, the extremists... . how could there be so many females involved in the atrocities" n136 Similarly, Barbara Ehrenreich "secretly hoped that the presence of women in the [*296] military would make it more respectful to other cultures, more peacekeeping..." n137 In Puar's critique, she asks: "Why is this kind of affective response to the failures of Euro-American feminism, feminism neither able to theorize gender and violence nor able to account for racism within its ranks, appropriate to vent at this particular moment - especially when it works to center the (white) Euro-American feminism as victim, her feminisms having fallen apart?" n138

Globalization and Imprisonment

Early in critical feminist of color engagements with liberal literature, Angela Davis and Ruth Gilmore describe the relationship between racialized and gendered imprisonment and the growth of global capitalism. n139 Davis suggests that as global capital moves

across borders in search of the cheapest labor, legitimized through NAFTA and GATT, corporations close in the US and "leave entire communities in shambles, consigning huge numbers of people to joblessness, leaving them prey to the drug trade, destroying the economic base of these communities, thus affecting the education system, social welfare - and turning the people who live in those communities into perfect candidates for prison." n140

Early on, both Davis and Gilmore connected critical prison studies to analyses of neoliberal capitalism. Davis suggests: "At the same time, [fleeing corporations] create an economic demand for prisons, which stimulates the economy, providing jobs in the correctional industry for people who often come from the very populations that are criminalized by this process. It is a horrifying and self-producing cycle." n141 Relatedly, both also rebuked a theory that held prominence in prison scholar circles over the next ten years: that prisons are economic stimulus for the small white rural towns where they were built. Gilmore's early research suggests that the fiscal benefits to prison towns were impossible to find and her later [*297] research suggests that, in fact, prisons were not even being built in rural white communities, but were rather increasingly being built in rural communities of color. n142 Rather, Gilmore asserts prisons are an "[ineffective] geographical solution to socio-economic problem." n143 Additionally, Davis suggests that, as opposed to being an economic stimulus for rural white communities, prisons instead serve as profit-generating sites for large private corporations. n144 Hundreds of billions of state dollars are being used to fund these corporate contracts required to build, maintain, and service prisons. Scholars titled this the "Prison Industrial Complex." n145

Scholar Julia Oparah n146 urges feminists of color to put their trenchant intersectional theorizing of the prison toward a transnational analysis of how "punishment regimes are shaped by global capitalism, dominant and subordinate patriarchies, and neocolonial racialized ideologies." n147 She asks to look beyond the impact of capitalism in the U.S. to an examination of the "cross-border flows of goods, people, capital and cultures" in the global South (and back). n148 For example, her anthology urges scholars to consider how neoliberal globalization drives the mass migration of poor women and men of the global south, who upon migration, are met with anti-immigrant sentiment, racial profiling, and incarceration while awaiting deportation. n149

Kemala Kempadoo has similar views. She argues that sex trafficking should be viewed "as both a discourse and practice that emerges from the intersections of state, capitalist, patriarchal, and racialized relations of power with the operation of women's agency and desire to shape their own lives and strategies [*298] for survival and livelihood." n150 She argues that discourses on trafficking that seek to control migrant labor - through U.S. legislation and U.N. frameworks - are linked to both the criminalization of migrant women from the global South and "greater policing and control of their mobility, bodies, and sexuality." n151 Because of the state's anti-immigration sentiment, many migrant women - defined as "traffic victims" whether they are or not - are detained, arrested, or deported and face unique vulnerability to law enforcement violence because they are not citizens. n152

Further deepening the cycle, men from the global South are criminalized as agents assisting in the transportation of workers, while the corporations who employ undocumented labor and the militaries, businessmen and elites who are the consumers of

sexual labor remain out of sight. n153 Similarly, literature in this genre elaborates on how U.S. policing practices are constantly reshaping themselves according to new terms of neoliberal globalization. For instance, Cristina Jose Kampfner suggests that the punitive drugs policies put forth in the U.S. War on Drugs have been pushed onto Mexico. n154 As in the U.S., the resulting punitive polices in Mexico, are disproportionately felt by poor women who either peddle drugs or who are addicted to them and are subject to long mandatory minimum sentencing. n155 [*299]

Conclusion

In conclusion, scholars suggest that rigidifying nation-state boundaries and neoliberal forms of feminism through disparate ethnographic study of carceral regimes or sociological surveys of how women "do time" is not sufficient. n156 Rather, a careful tracing of the continuities and ruptures associated with imprisonment in an era of globalization and empire building would allow researchers to avail themselves of "political and cultural synergies and economic shifts that occur at a supranational level." n157

For example, in 2001, in an effort to relieve a bloated prison system of over one million prisoners, the Russian Duma released all women prisoners who were pregnant, disabled, over fifty, or single mothers. n158 Meanwhile, organizers in Oakland were trying to (re)appropriate and wrestle the issue of prison overcrowding from prison expansion bills in order to test drive a compassionate release bill - a model decarceration plan that ought to be replicated with other prisoners in the future. n159 How might

learning from Russian organizers have helped streamline the process and make it successful? Putting forth narratives of singularly gendered imprisonment or a "global sisterhood" where women are victims and agents is not enough. Scholars suggest that cautiously comparing and contrasting the different ways in which ideologies about race, gender, sexuality, gender identity, and class are put forth to legitimize punitive incarceration mechanisms will reveal continuities and enable possibilities for resistance.

n160

Notes to Chapter 1

Gender and Criminality: A Review of the Literature

- n1. Julia Sudbury, Introduction: Feminist Critiques, Transnational Landscapes, Abolitionist Visions, in *Global Lockdown: Race, Gender and the Prison-Industrial Complex* xi, xix (2005).
- n2. E.g., Angela Y. Davis, *Are Prisons Obsolete?* 74 (2003) [hereinafter Davis, *Are Prisons Obsolete?*] (discussing the "difference" approach discussed in this paper).
- n3. See generally id.; Estelle B. Freedman, *Their Sisters Keepers* (1981).
- n4. Freedman, *supra* note 3, at 10.
- n5. Davis, *Are Prisons Obsolete?*, *supra* note 2, at 69.
- n6. Id. at 67.
- n7. Id. at 68. !Warning! The following sentence contains sensitive material and may be trauma-triggering for survivors of violence. For example, Davis cites the slave narrative of Moses Grandy, who describes a form of whipping. Id. Davis describes it as "an especially brutal form of whipping...in which the woman was required to lie on the ground with her stomach positioned in a hole, the purpose of which was to safeguard the fetus [conceived as future slave labor]". Id.
- n8. See generally Sherene Razack, *What Is to Be Gained by Looking White People in the Eye? Race in Sexual Violence Cases*, in *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms* 56 (1998).
- n9. Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* 11, 23 (2005).
- n10. Freedman, *supra* note 3, at 10.
- n11. Id. at 11.
- n12. Id.
- n13. Davis, *Are Prisons Obsolete?*, *supra* note 2, at 69.
- n14. See Freedman, *supra* note 3, at 17.
- n15. Id. at 20-21.
- n16. Id. at 14.

n17. Id.

n18. Id.

n19. Davis, *Are Prisons Obsolete?*, supra note 2, at 69-70.

n20. Id. at 70.

n21. Freedman, supra note 3, at 14.

n22. Id. at 45.

n23. Davis, *Are Prisons Obsolete?*, supra note 2, at 70.

n24. Freedman, supra note 3, at 58.

n25. Id. at 45.

n26. Id. at 61-63.

n27. Davis, *Are Prisons Obsolete?*, supra note 2, at 70.

n28. Freedman, supra note 3, at 54-55.

n29. Id. at 2.

n30. Id. at 70-72, 97-100.

n31. Davis, *Are Prisons Obsolete?*, supra note 2, at 70.

n32. Id. at 70.

n33. Id. at 71.

n34. Id. at 74.

n35. Id.

n36. Barbara Bloom, Barbara Owen, Stephanie Covington & Myrna Raeder, U.S. Dep't of Justice, Nat'l Inst. of Corrections, *Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders* xvi (2002), available at <http://static.nicic.gov/Library/018017.pdf>.

n37. Stephanie Covington & Barbara Bloom, Gender Responsive Treatment and Services in Correctional Settings, in *Inside and Out: Women Prison and Therapy* 9, 20 (Elaine Leeder ed., 2006).

n38. Id.

n39. Laurie Schaffner, *Beyond Gender-Specific Intervention: Theory-Driven Praxis, Women and Prison: A Site for Resistance* (May 2008), <http://womenandprison.org/prison-industrial-complex/view/beyond-gender-specific-intervention-theory-driven-praxis/>.

n40. Davis, *Race and Criminalization*, at 72. See generally Smith, *supra* note 9; Angela Y. Davis, *Abolition Democracy: Beyond Prisons, Torture and Empire* (2005); Beth E. Richie, *Compelled to Crime: the gender entrapment of battered black women* (1996); *Global Lockdown: Race, Gender and the Prison-Industrial Complex* (Julia Sudbury ed., 2005); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (2007).

n41. Michel Foucault, *Discipline and Punish: The Birth of the Prison* 234 (1979).

n42. See generally Davis, *Are Prisons Obsolete?*, *supra* note 2.

n43. See Sudbury, *supra* note 1 at xi (explaining the distinction between organic and academic intellectuals). See also Angela Y. Davis, *Race and Criminalization Black Americans in the Punishment Industry*, in *The Angela Davis Reader* (Joy James ed., 1998) [hereinafter Davis, *Race and Criminalization*] (evidencing the prison abolitionist stance taken by activists in the aforementioned movements in the 1960's and 1970's). The language of "building communities not prisons" is articulated by the contemporary national prison abolitionist organization, Critical Resistance. See www.criticalresistance.org.

n44. See Freedman, *supra* note 3, at 110.

n45. See generally Cesare Lombroso & Guglielmo Ferrero, *The female offender* (1895).

n46. Freedman, *supra* note 3, at 116

n47. Barbara Owen, *In the Mix: Struggle and Survival in a Women's Prison* 15, 50 (1998). Owen does not cite structural racism as being seen as related.

n48. Freedman, *supra* note 3, at 126 -130.

n49. Owen, *supra* note 47, *passim*.

n50. Id. It is my presumption that by this she means, heterosexual, white, and nuclear family based roles.

Owen suggests that the first studies were conducted by Ward and Kassebaum (1965), Giallombardo (1966), and Hefferman (1972). *Id.* at 4. She suggests that early sociological and criminological studies on women and prison were largely done by male researchers (white males) in response to the dearth of research on women prisoners in sociology and criminology, though there were. *Id.* at 3-6. Owen suggests that the "first" sociological studies (I suppose she means versus criminological because there were clearly many studies of crime before this) concerned men, how men "do time" including studies on prisoner social systems, the "inmate code," race relations, and historical forms of these social interactions. *Id.* Largely, they all painted a picture of prison culture as violent and predatory. *Id.*

n51. See *id.* at 4.

n52. See *id.*

n53. Ngaire Naffine, *Feminism and Criminology* (1996). Naffine cites other departures from traditional criminology coeval with feminist empiricist literature. Some of these gestures include those who sought to take male theories of crime and simply apply them to women. *Id.* at 32-35. Another widely rebutted and largely dismissed position was the "women's liberation theory." *Id.* The theory stated that an outcome of women's liberation was that women would seize the opportunity for parity with men in every gesture, including their right to "do crime." Freda Adler, *Sisters in Crime: The Rise of the New Female Criminal* (1975). Others contend that women are primarily law abiding because they have been trained, by their mothers, to "reproduce conformity" Frances Heidensohn, *Women and Crime* (1985). Naffine, at 33; See also Elizabeth A. Stanko, *Intimate Intrusions: Women's Experience of Male Violence* (1985); Carol Smart, *Feminism and the Power of Law* (1989); Sandra Walklate, *Victimology: the victim and the criminal justice process* (1989); R. Emerson Dobash & Russell P. Dobash, *Women, Violence, & Social Change* (1989).

n54. Naffine, *supra* note 53, at 29-33.

n55. *Id.* They relied on the Kantian method, which suggests that the social position of the researcher does not matter to research; if the scientific method is followed, results will be duplicated. In other words, if women were simply included in existing scientific study, the rigors of the scientific method would prevail.

n56. *Id.* at 39-40.

n57. *Id.* at 29, 47. Although they adopted the standpoint of the offender by doing participatory research because the "best knowledge comes from [research by] those who [are] directly involved", the research presented women as seen through the eyes of men or as drudges of domesticity. Also, Naffine notes, this research failed to interrogate the role that masculinity plays in the lives of boys and men in their study. *Id.* at 39-40. Also, Naffine notes that the [male criminologist] "new deviancy theorists" also started to reject

the idea of an impartial scientific inquirer, and 'actively take part in the life of the offender,' gender was still largely absent from their analysis.

n58. Naffine *supra* note 53, at 58 (citing Elizabeth Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thought* (1990) and Carol Smart, *Women, Crime and Criminology: A Feminist Critique* (1978)).

n59. *Id.*

n60. *Id.*

n61. *Id.*

n62. *Id.* at 72-3.

n63. See Jacques Derrida, *Of Grammatology* (Gayatri Chakravorty Spivak, trans., 1997).

n64. Naffine, *supra* note 53, at 82. She suggests deconstruction, where a dominant term (like white) is unearthed as always being set up in opposition to its corollary subjugated meaning (Black), results in a violent opposition, where the latter is always repressed. *Id.* at 83-85.

Deconstruction is considered a tactic for change because language can be changed; its meaning is not fixed, and change is already happening. *Id.* The problem, however, is that it must be accompanied by theoretical and empirical theory because otherwise it is just textual investigation, always reactive, not active.

n65. See Joy James, *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture* (1996); See also Angela Davis, *An Autobiography* (1974).

n66. *The Angela Y. Davis Reader* 14 (Joy James ed., 1998).

n67. *Id.* James suggests that Davis was one of the first Black women to write in the genre of Black protest literature.

n68. See Davis, *Are Prisons Obsolete?*, *supra* note 2; James, *supra* note 65, at 24-25 (1996).

n69. James, *supra* note 65, at 24-5.

n70. *Id.*

n71. *Id.* at 25.

n72. Angela Y. Davis, *Racialized Punishment and Prison Abolition*, in *The Angela Y. Davis Reader* 97 (Joy James ed., 1998) [hereinafter *Davis, Racialized Punishment*].

n73. Id.

n74. Id. at 100-102.

n75. Sudbury, *supra* note 1, at xiv.

n76. Meda Chesney-Lind, *Imprisoning Women: The Unintended Victims of Mass Imprisonment*, in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* 84, 87-91 (Marc Mauer & Meda Chesney-Lind eds., 2002).

n77. Sudbury, *supra* note 1, at xvii. In regards to the increase in the number of women in prison, Sudbury reports, "Beginning in 1973, an explosion in the number of women in prisons and jails in the United States has contributed to one of the largest building booms in world history. Whereas in 1970 there were 5,600 incarcerated women, by June 2001, 161,200 women were held in U.S. prisons and jails, representing a staggering 2,800 percent increase." Id. at xiv.

n78. See, e.g., Bloom et al., *supra* note 36; Karlene Faith, *Unruly Women: The Politics of Confinement and Resistance* (1993); and Meda Chesney-Lind, *supra* note 76.

n79. Bloom et al., *supra* note 36, at 9.

n80. Id. at 11.

n81. Sudbury, *supra* note 1, at xvi.

n82. Id. at xv-xvi

n83. Id. at xv-xvii. Regarding those who benefit from the use of prisons Sudbury argues: "Scholars and Activists have documented the emergence of a range of players in both the public and private sectors who participate in and benefit from the shift to a 'tough on crime' culture. Although they differ in the emphasis given to political or economic forces, these researches have a common commitment to revealing the diverse interests involved in promoting the 'new penology' a shift from rehabilitation and reform to incapacitation and mass warehousing of surplus populations. Examinations of politicians eager to present their opponents as 'soft on crime,' media outlets seeking headlining grabbing stories in war of the ratings, and private corporations that build and operate prisons and detention centers for profit have shown that the global prison boom is the outcome of public policy and private greed." Id. at xvi. Of course many others benefit, including corrections guards/their unions, elite whites whose families are disproportionately represented in the prison system, etc. Id.

n84. Id.

n85. See, e.g., Bloom et al., *supra* note 36, at 62.

n86. Davis, *Race and Criminalization*, supra note 43, at 61.

n87. Faith, supra note 78 (1993) Unlike some of the liberal literature, Faith includes an interesting section on media representations of women's criminality. Though susceptible to my previous criticisms, her analysis of sexuality is of note.

n88. Davis, *Race and Criminalization*, supra note 43, at 63.

n89. For a poignant example, see Bloom et al., supra note 36.

n90. *Id.*

n91. See supra note 78.

n92. See Dorothy Roberts, *Crime, Race and Reproduction*, 67 *Tul. L. Rev.* 1945, 1952 (1993) [hereinafter Roberts, *Crime, Race, and Reproduction*]; Dorothy E. Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (1997); Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, 104 *Harv. L. Rev.* 1419 (1991).

n93. See Roberts, *Crime, Race, and Reproduction*, supra note 92, at 1953.

n94. *Id.*; see also Daniel R. Neuspiel, *Racism and Perinatal Addiction*, 6 *Ethnicity & Disease* 47, 48 (1996); Ira J. Chasnoff et al., *The Prevalence of Illicit-Drug or Alcohol Use during Pregnancy and Discrepancies in Mandatory Reporting in Pinellas County, Florida*, 322 *New Eng. J. Med.* 1202, 1204 (1990).

n95. Roberts, *Crime, Race and Reproduction*, supra note 92, at 1945.

n96. *Id.* at 1957-58.

n97. Richie, supra note 40, at 15.

n98. *Id.* at 4.

n99. *Id.* at 4-5.

n100. *Id.* at 4.

n101. See generally Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (1998).

n102. *Id.* at 4-6.

n103. Ross, supra note 101.

n104. Id.

n105. Id. at 16.

n106. Id. at 108-51.

n107. Id.

n108. Id. at 178-91

n109. Id.

n110. Anannya Bhattacharjee, *Private Fists and Public Force: Race, Gender, and Criminalization*, in *Policing the National Body* 1, 1 (Jael Silliman & Anannya Bhattacharjee eds., 2002). Testament to this urgency is the fact that the INS has now been subsumed under Homeland Security and renamed 'Immigration and Customs Enforcement.'

n111. Andrea J. Ritchie, *Law Enforcement Violence Against Women of Color*, in *Color of Violence: the Incite Anthology* 138, 139 (Incite! Women of Color Against Violence ed., 2006)

n112. Id. at 140.

n113. Id. at 140; On the invisibility issue, see Ritchie, *supra* note 40, at 95.

n114. Ritchie, *supra* note 111, at 138-156.

n115. Id. at 144.

n116. Id. at 149.

n117. Id.

n118. Id. at 144, 146.

n119. Id. at 149.

n120. Bhattacharjee, *supra* note 110, at 42.

n121. See, e.g., CARA, *Communities Against Rape and Abuse*, www.cara-seattle.org (last visited Oct. 19, 2011). The work they do also includes working towards non-harmful responses to violence that do not rely on police.

n122. In fact, international law explicitly prohibits males from attending women prisoners; Rule 53 of the United Nations Standard Minimum Rules for the Treatment of

Prisoners states, "female prisoners should be attended and supervised only by woman officers." Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in US State Prisons* (1997) available at <http://www2.ohchr.org/english/law/treatmentprisoners.htm>.

n123. See Zillah Eisenstein, *Sexual Decoys: Gender, Race, and War in Imperial Democracy* (2007); Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (2007); Susan Faludi, *Terror Dream: Myth and Misogyny in an Insecure America* (2008); Tara McKlevy, *One of the Guys: Women as Aggressors and Tortures* (2007); Tara McKlevy, *Monsterring: Inside America's Policy of Secret Interrogations and Torture in the Terror War* (2007).

n124. Kolleen Duley, *Building Oppositional Consciousness and [Breaking down] the Gender Responsive Prison*, in *Shifting Positionalities: The Local and International Geopolitics of Surveillance and Policing* (Maria Amelia Viteri & Aaron Tobler eds., 2009)

n125. Eisenstein, *supra* note 123, at 37.

n126. *Id.* at 38.

n127. *Id.* at 41.

n128. *Id.* at 2 (providing many examples of the ways in which human rights and women rights discourse are used by neoliberal feminists to "mystify and rationalize the misogynist and racialized aspects of global capitalism"). Bush's "cowgirls" are females who represent militarized masculinity who support empire building, including the call to invade Afghanistan in the name of saving Muslim women (she lists, for instance, Laura Bush and Condoleezza Rice). *Id.* at 40. Another example includes the neoliberal feminists on the National Advisory Council on VAWA who have called for VAWA's demise and who have investments in private right wing groups who opposed VAWA. *Id.* at 121-22.

n129. Daily practices of racial profiling and racism both inside and outside prison take on forms less seen in the gender and criminality literature. Eisenstein suggests that in a post-9/11 security state, legal rights have ceased and security trumps all. She implies that possibilities for legal protection have diminished yet contends that law is "never sufficient [and] always necessary to redress discrimination and injustice." *Id.* at 71. For example, she suggests that calls for prisoners' rights seems as "liberal excesses protecting the guilty rather than the innocent." *Id.* at 69. Eisenstein argues that because civil rights language focuses on equality and similarity and because the language of diversity has been co-opted by the state and private corporations, the possibilities for recognizing difference are limited. *Id.* at 68-71. On the contrary, Puar challenges Eisenstein in suggesting the increased securitization evident post 9/11 was very much present before, albeit in different, perhaps less conspicuous forms. Jasbir Puar, *Lecture at the UCLA Center for the Study on Women at The Color of LGBT series* (Oct. 22, 2008).

n130. Eisenstein, *supra* note 123, at 41. Of course equal participation in military is also not a sign of progress because, argues Eisenstein, women go into the military out of necessity brought forth through globalization and consequent restructuring of labor market. *Id.*

n131. Puar, *supra* note 123, at 90.

n132. *Id.*

n133. *Id.*

n134. *Id.*

n135. *Id.* at 89.

n136. *Id.* (quoting Eisenstein, *supra* note 123, at 34).

n137. *Id.* (quoting Barbara Ehrenreich, Opinion, Prison Abuse: Feminism's Assumptions Upended, *L.A. Times*, May 16, 2004, at M1).

n138. *Id.* Puar also describes a "death of a parallel yearning" put forth by homonational gay men. For them, the idea that female soldiers could do that was disorienting for gay men "who view them as natural allies." *Id.* at 89-90. Puar suggests that the "[Nostalgic] mourning the loss of the liberal feminist subject" suggests an "emotive convergence of white liberal feminists and white gay men unwittingly reorganizing the Abu Ghraib tragedy around their desires." *Id.* at 90.

n139. See generally Davis, *Race and Criminalization*, *supra* note 43; Ruth Wilson Gilmore, *Globalisation and U.S. Prison Growth: From Military Keynesianism to Post-Keynesian Militarism*, 40 *Race and Class*, no. 2-3 (October 1998-March 1999).

n140. Davis, *Race and Criminalization*, *supra* note 43, at 67.

n141. See *id.* at 67.

n142. See Gilmore, *supra* note 139.

n143. Gilmore, *supra* note 139, at 174. Similarly, Davis cites Gina Dent to suggest that California prisons were born, in part, as a response to excess capital, land, and labor, the state buys devalued agricultural land from big landowners and promises economic return. Davis, *Are Prisons Obsolete?*, *supra* note 2, at 17; Gina Dent, *Stranger Inside and Out: Black Subjectivity the Women-in-Prison Film*, in *Black Cultural Traffic: Crossroads in Black Performance and Black Popular Culture*, (Harry Elam & Kennel Jackson eds., 2003).

n144. Davis, *Race and Criminalization*, *supra* note 43, at 67.

n145. See *id.* at 66; Gilmore, *supra* note 139; Vijay Prashad, *Keeping up With the Dow Jones: Debt, Prison, Workfare* (2003); Tara Herivel & Paul Wright, *Prison Nation The warehousing of America's Poor* (2003).

n146. Julia Oparah previously published as Julia Sudbury.

n147. Sudbury, *supra* note 1, at xiii.

n148. *Id.*

n149. *Id.*

n150. Kamala Kempadoo, *Victims and Agents of Crime: The New Crusade Against Trafficking*, in *Global Lockdown: Race, Gender, and the Prison-Industrial Complex* 35, 36 (Julia Sudbury ed., 2005).

n151. *Id.* at 35.

n152. *Id.* at 42 (suggesting that there is strong evidence that immigrant women experience high levels of abuse, sexual assault, and brutalization at the border). Andrea Smith corroborates, citing to the American Friends Service Committee who documented 346 reports of gender violence between 1993-1995 on the US-Mexico border. Smith, *supra* note 9, at 29. Also, border patrol agents, because of their positions within the law, rarely are held accountable. For example, one woman from Nogales, Arizona, had to sue the US government for them to investigate a man, Larry Selders, who had raped her repeatedly and taken her to an isolated place and threatened her not to say anything to anyone. Also, the government guarded information about Selder's prior acts of violence. It took three years of legal battles, reports Smith, to uncover at least three other victims. Further, Smith reports that over 44 percent of those searched at the border are Black or Latino though together they only represent 24 percent of population. *Id.*

n153. Kempadoo, *supra* note 150, at 43.

n154. Cristina Jose Kampfner, *Las Mujeres Olvidadas: Women in Mexican Prisons*, in *Global Lockdown: Race, Gender and the Prison-Industrial Complex* 127-136 (Julia Sudbury ed., Dereka Rushbrook trans. 2005).

n155. *Id.* at 131.

n156. See, e.g., Sudbury, *supra* note 1, at xii-xiii.

n157. *Id.* at xviii.

n158. *Id.* at xiv.

n159. Justice Now, <http://www.jnow.org> (last visited Nov. 2, 2011).

n160. Sudbury, *supra* note 1, at xvii.

Chapter 2

Un-Domesticating Violence:

Criminalizing Survivors and U.S. Mass Incarceration

A woman is forced to have sex with an abusive partner's friend. A woman is forced to commit sexual acts in front of her children. A woman begs for mercy while being beaten with the metal face of a hot iron. These women were once considered victims, but many of them are now criminalized and serving decades-long sentences in state prison, victimized once again by the U.S. criminal legal system. What is perhaps more outrageous this unjust incarceration is the fact that the social disorders that contribute to victimization are being largely ignored. There is a great need to articulate the way in which interpersonal violence in the home urges victims to desperately attempt relief, including breaking laws for survival, but it is also important to look at how this type of violence is connected to other geopolitical processes such as those contributing to mass incarceration and neoliberal globalization.

This paper looks at the ways in which women's struggles against domestic violence are criminalized and also how this type of racialized, classed, and gendered violence is connected to processes that fuel prison expansion—including the U.S.-led war on drugs, the criminalization of immigration, the rampant policing in communities of color, and the reliance on the police and the criminal legal system to address domestic violence. It is my intent to place domestic violence and its connection to criminalization in a politicized context for two reasons: the first is to repudiate the tendency to look at women's responses to abuse as individualized or unconnected to other types of marginalization and

the second is to provide a more complex analysis of how women's differing social identities or positionalities, as women of color or immigrant women, for example, may affect their experiences of both state and interpersonal violence.³³

Violence against Women in a Transnational Context

Labeling women's history of abuse as the primary or root cause of their imprisonment leads to the individualizing and pathologizing of survivors experiences and responses to violence and obscures the more complex roots of mass incarceration. Situating domestic violence in a political context encourages the de-individualization of women's experiences and allows us to see how this type of violence connects to other systems of disadvantage and marginalization. For example, women's experiences with abuse are not isolated incidents of gender violence but relate to other social maladies such as institutionalized racism that contribute to cultural and systematic violence against women and marginalized people in the U.S. This expanded definition of violence against women includes the physical, emotional, and sexual abuse that the first anti-violence against women movement worked to make public. Yet, this expanded definition brings these horrific realities of systematic violence against women—where a woman is battered every fifteen seconds and one in four women is raped by someone she knows—into conversation with the violence inflicted by living in a culture wrought with deeply entrenched class hierarchy, institutionalized racism, white supremacy, and mass incarceration. Thus, the

³³ I wrote this paper as a response to Julia Sudbury's call for work that connects the criminalization of domestic violence survivors to the violence of mass incarceration. Thank you Julia for putting together the desperately needed *Global Lockdown* and thank you to all who contributed to the anthology, for your courage, critical thinking, and commitment.

systematic locking up of those labeled surplus to the global economy—women of color, youth, queer, transgender, and gender variant people and/or those from low-income communities—is brought into the forefront of movements that strive to end violence against women (Goldberg & Evans, 1999-2000, pp. 44-48). Alternatively, by hiding the political conditions and socioeconomic processes under which marginalized people are accused of committing crimes, “offending” behavior is portrayed as unconnected to these processes and caused merely by individual failure. Equally as detrimental, this pathologizing and individualizing also hides the fact that the state ineffectually uses and posits policing and incarceration as the “solution” to domestic violence and to other types of physical and sexual abuse against women. Julia Sudbury, in the introduction to her groundbreaking edited volume, *Global Lockdown: Race, Gender and the Prison Industrial Complex*, comments on how the individualizing of domestic abuse obscures the “social disorder of mass imprisonment:”

Even where survival strategies—whether sex work, drug couriating, or welfare fraud are recognized, they are stigmatized and homogenized by the label “offending behavior.” Women’s personal histories are then mined as rich sources for understanding this aberrant behavior, and childhood abuse, domestic violence, or familial dysfunction are presented as the root cause. Presenting women’s experiences of abuse as the cause of incarceration individualizes and personalizes their treatment at the hands of the criminal justice system. It obscures the broader social disorder signified by mass incarceration, and it sidesteps the question of why the state responds to abused women with punishment. (Sudbury, 2005, p. xv)

To further situate domestic violence and its connection to criminalization in a larger political framework, it is important to provide a more complex analysis of the multiplicity and difference in women’s experiences with interpersonal violence. Most of the earlier and much of the contemporary work on violence against women has focused solely on

gender violence and has neglected to discuss how other factors in women's lives may change their experiences with violence. For instance, very little research has been done on violence against women involved in illegal activity, and until recently, there has been little research on how violence affects women of color, immigrant women, or poor women (Richie, 2003, p. 9). While discussing different analyses used in antiprison work, Beth Richie explains the impact of such feminist researchers and activists who rely on "race-neutral" analysis in the article, "Queering Antiprison Work: African American Lesbians in the Juvenile Justice System." Here, gender violence is a problem of the abuse of power and patriarchal control of women by men.

The advocacy and policy reform that result from this analysis rely heavily on the ability to establish a set of universal vulnerabilities that all women experience similarly. The rigor with which this perspective is argued leaves very little room for the consideration of difference based on race, class, age, sexuality identity, or involvement with illegal activity. (2005, p. 81)

In a different article Richie notes that although Bureau of Justice statistics (1996) conclude that the overall rate of domestic abuse against women of all races and ethnicities is the same, the way that abuse affects women may differ with compounding social positionalities. Here, she argues that factors like socioeconomic status, cultural background, and age effect the way in which women experience domestic violence. She argues that women who are "black, young, divorced, earn low incomes, rent and live in urban areas are more likely to be victimized by intimates. Factors such as the limited availability of crisis intervention programs, differential use of weapons during an assault, and lack of trust of law enforcement agencies may heighten some women's vulnerability to intimate violence." (Richie, 2003, p. 8) Further analysis into the complexities of

women's race identity, community relations with police, interpersonal and state violence against women, and the community loyalties confronting battered Black women can be found in *Compelled to Crime: the Entrapment of Battered Black Women* (Richie, 1996).

While Richie's article in *Global Lockdown* invites scholars and antiprison activists to utilize a queer antiprison framework, this paper attempts to utilize a transnational feminist framework which is employed here as a perspective that sees the transnational flow of goods, capital, and bodies, as well as the hegemony of Western countries via neoliberal globalization and the U.S. incarceration and policing of poor communities of color, as "feminist issues." Using this approach, I hope to both make clear how the state criminalizes abused women and their resistance to violence and to connect interpersonal violence with the global processes that fuel prison expansion. This includes the U.S.-led war on drugs, the criminalization of immigration, rampant policing in poor communities of color, and the reliance on the criminal legal system as a solution for domestic violence.

Incarcerating Survivors of Violence and the Global Processes of Prison Expansion

This section focuses on how the state criminalizes women's resistance to abuse and how women's experiences with domestic violence have contributed to their incarceration. The first part of this section discusses some ways in which the circumstances of abuse or the threat of violence leads survivors into behavior criminalized by the state, including using violence to resist violence or to protect their children. The second part discusses the less publicized ways in which abuse leads women into criminalized actions, including the use of drugs and alcohol to self-medicate, while both sections attempt to connect these crimes to neoliberal globalization and the U.S. project of mass incarceration.

“Abuse,” also known as battering, involves a “systematic pattern of using violence, the threat of violence, and other coercive behaviors to exert power, induce fear, and control others” (Bible, Das Dasgupta, & Osthoff, 2002, p. 1268). Battering is part of a web of social disorders, including poverty, racism, and gendered inequalities, that create cultural violence against women. Under this type of control and violence, survivors are sometimes forced by an abusive partner to commit a crime or are forced by circumstances related to abuse to commit or be involved in the commission of a crime. Scholars suggest that fear is a primary mechanism through which violent partners achieve such a degree of control over survivors: “victims are fearful of injury, death, or some other untoward consequence of the violence and strive to bring their behavior into compliance with the abuser’s demands. (Hamberger & Guse, 2002, 1301)

This fear has also led women to be charged for “failure to protect” their children by the child welfare system or civil legal system. There have been countless incidents of women in abusive situations who have been convicted of crimes and sentenced to prison because of an abusive partner’s violence against their children. One example, recently highlighted in *USA Today*, involves Linda Lee Smith, who is an incarcerated advocate for women prisoners through her work with the organization I also work with, Free Battered Women, a California-based group fighting to end the re-victimization of incarcerated survivors of domestic violence. Linda Lee Smith has served twenty-four years on a sentence of fifteen-years-to-life for not stopping her abusive partner from fatally beating her daughter, Amy. The prosecution argued that by not aggressively intervening, Smith participated by condoning the violence. Although Linda’s other daughter, Bethany McDermott, testified that at the time Linda had been battered and sexually tortured for

months by her boyfriend, Governor Arnold Schwarzenegger still reversed the Board of Prison Terms decision as if she were to blame for committing the abuse.³⁴ In exchange for saving her son's life, she was handed a prison sentence of twenty-years-to-life for her partner's violence. If she had not saved her son's life, she may have also been held responsible for neglect (or death) and had her remaining children taken by the child welfare system. Increasingly, women of color are more likely than white women under the same circumstances to have their children taken away. Shamita Das Dasgupta's meeting report for Ms. Foundation for Women notes that in New York City, African American children are twice as likely as white children to be taken away from their parents following a confirmed report of abuse or neglect, ultimately putting poor children and children of color on the "fast track" of institutional life (2003, p. 14).

Survivors are incarcerated for using violence to defend themselves against their abusers in what many women describe as "their final attempt to save their own lives."

When my husband impregnated our 12-year-old daughter, the children and I could stand no more. I was frantic, and this atrocity, after years of unrelenting torment, drove me to make a terrible mistake. I offer no excuses for that mistake, and I live with the guilt every day. I do believe, however, that I have paid for it, not only with 24 years in prison, but with blood, broken bones, and the pain and fear that never leave me. What my children suffered and still endure is far beyond evaluation. (Anonymous, 2005)

Often as a last resort and after being doused with gasoline and set on fire, beaten with baseball bats, shot with rifles, stabbed, locked in closets, and/or anally raped with household objects, some women defend themselves and their children from the violence that has plagued their lives for years. Almost every survivor we work with at Free

³⁴ The Board of Prison Terms is now known as the Board of Parole Hearings.

Battered Women feared for her life during her marriage or partnership and believed that the only way out was going to be her own murder at the hands of her abuser. Maria Marquez explains, “One day the abuse escalated to the point that I believed in my heart that there was no way out and I could be killed” (Marquez, in Free Battered Women). When women take the life of their intimate partners, it is usually in self-defense. “Of 223 reviewed appellate opinions of battered women’s homicide cases, seventy-five percent involved confrontations, [meaning the woman was being assaulted or abused at the time of the killing]” (Maguigan, 1991, 397). Many of these women see this resistance as their last grasp for survival.

There are also countless women charged with conspiracy when they finally broke the silence about their abuse and a friend or family member took it upon him or herself to save her life. Caroline Anderson, who is now sixty-two years old and served twenty years on a twenty five-years-to-life sentence before being released on parole in January 2005, confided to Free Battered Women about what happened to her:

During the 23-year marriage, I alternated between fear for my life, my children’s, our various pets, my family, and even my husband’s due to his temper and demonstrations of violence and threats. It was a daily struggle of just surviving, sometimes wishing I could just die or disappear, and yes, even wishing he would so the torment would be over. I made the horrible mistake of expressing these emotions to his nephew, who ended up taking his life. The only people allowed to “come around” were his friends and family, so I had no one else to talk to or turn to. (Anderson)

Caroline’s story is not just one individual story of misfortune—there are hundreds more. The story of Maria Suarez, a survivor also convicted of conspiracy, helps draw the connections between systemic violence against women, U.S. incarceration, immigration, and practices of Western neoliberal globalization. Maria was forced to leave her home in

Mexico in search of financial security. Although Western news media and multinational corporations promote ideologies that label the poverty of the global South as each country's own isolated failure or inability to participate in the "global market," many of these countries' economic crises are connected to Western economic foreign policies and practices of "democratization" and "redevelopment." Maria's migration and the migration of thousands of others from Mexico and Central and South America in to the U.S. each year are also connected to these policies.

Neoliberal globalization is a major driving force in instigating the mass migration of poor women and men from the global South. As the North American Free Trade Agreement (NAFTA) [initiated by the U.S.] and the European Union eliminated tariffs for importation of foreign products, domestic markets in the global South collapsed, throwing workers into destitution and desperation. For example, in Mexico, agricultural produce is imported, despite the large quantity of vegetables it exports across the continent and throughout the world, and workers are forced to migrate for work. In turn, this type of necessary migration is countered by increased policing on the U.S.-Mexico border, where military-type enforcement strategies are used and thousands of immigrants are detained in U.S. prisons and detention centers after attempting to cross the border.³⁵

It was under these desperate and globalization-imposed financial circumstances that Maria Suarez legally crossed into the U.S. at the age of 16. Maria took the first "job" offered to her where she was ultimately sold for two-hundred dollars into sexual bondage

³⁵ For further analysis, see Anannya Bhattacharjee, Jael Silliman, ed. *Policing the National Body*, Vol. 1. and also Bhattacharjee's *Whose Safety? Women of Color and the Violence of Law Enforcement* (<http://www.afsc.org/community/WhoseSafety.pdf>)

to a sixty-eight-year-old man.³⁶ Maria was raped and beaten for five years, unable to call the police or go to a shelter due to language barriers, until a neighbor finally took the life of her abuser. After twenty-two years in a U.S. state prison for first degree conspiracy for a crime she did not commit, Maria was held in an immigration detention facility before finally securing a temporary visa that allows her to remain in the U.S. while she challenges her unjust conviction and her pending deportation to Mexico. Maria's two-decades long incarceration—costing U.S. tax payers over half a million dollars—followed by her detention and pending deportation further demonstrates how her social location as a non-U.S. citizen, and her forced migration and experience with illegal economies, interpersonal violence, and incarceration connect to the projects of neoliberal globalization. The bodies of immigrants are used for labor when it is profitable for the expansion of globalized capitalism. When these bodies are considered “expendable,” like Maria's after her “involvement” in the death of her abuser, billions of dollars are spent in detainment—money that could be directed towards social services and basic human rights for disadvantaged communities and that may help people like Maria avoid dangerous situations.

Western globalization allows for the transnational flow of goods and capital as it interests multinational corporations, military, or wealthy elites, but keeps people, especially non-economically privileged people, women of color, and people of the global South, under tight surveillance. Kamala Kempadoo's article, “Victims and Agents of Crime: The New Crusade Against Trafficking,” adds critical insight to the relations

³⁶ Although influenced by the dire economic circumstances, women do choose to cross borders in search of sex work, domestic work and agricultural work. Please see Kamala Kempadoo's article cited in the bibliography.

between the migration of women from the global South and underground economies of survival, including those that utilize sexualized energies (2005). This transnational feminist perspective “takes up trafficking as both a discourse and practice that emerges from the intersections of state, capitalist, patriarchal, and racialized relations of power with the operation of women’s agency and desire to shape their own lives and strategies for survival and livelihood” (Kempadoo, 2005, p. 37).

Kempadoo’s work demonstrates how Maria’s positionality quickly changed from being a self-identified agent making a decision under the constraints of the global economy to migrate in search of financial security, into a victim of abuse and forced sexual labor after migration, until finally she was determined to be a so-called “illegal immigrant offender” by persistent racist ideology and U.S. immigration policy.

Kempadoo argues that discourses on trafficking, including U.S. legislation and U.N. frameworks, are embedded in the control of migrant labor and linked to both the “criminalization of migrant women from the global South and greater policing and control of their mobility, bodies, and sexuality” (2005, p. 35). Since Maria Suarez was labeled as an offender instead of a victim, she, like most migrant people who move in search of social and financial security, was expected to immediately return—or be deported—to her country of origin. Knowing that they will face the same remnants of globalized capitalism and economic hardship upon return, many opt to stay “illegally,” adding to the number of women of color detained within the confines of the criminal legal system.

Further deepening the cycle, men from the global South are criminalized as agents assisting in the transportation of workers, while the corporations who employ

undocumented labor and the militaries, business men, and elite who are the consumers of sexualized labor remain hidden in the shadows (Kempadoo, 2005, p. 43). Instead, it is the “illegals” of the global South, men characterized as “immoral” and “greedy” and women like Maria who are said to “drain resources and have babies” who are labeled as the “[immigrant] problem” and engulfed by the revolving door of forced migration, increased policing, detention, incarceration, deportation, and then back into migration for survival.

In keeping with the above transnational feminist practice of exposing the connections between political processes, such as globalization, immigration, and violence against women, this section will discuss less publicized connections between domestic violence and incarceration. Although women’s use of violence and the violence that leads to the death of an abusive partner are more frequently discussed in the mainstream media and the general public, there are many other ways that domestic violence, as part of larger patterns of systemic violence against women, is connected to the U.S. web of policing, law enforcement, and incarceration. Survivors of battering are incarcerated for a range of crimes, beyond defending themselves against abusive partners, including crimes for which low-income communities of color and immigrants are targeted. Some are incarcerated because they were coerced into crimes, including homicides, robberies, forging checks, and drug-related crimes, or they self-medicate to cope with the experience of battering, including property and economic-based crimes, and alcohol and/or drugs. Survivors of violence, particularly female ones, are accused of “failing to protect” children from the violence of a batterer or they are accused of “parental kidnapping.” (Gilfus, 2002, pp. 4-5)

People in communities targeted by police violence and hit by high rates of incarceration, unemployment, and drug abuse are sometimes forced to commit crimes under the threat of violence, coercion, and out of desperation. Often born out of similarly desperate situations, survivors are sometimes incarcerated for drug-related crimes where they either use drugs to cope with the constant sexual, physical, and emotional abuse, or they may be forced to use, sell, or transport drugs by an abusive partner. Since physical and sexual abuse have been shown to be significantly correlated with substance abuse, it is not surprising how often survivors, including girls and young teenagers, turn to drugs and alcohol to deal with their pain (as cited in McCampbell, 2005, pp. 3-4). Survivors of battering may also be a part of communities where drug use and sales are common ways to cope with the loss of other basic human rights, like access to employment, health care, job security, free time, and adequately funded schools (where schools have books, healthy lunches, sanitary bathrooms, safe playgrounds, and after school programs). These economic and drug related non-violent crimes make up the convictions of most women prisoners (as cited in McCampbell, 2005, p. 3). Beth Richie also draws these connections while talking to women at the Cook County Jail in Chicago who live at the crux of multiple systems of disadvantage. Her interviews showed a “clear pattern of the women facing a life every day that was characterized by emotional, social, and economic crises and very limited material support.” (Richie, 2003, p. 33) The women “described how “out of control” they felt, how much their trust of social institutions had deteriorated and how limited their network of family and friends were [within] socially disorganized communities where poverty has eroded individuals’ opportunity and neighborhood structure.” (2003, p. 33) Most poignantly, Richie notes that approximately half of the

women participating in her research admitted to engaging in underground and illegal economies in order to cope with their environment, to secure resources, to avoid further emotional deterioration, and to keep their families together. (2003, p. 33)

Although perhaps less vulnerable to systematic disadvantage by virtue of white privilege and U.S. citizenship, the privileges that may lead to a happy ending for some battered white women are intricately connected to the systems of disadvantage that locate them as free world “survivors” of “bad relationships” but position racialized others as more likely to go to jail than to go college. One major contributor, the US-led “War on Drugs” has ensured a gross disparity in the distribution of wealth and fills prisons as part of the U.S. mass incarceration agenda. This “war,” which is bolstered by heavy police presence in communities of color, especially in Black and low-income communities, has led to the skyrocketing growth in incarceration rates for people of color, especially women and youth (men of color make up the largest population of those incarcerated, as there are many more men incarcerated in the U.S. than women, and their incarceration also stems from related processes of disadvantage). Women and youth of color are convicted of using drugs or for low-level dealing and are penalized under harsh laws that provide the legal framework for increased policing and incarceration. California’s “Three Strikes Law” and federal minimum sentencing guidelines were ostensibly written for high-level drug dealers or “king pins,” but instead most severely affect the low-level dealers and users who don’t have any information or names to “trade” in exchange for a reduced sentence. If survivors are involved with drug sales, because they were expected, forced, or chose to, they are likely to be only low-level participants and thus are trapped under these draconian drug laws. Sometimes, survivors don’t even know about their partner’s involvement in the drug

trade, and in many cases, survivors have very little information to share with prosecutors either because they were not allowed access by their abusive partners to the ins-and-outs of the trade or they do not divulge information out of fear of retribution by their abusive partner or other drug associates.

Under the auspices of keeping children and streets “safe,” this war criminalizes and labels young, dark-skinned women and poor people of color as deviant and keeps communities impoverished by keeping many of its members entrenched in the revolving doors of the prison system. This repression ultimately serves people in positions of wealth and power (whose children, of course, will remain “safe”) by ensuring an employment and a desperate workforce for low-paying service work and maintaining the hierarchies that allow little opportunity for the advancement of people of color and solidifying the positions of power for wealthy whites. Richie describes the prison as “a project that relies on the production of a criminal class who play a key role in feeding the economic and political interests of the conservative state” (2005, p. 82). She notes that in order to fill prisons, criminals need to be produced via a “vicious and elaborate web of new laws that require increased sanctions, aggressive policing strategies, and harsh sentencing policies” (2005, p. 82). The web of corporations that service the policing and prison infrastructure—contractors to build prisons, food service corporations, medical suppliers, clothing and bed linen manufacturers, high tech weaponry companies and many more—also fuels prison expansion and helps to make the prison into a true conglomeration of both product production (in this case, a criminalized disenfranchised class of people) and corporate investment, making it a true capitalist machine or “prison industrial complex.”³⁷

³⁷ For more information on the Prison Industrial Complex, see Joel Dyer’s *The Perpetual Prisoner Machine* (2000) and Angela Davis’ *Are Prison’s Obsolete?* (2003).

Reliance on the Criminal Legal System and Policing Violence against Women

While certain people and processes are targeted for mass incarceration, commitments to finding sane, healthy, and compassionate solutions to social inequalities, like poverty and domestic violence, are masked by the appearance of an effective and rehabilitative prison and criminal legal system. The first part of this section discusses how the reliance on the state to address domestic violence fuels prison expansion and also how it perpetuates a culture of systemic violence against women by not addressing the structural inequalities upon which this type of violence relies. The second section discusses how this reliance on the state affects survivors who are accused of committing crimes and also how their experiences in the U.S. court systems can be used as evidence of the need to envision community-based solutions to violence that demand basic human rights for all its members.

The legislation meant to protect battered women has reaffirmed the reliance on policing and the criminal legal system to address domestic violence. For example, when the Violence Against Women Act (VAWA) was introduced in 1994, it was part of the “Violent Crime Control and Law Enforcement Act of 1994” which further deepened ties that both literally and ideologically connect violence against women to the use of law enforcement for both the survivors and the perpetrators of domestic violence.³⁸ Pro and mandatory arrest laws arose from this movement and instituted regulations for domestic

³⁸ See <http://www.ojp.usdoj.gov/vawo/regulations.htm> for more information on VAWA.

violence arrests and further tightened the states' hold over women and their communities. The aforementioned report for the Ms. Foundation for Women (2003), which examines the relationship between violence against women and the criminal legal system, noted that these "mandatory processes do not allow women to make their own decisions about how to address the violence in their lives, contributing to a feeling of powerlessness for battered women." It is further noted that some feel that the system exerts control over women's lives comparable to the batterer (Eng & Das Dasgupta, 2003, p. 6).

Almost as if acting in response to demands for less state intervention, the California Attorney General released a report that further solidified this sort of problematic state reliance. The report called for *further collaboration* between law enforcement, prosecutors, and judges as well as enforcing the issuing of Criminal Protective Orders in conjunction with orders of Probation (2005). Although the remedies offered in this report appear to be in defense of survivors, visualizing punishment and incarceration as just methods to ending violence against women does not address the structural barriers that contribute to systemic violence against women. Alternatives to the criminal legal system that confront these structural inequalities might include a reframing of violence against women as a public health crisis and one that needs more effective long-term responses, such as supportive, community-based infrastructures for recovery from drug and alcohol addictions or for developmental and psychological disabilities, education and job-training courses, increased federal funding for affordable housing, or the revocation of laws that prohibit former felons from access to state housing.

Increased reliance on the police and legal remedies for violence against women not

only dissuades the exploration of more community-based long-term solutions, but it also deters many survivors from seeking help. The National Institute of Justice found that “increased legal advocacy resources are associated with fewer white women being killed by their husbands and more black women being killed by their boyfriends” (Eng & Das Dasgupta, 2003, p. 9). It is clear that state intervention makes some women more unsafe and if, as in this case, it is only helping white women, then it is not helping to solve the problem. For those living in low-income communities of color, there is often a hesitancy to rely on the criminal legal system. Often, police do not represent protection, but instead invoke substantiated fear of police-instigated violence, shootings, rape, unnecessary provocations and questioning, and also memories of the targeted police brutality and violent federal investigations used to stifle political movements for self-determination by people of color.³⁹

Abused women from policed communities may also be hesitant to call the police because, as for most abused women, this often leads to more violent vengeful beatings after the police leave. Many survivors also know that orders of protection are merely “pieces of paper,” and that putting an abuser in jail for six months will only make him angrier when he gets out (Baushard & Kimbrough, 1986, p. 107). Many women say that the courts and the police do not offer protection. This distrust is clear in that “a striking four-fifths of all rapes, three-quarters of all physical assaults, and one-half of all stalking perpetrated against women are not reported to the police” (Eng & Das Dasgupta, 2003, p. 15). These findings suggest that many victims of intimate partner violence do not

³⁹ For further information see Angela Davis’s *An Autobiography* (1974 or 1988) or a *New Political Science: A Journal of Politics and Culture* Special Issue: *Liberation, Imagination, and the Black Panther Party* (June 1999, Volume 21, Number 2), or Assata Shakur’s *Assata* (1987).

consider the justice system an appropriate intervention.

Instead of (re)victimizing and immobilizing survivors, the criminal legal system's ineffectiveness can be used to break down the ideologies that posit policing, incarceration, and the criminal legal system as effective solutions to domestic violence. Recent efforts of the Habeas Project, a collaborative volunteer organization that "seeks to free domestic violence survivors in prison who qualify for post-conviction habeas corpus relief under [California] state law," have been successful in challenging women's convictions for killing their abusive partners when evidence of battery was not presented in court.⁴⁰

Yet still the majority of survivors serving life sentences under these circumstances in California were arrested in the early to mid 1980s, and many survivors were convicted of crimes related to domestic violence without the presentation of evidence of battery or expert testimony of "battering and its effects" (formerly "Battered Women's Syndrome") provided in support of their legal defense.⁴¹ This is the case even though Evidence Code §1107, introduced in 1992 and revised most recently in 2004, specifies that in a criminal action, expert testimony related to "battering and its affects" is admissible where relevant (*People vs. Romero*, 2nd Cir. 1992). Prior to the enactment §1107, judges had even greater discretion to admit or exclude such evidence, resulting in the high numbers of survivors convicted in the 1980s. Yet, although the law is now "on the books," there are

⁴⁰ See www.habeasproject.org for more information and how to get involved. Pro-bono attorneys needed!

⁴¹ The term "battering and its effects" now replaces the term "battered women's syndrome" coined by Dr. Lenore Walker. Because it has been routinely critiqued since its introduction (see Mary Ann Dutton, Critique of the "Battered Woman Syndrome" Model, Revised January, 1996, available at <http://www.freebatteredwomen.org/SB1385.html>), Senate Bill 1385, lobbied by organizers of the legal/activist organization, the Habeas Project, replaces all references to "battered women's syndrome" in section 1107 of the California Evidence Code with the term "Battering and its Effects."

many reasons why such evidence is excluded from court. These reasons also stem from and contribute to the systemic issues and structural inequalities that perpetuate violence against women and contribute to mass incarceration.

Failure to present evidence of domestic violence may undermine the case of battered women there are many reasons why it may never exist at all. Since survivors often under such tight control, not only do they fail to call the police on their abusers, they also rarely confide in anyone about the violence. This leaves few—if any—witnesses to testify to the abuse. Incarcerated survivors of violence serving time for crimes related to their experiences of abuse speak out to Free Battered Women (FBW) about how they had little evidence to make a case. They asked FBW to make their stories heard. Elizabeth Ward speaks about how this happened to her: “I didn’t have any friends because he always had a problem with whoever she was. He was able to lead me to believe that no one in my family loved me and the only time my family talked to me was when they wanted something. I stayed home because if I left anywhere and stayed gone too long I would have to suffer the consequences.” (Ward)

This type of control also prevents women from going to shelters (when space is available), hospitals, and, for some, calling the police, leaving no documented “evidence” of abuse to bring to court. The abuser also often hides the violence until they are behind closed doors, leaving even fewer witnesses to testify. Eileen Row and Robbie Kina, respectively, confirm this:

The batterer is always Mr. Nice Guy when others are around but as soon as you are alone, he or she is a monster. Like my case, I looked like the asshole in public, but behind closed doors he was the monster. (Row)

He was always good to my family which made my claims of his violence seem like nothing at all. (Kina, 2005, p. 68)

Evidence may also be excluded from court if a survivor cannot or chooses not to tell her legal representative about the abuse. If she is not a citizen, she may not bring attention to the violence she has faced because she fears deportation. She may also not speak the language of those who might help her or she may be too ashamed or fearful to rehash any of the horrific stories: “I just couldn’t talk about it. So traumatized was I by the memory of my unbearable suffering and by the thought of disclosing my shameful secret that I preferred to face a murder charge knowing that the sentence was life imprisonment” (Kina, 2005, p. 69).

In addition, the impact that sustained trauma has on women is complex; many do not even identify as abused women (McC Campbell, 2005, p. 6). Survivors may have internalized some of the verbal assaults and degradation constantly impressed upon them by their abusers and may see themselves as incapable of healing or as deserving of punishment. Beth Richie notes how the survivors inside Cook County Jail “recounted even extreme events as almost routine, and they rationalized their misfortune as unimportant and “part of life” (Richie, 2003, p. 30).

Robbie Kina was also denied the opportunity to present evidence of abuse at trial, although her niece made a statement to police testifying to Robbie’s abusive partner’s attempts to kill her and his constant “bashing her up” (Kina, 2005, p. 69). In Robbie’s case, the statement was available to the defense and still no witnesses were called to testify; in other cases, however, the defense’s strategy avoids any potentially challenging testimonial evidence of abuse anyway. Since strategy is the sole purview of the attorney, some legal teams do not introduce evidence of abuse in fear that it will be used against

survivors, as evidence of motive.

Criminal Justice, Judicial Integrity, and Incarcerating Survivors

The existence of such a legal strategy exposes the ways in which survival strategies are criminalized while it also exposes the ineffectiveness of the criminal legal system as a solution to domestic violence. That a legal team must omit highly probative evidence in fear that it proves motive for their client suggests that the criminal legal system is neither serving survivors nor promoting equitable process and justice more generally. Rather, the complexities and conditions under which crimes are committed are sublimated in a way that sacrifices judicial integrity and leads to the rationalizing of an otherwise inequitable degree of punishment. Instead of providing room for contextual analysis, the courts focus on specific incidents and individualize particular cases, including those involving domestic violence, instead of addressing the complexities of any given situation. Exposing the conditions that lead people to commit crimes, especially crimes of survival, breaks down the ideology that criminalization and incarceration is an effective solution to domestic violence. The criminal legal system's irreverence for the contexts under which crime is committed exposes the short-sightedness of simply prosecuting those who commit acts of violence and brings to light the importance of addressing the "root" causes of violence as part of more effective long-term strategies. Exposing the ways in which a woman's social location and experiences with domestic violence have led her to commit a "crime" demands that the structural inequalities that contribute to violence be addressed. Ms. Foundation for Women envisions what this might look like: "Where

might we be if government accountability did not aim its efforts at criminal legal punishment, but instead centralized responsibility for basic needs and human dignity, and affirmed the human rights of all?” (Eng & Das Dasgupta, 2003, p. 16).

Making Connections and Envisioning a World without Prisons

Many of the survivors working with Free Battered Women speak constantly of their search for atonement for the “crimes” they have committed, but are also keenly aware of how their situations are connected to political processes, like the U.S.-led “War on Drugs,” immigrant detention, and the ineffectiveness of the policing and legal systems. They know that their story is not just one isolated story of misfortune where a man beats his wife. After having little or no access to resources for battered women and after being mistreated by police, discarded by the criminal justice system, and sent to prison for life, these women tend to distrust the web of policing, law enforcement, and legal systems that are posited as a solution to social disorders. Many are aware of how their lives intertwine with global systems of control. They scoff at how corporations that “embezzle” millions of dollars from off-shore oil investments, break U.S. labor and environmental laws in culpability-free export processing zones in Mexico, and over-work and exploit people for billion-dollar profits receive merely a slap on the wrist for their crimes, while they, and other survivors of mass incarceration, will live every day in prison for the next twenty-five years. The interconnections of global systems of privilege and disadvantage are clear.

To address the complexities surrounding the state and interpersonal violence that survivors face may not be simple, but neither is it that complicated. Their stories serve as

a site from which to resist violence and to publicize the ways that the criminal legal system has failed to protect survivors and failed to “solve” systemic domestic violence. Their painful and heroic stories also demonstrate how the patterns of abuse and systems of disadvantage converge in certain people’s lives and disempower entire classes of people. We must use their stories to ask why the state responds to abuse with punishment and incarceration. Why is it that survivors, after years of abuse, finally escape the horrors of violent homes only to be re-victimized by the violence of prison? Are they truly “dangerous to society” or has society been dangerous to them? What processes allow for such harsh punishment of women and people of color and whose interests are served with two and half million people locked up in U.S. prisons? The connections between systematic violence against women, gendered and racialized violence, the reliance on policing and prisons, the U.S. “War on Drugs,” immigrant detention, and the projects of neoliberal globalization are very real, and it is imperative that community members, activists, and scholars attempt to look at the complexities of these interconnections.

Incarcerated people are not simply clients or cases to be pitied, but they are on the front line with other marginalized peoples at the cross-roads of the multifarious systems that keep certain communities impoverished, others wealthy, and fuel the fear to fund wars, imperialism, and the building of super prisons. Let us look at how those living inside the prison, those who live every day without the freedom to leave, in the heart of the beast that smashes families and communities, provide a starting point.

I am not suggesting, however, that the unique situations of incarcerated survivors ought to be glamourized, but it is a strong place from which to appeal to different groups, including those who fight violence against women, to those who fight against prisons or

for labor rights, and to those who fight to racism and to reclaim the human dignities stripped of us by the predations of racial capitalism and neoliberal globalization. Our fights are intertwined in many of the same systems of domination and we must work to envision sustainable and accountable strategies. We, especially the most privileged among us, will have to make great personal and collective sacrifices and be compassionate when privileges must be acknowledged and redirected and, in our bareness, we are exposed. For many of us, making these connections will require sacrifice and will be painful...at first. We absolutely must, however, imagine a world that does not give advantage to those most powerful by locking down and out the most vulnerable.

Chapter 3

Building Oppositional Praxis and Breaking Down the Gender Responsive Prison

The movement for reforming the prisons, for controlling their functioning is not a recent phenomenon. It does not even seem to have originated in recognition of failure. Prison ‘reform’ is virtually contemporary with the prison itself: it constitutes, as it were, its programme. From the outset, the prison was caught up in a series of accompanying mechanisms, whose purpose was apparently to correct it, but which seem to form part of its very functioning, so closely have they been bound up with its existence through its long history.

- Michel Foucault ⁴²

In order to address gender-based inequalities in California women’s prisons, feminist-identified scholars, women’s advocates, and prison representatives have allied with the state to implement what they call “gender-responsive” correctional policies. These efforts—put forth in order to better “manage and supervise the women offender” and to decrease the likelihood of litigation against the criminal justice system—bring forth new theoretical and practical questions for socio-legal analysis, for feminist praxis, and for the possibilities of prison activism and abolition. ⁴³ Ostensibly, these “gender-specific” policies would create an environment in women’s prisons “based on safety, respect, and dignity.” At first glance, the logic of gender consciousness appears sound; activist and

⁴² Michel Foucault, *Discipline and Punish : The Birth of the Prisons* Trans. Alan Sheridan, (New York Second Vintage Books, 1977,1995), 234.

⁴³ Barbara Bloom, Barbara Owen and Stephanie Covington, *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders*. United States Department of Justice National Institute of Corrections: June 2003) vii.

scholars demand recognition of gender difference in women's imprisonment and the state responds with reform. However, such efforts to put forth singularly gender-based reform rely on one-dimensional rather than intersectional notions of gender and fail to substantively address the problems associated with women's (or anyone's) incarceration. For example, gender responsive prisons purport to offer the "typical female offender", primarily poor women of color with histories of substance abuse and interpersonal violence who commit crimes out of survival, prison-based services based on their "unique pathways to imprisonment."⁴⁴ However, the state, not women prisoners, benefits from the gender responsive prison because the proposed legislation focuses on prison expansion, both through building new "gender-responsive" prisons and by ensuring a steady supply of prisoners to fill them. Rather than investing monies in alternative sentencing strategies and the types of preventative community-based services, resources and treatment that keep people out of prison, agencies channel funds directly into prisons. Not only do narrowly defined gender responsive strategies fail to address women's imprisonment preventatively, they actually *preclude* a nuanced analysis of the intersectional and structural inequalities that direct people to prison. Instead, one reads a repackaging of gender responsiveness in a neoliberal paradigm; efforts to remedy individual women's "criminal behavior," in turn, make invisible the systematic nature of mass incarceration.⁴⁵

⁴⁴ Stephanie Covington and Barbara Bloom, *Gender Responsive Treatment and Services in Correctional Settings*, in *Inside and Out: Women Prison and Therapy*, ed. Elaine Leeder (Binghamton, NY; The Hawthorne Press, 2006), 10.

⁴⁵ Stephanie Covington and Barbara Bloom, *Gender Responsive Treatment and Services in Correctional Settings*, in *Inside and Out: Women Prison and Therapy*, ed. Elaine Leeder (Binghamton, NY; The Hawthorne Press, 2006), 61.

The absent structural analysis includes the way in which institutionalized racism, wide spread poverty, homophobia, and gendered violence funnel missions of primarily poor people, people of color, undocumented people, sex workers, queers, violence survivors, mentally ill, transgendered people, gender non-conforming people, and women into United States prisons and jails.⁴⁶ Furthermore, when framed in context of the rampant expansion and consolidation of state power through the United States-led war(s) on poverty/crime/drugs/terror, gender responsive prisons reproduce discourses and practices that perpetuate *rather than end* violence against prisoners and prevent effective abolition-based reforms.

I explore gender responsive reform in California's prisons for women by asking the following questions: How did the move to create "gender responsive" prisons come about? What types of reforms do these prisoner advocates propose? What are the practical and ideological premises of "gender responsive" prison reforms? What role do such reforms play in ending gendered violence and violence against women? Finally, and perhaps most importantly to this dissertation, how do "gender responsive" prison reforms relate to other types of prison reforms, particularly those seemed "intersectional," "race-conscious," and "prison abolitionist," also aimed at eliminating the problems associated with mass incarceration?

⁴⁶ Bureau of Justice Statistics, *Prisoners in 2000* (Washington DC: United States Department of Justice, August 2001). The Bureau of Justice does not collect information regarding trans-identified gender variant, gender queer, and intersex prisoners. Information about the ways in which they are targeted by the criminal legal system and then subject to abuse, harassment, and discrimination once enmeshed in the system, are collected by organizations like the Transgender, Gender Variant, and Intersex Justice Project. Please see www.tgijp.org for information and resources.

Early Attempts at Gender Responsive Prisons: Gendered Violence

Various narratives describe the development of so-called “gender responsive” prison reforms in the California Department of Corrections. Scholars Barbara Bloom, Barbara Owens, and Stephanie Covington suggest that the sudden increase of “women offenders” sparked a three-year state-run project called “Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Prisoners.” The National Institute of Corrections put forth the project, which the scholars describe as a center for “correctional learning and experience [that] shapes effective correctional practice and public policy.”⁴⁷ Soon after, the California Department of Corrections created a task force, the Gender Responsive Strategies Commission, to implement the recommendations of the former project. Largely, however, the move toward gender responsiveness was a response to the prolific scholarship on gender and criminality in the 1990’s, which was itself a response to the exponential growth in the number of women imprisoned through the war on drugs in the 1980’s.⁴⁸ Long-time activist and public intellectual Rose Braz contends that the move toward “gender responsiveness” comes in a moment when the spotlight shines on California’s prison crisis, where the largest women’s prisons in the world sit in California’s stifling hot Central Valley, directly across the street from each

⁴⁷ Bloom, Owen, and Covington, iii.

⁴⁸ Bureau of Justice Statistics, *Prisoners in 2000* (Washington DC: United States Department of Justice. August 2001)

other.⁴⁹ The lack of attention into the human rights abuses documented at these facilities is especially embarrassing to the state when activists in other countries are successfully petitioning governments to *close* prisons. Activists in Britain and Italy, for example, have demanded that government close prisons, pardon or release prisoners, and transfer correctional funding into community programs and treatment, as alternatives to incarceration.⁵⁰ Indeed, the state's move toward "gender responsiveness" is also a reaction to demands of United States women prisoner's advocates who have put forth decades-long multipronged campaigns to end the injustices surrounding mass incarceration.⁵¹ Although most acknowledge that the living conditions inside United States prisons are detrimental to the health of *all* incarcerated peoples, some suggest that women are particularly vulnerable because they are treated "like men" under ostensibly gender-neutral prison standards; a position that fails to account for women's position as marginalized persons, they contend.⁵² Here, save for limited provisions surrounding reproduction, treatment is the same for women as it is for men. Activists argue that

⁴⁹ Rose Braz, "Kinder, Gentler, Gender Responsive Cages: Prison Expansion is Not Prison Reform. *Women, Girls, and Criminal Justice: Special Issue on the California Prison Crisis* (October/November 2006), 91.

⁵⁰ Rose Braz, "Kinder, Gentler, Gender Responsive Cages: Prison Expansion is Not Prison Reform: *Women, Girls, and Criminal Justice: Special Issue on the California Prison Crisis* (October/November 2006), 91.

⁵¹ Some of these organizations include Legal Services for Prisoners with Children, Justice Now, and the California Coalition for Women Prisoners, each of whom have put forth legal, grassroots, and policy based campaigns to address the countless injustices surrounding the lack of health care in women's prisons. One example of a litigation strategy spearheaded by LSPC is *Shumate v. Wilson*. A year before the Prisoner Litigation Reform Act was passed, which severely limits prisoners ability to file class action lawsuits, women prisoners filed a class action lawsuit in 1995 on behalf of California state women prisoners at Central California Women's Facility (CCWF) and California Institute for Women (CIW) for lack of access to medical care. Although the case settled three years later, rampant violations exist. See www.prisonerswithchildren.org, for more information about health care and women's prisons.

⁵² Corey Weinstein.. "Major Changes Required for CDoC Medical Services" Testimony presented at the California State Legislature's hearing on women in prison, Sacramento, CA (October 10, 2000).

standards concerning women's health are extraordinarily invasive, and that women's reproductive autonomy is consistently violated in prison. With few recent exceptions in some states like California and New York, most incarcerated pregnant women in gave birth with both arms and legs shackled to a bed while under twenty-four hour surveillance of a corrections officer. Many are denied time with their newborns after birth. Still worse, when women are provided access to reproductive care, it is sometimes not medically necessary (and thus a form of sexual assault) and many report being sexually violated during the gynecological exams that they very much needed.⁵³

California Prison Focus (CPF) has exposed assaults during superfluous gynecological exams and makes strong claims that women ought not to be treated under gender-neutral prison standards in some of the most vulnerable sections of the prisons. CPF suggests that the Security Housing Units (the SHU) inside women's prisons make visible the dangerous effect treating women "like men." Here, mostly male guards guard women twenty-three hours per day in remote maximum-security isolation cells.¹³ They suggest that women in the SHU are particularly susceptible to sexual, physical, and emotional abuse by corrections officers. Women prisoners are subject to lewd, racialized, and gendered forms of harassment and to particularly pernicious forms of voyeurism. Corey Weinstein of CPF elaborates:

Male custody staff serve all daily needs at the cell door, including all meals, mail, and administrative functions. They are on the tiers as women undress, use the toilet and take in-cell birdbaths. The women must request toilet paper and sanitary napkins from male guards. It is against the rules for women to achieve privacy by temporarily covering the windows in the cell door and wall....Women in the SHU report that male guards stand at the shower doors pretending to make small talk. Guards make blatant sexual remarks, comment on the women's bodies in lurid

⁵³ Human Rights Watch Human, "All Too Familiar: Sexual Abuse of Women in U.S. State Prisons," (Human Rights Watch).

detail and verbally abuse with derogatory comments and racial slurs. Guards coerce women to expose themselves in what are called “peep shows” buying such with petty favors like food, soap, toiletries or candy.⁵⁴

In interviewing 400 women about their conditions of confinement at VSPW, Cassandra Shaylor notes that although control units like the SHU are ostensibly designed for prisoners with violent offences or behaviors, some women reported being placed in the SHU as a way to pressure them into being silent about sexual assault and abuse by male guards. They also reported being sent there for not having an abortion after being raped by male guards. Shaylor notes that the SHU is also used to house women prisoners who do not “perform well” or who cannot adjust to living in the prison’s general population. However understandable it might seem that incarcerated people never adjust to having their freedom revoked and their every activity controlled inside the prison, “maladjusted” prisoners are disproportionately women of color, women with psychiatric and physical disabilities who get little or no care within the prison, trans-identified and lesbian women who are consistently targets of sexual violence by both male and female guards, and also politicized prisoners who organize against injustice inside.⁵⁵

During my informal interviews and legal visits with women prisoners, many also claimed that these human rights abuses are committed in an isolated setting where guards face little accountability. They go unchecked because there are so few mechanisms to check the power exercised by prison administrations, be it due to the extreme judicial deference of the federal courts or because of the limited means of community

⁵⁴ Corey Weinstein. “Major Changes Required for CDoC Medical Services” Testimony presented at the California State Legislature’s hearing on women in prison, Sacramento, CA (October 10, 2000).

⁵⁵ Cassandra Shaylor, “It’s Like Living in a Black Hole: Women of Color and Solitary Confinement in the Prison Industrial Complex” *New England Journal on Criminal and Civil Confinement* Vo.24. No. 2 Boston, MA Summer: (1998).

accountability both in the prison (including extremely limited and heavily monitored media access) but especially in the SHU, where almost all of prisoner's activities and public interactions are monitored with not only close circuit television, but with corrections officers selectively applied 'eyes and ears.' Even without the limitations of the Prison Litigation Reform Act, which severely curtails prisoners ability to bring suit against prison officials, many reported fear of filing grievances against abusive corrections officers, because they fear the possibility of retaliation by guards and other prison officials, either in the form of violence or the revocation of hard-won prison privileges.

To combat exploitative relationships, community advocates, prisoner's family members, and other prison activists have fought contentious battles with the California Department of Corrections to repeal gender-neutral policies.⁵⁶ Though the goal of CPF's "Dignity for Women Prisoners" campaign is to remove all male guards from housing units, they were only successful in prohibiting male officers from performing invasive pat searches.⁵⁷ However, even though men are not supposed to perform the searches, women inside report that male officers still perform them and/or they are present when female officers search female inmates.⁵⁸ The limited success of this campaign begets a

⁵⁶ The California Department of Corrections recently changed its name to the California Department of Corrections and Rehabilitation even though all monies for services have decreased while monies for security apparatuses have skyrocketed, including high-tech weaponry and other military-like resources for correction-tech weaponry and other military-like resources for corrections officers. See Tara Herivel and Paul Wright. *Prison profiteers: who makes money from mass incarceration*. (New York: New Press 2007).

⁵⁷ Corey Weinstein. "Major Changes Required for CDoC Medical Services" Testimony presented at the California State Legislature's hearing on women in prison, Sacramento, CA (October 10, 2000).

⁵⁸ Amnesty International Report, "Not Part of My Sentence" (Amnesty International, 1995). In an invasive pat search, prisoners are not simply patted down in search of contraband as occurs routinely inside the prison, but are stripped naked for body-cavity searches each time they enter and exit their cells after visitation periods.

complex set of questions regarding the institutionalization of one dimensional gender reform.

One preliminary hypothetical might ask if queer and transgendered prisoners will be protected by gender responsive reform? The Transgender, Gender Variant, and Intersex Justice Project, an organization whose mission is to “challenge and end the human rights abuses committed against transgender, gender variant, gender-queer, and people with intersex conditions in California’s prisons and beyond” collects data on violence against incarcerated transpeople because it is not done by the Bureau of Justice. Indeed, their research suggests that transpeople might be the *most* susceptible to *gendered* violence in the general population, in administrative segregation, and even within “protective custody” housing situations.⁵⁹ Another threshold consideration is whether women guards are any less likely to commit abuses against prisoners under the coercive context of the prison environment.¹⁸

Essentialism and Female Policing

Both the early and more recent efforts towards gender conscious reforms fail to challenge the systemic power dynamics that inform the daily practices inside the prison and that contribute to the repressive nature of policing institutions. The call to remove male guards from housing units in women’s prisons is launched periodically by activists and these efforts forms the theoretical backdrop of the Gender Responsive Strategies

⁵⁹ TGIJP reports that much gendered violence occurs against transpeople inside both women and men’s prisons. TGIJP collects this information and select testimony is available on their website. See www.tgijp.org.

Commission and other demands for gender responsiveness discussed in this paper. The logic underlying gender responsive sex-segregated policing suggests that female law enforcement officials will be less abusive than males. In fact, international law explicitly prohibits male searching of women prisoners; Rule 53 of the United Nations Standard Minimum Rules for the Treatment of Prisoners states: “female prisoners should be attended by and supervised only by women officers.”⁶⁰ This position assumes that women will act differently in positions of police power simply because they are women, regardless of the unequal power dynamic between prison guards and their “wards”. Yet, Lynne Ford asks, “Are men and women inherently different, or is behavior conditioned purely by circumstances rather than by gender?”⁶¹

While there is evidence to suggest that male officers in the Los Angeles Police Department are involved in excessive force and misconduct lawsuits at rates substantially higher than their female counterparts, as reported by the National Center for Women and Policing, there is also evidence to suggest that women in positions of power are not less abusive simply because they are women.⁶² For example, Dr. Phillip Zimbardo’s now infamous ‘Stanford Prison Study,’ supports the idea that both men and women tend to abuse power in a prison setting—even if they know they are not really in one.⁶³ During this short-term 1971 study, one group of civilian women worked as prison guards in a

⁶⁰ Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in US State Prisons* (Human Rights Watch 1997).

⁶¹ Lynne Ford. *Women and Politics: Pursuit of Equality* (Boston: Houghton Mifflin Company, 2006), 335.

⁶² Feminist Daily News Wire. “Gender Differences in Police Brutality Lawsuits: “Men Cost More” 18 September (2000). For more information about NCWP see: www.womenandpolicing.org/aboutus.asp.

⁶³ Phillip Zimbardo. *A Quiet Rage: the Stanford prison Study*. (Stanford, Stanford University, 1987).

simulated prison and another lived as prisoners; here the former group internalized the power of a prison guard and committed numerous abuses against the “prisoners.”⁶⁴

Another example of the coercive context of policing includes women police stations in Brazil.⁶⁵ Here, in order to address the civilian and military police force’s failure to address interpersonal violence against women, Brazilian feminists worked with the state to build specialized police stations run exclusively by women, ostensibly because women are more sensitive when treating violence survivors. Citing feminists Chandra Mohanty and Judith Butler, Brazil Studies scholar Sara Nelson deconstructs the presumed ‘natural’ solidarity between women. She questions efforts to “mobilize a unified, undifferentiated category of women” in the women’s police stations.⁶⁶ In her interviews with women police officers, Nelson recalls:

reporting a rape or beating to a woman officer in a private office will not ensure that a female victim will receive better treatment at a women’s police station than she would at an all-male one....In the absence of training [about the gender politics inherent in violence against women] ...women are no more naturally compassionate and responsive to their ‘sister’s’ needs than men.⁶⁷

Indeed, there is evidence to support the notion that some female officers may be less sensitive to “women’s issues” in order to legitimize their own precarious position of power within masculinist policing environments. Nelson suggests that women police officers in Sao Paulo, Brazil, for example, report that they were less inclined to prioritize

⁶⁴ See Zimbardo, 1987.

⁶⁵ In 2007, after researching the violence against women movements and the transition out of authoritarian power in Brazil, I conducted informal interviews with various police officers and movement activists on a course-related short-term field study with the UCLA Law School.

⁶⁶ Sara Nelson, “Constructing and Negotiating Gender in Women’s Police Stations in Brazil” *Latin American Perspectives*. Issue 88, Vol. 23 No. 1 (1996): 131-148.

⁶⁷ Nelson, 142.

women's concerns out of fear that they would lose their "hard won position with the police by appearing 'soft' or 'overly sensitive' in the eyes of their male colleagues."⁶⁸ As such, calls to increase the number of women police to challenge gendered violence may instead signal a failure of isolated gender reform and suggest that the underlying problem remains the institutional sexism of the state. That switching the sex of officers within state prisons fails to effectively address the needs of multiply marginalized people who are subject to gendered police violence further supports the idea the disciplinary power of the prison exceeds the institutional site itself. Any actor can reproduce the exploitation associated with confinement within a society organized by racialized social control.⁶⁹ Sexualized punishment is neither tangential nor incidental to the articulation of state power. Rather, it is a central part of the objectification process that prison administration's rely on in order to maintain control over prisoners and can be enacted any human at the helm, or (arguably) without any humans at all.

The relationship between feminism, essentialism, and prison reforms to end gender violence has gained much scholarly attention with United States soldier Lynndie England's conviction for abusing male prisoners at Abu Ghraib prison.⁷⁰ When England was found guilty of one count of conspiracy, four counts of maltreating detainees, and one count of committing an indecent act, some argued that there is nothing inherent to a woman's nature that keeps her from participating in abuse.⁷¹ As discussed in chapter one,

⁶⁸ Nelson. 135.

⁶⁹ See Foucault's description of the transition from a disciplinary society to a control society in Foucault, *Discipline and Punish*.

⁷⁰ USA Today, 09/26/05.

⁷¹ Recent books on this subject include Zillah Eisenstein *Sexual Decoys: Gender, Race, and War in Imperial Democracy*; Jasbir Puar's *Terrorist Assemblages: Homonationalism in Queer Times* 2007; Susan

these events and their relationship to the “future of feminism” were fierce. Zillah Eisenstein, for example, argued that female military officers “allure us into thinking that this is what democracy looks like.”²⁹ However, she argues that such switching officer’s sex fails to disrupt masculinized and racialized gender because “masculinist depravity as political discourse and practice” can be adopted by women and men.⁷² Eisenstein uses the term “sexual decoys” to explain this phenomenon; here, the state manipulates sexual fluidity and racial diversity to serve imperialist ends. She suggests that dominate discourses authoritatively position women’s rights discourse, racial diversity rhetoric, and women and people of color “in drag” to provide an illusion of feminism and multiculturalism in empire building projects – at the expense of radical social justice.⁷³ Because women commit torture in this securitized politic, “Abu Ghraib looks like feminism; females are present to cover the misogyny of empire building while actually building it.”⁷⁴ Equal participation in the military is also not a sign of progress because, argues Eisenstein, women go into the military out of necessity brought forth through globalization and the consequent restructuring of labor market.⁷⁵ Jasbir Puar counters: “the pleasure and power derived from these positions and actions cannot be written off as

Faludi’s *Terror Dream: Myth and Misogyny in an Insecure America*, 2008; Tara McKlevy’s anthology, *One of the Guys: Women as Aggressors and Tortures*, 2007; Tara McKlevy’s *Monsterring: Inside America’s Policy of Secret Interrogations and Torture in the War on Terror*, 2007.

²⁹ Zillah Eisenstein, *Sexual Decoys: Gender, Race, and War in Imperial Democracy* (New York: Zed Books, 2007). 37.

⁷² Eisenstein, 38.

⁷³ Eisenstein, xiii.

⁷⁴ Eisenstein, 41.

⁷⁵ Eisenstein, 41.

some kind of false consciousness or duping by the military.”⁷⁶ Rather, the “economy of violence produces a circulatory system whereby no woman is strictly an insider or outsider. Women can be subjects of violence but also agents of it, whether it is produced on their behalf or perpetuated directly by them.”⁷⁷

Gender Responsiveness and Prison Expansion:

More Prisons and More Violation

Like “gender conscious” efforts that rely on gender essentialism and fail to interrogate the complexities of power dynamics, the recommendations of the Gender Responsive Strategy Commission also fail to alleviate the coercive culture of punishment inside United States women’s prisons. Here, the state appropriates and rearticulates the language and demands of prison activists and the suffering of women prisoners to expand the prison industrial complex – which already disproportionately incarcerates women of color – and commits further violence against women and all people in prison.⁷⁸ Instead of responding to the demands of community-based organizers who decry the fact that existing prisons are far from prisoners’ homes, communities, families and that prisons lack social services and provide deadly healthcare, the proposed gender responsive

⁷⁶ Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007), 90.

⁷⁷ Puar, 90.

⁷⁸ As reported by the Bureau of Justice Statistics “Prisoners in 2000” African American women (with an incarceration rate of 205 per 100,000) are more than three times as likely as Latinas (60 per 100,000) and six times more likely than white women (34 per 100,000) to face imprisonment.” United States Department of Justice (Washington, D.C., August (2001).

reforms proffer prisons riddled with abusive potential and little community oversight.⁷⁹ For example, one highly contested aspect of the “Gender Responsive Master Plan” included an Assembly bill proposing 4,500 new beds in so-called “community-based” facilities.⁸⁰ These new prisons were ostensibly aimed at providing “an array of services to promote successful reentry into society” for non-serious and nonviolent female offenders.⁸¹ In a quick turn of events, however, one of the bill’s principle sponsors, Assembly member Jackie Goldberg, recanted her support, calling the venture a “fraud,” and part of a “larger poorly constructed, short-sighted plan to build more prisons.”⁸² Despite dressing itself in claims of community authenticity, so-called gender responsive prison plans are “filled with problems that would almost certainly result in a reduction of services, less family visitation, and countless other custodial issues.”⁸³

Justice Now, a prison activist organization that aims to “build a compassionate world without prisons,” argues that these “community” facilities are not really community facilities at all (nor do the facilities respond to women’s needs).⁸⁴ Instead, such facilities remove funding for social services run by the community and leave extant state services

⁷⁹ Some of these organizations include: Legal Services for Prisoners with Children, Free Battered Women, the California Coalition for Women Prisoners, Justice Now, the Sylvia Rivera Law Project, and Incite! Women of Color Against Violence.

⁸⁰ Assembly Bill No. 2006, An act to add Section 3409.5 to the Penal Code relating to corrections.

⁸¹ Assembly Bill No. 2066.

⁸² Jackie Goldberg “More Prisons are Not the Answer” California Assembly member, 45th District. Unpublished op-ed. August 2006.

⁸³ Jackie Goldberg “More Prisons are Not the Answer” California Assembly member, 45th District. Unpublished op-ed. August 2006.

⁸⁴ See www.justicenow.org for full text of their mission statement.

at risk for being “locked down” or reconstructed as securitized facilities.⁸⁵ The organization claims that historically, funding for community-run reentry resources is inversely proportionate to funding provided to the California Department of Corrections and Rehabilitation: “the more money that goes into the C.D.C.R., the less money is available for community programs.”⁸⁶ Removing the short supply of community treatment facilities would “perversely redirect these resources through the prison system—where poor Californians will have to go to prison to get community treatment.”⁸⁷ When jails and prisons provide services, there are often appallingly inadequate and ineffective. Justice Now argues that the closest thing that the state has seen to a C.D.C.R.-run treatment facility, the Community Mother Infant Program (C.P.M.P) in California, is a “tremendous disappointment, [which does] not serve mothers, children, or families well. There is little or no oversight over these prisons and [there are] credible accounts of misused funds. Services they claim to provide just do not exist. Basic conditions are often filthy, including documented exposure to mold and lead, which are especially toxic to infants.”⁸⁸

Activists maintain that gender responsive prisons and jails would replicate problems found in facilities like the C.P.M.P which are “rife with abuse, graft, and ineffectiveness” and where programming is “fully infiltrated by a culture of punishment, where women

⁸⁵ Justice Now. 2006. “Evidence that AB 2066 is Bad Policy” Retrieved August 4, 2006, from <http://www.jnow.org>.

⁸⁶ Justice Now. 2006. “Evidence that AB 2066 is Bad Policy.”

⁸⁷ Justice Now. 2006. “Evidence that AB 2066 is Bad Policy.”

⁸⁸ Justice Now. 2006. “Evidence that AB 2066 is Bad Policy.”

can be sent back to prison if they cannot ‘control’ their child.”⁸⁹ These “mini-prisons,” like those proposed in gender responsive reforms, reveal only some of the potential failures of shortsighted and singularly gender-based prison reform. As the G.R.S.C. endeavored further in their quest to bring about so-called gender responsive prisons, propositions significantly more problematic followed.

Sterilization: Contesting the Choice Paradigm

Not only does the Gender Responsive Strategy Commission appropriate the language of prison activists and exploit the suffering of women prisoners in a way that expands repressive carceral power, but the recommendations of the G.R.S.C. also privilege gender in a way that erases women prisoner’s experiences with other types of oppression and brings them harm. In a 2006 G.R.S.C. meeting, the Chairperson of the Gender Responsive Health Care Subcommittee, Daun Martin, recommended offering women prisoners the “choice” of sterilization in the course of delivering a baby.⁹⁰ The G.R.S.C. sought to circumvent funding restrictions on elective surgery by offering sterilization “either post-partum or coinciding with cesarean section,” so the procedure would be considered medically necessary and elicit prison approval.⁹¹ The G.R.S.C.’s offering

⁸⁹ Justice Now. 2006. “Evidence that AB 2066 is Bad Policy.”

⁹⁰ Daun Martin (report on the findings and recommendations of the Gender Responsive Healthcare Committee of the California Department of Corrections Gender Responsive Strategies Commission, Los Angeles, CA, July 18, 2006).

⁹¹ Daun Martin (report on the findings and recommendations of the Gender Responsive Healthcare Committee of the California Department of Corrections Gender Responsive Strategies Commission, Los

women prisoners the “choice” of sterilization is a direct threat on women prisoner’s bodily integrity and reproductive autonomy. The state’s sordid history of controlling women of color’s reproduction informs this particularly dangerous “choice.” How can state agents offer “elective” sterilization to women prisoners, whom are disproportionately women of color, when the state has so consistently denied them reproductive choice? Historically, state-sponsored racialized population control projects that inform this “choice” include (but are not limited to) the systematic rape of American Indian women during white settler colonialism, the forced reproduction of Black women enslaved during the transatlantic slave trade, and the relentless medical testing of women of the global south – and devastating impacts of these legacies continue to reverberate in the public and private lives of women of color today.⁹²

Contextualizing Gender Responsiveness and “Elective” Sterilization

The work of scholars associated with antiracist feminist knowledge production, critical race studies, ethnic studies, and Black studies enable a reframing of this dangerous “choice” and position it amidst current and historical reproductive abuses against women of color and other marginalized peoples. Antiracist feminist theorizing, in the academy or in grassroots collective organizations, contests singularly gender-based reforms and offers intersectional theory and practice. Critical race theory’s explanatory

Angeles, CA, July 18, 2006). For information on funding for prison medical procedures see United States Department of Justice (Washington, D.C., August (2001).

⁹² See Andrea Smith. *Conquest: Sexual Violence and American Indian Genocide*. (Cambridge, MA: South End Press 2005). See Angela Davis. *Women, Race, and Class* (New York: First Vintage Books: A Division of Random House 1983).

power, on the other hand, lies in its ability to focus on racialized constructions of law and criminality through race and racial categorization, and vice versa, and how they maintain existing social, economic, and racial hierarchies.⁹³ Critical scholars and activists in each of these fields seek to illustrate the ways in which historical efforts to construct and maintain race and gender-based social hierarchies inform the organization of human hierarchical relations. Critical race theory is particularly useful in disentangling the ways in which race is thoroughly embedded in criminal law, cultural practice, and ideology, and revealing the social constructions hidden in the ways race is naturalized and given meaning-which is very important in understanding the problematic nature of the G.R.S.C.'s "elective" sterilization campaign for women prisoners. Dorothy Roberts succinctly describes the way in which race is inscribed in the criminal justice system and legal jurisprudence: "[r]ace is used to determine who the criminals are, what conduct constitutes a crime, and which crimes society treats most seriously."⁹⁴ Using these political paradigms, how do gender responsive prisons fit into histories of racialized criminalization and the pseudoscience(s) of eugenics? How might the state's offering imprisoned women the "choice" of sterilization be articulated in relation to acts that deny reproductive autonomy to marginalized people(s)? How might this "choice" illustrate the reciprocities of race and law, or how law reflects racial tensions in society?

⁹³ Kimberlé Crenshaw, and Neil Gotanda, Gary Peller, Kendall Thomas, eds. "Introduction." In *Critical Race Theory: The Key Writings that Informed the Movement*. (New York: The New Press, 1995) ii. A short powerful lineage of the way in which race is inscribed in law and how law reflects racial tensions in society include the outlawing of the American Indian religious practices during colonization and the post-slavery Black Codes, which criminalized conduct only if committed by former slaves (a practice which effectively categorized newly freed African Americans as a criminalized class). More recently, increased surveillance and illegal detention post 9/11 and the forced registrations, travel restrictions, and racial profiling of Arab and Muslim people also serve as examples of how law changes to reflect current racial tensions, to defend national security interests, and to maintain social hierarchies.

⁹⁴ Dorothy Roberts, "Crime, Race and Reproduction" *Tulane Law Review* 67 (1993): 1945.

Putting Theory to Practice: Population Management and Racialized Social Control

Examples of state sponsored eugenics abound through the active prevention of “undesirable” human populations from thriving or reproducing or by incentives given to “desirable” populations to encourage their growth. Many are familiar with the United States-based Tuskegee Experiment, where doctors purposefully withheld treatment for syphilis to four hundred Black men, while claiming to treat them, only to study the progression of the untreated disease. No doubt informed by the long history of scientific racism wherein doctors sought to prove racial inferiority and to curb the reproduction of surplus populations marked as disposable, just a few related examples of such spurious research include genetic testing in search of a “criminal” or “gay” gene.⁹⁵

Seemingly lesser known forms of population control measures are those that have been launched on the bodies of the most marginalized women of color – of particular import here are those reproductive assaults that form the backdrop of the G.R.S.C.’s elective sterilization “choice” offered women prisoners. This includes the United States government launched “Operation Bootstrap” in Puerto Rico, a mass campaign ostensibly organized in order to solve unemployment, boost a sagging economy, and address overpopulation—through the “elective” sterilization of Puerto Rican women. This project left about thirty-five percent of women on the island sterilized and, as scholar Andy

⁹⁵ See Allen Hornblum *Acres of skin: human experiments at Holmesburg Prison: a story of abuse and exploitation in the name of medical science*. (New York: Routledge, 1998). See also www.eugeicsarchive.org for more examples.

Smith notes, two-thirds of these women were less than twenty-years-old.⁹⁶ Like many women before and since them, they lacked informed consent.⁹⁷ Scholar Angela Davis reports that the mother of the Relfe Sisters, Minnie Lee, twelve, and Mary Alice fourteen, accidentally “consented” to her daughters’ sterilization procedures because she was deceived by social workers into thinking that her permission was required for her daughters to receive medical care.⁹⁸ This type of coercion is neither unintentional nor is it rare. Of the 7,686 sterilizations performed since 1933 to prevent reproduction of “mentally deficient persons,” 5,000 have been Black Americans.⁹⁹ Because women of color are disproportionately subjected to population control measures, it is necessary that women prisoner’s advocates carefully consider the coercive potential of any offer of sterilization. Radical prison activists responded to it with vigor in asking: “why is the state pushing for ‘elective’ sterilization when it fails to even provide the most basic medical services to people in their prisons?”¹⁰⁰

If the G.R.S.C. aims to help women by instituting gender responsiveness, then they might examine the ways in which movements purportedly aimed at achieving equality for all women have put forth reforms that compromised the autonomy of women of color. In

⁹⁶ Andrea Smith, “Beyond Pro-Choice versus Pro-Choice: Women of Color and Reproductive Justice.” In *Feminist Frontiers*, Eds. Verta Taylor, Nancy Whittier, Leila J. Rupp, (New York: McGraw Hill. 2007), 389-402.

⁹⁷ Andrea Smith, “Beyond Pro-Choice versus Pro-Choice: Women of Color and Reproductive Justice.” In *Feminist Frontiers*, Eds. Verta Taylor, Nancy Whittier, Leila J. Rupp, (New York: McGraw Hill. 2007), 389-402.

⁹⁸ Angela Davis. *Women, Race, and Class* (New York: First Vintage Books: A Division of Random House 1983).

⁹⁹ Angela Davis. *Women, Race, and Class* (New York: First Vintage Books: A Division of Random House 1983).

¹⁰⁰ Robin Levy and Vanessa Huang “Prison Proposal is Disturbingly Akin to Eugenics” (Los Angeles Daily Journal: January 8, 2007).

response to possibilities of state sterilization, for example, the G.R.S.C. might examine how women's movements have capitulated to racist population control tactics, like the early birth control movement. Perhaps also with laudable goal in mind, early women's rights champion, Margaret Sanger allied with eugenicists of the early twentieth century who saw birth control as a means to promote white racial purity and to decrease children from the poorer economic classes¹⁰¹ Another example of a failed singularly gender responsive strategy put forth by a feminist organization might be the Feminist Majority's featuring of the Center for Research on Population Control at their Feminist Exposition. The Feminist Majority featured the Center because they were "pro-choice." However, despite warnings from the World Health Organization, this center was also known to be engaging in testing of the anti-malaria drug, Quinacrine, on women of the global south. This test resulted in 700,000 women sterilized.¹⁰² Any move to remedy gender injustice should examine relevant historical context, especially when such remedies concern the volatile terrain of women's reproductive autonomy.

Challenging "Choice"

Criminalization, Sterilization, and Gender Responsiveness

Because of its foundation in the neoliberal paradigm, where notions of individualism and "free choice" reign supreme, it is not surprising that gender responsive prison advocates still debate state-sponsored sterilization. It is my assumption that members of

¹⁰¹ Angela Y. Davis, *Women, Race & Class* (New York: Vintage Books, 1983).

¹⁰² Andrea Smith and Winona LaDuke, *Conquest : Sexual Violence and American Indian Genocide* (Durham, NC: Duke University Press, 2005).

the G.R.S.C. believe that having fewer children will eliminate many of women prisoners' problems. The danger is that ideologically eugenicist doctors can convince women that the procedure will be a good idea for them and that it will keep them "out of trouble." Worse, women might think that they must submit to sterilization in order to receive care. The not-so-subtle racialized undercurrent here is that having too many children is the root of women's criminality. What underlying ideologies about reproduction and criminality inform these assumptions? Through notions of choice, gender responsive advocates legitimize both sterilization and criminalization. Gender responsive advocates might argue that sterilization does not infringe upon bodily integrity because incarcerated women *consent* to the procedure. Yet, how can one say sterilization in prison is a freely made choice?

Similarly, the criminalization of minority peoples appears natural because ostensibly, people 'choose' to participate in criminal activity. Although the gender responsive literature pays lip service to women's individual "pathways to imprisonment," much of the focus is on changing women's criminal behavior rather than changing the structural conditions that lead particular women's criminalization.¹⁰³ This approach also rests on individualized and decontextualized notions of choice. Though eighty-percent of women in prison are mothers, simply not having any more children would not insulate them from the contoured and precarious landscape in which people commit crimes.¹⁰⁴ This conceptualization of choice effectively erases the context under which oppressed people

¹⁰³ Barbara Bloom, Barbara Owen and Stephanie Covington, *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders*. United States Department of Justice National Institute of Corrections: June 2003), 61. Furthermore, the focus on in-prison treatment and cognitive behavioral therapy, for example, promises a paradigm in which prisons remain the primary site for treatment.

¹⁰⁴ Amnesty International "Not Part of My Sentence" Violations of the Human Rights of Women in Custody (Washington D.C. April – March 1999).

make “choices.” Andy Smith argues that the concept of choice “rests on essentially individualist, consumerist notions of “free” choice that do not take into consideration all the social, economic, and political conditions that frame the so-called choices that women are forced to make.”¹⁰⁵ Gender responsive prison reforms sublimate the contexts that position people as particularly vulnerable to criminal activity and predisposes them to increased surveillance and repressive racialized policing practices.¹⁰⁶ As such, the G.R.S.C. advocates ought to consider how this narrative framing and historical trajectory informs current state practices that fail women prisoners.

Reifying Binaries

Male-Female and Prisoner-Prisoner

Much of the language and theoretical basis of gender responsive prisons seeks to substantiate gender difference. Contrary to the aims of the early liberal feminist movements, which articulated demands based on women’s equality with men, much of the rhetoric of gender responsiveness seeks recognition of *difference* because much of correctional policy (and other research) has been male-centric.¹⁰⁷ However, gender responsive rhetoric pits people in men and women’s prisons against each other. For example, even enough women were moved out of existing women prisons to close it, the

¹⁰⁵ See Andrea Smith. *Conquest: Sexual Violence and American Indian Genocide*. (Cambridge, MA: South End Press, 2005).

¹⁰⁶ See Andrea Smith, 2007.

¹⁰⁷ Stephanie Covington and Barbara Bloom, “Gender Responsive Treatment and Services in Correctional Settings.” “ in *Inside and Out: Women Prison and Therapy*, ed. Elaine Leeder (Binghamton, NY: The Hawthorne Press, 2006), 9-30.

C.D.C.R. would not do so. Instead, they would move men into the empty beds; indeed, the state planned to alleviate the overcrowding in men's prisons by using one of the former women's facilities in Chowchilla for men. In a June 2006 press release, the Governor of California said "moving women inmates out of prison...would make room for an entire prison worth of space that could be used for male prisoners."¹⁰⁸ Such a policy pits prisoners against one another; in order for women to "get out" men must "move in." Since this political match is fixed, however, neither group wins because both ultimately remain behind bars.

Much of the literature about gender responsive criminal justice strategies relies on and reifies simplistic norms of gender. Though most acknowledges gender as a social construct, the principles set forth for "managing women offenders" carve out essentialist notions of "women's differences."¹⁰⁹ For example, in "Gender Responsive Treatment and Services in Correctional Settings," Covington and Bloom primarily interrogate the role that gender plays in the programming and treatment needs of women but fail to interrogate how women's racial and cultural backgrounds, alternative gender identities, and spectrum of sexuality complicate any identity-based "responsive" treatment.¹¹⁰ Similarly, while gender is an important and pivotal axis of subordination, many of the "women-specific" programs reify long-outdated gender-binary analyses. Covington and

¹⁰⁸ Braz. Rose. "Kinder, Gentler, Gender Responsive Cages: Prison Expansion is Not Prison Reform." In *Women, Girls, and Criminal Justice*. (October/November 2006), 91.

¹⁰⁹ Barbara Bloom, Barbara Owen and Stephanie Covington, *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders*. United States Department of Justice National Institute of Corrections: June 2003), 35-7.

¹¹⁰ Stephanie Covington and Barbara Bloom, "Gender Responsive Treatment and Services in Correctional Settings." in *Inside and Out: Women Prison and Therapy*, ed. Elaine Leeder (Binghamton, NY: The Hawthorne Press, 2006), 9-30.

Bloom recall psychological theories on female psychological and “moral” development that suggest that gender responsive therapeutic environment should call upon women’s strengths, including “her ability to care, empathize, use her institution, and build relationships.”¹¹¹ In this sense, they hope that women will uphold strongly racialized notions of the proper (white) womanhood. Although notions of gender vary across contexts, the gender categories used in gender responsive discourse are static: they seem instead to resuscitate antiquated norms of white femininity in order to “tame” unruly criminalized women (read: women of color), as suggested by Laurie Shaffner.¹¹²

Similarly, Covington and Bloom state that “the primary motivation for women throughout life is the establishment of a strong sense of connection with others.”¹¹³ Unlike male prisoners, suggests gender responsive scholar Barbara Owen, whom do time in an “isolated individual” way.¹¹⁴ With a hefty hesitancy, let us just imagine that this type of therapy builds on developing reciprocal relationships and fosters a strong sense of self in connection to others. Would these programs be useful in men’s prisons then, too?

Many of the proposed “guiding principles” central to “Gender Responsive Services” (albeit wholly unfulfilled) can and should also be applied to people in men’s prisons. Programs would (or could, given slight rewording):

¹¹¹ Stephanie Covington and Barbara Bloom, “Gender Responsive Treatment and Services in Correctional Settings.” in *Inside and Out: Women Prison and Therapy*, ed. Elaine Leeder (Binghamton, NY: The Hawthorne Press, 2006), 20.

¹¹² Laurie Shaffner. “Beyond Gender Specific Intervention: Theory Driven Praxis” in *Women and Prison a Site for Resistance*” (May 2008)

¹¹³ Stephanie Covington and Barbara Bloom, “Gender Responsive Treatment and Services in Correctional Settings.” in *Inside and Out: Women Prison and Therapy*, ed. Elaine Leeder (Binghamton, NY: The Hawthorne Press, 2006), 16.

¹¹⁴ Barbara Owen, *In the Mix: Struggle and Survival in a Women’s Prison* (Albany, NY: State University of New York Press, 1998), 73.

1. “Acknowledge gender differences”
2. “Create an environment based on safety, respect and dignity”
3. “Develop policies that are relational and promote healthy connections to children, family, significant others, and community”
4. “Address substance abuse, trauma, and mental health through comprehensive services”
5. “Provide opportunities to improve socio-economic conditions”
6. “Establish community sponsored reentry services”¹¹⁵

Although state agencies have not institutionalized any of these “women-specific” guidelines, all of these principles would truly help people in men’s prisons, too. There is certainly a need to address gender-based oppression and male-centric scientific research, yet this knowledge should not be limited to a narrowly defined category of women. In fact, one need not argue against data showing that women have unique “pathways to prison” to support better care for all people in prison.¹¹⁶ Better yet, why not provide these services *instead* of incarceration?

¹¹⁵ Stephanie S Covington and Barbara E Bloom, "Gender Responsive Treatment and Services in Correctional Settings," *Women & Therapy* 29, no. 3-4 (2007).

¹¹⁶ Barbara Bloom, Barbara Owen and Stephanie Covington, *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders*. United States Department of Justice National Institute of Corrections: June 2003), 53.

Conclusion

Gender (and) Criminalization, Violence, and Prison Reform

(I)n thinking of the mechanisms of power, I am thinking rather of its capillary form of existence, the point where power reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives.¹¹⁷

- Michel Foucault

In this final section, I ask the following questions in order to bring some of the particulars presented in this project into broader conversations that have yet to be adequately theorized in gender-identity based women's prison reform scholarship and activism: What are some of the shared theoretical and practical underpinnings of gender-based prison reforms and efforts to address women's imprisonment? How does positioning gender inequality at the forefront of women's prison reform displace the possibility of seeing how other vectors of power and oppression order life both inside and outside the prison? How might activists efforts to bring about gender-based reforms become coopted and lead to other dangerous articulations of carceral state power and so-called "conscious" imprisonment? How do intersectional analysis, race-consciousness, and prison abolitionist reforms obviate not only singular "gender responsive" reforms, but also other forms of identity-based prison reform measures?

¹¹⁷ Colin Gordon, ed. *Power/Knowledge: Selected Interviews and other Writings 1972-1977* by Michael Foucault. Reprint, (New York: Harvester Press. 1980), 199.

Isolating Gender Precludes Possibilities for Structural Change

Since Kimberlé Crenshaw's work on intersectionality, oppression is more widely understood as rooted in intersecting vectors of domination that converge to multiply marginalize the most vulnerable communities.¹¹⁸ To many activists and scholars, neither "women" nor "gender" ever even exist as a singular identity category and attempts to isolate them in any way, only suffocates movements for freedom and justice. For example, the Transgender Gender Variant and Intersex Justice Project (TGIJP) lead by mostly transpeople of color, problematize efforts to identify the most oppressed subjects of state violence as "women." They critique efforts to isolate gender both because of the term's linguistic insolubility and in an effort to show that gendered violence occurs against those who transgress gender boundaries.¹¹⁹ Those most harshly punished, they argue, transgress gender, sexuality, *and* racial norms: "because of the profound and complex impact the prison industrial complex has had on the disabled, poor communities, communities of color and TGI communities, TGIJP operates at the intersections of race, gender, sex, class, sexual orientation, intersexuality, and ability, among others."¹²⁰ In other words, they expand upon and utilize intersectionality frames and put them in conversation with debates around gender and sexuality identity-based social and racial constructions of crime and criminalization.

¹¹⁸ Kimberlé Crenshaw "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no 6 (July 1991): 1242.

¹¹⁹ See www.tgipj.org

¹²⁰ See www.tgipj.org

While scholars have adequately theorized the tyrannical underpinnings and practical and theoretical impossibilities of privileging one identity category over another, the isolation of gender in theories about women's criminalization and the move to create "gender responsive" prisons is more than a problem of the state's failure to recognize the multiplicity and inseparability of identity formation. Gender can be isolated in women's prison scholarship and reform, in part, because the early violence against women movement positioned the state as being capable of 'gender responsiveness' in that they relied on the criminal justice system and social service model to solve violence, as discussed in chapter two.

Indeed, western liberal feminist organizing still imagines violence against women as a primarily gender-based problem. This is true despite evidence that in imagining a narrow singularly gendered subject, a host of subjectivities are then repositioned in a precarious relationship with the carceral state. This turn to the state signaled significant and consequential ideological shifts. First, some imagined the state as the most appropriate vehicle for feminist advocacy; state sponsored feminism became possible despite the inherent contradictions of this position. Second, because the state responded with its brand of "feminism" it reaffirmed gender as *the* privileged site of oppression. The state and feminists recuperate intersectional analysis of exploitive policing practices against other marginalized groups. Consequently, feminists, unwittingly, strengthen the power of the racialized carceral state, which also holds the crown in hegemonic projects of empire building, based in both the consolidation of repressive policing, surveillance,

imprisonment, and torture as well as being founded in ad hoc legal systems where neither criminal, military, nor international law apply.¹²¹

“Conscious” Incarceration and the Carceral State Spread

As is its nature, carceral apparatuses continue to spread, often in the guise of benevolence. Perhaps because state policing apparatuses appear capable of “gender-responsive” programming, even more outrageous modes of incarceration become increasingly more publicly palatable. An analogous method of “conscious” incarceration can be seen in Taylor, Texas. Activists who challenge the racialized surveillance and detainment of undocumented immigrants have had their demands appropriated by the state and by private prison corporation, Corrections Corporation of America.¹²² After challenging the separation of families awaiting deportation proceedings, the state responded with family detention centers where entire families are imprisoned. However, save for unlocking twenty-pound doors and putting a couch in the area now known as the lobby, these former maximum-security prisons are virtually unchanged; barbed wire surrounds the area where exposed toilets sit in the middle of steel-enclosed cells.⁸¹ Solicited as a means of keeping families together, the reality is that children are sent to prison with their parents – and potential avenues for a due process challenge abound.

¹²¹ Thank you to Helina (Tina) Beyene, for help with this theoretical framing.

¹²² Information found through the investigatory reporting of critical journalism at the nationally syndicated and peer reviewed radio program, Democracy Now. www.democracynow.org. Retrieved July 21, 2008.

Rather than going to the prison ‘school,’ for example, children have been sent to solitary confinement and are routinely housed in brutal conditions separate from their families. Nine-year old Kevin’s family was forcibly removed from a plane for not having documentation. He wrote this about the conditions of his incarceration: “I’m sleeping beside the washroom...[but] I can’t [use it] all the time. And there’s a smell coming out of [it]. And the food is garbage. And the school is very bad. I can’t learn anything good. And I have asthma, and I get sick in here. I can’t stay here anymore.”¹²³ Given the rise in various forms of so-called conscious incarceration like family detention centers, the argument that liberal rights-based reforms will slow down the ceaseless growth of the U.S. incarceration machine seem obtuse.

Reform is the Prison’s Programme

While it is unlikely that members of the Gender Responsive Strategies Commission and other advocates of primarily gender-identity based prison reform seek to further punish women prisoners—indeed, most have laudable intentions—their work inevitably contributes to the perpetuation of the inherently exploitative prison system. What is the relationship between a liberal rights regime, the singular focus on gender, and the ways that good intentions become the pivot point from which to distract activists from engaging in systematic structural change? It is my prediction that examining the ways in which the G.R.S.C. state actors work to further state oppression *while believing that they*

¹²³ www.democracynow.org. Retrieved July 21, 2008.

work toward women's equality is a project that gets “to the heart” of power relations, at the very core of human action, often unknowingly.

This endeavor forces us to examine the intricate technologies of power that operate in state sponsored gender conscious reforms. It forces us to examine the role of advocates in perpetuating violence against women. Put another way, we must examine the way in which well-meaning actors are galvanized to work in the service of state hegemony by perpetuating repressive state power, by internalizing state power. It is my belief that working within such a contradictory space, at once reforming and protecting state interest, limits one's ability to imagine reforms that are more expansive.

Indeed, punitive reform mechanisms strengthen the ideological and practical reliance on the prison. The cycle of reform perpetuates the prison, Foucault suggests, making it more acceptable to society: “The answer to these criticisms was invariably the same: the reintroduction of the invariable principles of penitentiary technique. For over a century and a half the prison had always been offered as its own remedy: the reactivation of the penitentiary techniques as the only means of overcoming their perpetual failure...”¹²⁴

Reforms that seem innocuous bolster the power of an encroaching police state; it ensures that the prison persists and remains a seemingly necessary part of society. More specifically, because the state responds to demands for reform, it appears a more “gentle” incarcerator. It is possible that judges will be more likely to sentence women rather than utilize alternative measures because they believe prisons can be “gender-responsive.” Thus, the state does not need to provide effective services; nor does it need to institute reforms that are more expansive because prisons already appear to do this work.

¹²⁴ Foucault, *Discipline and Punish*, 268.

Prison Abolitionist Reforms

Many accept less-than-perfect reform in hopes that such facilities represent a seemingly better method of incarceration. It is hard to imagine that building more prisons, even if they are truly “gender responsive,” can fix the crisis of the prison system. Is it possible to institute reform that addresses the suffering of prisoners yet does not perpetuate the cyclical failure of the United States prison system? Rather than focusing on gender reform alone, which masks the systemic nature of violence and draws attention away from the way that racism, class inequalities and other oppressive axes inform imprisonment, and intersectional prison abolitionist stance addresses harms as they affect individuals and their larger communities.¹²⁵ To begin the long battle to dismantle the prison industrial complex, the root causes of incarceration must be addressed.

This process is based in prevention and decarceration, but in short it asks us to “build communities, not prisons,” as perfectly pithily stated by Critical Resistance. Prison abolition entails some of the following practices, but it does not necessitate that they all be accomplished before any particular one begins. These are some of the taken-for-granted policies and practices that systematically deny poor communities of color and other minoritized peoples access to a fully self-determined life and that contribute to criminalization: access to quality educational opportunities, health care, mental health services, substance abuse treatment, vocational training, living wage jobs, artistic and creative forums, affordable and accessible transportation, community-based violence

¹²⁵ See Incite! Women of Color Against Violence *The Color of Violence: The Incite! Anthology* Cambridge, Massachusetts: South End Press, 2006.

prevention, transformative justice solutions for crime, and methods for healing from the effects of trauma.¹²⁶ While no single legal remedy could address *all* of these issues, many prisons abolitionists fight for reform. *However*, they only accept reforms that work toward *dismantling* rather than *expanding* the scope of the prison system and related injustices, as articulated by the prison abolitionist organization, Critical Resistance.¹²⁷ Independence movements inspire such strategies; here, people fight oppressive state power at both a local and a global level. In other words, we are well versed in how to fight for our immediate needs while still fighting the power, so to speak. Such a prison abolitionist stance might advocate for decarceration (or getting people out of prison) and lobby against laws that impose stiff sentences on non-violent offenders. For example, in opposing the gender responsive master plan, activists ask, “if the state believes that non-violent female offenders should be “released” into community facilities, then why aren’t these women being sent to “community” facilities *run* by the community, or better yet, why aren’t they just being “released”?”¹²⁸ Similarly, rather than only fighting to get male prison guards out of Security Housing Units (SHU) in women’s prisons, why not advance a campaign to condemn the cruel and unusual punishment inherent in all SHUs? Abolitionist campaigns have accomplished things previously thought impossible. One coalition of women prison activists in California demanded that state lawmakers re-

¹²⁶ See Generation Five – Ending Abuse in Five Generations: <http://www.generationfive.org>

¹²⁷ See criticalresistance.org.

¹²⁸ Justice Now, “AB 2066-11 Reasons to Oppose,” 4.

examine a compassionate release bill that would free elder female prisoners who pose the least threat to public safety and the largest cost to imprison. And they won.¹²⁹

Prison abolitionist strategies expose the carceral state's targeting of vulnerable communities as a means of racialized population control. They are better able than singular identity and rights-based strategies to reveal the fact that the state institutions that currently *expand* the prison system (for example, the punitive welfare system, exorbitant privatized health care, and the school-to-prison pipeline education system) are the very same institutions that could also *lessen* reliance on it and instead support communities to grow whole again, to prosper on their own terms, and to determine what each of those things mean. In short, prison abolitionist reforms critically assess the palimpsest relations of power at play and provide alternative visions of what healthy communities look like: they address harm and demand a reinvestment in the community needs that keep people out of jails and prisons in the first place.

¹²⁹ Some of these noteworthy organizations include: Legal Services for Prisoners with Children, Justice Now, and the California Coalition for Women Prisoners.

Bibliography

- Abu-Jamal, Mumia, and Noelle Hanrahan. *All Things Censored*. New York: Seven Stories Press, 2000. Print.
- Agamben, Giorgio, and Daniel Heller-Roazen. *Homo Sovereign Power and Bare Life*. Stanford, Calif.: Stanford University Press, 1998. Print.
- Alexander, M Jacqui, and Chandra Talpade Mohanty, eds. *Feminist Genealogies, Colonial Legacies, Democratic Futures*. Routledge, 2013. Print.
- Alexander, Michelle. *The New Jim Crow : Mass Incarceration in the Age of Colorblindness*. 2011. Print.
- Alkon, Alison Hope, and Julian Agyeman. *Cultivating Food Justice : Race, Class, and Sustainability*. Cambridge, Mass.: MIT Press, 2011. Print.
- Amnesty, International. *"Not Part of My Sentence" : Violations of the Human Rights of Women in Custody*. New York, NY (322 8th Ave., New York 10001): Amnesty International USA, 1999. Print.
- Anderson, Benedict R. O'G. *Imagined Communities : Reflections on the Origin and Spread of Nationalism*. London: Verso, 2016. Print.
- Anzaldúa, Gloria, and AnaLouise Keating, eds. *This Bridge We Call Home: Radical Visions for Transformation*. Routledge, 2013. Print.
- Aptheker, Bettina. *Intimate Politics : How I Grew up Red, Fought for Free Speech, and Became a Feminist Rebel*. Emeryville, CA: Seal Press : Distributed by Publishers Group West, 2006. Print.
- Arbour, Louise. *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*. Ottawa, Ontario: Public Works and Government Services Canada, 1996. Print.
- Avis, Faith. *Women in Cages: The Prison for Women and the Elizabeth Fry Society*. Quarry Heritage Books, 2002. Print.
- Bach, Amy. *Ordinary Injustice : How America Holds Court*. New York: Metropolitan Books, 2009. Print.
- Baldwin, James. *Collected Essays*. New York: Library of America, 1998. Print.
- Baumgardner, Jennifer, and Amy Richards. *Manifesta : Young Women, Feminism, and the Future*. New York: Farrar, Straus and Giroux, 2010. Print.

- Bauschard, Louise, and Mary Kimbrough, eds. *Voices Set Free: Battered Woman Speak from Prison*. St. Louis, Missouri: Women's Self Help Center 1986. Print.
- Beauvoir, Simone de. *The Second Sex*. New York: Vintage Books, 1989. Print.
- Becker, Howard S. *Writing for Social Scientists: How to Start and Finish Your Thesis, Book, or Article*. University of Chicago Press, 2010. Print.
- Bell, Derrick. "Brown V. Board of Education and the Interest-Convergence Dilemma." *Harv. L. Rev.* 93 (1979). Print.
- . *Faces at the Bottom of the Well : The Permanence of Racism*. New York, NY: Basic Books, 1992. Print.
- , ed. *Race, Racism, and American Law*. 6th ed. New York: Aspen Publishers, 2008. Print.
- Bender, Leslie, and Daan Braveman. *Power, Privilege, and Law : A Civil Rights Reader*. St. Paul, Minn.: West Pub. Co., 1995. Print.
- Berger, Melody, ed. *We Don't Need Another Wave: Dispatches from the Next Generation of Feminists*. Seal Press, 2006. Print.
- Berlant, Lauren Gail. *Cruel Optimism*. Durham: Duke University Press, 2011. Print.
- Berzon, Betty. *Setting Them Straight : You Can Do Something About Bigotry and Homophobia in Your Life*. New York: Penguin Books, 1996. Print.
- Bhattacharjee, Anannya. "Private Fists and Public Force: Race, Gender, and Surveillance." *Policing the national body: Race, gender, and criminalization* (2002): 1-54. Print.
- . *Whose Safety?: Women of Color and the Violence of Law Enforcement*. American Friends Service Committee, 2001. Print.
- Biehl, Joao Guilherme, and Torben Eskerod. *Vita : Life in a Zone of Social Abandonment*. Berkeley, Calif.; London: University of California Press, 2013. Print.
- Bissonette, Jamie. *When the Prisoners Ran Walpole: A True Story in the Movement for Prison Abolition*. Cambridge, MA: South End Press, 2008. Print.
- Blackmon, Douglas A. *Slavery by Another Name : The Re-Enslavement of Black Americans from the Civil War to World War Ii*. New York: Anchor Books, a division of Random House, Inc., , 2009. Print.

- Bloom, Barbara, et al. "Gender-Responsive Policy and Practice Assessment Manual." *Washington, DC: National Institute of Corrections, US Department of Justice* (2014). Print.
- Bloom, Barbara E, Barbara A Owen, and Stephanie Covington. *Gender-Responsive Strategies for Women Offenders: A Summary of Research, Practice, and Guiding Principles for Women Offenders*. Washington, DC: US Department of Justice, National Institute of Corrections, 2005. Print.
- Bloom, Barbara, Barbara A Owen, and Stephanie Covington. *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*. Washington, DC: US Department of Justice, National Institute of Corrections 2003. Print.
- Boonprasat-Lewis, Nantawan, and Marie M. Fortune. *Remembering Conquest : Feminist/Womanist Perspectives on Religion, Colonization, and Sexual Violence*. New York: Haworth Pastoral Press, 1999. Print.
- Braz, Rose, Rita Brown, and Leslie DiBenedetto. "Overview: Critical Resistance to the Prison-Industrial Complex." *Journal of Social Justice* 27.3 (2000): 1-5. Print.
- Bronfen, Elisabeth. *Over Her Dead Body : Death, Femininity, and the Aesthetic*. New York: Routledge, 1992. Print.
- Brown, Wendy. *States of Injury : Power and Freedom in Late Modernity*. Princeton, N.J.: Princeton University Press, 1995. Print.
- Browne, Simone. *Dark Matters : On the Surveillance of Blackness*. Durham and London: Duke University Press, 2015. Print.
- Bumiller, Kristin. *In an Abusive State : How Neoliberalism Appropriated the Feminist Movement against Sexual Violence*. Durham, NC: Duke University Press, 2008. Print.
- Butler, Judith. *Bodies That Matter: On the Discursive Limits of Sex*. Taylor & Francis, 2011. Print.
- . *Frames of War : When Is Life Grievable?* London; New York: Verso, 2009. Print.
- . *Frames of War: When Is Life Grievable?* : Verso Books, 2016. Print.
- . *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge, 1990. Print.
- . *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 2011. Print.
- . *Precarious Life: The Powers of Mourning and Violence*. Verso, 2006. Print.

- . *The Psychic Life of Power: Theories in Subjection*. Stanford University Press, 1997. Print.
- Butler, Judith, Ann Garry, and Marilyn Pearsall. "Women, Knowledge, and Reality: Explorations in Feminist Philosophy." Boston: Unwin Hyman, 1989. Print.
- Butler, Judith, and Gayatri Chakravorty Spivak. *Who Sings the Nation-State? : Language, Politics, Belonging*. London; New York: Seagull Books, 2007. Print.
- Butler, Paul. *Let's Get Free: A Hip-Hop Theory of Justice*. The New Press, 2010. Print.
- Cacho, Lisa Marie. *Social Death : Racialized Rightlessness and the Criminalization of the Unprotected*. New York: New York University Press, 2012. Print.
- Califia, Pat. *Public Sex : The Culture of Radical Sex*. San Francisco, California: Cleis Press, 2000. Print.
- Camp, Jordan T. *Incarcerating the Crisis : Freedom Struggles and the Rise of the Neoliberal State*. American Crossroads. Vol. 43. Oakland, CA: University of California Press, 2016. Print.
- Canada, Correctional Service. *End of an Era : The Closing of the Prison for Women in Kingston*. Ottawa, Ontario: Correctional Service Canada, 2000. Print.
- Canguilhem, Georges. *The Normal and the Pathological*. New York: Zone Books, 1989. Print.
- Carson, Clayborne. *The Eyes on the Prize : Civil Rights Reader : Documents, Speeches, and Firsthand Accounts from the Black Freedom Struggle, 1954-1990*. New York, N.Y., U.S.A.: Penguin Books, 1991. Print.
- Cassel, Elaine. *The War on Civil Liberties : How Bush and Ashcroft Have Dismantled the Bill of Rights*. Chicago: Lawrence Hill Books, 2004. Print.
- Chang, Grace. *Disposable Domesticity : Immigrant Women Workers in the Global Economy*. Chicago, Ill.: Haymarket Books, 2016. Print.
- Chapkis, Wendy. *Live Sex Acts : Women Performing Erotic Labor*. New York: Routledge, 1997. Print.
- Chemerinsky, Erwin. *Constitutional Law*. New York: Aspen Publishers, 2009. Print.
- Chen, Ching-In, Jai Dulani, and Leah Lakshmi Piepzna-Samarasinha. *The Revolution Starts at Home: Confronting Intimate Violence within Activist Communities*. South End Press Brooklyn, NY, 2011. Print.
- Cohen, Cathy. *The Boundaries of Blackness : Aids and the Breakdown of Black Politics*. 1999. University of Chicago Press. Print.

- Cole, David. *Enemy Aliens : Double Standards and Constitutional Freedoms in the War on Terrorism*. New York: New Press : Distributed by W.W. Norton & Co., 2003. Print.
- . *No Equal Justice : Race and Class in the American Criminal Justice System*. New York: New Press, Distributed by W.W. Norton, 1999. Print.
- Cole, David, and Jules Lobel. *Less Safe, Less Free : Why America Is Losing the War on Terror*. New York: New Press : Distributed by Norton, 2007. Print.
- Collective, C. R. Publications. *Abolition Now! : Ten Years of Strategy and Struggle against the Prison Industrial Complex*. Oakland, CA: AK Press, 2008. Print.
- Collins, Patricia Hill. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. Routledge, 2002. Print.
- Commission of Inquiry into Certain Events at the Prison for Women in, Kingston, and Louise Arbour. *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*. Ottawa, Ontario: Public Works and Government Services Canada, 1996. Print.
- Cook, Sandy, and Susanne Davies. *Harsh Punishment: International Experiences of Women's Imprisonment*. UPNE, 1999. Print.
- Covington, Stephanie S, and Barbara E Bloom. "Gender Responsive Treatment and Services in Correctional Settings." *Women & Therapy* 29.3-4 (2007): 9-33. Print.
- Crass, Chris. *Towards the " Other America": Anti-Racist Resources for White People Taking Action for Black Lives Matter*. Chalice Press, 2015. Print.
- Crass, Chris, and Roxanne Dunbar-Ortiz. *Towards Collective Liberation*. Oakland: PM Press, 2013. Print.
- Crenshaw, Kimberle. *Civil Rights : Law 214*. Los Angeles, CA: Academic Pub.University of California, Los Angeles School of Law, 2006. Print.
- . *Critical Race Theory : The Key Writings That Formed the Movement*. New York: New Press : Distributed by W.W. Norton & Co., 1995. Print.
- . "Race, Reform, and Retrenchment : Transformation and Legitimation in Antidiscrimination Law." *Harvard law review* 101.7 (1988). Print.
- Crenshaw, Kimberle, et al., eds. *Black Girls Matter : Pushed out, Overpoliced, and Underprotected*. 2015. Print.
- Crenshaw, Kimberle Williams. "Mapping the Margins." *Critical Race Theory : The Key Writings That Formed the Movement*. Ed. Crenshaw, Kimberle Williams et al. New York: New Press : Distributed by W.W. Norton & Co., 1995. Print.

- Davis, Angela Y. *Angela Davis--an Autobiography*. New York: International Publishers, 1988. Print.
- . *Are Prisons Obsolete?* New York: Seven Stories Press, 2003. Print.
- . "Racialized Punishment and Prison Abolition." *The Angela Davis Reader*. Ed. James, Joy. Malden, Mass: Blackwell Publishers, 1998. Print.
- . *Women, Race & Class*. New York: Vintage Books, 1983. Print.
- Davis, Angela Y., Frank Barat, and Cornel West. *Freedom Is a Constant Struggle : Ferguson, Palestine, and the Foundations of a Movement*. Chicago, Illinois: Haymarket Books, 2016. Print.
- Davis, Angela Y., and Joy James. *The Angela Y. Davis Reader*. Malden, MA: Blackwell, 1998. Print.
- Davis, Angela Y., and Robin D. G. Kelley. *The Meaning of Freedom*. San Francisco, CA: City Lights Books, 2012. Print.
- Davis, Angela Y., and Dylan Rodriguez. "The Challenge of Prison Abolition: A Conversation." *Social Justice* 27.3 (81) (2000): 212-18. Print.
- Davis, Thomas J. *A Rumor of Revolt : The New York Conspiracy of 1741*. New York; London: Free Press; Collier Macmillan Publishers, 1984. Print.
- Dayan, Colin. *The Law Is a White Dog : How Legal Rituals Make and Unmake Persons*. Princeton, N.J.: Princeton University Press, 2011. Print.
- Deleuze, Gilles. *Foucault*. Minneapolis: University of Minnesota Press, 1988. Print.
- Dent, Gina, et al., eds. *Black Popular Culture: A Project by Michele Wallace*. Bay Press, 1992. Print.
- Dent, Gina. "Stranger inside and Out: Black Subjectivity the Women-in-Prison Film." *Black Cultural Traffic: Crossroads in Black Performance and Black Popular Culture*. Ed. Jackson, Harry Elam and Kennel. Ann Arbor University of Michigan Press, 2003. Print.
- Derrida, Jacques. *Specters of Marx : The State of the Debt, the Work of Mourning, and the New International*. New York: Routledge, 1994. Print.
- Dray, Philip. *At the Hands of Persons Unknown : The Lynching of Black America*. New York: Modern Library, 2003. Print.
- Du Bois, W. E. B. *Black Reconstruction in America : An Essay toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*. New York: Atheneum, 1983. Print.

- Du Bois, W. E. B., David W. Blight, and Robert Gooding-Williams. *The Souls of Black Folk*. Boston: Bedford Books, 1997. Print.
- Duley, Kolleen. "Building Oppositional Praxis and Breaking Down the Gender Responsive Prison " *Shifting Positionalities : The Local and International Geo-Politics of Surveillance and Policing*. Eds. Viteri, Maria Amelia and Aaron Tobler. Newcastle upon Tyne, UK: Cambridge Scholars Pub., 2009. Print.
- . "Gender and Criminality." *UCLA Women's Law Journal* 18 (2010): 273. Print.
- . "Un-Domesticating Violence: Criminalizing Survivors and Us Mass Incarceration." *Women & Therapy* 29.3-4 (2007): 75-96. Print.
- Dunbar-Ortiz, Roxanne. *An Indigenous Peoples' History of the United States*. Boston: Beacon Press, 2014. Print.
- Dyer, Joel. *The Perpetual Prisoner Machine : How America Profits from Crime*. Boulder, CO: Westview Press, 2000. Print.
- Easton, Dossie, and Catherine A. Liszt. *The Ethical Slut : A Guide to Infinite Sexual Possibilities*. San Francisco, CA: : Greenery Press, 1997. Print.
- Eisenstein, Zillah R. *Sexual Decoys : Gender, Race and War in Imperial Democracy*. London; Melbourne: Zed Books ; Spinifex Press, 2007. Print.
- Faderman, Lillian. *To Believe in Women : What Lesbians Have Done for America--a History*. Boston: Houghton Mifflin, 2000. Print.
- Faith, Karlene. "Media, Myths and Masculinization: Images of Women in Prison." *In conflict with the law: Women and the Canadian justice system* (1993): 174-211. Print.
- . *Unruly Women: The Politics of Confinement & Resistance*. Seven Stories Press, 2011. Print.
- Faludi, Susan. *The Terror Dream : Myth and Misogyny in an Insecure America*. New York: Picador, 2008. Print.
- Fanon, Frantz. *Black Skin, White Masks*. Grove press, 2008. Print.
- . *A Dying Colonialism*. Vol. 430: Grove/Atlantic, Inc., 1994. Print.
- Fanon, Frantz, et al. *The Wretched of the Earth*. New York: Grove Press, 1963. Print.
- Feeley, Malcolm M., and Edward L. Rubin. *Judicial Policy Making and the Modern State : How the Courts Reformed America's Prisons*. Cambridge, U.K.; New York: Cambridge University Press, 1998. Print.

- Ferguson, Roderick A. *Aberrations in Black : Toward a Queer of Color Critique*. Minneapolis: University of Minnesota Press, 2004. Print.
- Ferriss, Susan, Ricardo Sandoval, and Diana Hembree. *The Fight in the Fields : Cesar Chavez and the Farmworkers Movement*. New York: Harcourt Brace, 1997. Print.
- Fink-Eitel, Hinrich. *Foucault : An Introduction*. Philadelphia: Pennbridge Books, 1992. Print.
- Flexner, Eleanor. *Century of Struggle : The Woman's Rights Movement in the United States*. Cambridge, Mass.: Belknap Press of Harvard University Press, 1975. Print.
- Fonow, Mary Margaret, and Judith A Cook. *Beyond Methodology: Feminist Scholarship as Lived Research*. Indiana University Press, 1991. Print.
- . "Feminist Methodology: New Applications in the Academy and Public Policy." *Signs: Journal of Women in Culture and Society* 30.4 (2005): 2211-36. Print.
- Foucault, Michel. *Archaeology of Knowledge*. Routledge, 2013. Print.
- . *The Birth of the Clinic*. Routledge, 2012. Print.
- . *Discipline and Punish: The Birth of the Prison*. Vintage, 2012. Print.
- . *The Foucault Reader*. Pantheon, 1984. Print.
- . *Language, Counter-Memory, Practice : Selected Essays and Interviews*. Ithaca, N.Y.: Cornell University Press, 1980. Print.
- Foucault, Michel, and Colin Gordon, eds. *Power/Knowledge : Selected Interviews and Other Writings, 1972-1977*. New York: Pantheon Books, 1980. Print.
- Foucault, Michel, and Sylvère Lotringer. *Foucault Live : (Interviews, 1961-1984)*. New York, N.Y.: Semiotext(e), 1996. Print.
- Foucault, Michel, and Paul Rabinow. *Ethics : Subjectivity and Truth*. New York, New York: New Press; Distributed by W.W. Norton, 1997. Print.
- Foucault, Michel, Michel Senellart, and France Collège de. *The Birth of Biopolitics : Lectures at the Collège De France, 1978-79*. Basingstoke, England; New York: Palgrave Macmillan, 2008. Print.
- Foucault, Michel, et al. *Security, Territory, Population : Lectures at the Collège De France, 1977-78*. Basingstoke; New York: Palgrave Macmillan : République Française, 2007. Print.
- Foucault, Michel, and Alan Sheridan. *The Archaeology of Knowledge*. New York: Pantheon Books, 1972. Print.

- Foucault, Michel. . *Discipline and Punish: The Birth of the Prison*. Trans. Sheridan, Alan: Second Vintage Books, 1995. Print.
- Fraden, Rena. *Imagining Medea : Rhodessa Jones & Theater for Incarcerated Women*. Chapel Hill: University of North Carolina Press, 2001. Print.
- Franklin, Anderson J. *From Brotherhood to Manhood : How Black Men Rescue Their Relationships and Dreams from the Invisibility Syndrome*. Hoboken, NJ: Wiley, 2004. Print.
- Freedman, Estelle, B. *Thier Sister's Keepers: Women's Prison Reform in America 1830-1930*. Ann Arbor, Michigan: University of Michigan, 1981. Print.
- Freeman, Carla. *High Tech and High Heels in the Global Economy : Women, Work, and Pink-Collar Identities in the Caribbean*. Durham, NC: Duke University Press, 2000. Print.
- Freire, Paulo. *Pedagogy of the Oppressed*. Trans. Ramos, Myra Bergman. New York: Continuum, 1970. Print.
- Friedman, Benjamin H., Jim Harper, and Christopher A. Preble. *Terrorizing Ourselves : Why U.S. Counterterrorism Policy Is Failing and How to Fix It*. Washington, D.C.: Cato Institute, 2010. Print.
- Garry, Ann, and Marilyn Pearsall. *Women, Knowledge, and Reality*. Unwin Hyman, 1990. Print.
- Giddings, Paula. *When and Where I Enter : The Impact of Black Women on Race and Sex in America*. 1984. New York: Perennial, 2001. Print.
- Gilmore, Ruth Wilson. "Globalisation and Us Prison Growth: From Military Keynesianism to Post-Keynesian Militarism." *Race and Class* 40.2-3 (1998): 171-88. Print.
- . *Golden Gulag : Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley, CA: University of California Press, 2007. Print.
- . "In the Shadow of the Shadow State." *The Revolution Will Not Be Funded: Beyond the Nonprofit Industrial Complex*. Ed. Violence, Incite! Women of Color Against. Cambridge, Massachusetts South End Press, 2007. 41-52. Print.
- Gilroy, Paul. *The Black Atlantic : Modernity and Double Consciousness*. Cambridge, Mass.: Harvard University Press, 1993. Print.
- Gopinath, Gayatri. *Impossible Desires : Queer Diasporas and South Asian Public Cultures*. Durham: Duke University Press, 2005. Print.

- Gordon, Avery. *Ghostly Matters : Haunting and the Sociological Imagination*. Minneapolis: University of Minnesota Press, 1997. Print.
- Gordon, Avery, and Christopher Newfield. *Mapping Multiculturalism*. Minneapolis, Minn. : University of Minnesota Press, 1996. Print.
- Government, U.S. "Violent Crime Control and Law Enforcement Act of 1994." Vol. 1994 SRC - BaiduScholar. Print.
- Gramsci, Antonio. *Prison Notebooks*. Vol. 2: Columbia University Press, 1992. Print.
- Grewal, Inderpal. *Transnational America: Feminisms, Diasporas, Neoliberalisms*. Duke University Press, 2005. Print.
- Grewal, Inderpal, and Caren Kaplan, eds. *Scattered Hegemonies: Postmodernity and Transnational Feminist Practices*. University of Minnesota Press, 1994. Print.
- Gržinić, Marina, and Šefik Tatlić. *Necropolitics, Racialization, and Global Capitalism: Historicization of Biopolitics and Forensics of Politics, Art, and Life*. Lexington Books, 2014. Print.
- Halberstam, Judith. *Gaga Feminism : Sex, Gender, and the End of Normal*. Boston: Beacon Press, 2012. Print.
- Haley, Sarah. *No Mercy Here : Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill, NC: The University of North Carolina Press, 2016. Print.
- Hall, Stuart. *Policing the Crisis : Mugging, the State and Law and Order*. New York: Palgrave Macmillan, 2013. Print.
- . *Representation : Cultural Representations and Signifying Practices*. London; Thousand Oaks, Calif.: Sage in association with the Open University, 1997. Print.
- Hall, Stuart, David Morley, and Kuan-Hsing Chen. *Stuart Hall : Critical Dialogues in Cultural Studies*. London; New York: Routledge, 1996. Print.
- Halley, Janet E. *Don't : A Reader's Guide to the Military's Anti-Gay Policy*. Durham, N.C.: Duke University Press, 1999. Print.
- Hallinan, Joseph T. *Going up the River : Travels in a Prison Nation*. New York: Random House, 2001. Print.
- Haney, Craig. *Reforming Punishment : Psychological Limits to the Pains of Imprisonment*. 2006. Print.
- Haney-Lopez, Ian. *White by Law : The Legal Construction of Race*. New York: New York University Press, 2006. Print.

- Hannah-Moffat, Kelly. *Punishment in Disguise : Penal Governance and Federal Imprisonment of Women in Canada*. Toronto: University of Toronto Press, 2001. Print.
- Harding, Sandra G, ed. *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*. Psychology Press, 2004. Print.
- . "Rethinking Standpoint Epistemology : What Is Strong Objectivity? ." *Feminist Epistemologies*. Eds. Alcoff, Linda and Elizabeth Potter. New York: Routledge, 1993. Print.
- Harding, Sandra G. *Whose Science? Whose Knowledge? : Thinking from Women's Lives*. Ithaca, N.Y.: Cornell University Press, 1991. Print.
- Hari, Johann. *Chasing the Scream : The First and Last Days of the War on Drugs*. New York: Bloomsbury, 2015. Print.
- Haritaworn, Jinthana, Adi Kuntsman, and Silvia Posocco. *Queer Necropolitics*. Abingdon, Oxon England: Routledge, Taylor & Francis Group, a GlassHouse Book, 2014. Print.
- Harney, Stefano, and Fred Moten. *The Undercommons : Fugitive Planning & Black Study*. Wivenhoe; New York; Port Watson: Minor Compositions, 2013. Print.
- Hayman, Stephanie. *Imprisoning Our Sisters: The New Federal Women's Prisons in Canada*. McGill-Queen's Press-MQUP, 2006. Print.
- Herivel, Tara, and Paul Wright. *Prison Nation : The Warehousing of America's Poor*. New York: Routledge, 2003. Print.
- Hill Collins, Patricia. *Black Feminist Thought : Knowledge, Consciousness, and the Politics of Empowerment*. New York: Routledge, 2000. Print.
- . *Black Sexual Politics : African Americans, Gender, and the New Racism*. 2nd ed. New York: Routledge, 2004. Print.
- Hong, Grace Kyungwon, and Roderick A. Ferguson. *Strange Affinities : The Gender and Sexual Politics of Comparative Racialization*. Durham [NC]: Duke University Press, 2011. Print.
- hooks, bell. *Ain't I a Woman : Black Women and Feminism*. Boston, MA: South End Press, 1981. Print.
- . *All About Love : New Visions*. New York: Perennial, 2001. Print.
- . *Belonging : A Culture of Place*. New York: Routledge, 2008. Print.
- . *Black Looks: Race and Representation*. Boston, MA: South End Press, 1992. Print.

- . *Feminism Is for Everybody: Passionate Politics*. Pluto Press, 2000. Print.
- . *Feminist Theory: From Margin to Center*. Pluto Press, 2000. Print.
- . *Killing Rage : Ending Racism*. New York: H. Holt and Co., 1995. Print.
- . *Killing Rage: Ending Racism*. *Journal of Leisure Research*. Vol. 28:1996. Print.
- . *Outlaw Culture : Resisting Representations*. New York: Routledge, 2006. Print.
- . *Talking Back: Thinking Feminist, Thinking Black*. Boston, MA: South End Press, 1989. Print.
- . *Teaching Community: A Pedagogy of Hope*. Vol. 36: Psychology Press, 2003. Print.
- . *Teaching to Transgress*. Routledge, 2014. Print.
- . *Where We Stand : Class Matters*. New York: Routledge, 2000. Print.
- . *Yearning: Race, Gender, and Cultural Politics*. 1992. Print.
- hooks, bell, and Cornel West. *Breaking Bread : Insurgent Black Intellectual Life*. Boston, MA: South End Press, 1991. Print.
- Human, Rights Watch. *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons*: Human Rights Watch. Print.
- Immarigeon, B. R., Diane C. Hatton and Anastasia A. Fisher, ed. *Women Prisoners and Health Justice: Perspectives, Issues, and Advocacy for an International Hidden Population*. New York: Radcliffe Publishing, 2009. Print.
- Immarigeon, Russell, and Civic Research Institute. *Women and Girls in the Criminal Justice System : Policy Issues and Practices*. Kingston, N.J.: Civic Research Institute, 2006. Print.
- Irigaray, Luce. *Speculum of the Other Woman*. Cornell University Press, 1985. Print.
- Jackie Goldberg, Principle Co-Author. "California Assembly Bill No. 2066, an Act to Add Section 3409.5 to the Penal Code Relating to Corrections.". Print.
- Jackson, George. *Soledad Brother; the Prison Letters of George Jackson*. New York: Coward-McCann, 1970. Print.
- James, Cyril Lionel Robert. *The Black Jacobins: Toussaint L'ouverture and the San Domingo Revolution*. Penguin UK, 2001. Print.
- James, Joy, ed. *The Angela Davis Reader* Malden, Mass: Blackwell Publishers, 1998. Print.

- . *Resisting State Violence : Radicalism, Gender, and Race in U.S. Culture*. Minneapolis, Minn.: University of Minnesota Press, 1996. Print.
- , ed. *States of Confinement: Policing, Detention and Prisons*. Palgrave, 2002. Print.
- Jones, Ann. *Women Who Kill*. New York: Holt, Rinehart, and Winston, 1980. Print.
- Jones, Charisse, and Kumea Shorter-Gooden. *Shifting : The Double Lives of Black Women in America*. New York: HarperCollins, 2003. Print.
- Jones, Sabrina, Marc Mauer, and Michelle Alexander. *Race to Incarcerate : A Graphic Retelling*. 2013. Print.
- Kanuha, Valli Kalei. "Compounding the Triple Jeopardy: Battering in Lesbian of Color Relationships." *Domestic Violence at the Margins: Readings on Race, Class, Gender, and Culture*. Ed. Sokoloff, Natalie J., and Christina Pratt. New Jersey: Rutgers University Press, 2005. 71. Print.
- Kaplan, Caren, Norma Alarcón, and Mino Moallem, eds. *Between Woman and Nation: Nationalisms, Transnational Feminisms, and the State*. Duke University Press, 1999. Print.
- Kelley, Robin D. G. *Freedom Dreams : The Black Radical Imagination*. Boston: Beacon Press, 2002. Print.
- . *Hammer and Hoe : Alabama Communists During the Great Depression*. 2015. Print.
- . *Yo' Mama's Disfunktional! : Fighting the Culture Wars in Urban America*. Boston: Beacon Press, 1997. Print.
- Kemp, Sandra, and Judith Squires, eds. *Feminisms*. Oxford University Press, 1998. Print.
- Kempadoo, Kamala, and Jo Doezema. *Global Sex Workers : Rights, Resistance, and Redefinition*. New York: Routledge, 1998. Print.
- Kempton, M. "All Too Familiar: Sexual Abuse of Women in Us State Prisons Human Rights Watch, Women's Rights Project." *New York Review of Books* 44.2 (1997): 8-9. Print.
- King, Robert Hillary. *From the Bottom of the Heap : The Autobiography of Black Panther Robert Hillary King*. Oakland, CA: PM Press, 2012. Print.
- Koyama, Emi. "Disloyal to Feminism: Abuse of Survivors within the Domestic Violence Shelter System." *The Color of Violence*. Ed. Violence, Incite! Women of Color Against. Boston. MA: South End Press. Print.
- Kristeva, Julia, and Leon S. Roudiez. *Powers of Horror : An Essay on Abjection*. New York: Columbia University Press, 1982. Print.

- Kurshan, Nancy. *Out of Control: A Fifteen-Year Battle against Control Unit Prisons*. San Francisco: Freedom Archives, 2013. Print.
- Lajeunesse, Therese. *The Cross Gender Monitoring Project : Third and Final Annual Report*. Winnipeg, Manitoba: Therese Lajeunesse and Associates Ltd, Correctional Service Canada, 2000. Print.
- Law, Vikki. *Resistance Behind Bars : The Struggles of Incarcerated Women*. Oakland, CA: PM Press, 2009. Print.
- Laycock, Douglas. *Modern American Remedies : Cases and Materials*. New York: Aspen Publishers, 2010. Print.
- Leeder, Elaine J. *Inside and Out: Women, Prison, and Therapy*. Routledge, 2014. Print.
- Leeder, Elaine J. *Inside and Out : Women, Prison, and Therapy*. Binghamton, NY: Haworth Press, 2006. Print.
- Lewis, Nantawan B. *Remembering Conquest: Feminist/Womanist Perspectives on Religion, Colonization, and Sexual Violence*. Routledge, 2014. Print.
- Linebaugh, Peter, and Marcus Rediker. *The Many-Headed Hydra : Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Boston: Beacon Press, 2000. Print.
- Lipsitz, George. *The Possessive Investment in Whiteness : How White People Profit from Identity Politics*. Philadelphia Temple University Press, 2006. Print.
- Litwack, Leon F. *How Free Is Free? : The Long Death of Jim Crow*. Cambridge, Mass.: Harvard University Press, 2009. Print.
- Lorde, Audre. *Sister Outsider : Essays and Speeches*. Berkeley Crossing Press, 2007. Print.
- Lubiano, Wahneema. "Like Being Mugged by a Metaphor: Multiculturalism and State Narratives." *Mapping Multiculturalism*. Ed. Gordon, Avery, and Christopher Newfield. Minneapolis, Minnesota.: University of Minnesota Press, 1996. 64-75. Print.
- . "Talking About the State and Imagining Alliances." *Talking Visions : Multicultural Feminism in Transnational Age*. Ed. Shohat, Ella. New York, N.Y.; Cambridge, Mass.: New Museum of Contemporary Art ; MIT Press, 1998. Print.
- Lubiano, Wahneema H. *The House That Race Built : Black Americans, U.S. Terrain*. New York: Pantheon Books, 1997. Print.
- Lubiano, Wahneema, and Toni Morrison. *Racing Justice, Engendering Power*. Pantheon Books, 1992. Print.

- Lynd, Staughton. *Lucasville : The Untold Story of a Prison Uprising*. Philadelphia: Temple University Press, 2004. Print.
- Lyon, David. *The Electronic Eye : The Rise of Surveillance Society*. Cambridge, UK: Polity Press, 1994. Print.
- MacKinnon, Catharine A. *Toward a Feminist Theory of the State*. Harvard University Press, 1989. Print.
- Malloch, Margaret. *Women, Drugs and Custody: The Experiences of Women Drug Users in Prison*. Waterside Press, 2001. Print.
- Mananzala, R., and D. Spade. "The Nonprofit Industrial Complex and Trans Resistance." *Sexuality Research & Social Policy* 5.1 (2008): 53-71. Print.
- Mananzala, Rickke, and Dean Spade. "The Nonprofit Industrial Complex and Trans Resistance." *Sex Res Soc Policy Sexuality Research & Social Policy* 5.1 (2008): 53-71. Print.
- Martinot, Steve. *The Machinery of Whiteness : Studies in the Structure of Racialization*. Philadelphia: Temple University Press, 2010. Print.
- Mauer, Marc, and Meda Chesney-Lind. *Invisible Punishment : The Collateral Consequences of Mass Imprisonment*. New York: New Press, 2002. Print.
- Mbembe, Achille. *On the Postcolony*. Johannesburg: University of Wits Press, 2015. Print.
- Mbembe, Achille, and Laurent Dubois. *Critique of Black Reason*. Durham: Duke University Press,, 2017. Print.
- Mbembe, Archilles, and Libby Meintjes. "Necropolitics." *Public Culture* 15.1 (2003): 11-40. Print.
- McKelvey, Tara. *Monsterring : Inside America's Policy of Secret Interrogations and Torture in the Terror War*. New York, NY: Carroll & Graf Publishers, 2007. Print.
- . *One of the Guys : Women as Aggressors and Torturers*. Emeryville, CA: Seal Press : Distributed by Publishers Group West, 2007. Print.
- Mogul, Joey L., Andrea J. Ritchie, and Kay Whitlock. *Queer (in)Justice : The Criminalization of Lgbt People in the United States*. Boston: Beacon Press, 2011. Print.
- Mohanty, Chandra Talpade. *Feminism without Borders: Decolonizing Theory, Practicing Solidarity*. Zubaan, 2003. Print.

- Moi, Toril. *Sexual/Textual Politics : Feminist Literary Theory*. London; New York: Routledge, 2002. Print.
- Moraga, Cherríe, and Gloria Anzaldúa. *This Bridge Called My Back: Writings by Radical Women of Color*. Suny Press, 2015. Print.
- Moran, Rachel F., and Devon W. Carbado. *Race Law Stories*. New York, NY; St. Paul, Minn.: Foundation Press ; Thomson/West, 2008. Print.
- Morris, Monique W. *Pushout : The Criminalization of Black Girls in Schools*. New York: The New Press, 2016. Print.
- Morris, Norval, and David J. Rothman. *The Oxford History of the Prison : The Practice of Punishment in Western Society*. New York: Oxford University Press, 1995. Print.
- Morris, Ruth. *Penal Abolition, the Practical Choice : A Practical Manual on Penal Abolition*. Toronto: Canadian Scholars' Press, 1995. Print.
- Muhammad, Khalil Gibran. *The Condemnation of Blackness : Race, Crime, and the Making of Modern Urban America*. Cambridge, Mass.: Harvard University Press, 2010. Print.
- Naffine, Ngaire. *Feminism and Criminology*. Cambridge, UK: Polity Press, 1997. Print.
- Naples, Nancy A., and Karen Bojar, eds. *Teaching Feminist Activism : Strategies from the Field*. Hoboken: Taylor and Francis, 2013. Print.
- Naples, Nancy A., and Manisha Desai. *Women's Activism and Globalization : Linking Local Struggles and Transnational Politics*. New York: Routledge, 2002. Print.
- Nietzsche, Friedrich Wilhelm, and Walter Kaufmann. *The Portable Nietzsche*. New York: Penguin Books, 1976. Print.
- Now, Justice. "Ab 2066 – 11 Reasons to Oppose " August 4, 2006. Web.
- . "Evidence That Ab 2066 Is Bad Policy " August 4, 2006. Web.
- Ocen, Priscilla A. "Punishing Pregnancy: Race, Incarceration, and the Shackling of Pregnant Prisoners." *California Law Review* (2012): 1239-311. Print.
- Ochoa, Marla, and Barbara K. Ige, eds. *Shout Out : Women of Color Respond to Violence*. Emeryville, CA: Seal Press, 2007. Print.
- Omi, Michael, and Howard Winant. *Racial Formation in the United States : From the 1960s to the 1990s*. 2nd ed. New York: Routledge, 1994. Print.
- Ong, Aihwa. *Neoliberalism as Exception : Mutations in Citizenship and Sovereignty*. Durham, NC: Duke University Press, 2006. Print.

- Oshinsky, David M. *Worse Than Slavery : Parchman Farm and the Ordeal of Jim Crow Justice*. New York: Free Press, 1996. Print.
- Owen, Barbara A. *In the Mix: Struggle and Survival in a Women's Prison*. SUNY Press, 1998. Print.
- Parenti, Christian. *Lockdown America : Police and Prisons in the Age of Crisis*. London: Verso, 2001. Print.
- . *The Soft Cage : Surveillance in America : From Slavery to the War on Terror*. New York: Basic Books, 2003. Print.
- Parks, Gregory, Shayne Edward Jones, and W. Jonathan Cardi, eds. *Critical Race Realism : Intersections of Psychology, Race, and Law*. New York: New Press, 2008. Print.
- Pascoe, C. J. *Dude, You're a Fag : Masculinity and Sexuality in High School*. Berkeley: University of California Press, 2007. Print.
- Payne, Charles M. *I've Got the Light of Freedom : The Organizing Tradition and the Mississippi Freedom Struggle*. Berkeley: University of California Press, 1995. Print.
- Perkinson, Robert. *Texas Tough : The Rise of America's Prison Empire*. New York: Metropolitan Books, 2010. Print.
- Pirro, Jeanine, and Catherine Whitney. *To Punish and Protect : A Da's Fight against a System That Coddles Criminals*. New York: St. Martin's Press, 2003. Print.
- Plunkett, Luana, et al. *Critical Resistance : Beyond the Prison Industrial Complex*. Deep Dish TV Network, New York, NY, 1999.
- Povinelli, Elizabeth A. *Economies of Abandonment : Social Belonging and Endurance in Late Liberalism*. Durham [N.C.]: Duke University Press, 2011. Print.
- Prashad, Vijay. *Keeping up with the Dow Joneses : Debt, Prison, Workfare*. Cambridge, Mass.: South End Press, 2003. Print.
- Press, South End, ed. *What Lies Beneath : Katrina, Race, and the State of the Nation*. Cambridge, Mass.: South End Press, 2007. Print.
- Price, Barbara R., and Natalie J. Sokoloff. *The Criminal Justice System and Women : Women Offenders, Victims, Workers*. New York, N.Y.: Clark Boardman, 1982. Print.
- Price, Joshua M. *Prison and Social Death*. 2015. Print.

- Ptacek, James. *Restorative Justice and Violence against Women*. Oxford; New York, N.Y.: Oxford University Press, 2010. Print.
- Puar, Jasbir K. *The Right to Maim : Debility, Capacity, Disability*. 2017. Print.
- . *Terrorist Assemblages : Homonationalism in Queer Times*. 2017. Print.
- Razack, Sherene. *Race, Space, and the Law : Unmapping a White Settler Society*. Toronto: Between the Lines, 2002. Print.
- Reddy, Chandan. *Freedom with Violence : Race, Sexuality, and the Us State*. Durham: Duke University Press, 2011. Print.
- Resistance, Critical , and Incite! "Critical Resistance-Incite! Statement on Gender Violence and the Prison-Industrial Complex." *Social Justice* (2003): 141-50. Print.
- Richie, Beth. *Arrested Justice : Black Women, Violence, and America's Prison Nation*. New York: New York University Press, 2012. Print.
- . *Compelled to Crime : The Gender Entrapment of Battered Black Women*. New York: Routledge, 1996. Print.
- Richie, Beth. *A Feminist Reflection on the Anti-Violence Movement*. Domestic Violence at the Margins : Readings on Race, Class, Gender, and Culture. Ed. Natalie, J. Sokoloff with Christina Pratt New Jersey Rutgers University Press, 2007. Print.
- Riggs, Marcia. *Can I Get a Witness? Prophetic Religious Voices of African American Women : An Anthology*. Maryknoll, NY: Orbis Books, 1997. Print.
- Ritchie, Andrea J. *Invisible No More : Police Violence against Black Women and Women of Color*. Boston, Mass.: Beacon Press, 2017. Print.
- Rivera, Jenny. "The Violence against Women Act and the Construction of Multiple Consciousness in the Civil Rights and Feminist Movements." *Journal of Law and Policy* 4.2 (1996). Print.
- Roberts, Dorothy E. *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*. Vintage Books, 1999. Print.
- Rodriguez, Dylan. "Political Logic of the Non Profit Industrial Complex " *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*. Ed. Violence, Incite! Women of Color Against. Boston, MA: South End Press, 2007. Print.
- Rodriguez, Dylan *Forced Passages: Imprisoned Radical Intellectuals and the Us Prison Regime*. Minneapolis, Minn.: University of Minnesota Press, 2006. Print.

- Rosenbaum, Thane. *The Myth of Moral Justice : Why Our Legal System Fails to Do What's Right*. New York: HarperCollins, 2004. Print.
- Ross, Luana. *Inventing the Savage: The Social Construction of Native American Criminality*. Austin University of Texas Press, 1998. Print.
- Rowley, Hazel. *Tete-a-Tete : The Lives and Loves of Simone De Beauvoir and Jean-Paul Sartre*. London: Chatto & Windus, 2006. Print.
- Said, Edward W. *Orientalism*. New York Vintage Books, 2003. Print.
- Sandoval, Chela. *Methodology of the Oppressed*. Vol. 18: University of Minnesota Press, 2000. Print.
- Sarat, Austin. *Dissent in Dangerous Times*. Ann Arbor: University of Michigan Press, 2010. Print.
- Sassoon, Anne Showstack. *Gramsci's Politics*. London: Hutchinson, 1987. Print.
- Scarry, Elaine. *The Body in Pain : The Making and Unmaking of the World*. New York: Oxford University Press, 1985. Print.
- Scheffler, Judith A. *Wall Tappings: An International Anthology of Women's Prison Writings, 200 to the Present*. Feminist Press at CUNY, 2002. Print.
- Schenwar, Maya, et al., eds. *Who Do You Serve, Who Do You Protect? : Police Violence and Resistance in the United States*. Chicago, Illinois: Haymarket Books, 2016. Print.
- Scruton, Phil, and Jude McCulloch. *The Violence of Incarceration*. New York: Routledge, 2009. Print.
- Shakur, Assata. *Assata : An Autobiography*. Westport, Conn.: L. Hill, 1987. Print.
- Sharpe, Christina Elizabeth. *Monstrous Intimacies : Making Post-Slavery Subjects*. Durham, NC: Duke University Press, 2010. Print.
- Shaw, Margaret, and Kelly Hannah-Moffat. *An Ideal Prison?: Critical Essays on Women's Imprisonment in Canada*. Halifax, NS: Fernwood, 2000. Print.
- Shigematsu, Setsu, et al. *Visions of Abolition : From Critical Resistance to a New Way of Life*. 2010.
- Shohat, Ella, ed. *Talking Visions: Multicultural Feminism in a Transnational Age*. Vol. 5: MIT Press, 2001. Print.
- Silliman, Jael. *Undivided Rights: Women of Color Organize for Reproductive Justice*. Cambridge MA: South End Press, 2004. Print.

- Silliman, Jael, Anannya Bhattacharjee, and Angela Yvonne Davis. *Policing the National Body: Sex, Race, and Criminalization*. South End Press, 2002. Print.
- Simpson, Leanne Betasamosake. *Lighting the Eighth Fire : The Liberation, Resurgence, and Protection of Indigenous Nations*. Winnipeg: Arbeiter Ring Pub., 2008. Print.
- Smith, Andrea, and Winona LaDuke. *Conquest : Sexual Violence and American Indian Genocide*. Durham, NC: Duke University Press, 2015. Print.
- Sokoloff, Natalie J., and Christina Pratt, eds. *Domestic Violence at the Margins : Readings on Race, Class, Gender, and Culture*. New Brunswick, N.J.: Rutgers University Press, 2005. Print.
- Solinger, Rickie. *Interrupted Life : Experiences of Incarcerated Women in the United States*. Berkeley, Calif.: University of California Press, 2010. Print.
- Spade, Dean. *Normal Life : Administrative Violence, Critical Trans Politics, and the Limits of Law*. Durham, North Carolina Duke University Press, 2015. Print.
- Spillers, Hortense. *Black, White, and in Color : Essays on American Literature and Culture*. Chicago: The University of Chicago Press, 2003. Print.
- Stanley, Eric A., and Nat Smith, eds. *Captive Genders : Trans Embodiment and the Prison Industrial Complex*. 2015. Print.
- Stern, Vivien. *A Sin against the Future : Imprisonment in the World*. Boston: Northeastern University Press, 1998. Print.
- Stevenson, Bryan. *Just Mercy: A Story of Justice and Redemption*. Spiegel & Grau, 2015. Print.
- Sudbury, Julia, ed. *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*. New York, NY: Routledge, 2005. Print.
- Sue, Derald Wing. *Overcoming Our Racism : The Journey to Liberation*. San Francisco: Jossey-Bass, 2003. Print.
- Taylor, Keeanga-Yamahtta. *From #Blacklivesmatter to Black Liberation*. Chicago, Illinois: Haymarket Books, 2016. Print.
- Taylor, Verta A., Nancy Whittier, and Leila J. Rupp, eds. *Feminist Frontiers*. Boston: McGraw-Hill, 2007. Print.
- Valli, Kanuha , and J. Natalie. *Compounding the Triple Jeopardy: Battering in Lesbian of Color Relationships” Domestic Violence at the Margins : Readings on Race, Class, Gender, and Culture, Ed. Sokoloff with Christina Pratt (New Jersey: Rutgers University Press. 2007. Print.*

- Vargas, Joao Helion Costa. *Catching Hell in the City of Angels : Life and Meanings of Blackness in South Central Los Angeles*. Minneapolis: University of Minnesota Press, 2006. Print.
- Viteri, MarÌa Amelia, and Aaron Tobler. *Shifting Positionalities : The Local and International Geo-Politics of Surveillance and Policing*. Newcastle upon Tyne, UK: Cambridge Scholars Pub., 2009. Print.
- Wacquant, Loïc. *Prisons of Poverty*. Vol. 23: U of Minnesota Press, 2009. Print.
- Walker, Lenore E. *The Battered Woman*. New York: HarperPerennial, 1980. Print.
- Wallace, Michele. *Black Macho and the Myth of the Superwoman*. London: Verso, 2015. Print.
- Watterson, Kathryn. *Women in Prison : Inside the Concrete Womb*. Boston: Northeastern University Press, 1996. Print.
- Weber, Max, Hans Gerth, and C. Wright Mills. *From Max Weber : Essays in Sociology*. New York: Oxford University Press, 1958. Print.
- Weheliye, Alexander G. *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*. Duke University Press, 2014. Print.
- Wells, Sandra, and Betty Sowers Alt. *Police Women : Life with the Badge*. Westport, Conn.: Praeger, 2005. Print.
- Wilder, Craig Steven. *Ebony & Ivy : Race, Slavery, and the Troubled History of America's Universities*. New York: Bloomsbury Press, 2013. Print.
- Williams, Kristian. *American Methods : Torture and the Logic of Domination*. Cambridge, Mass.: South End Press, 2006. Print.
- Williams, Patricia J. *The Alchemy of Race and Rights*. Cambridge, Mass.: Harvard University Press, 1991. Print.
- Wimsatt, William Upski. *No More Prisons : Urban Life, Homeschooling, Hip-Hop Leadership, the Cool Rich Kids Movement, a Hitchhiker's Guide to Community Organizing, and Why Philanthropy Is the Greatest Art Form of the 21st Century*. New York: Soft Skull Press, 1999. Print.
- Wing, Adrien Katherine, ed. *Critical Race Feminism : A Reader*. New York: New York University Press, 2003. Print.
- Wolf, Diane L. *Feminist Dilemmas in Fieldwork*. Routledge, 2018. Print.
- Women, Free Battered. *Our Voices Within: Out of the Shadows*.

Women, Ms Foundation for. "Ms Foundation Report Summary Prepared by Patricia Eng, Based on the Meeting Report by Shamita Das Dasgupta, Safety and Justice for All: Examining the Relationship the Women's Anti-Violence Movement and the Criminal Legal System: 14." (2003). Print.