

How Gender Structures the Prison System

"I have been told that I will never leave prison if I continue to fight the system. My answer is that one must be alive in order to leave prison, and our current standard of medical care is tantamount to a death sentence. Therefore, I have no choice but to continue . . . Conditions within the institution continually reinvoke memories of violence and oppression, often with devastating results. Unlike other incarcerated women who have come forward to reveal their impressions of prison, I do not feel 'safer' here because 'the abuse has stopped.' *It has not stopped.* It has shifted shape and paced itself differently, but it is as insidious and pervasive in prison as ever it was in the world I know outside these walls. What has ceased is my ignorance of the facts concerning abuse—and my willingness to tolerate it in silence."

—Marcia Bunny⁷²

Over the last five years, the prison system has received far more attention by the media than at any time since the period following the 1971 Attica Rebellion. However, with a few important exceptions, women have been left out of the public discussions about the expansion of the U.S. prison system. I am not suggesting that simply bringing women into the existing conversations on jails and prisons will deepen

our analysis of state punishment and further the project of prison abolition. Addressing issues that are specific to women's prisons is of vital importance, but it is equally important to shift the way we think about the prison system as a whole. Certainly women's prison practices are gendered, but so, too, are men's prison practices. To assume that men's institutions constitute the norm and women's institutions are marginal is, in a sense, to participate in the very normalization of prisons that an abolitionist approach seeks to contest. Thus, the title of this chapter is not "Women and the Prison System," but rather "How Gender Structures the Prison System." Moreover, scholars and activists who are involved in feminist projects should not consider the structure of state punishment as marginal to their work. Forward-looking research and organizing strategies should recognize that the deeply gendered character of punishment both reflects and further entrenches the gendered structure of the larger society.

Women prisoners have produced a small but impressive body of literature that has illuminated significant aspects of the organization of punishment that would have otherwise remained unacknowledged. Assata Shakur's memoirs,⁷³ for example, reveal the dangerous intersections of racism, male domination, and state strategies of political repression. In 1977 she was convicted on charges of murder and assault in connection with a 1973 incident that left one New Jersey state trooper dead and another wounded. She and her companion, Zayd Shakur, who was killed during the shootout, were the targets of what we now name racial profiling and were stopped by state troopers under the pretext of a broken taillight. At the time Assata Shakur, known then as Joanne Chesimard, was underground and had been anointed by the police and the media as the "Soul of the Black Liberation

Army." By her 1977 conviction, she either had been acquitted or had charges dismissed in six other cases—upon the basis of which she had been declared a fugitive in the first place. Her attorney, Lennox Hinds, has pointed out that since it was proven that Assata Shakur did not handle the gun with which the state troopers were shot, her mere presence in the automobile, against the backdrop of the media demonization to which she was subjected, constituted the basis of her conviction. In the foreword to Shakur's autobiography Hinds writes:

In the history of New Jersey, no woman pretrial detainee or prisoner has ever been treated as she was, continuously confined in a men's prison, under twenty-four-hour surveillance of her most intimate functions, without intellectual sustenance, adequate medical attention, and exercise, and without the company of other women for all the years she was in their custody.⁷⁴

There is no doubt that Assata Shakur's status as a black political prisoner accused of killing a state trooper caused her to be singled out by the authorities for unusually cruel treatment. However, her own account emphasizes the extent to which her individual experiences reflected those of other imprisoned women, especially black and Puerto Rican women. Her description of the strip search, which focuses on the internal examination of body cavities, is especially revealing:

Joan Bird and Afeni Shakur [members of the Black Panther Party] had told me about it after they had been bailed out in the Panther 21 trial. When they had told me, I was horrified.

"You mean they really put their hands inside you, to search you?" I had asked.

"Uh-huh," they answered. Every woman who has ever been on the rock, or in the old house of detention, can tell you about it. The women call it "getting the finger" or, more vulgarly, "getting finger-fucked."

"What happens if you refuse?" I had asked Afeni.

"They lock you in the hole and they don't let you out until you consent to be searched internally."

I thought about refusing, but I sure as hell didn't want to be in the hole. I had had enough of solitary. The "internal search" was as humiliating and disgusting as it sounded. You sit on the edge of this table and the nurse holds your legs open and sticks a finger in your vagina and moves it around. She has a plastic glove on. Some of them try to put one finger in your vagina and another one up your rectum at the same time.⁷⁵

I have quoted this passage so extensively because it exposes an everyday routine in women's prisons that verges on sexual assault as much as it is taken for granted. Having been imprisoned in the Women's House of Detention to which Joan Bird and Afeni Shakur refer, I can personally affirm the veracity of their claims. Over thirty years after Bird and Afeni Shakur were released and after I myself spent several months in the Women's House of Detention, this issue of the strip search is still very much on the front burner of women's prison activism. In 2001 Sisters Inside, an Australian support organization for women prisoners, launched a national campaign against the strip search, the slogan of which was "Stop State Sexual Assault." Assata

Shakur's autobiography provides an abundance of insights about the gendering of state punishment and reveals the extent to which women's prisons have held on to oppressive patriarchal practices that are considered obsolete in the "free world." She spent six years in several jails and prisons before escaping in 1979 and receiving political asylum by the Republic of Cuba in 1984, where she lives today.

Elizabeth Gurley Flynn wrote an earlier account of life in a women's prison, *The Alderson Story: My Life as a Political Prisoner*.⁷⁶ At the height of the McCarthy era, Flynn, a labor activist and Communist leader, was convicted under the Smith Act and served two years in Alderson Federal Reformatory for Women from 1955 to 1957. Following the dominant model for women's prisons during that period, Alderson's regimes were based on the assumption that "criminal" women could be rehabilitated by assimilating correct womanly behaviors—that is, by becoming experts in domesticity—especially cooking, cleaning, and sewing. Of course, training designed to produce better wives and mothers among middle-class white women effectively produced skilled domestic servants among black and poor women. Flynn's book provides vivid descriptions of these everyday regimes. Her autobiography is located in a tradition of prison writing by political prisoners that also includes women of this era. Contemporary writings by women political prisoners today include poems and short stories by Ericka Huggins and Susan Rosenberg, analyses of the prison industrial complex by Linda Evans, and curricula for HIV/AIDS education in women's prisons by Kathy Boudin and the members of the Bedford Hills ACE collective.⁷⁷

Despite the availability of perceptive portrayals of life in women's prisons, it has been extremely difficult to persuade the public—and even, on occasion, to persuade prison

activists who are primarily concerned with the plight of male prisoners—of the centrality of gender to an understanding of state punishment. Although men constitute the vast majority of prisoners in the world, important aspects of the operation of state punishment are missed if it is assumed that women are marginal and thus undeserving of attention. The most frequent justification for the inattention to women prisoners and to the particular issues surrounding women's imprisonment is the relatively small proportion of women among incarcerated populations throughout the world. In most countries, the percentage of women among prison populations hovers around five percent.⁷⁸ However, the economic and political shifts of the 1980s—the globalization of economic markets, the deindustrialization of the U.S. economy, the dismantling of such social service programs as Aid to Families of Dependent Children, and, of course, the prison construction boom—produced a significant acceleration in the rate of women's imprisonment both inside and outside the United States. In fact, women remain today the fastest-growing sector of the U.S. prison population. This recent rise in the rate of women's imprisonment points directly to the economic context that produced the prison industrial complex and that has had a devastating impact on men and women alike.

It is from this perspective of the contemporary expansion of prisons, both in the United States and throughout the world, that we should examine some of the historical and ideological aspects of state punishment imposed on women. Since the end of the eighteenth century, when, as we have seen, imprisonment began to emerge as the dominant form of punishment, convicted women have been represented as essentially different from their male counterparts. It is true that men who commit the kinds of transgressions that are

regarded as punishable by the state are labeled as social deviants. Nevertheless, masculine criminality has always been deemed more "normal" than feminine criminality. There has always been a tendency to regard those women who have been publicly punished by the state for their misbehaviors as significantly more aberrant and far more threatening to society than their numerous male counterparts.

In seeking to understand this gendered difference in the perception of prisoners, it should be kept in mind that as the prison emerged and evolved as the major form of public punishment, women continued to be routinely subjected to forms of punishment that have not been acknowledged as such. For example, women have been incarcerated in psychiatric institutions in greater proportions than in prisons.⁷⁹ Studies indicating that women have been even more likely to end up in mental facilities than men suggest that while jails and prisons have been dominant institutions for the control of men, mental institutions have served a similar purpose for women. That is, deviant men have been constructed as criminal, while deviant women have been constructed as insane. Regimes that reflect this assumption continue to inform the women's prison. Psychiatric drugs continue to be distributed far more extensively to imprisoned women than to their male counterparts. A Native American woman incarcerated in the Women's Correctional Center in Montana related her experience with psychotropic drugs to sociologist Luana Ross:

Haldol is a drug they give people who can't cope with lockup. It makes you feel dead, paralyzed. And then I started getting side effects from Haldol. I wanted to fight anybody, any of the officers. I was screaming at them and telling them to get out of

my face, so the doctor said, "We can't have that." And, they put me on Tranxene. I don't take pills; I never had trouble sleeping until I got here. Now I'm supposed to see [the counselor] again because of my dreams. If you got a problem, they're not going to take care of it. They're going to put you on drugs so they can control you.⁸⁰

Prior to the emergence of the penitentiary and thus of the notion of punishment as "doing time," the use of confinement to control beggars, thieves, and the insane did not necessarily distinguish among these categories of deviancy. At this phase in the history of punishment—prior to the American and French Revolutions—the classification process through which criminality is differentiated from poverty and mental illness had not yet developed. As the discourse on criminality and the corresponding institutions to control it distinguished the "criminal" from the "insane," the gendered distinction took hold and continued to structure penal policies. Gendered as female, this category of insanity was highly sexualized. When we consider the impact of class and race here, we can say that for white and affluent women, this equalization tends to serve as evidence for emotional and mental disorders, but for black and poor women, it has pointed to criminality.

It should also be kept in mind that until the abolition of slavery, the vast majority of black women were subject to regimes of punishment that differed significantly from those experienced by white women. As slaves, they were directly and often brutally disciplined for conduct considered perfectly normal in a context of freedom. Slave punishment was visibly gendered—special penalties, were, for example, reserved for pregnant women unable to reach the quotas that

determined how long and how fast they should work. In the slave narrative of Moses Grandy, an especially brutal form of whipping is described in which the woman was required to lie on the ground with her stomach positioned in a hole, whose purpose was to safeguard the fetus (conceived as future slave labor). If we expand our definition of punishment under slavery, we can say that the coerced sexual relations between slave and master constituted a penalty exacted on women, if only for the sole reason that they were slaves. In other words, the deviance of the slave master was transferred to the slave woman, whom he victimized. Likewise, sexual abuse by prison guards is translated into hypersexuality of women prisoners. The notion that female "deviance" always has a sexual dimension persists in the contemporary era, and this intersection of criminality and sexuality continues to be racialized. Thus, white women labeled as "criminals" are more closely associated with blackness than their "normal" counterparts.

Prior to the emergence of the prison as the major form of public punishment, it was taken for granted that violators of the law would be subjected to corporal and frequently capital penalties. What is not generally recognized is the connection between state-inflicted corporal punishment and the physical assaults on women in domestic spaces. This form of bodily discipline has continued to be routinely meted out to women in the context of intimate relationships, but it is rarely understood to be related to state punishment.

Quaker reformers in the United States—especially the Philadelphia Society for Alleviating the Miseries of Public Prisons, founded in 1787—played a pivotal role in campaigns to substitute imprisonment for corporal punishment. Following in the tradition established by Elizabeth Fry in England, Quakers were also responsible for extended crusades

to institute separate prisons for women. Given the practice of incarcerating criminalized women in men's prisons, the demand for separate women's prisons was viewed as quite radical during this period. Fry formulated principles governing prison reform for women in her 1827 work, *Observations in Visiting, Superintendence and Government of Female Prisoners*, which were taken up in the United States by women such as Josephine Shaw Lowell and Abby Hopper Gibbons. In the 1870s, Lowell and Gibbons helped to lead the campaign in New York for separate prisons for women.

Prevailing attitudes toward women convicts differed from those toward men convicts, who were assumed to have forfeited rights and liberties that women generally could not claim even in the "free world." Although some women were housed in penitentiaries, the institution itself was gendered as male, for by and large no particular arrangements were made to accommodate sentenced women.

The women who served in penal institutions between 1820 and 1870 were not subject to the prison reform experienced by male inmates. Officials employed isolation, silence, and hard labor to rehabilitate male prisoners. The lack of accommodations for female inmates made isolation and silence impossible for them and productive labor was not considered an important part of their routine. The neglect of female prisoners, however, was rarely benevolent. Rather, a pattern of overcrowding, harsh treatment, and sexual abuse recurred throughout prison histories.⁸¹

Male punishment was linked ideologically to penitence and reform. The very forfeiture of rights and liberties implied

that with self-reflection, religious study, and work, male convicts could achieve redemption and could recover these rights and liberties. However, since women were not acknowledged as securely in possession of these rights, they were not eligible to participate in this process of redemption.

According to dominant views, women convicts were irrevocably fallen women, with no possibility of salvation. If male criminals were considered to be public individuals who had simply violated the social contract, female criminals were seen as having transgressed fundamental moral principles of womanhood. The reformers, who, following Elizabeth Fry, argued that women were capable of redemption, did not really contest these ideological assumptions about women's place. In other words, they did not question the very notion of "fallen women." Rather, they simply opposed the idea that "fallen women" could not be saved. They could be saved, the reformers contended, and toward that end they advocated separate penal facilities and a specifically female approach to punishment. Their approach called for architectural models that replaced cells with cottages and "rooms" in a way that was supposed to infuse domesticity into prison life. This model facilitated a regime devised to reintegrate criminalized women into the domestic life of wife and mother. They did not, however, acknowledge the class and race underpinnings of this regime. Training that was, on the surface, designed to produce good wives and mothers in effect steered poor women (and especially black women) into "free world" jobs in domestic service. Instead of stay-at-home skilled wives and mothers, many women prisoners, upon release, would become maids, cooks, and washerwomen for more affluent women. A female custodial staff, the reformers also argued, would minimize the sexual temptations, which they believed were often at the root of female criminality.

When the reform movement calling for separate prisons for women emerged in England and the United States during the nineteenth century, Elizabeth Fry, Josephine Shaw, and other advocates argued against the established idea that criminal women were beyond the reach of moral rehabilitation. Like male convicts, who presumably could be "corrected" by rigorous prison regimes, female convicts, they suggested, could also be molded into moral beings by differently gendered imprisonment regimes. Architectural changes, domestic regimes, and an all-female custodial staff were implemented in the reformatory program proposed by reformers,⁸² and eventually women's prisons became as strongly anchored to the social landscape as men's prisons, but even more invisible. Their greater invisibility was as much a reflection of the way women's domestic duties under patriarchy were assumed to be normal, natural, and consequently invisible as it was of the relatively small numbers of women incarcerated in these new institutions.

Twenty-one years after the first English reformatory for women was established in London in 1853, the first U.S. reformatory for women was opened in Indiana. The aim was to

train the prisoners in the "important" female role of domesticity. Thus an important role of the reform movement in women's prisons was to encourage and ingrain "appropriate" gender roles, such as vocational training in cooking, sewing and cleaning. To accommodate these goals, the reformatory cottages were usually designed with kitchens, living rooms, and even some nurseries for prisoners with infants.⁸³

However, this feminized public punishment did not affect all women in the same way. When black and Native American women were imprisoned in reformatories, they often were segregated from white women. Moreover, they tended to be disproportionately sentenced to men's prisons. In the southern states in the aftermath of the Civil War, black women endured the cruelties of the convict lease system unmitigated by the feminization of punishment; neither their sentences nor the labor they were compelled to do were lessened by virtue of their gender. As the U.S. prison system evolved during the twentieth century, feminized modes of punishment—the cottage system, domestic training, and so on—were designed ideologically to reform white women, relegating women of color in large part to realms of public punishment that made no pretense of offering them femininity.

Moreover, as Lucia Zedner has pointed out, sentencing practices for women within the reformatory system often required women of all racial backgrounds to do more time than men for similar offenses. "This differential was justified on the basis that women were sent to reformatories not to be punished in proportion to the seriousness of their offense but to be reformed and retrained, a process that, it was argued, required time."⁸⁴ At the same time, Zedner points out, this tendency to send women to prison for longer terms than men was accelerated by the eugenics movement, "which sought to have 'genetically inferior' women removed from social circulation for as many of their child-bearing years as possible."⁸⁵

At the beginning of the twenty-first century, women's prisons have begun to look more like their male counterparts, particularly facilities constructed in the contemporary era of the prison industrial complex. As corporate involvement in punishment expands in ways that would have been

unimaginable just two decades ago, the prison's presumed goal of rehabilitation has been thoroughly displaced by incapacitation as the major objective of imprisonment. As I have already pointed out, now that the population of U.S. prisons and jails has surpassed two million people, the rate of increase in the numbers of women prisoners has exceeded that of men. As criminologist Elliot Currie has pointed out,

For most of the period after World War II, the female incarceration rate hovered at around 8 per 100,000; it did not reach double digits until 1977. Today it is 51 per 100,000 . . . At the current rates of increase, there will be more women in American prisons in the year 2010 than there were inmates of both sexes in 1970. When we combine the effects of race and gender, the nature of these shifts in the prison population is even clearer. The prison incarceration rate for black women today exceeds that for white *men* as recently as 1980.⁸⁶

Luana Ross's study of Native American women incarcerated in the Women's Correctional Center in Montana argues that "prisons, as employed by the Euro-American system, operate to keep Native Americans in a colonial situation."⁸⁷ She points out that Native people are vastly overrepresented in the country's federal and state prisons. In Montana, where she did her research, they constitute 6 percent of the general population, but 17.3 percent of the imprisoned population. Native women are even more disproportionately present in Montana's prison system. They constitute 25 percent of all women imprisoned by the state.⁸⁸

Thirty years ago, around the time of the Attica uprising and the murder of George Jackson at San Quentin, radical

opposition to the prison system identified it as a principal site of state violence and repression. In part as a reaction to the invisibility of women prisoners in this movement and in part as a consequence of the rising women's liberation movement, specific campaigns developed in defense of the rights of women prisoners. Many of these campaigns put forth—and continue to advance—radical critiques of state repression and violence. Within the correctional community, however, feminism has been influenced largely by liberal constructions of gender equality.

In contrast to the nineteenth-century reform movement, which was grounded in an ideology of gender difference, late-twentieth-century “reforms” have relied on a “separate but equal” model. This “separate but equal” approach often has been applied uncritically, ironically resulting in demands for more repressive conditions in order to render women's facilities “equal” to men's. A clear example of this can be discovered in a memoir, *The Warden Wore Pink*, written by a former warden of Huron Valley Women's Prison in Michigan. During the 1980s, the author, Tekla Miller, advocated a change in policies within the Michigan correctional system that would result in women prisoners being treated *the same* as men prisoners. With no trace of irony, she characterizes as “feminist” her own fight for “gender equality” between male and female prisoners and for equality between male and female institutions of incarceration. One of these campaigns focuses on the unequal allocation of weapons, which she sought to remedy:

Arsenals in men's prisons are large rooms with shelves of shotguns, rifles, hand guns, ammunition, gas canisters, and riot equipment . . . Huron Valley Women's arsenal was a small, five feet by two feet

closet that held two rifles, eight shotguns, two bull-horns, five handguns, four gas canisters, and twenty sets of restraints.⁸⁹

It does not occur to her that a more productive version of feminism would also question the organization of state punishment for men as well and, in my opinion, would seriously consider the proposition that the institution as a whole—gendered as it is—calls for the kind of critique that might lead us to consider its abolition.

Miller also describes the case of an attempted escape by a woman prisoner. The prisoner climbed over the razor ribbon but was captured after she jumped to the ground on the other side. This escape attempt occasioned a debate about the disparate treatment of men and women escapees. Miller's position was that guards should be instructed to shoot at women just as they were instructed to shoot at men. She argued that parity for women and men prisoners should consist in their equal right to be fired upon by guards. The outcome of the debate, Miller observed, was that

escaping women prisoners in medium or higher [security] prisons are treated the same way as men. A warning shot is fired. If the prisoner fails to halt and is over the fence, an officer is allowed to shoot to injure. If the officer's life is in danger, the officer can shoot to kill.⁹⁰

Paradoxically, demands for parity with men's prisons, instead of creating greater educational, vocational, and health opportunities for women prisoners, often have led to more repressive conditions for women. This is not only a consequence of deploying liberal—that is, formalistic—

notions of equality, but of, more dangerous, allowing male prisons to function as the punishment norm. Miller points out that she attempted to prevent a female prisoner, whom she characterizes as a "murderer" serving a long term, from participating in graduation ceremonies at the University of Michigan because male murderers were not given such privileges. (Of course, she does not indicate the nature of the woman's murder charges—whether, for instance, she was convicted of killing an abusive partner, as is the case for a substantial number of women convicted of murder.) Although Miller did not succeed in preventing the inmate from participating in the commencement, in addition to her cap and gown, the prisoner was made to wear leg chains and handcuffs during the ceremony.⁹¹ This is indeed a bizarre example of feminist demands for equality within the prison system.

A widely publicized example of the use of repressive paraphernalia historically associated with the treatment of male prisoners to create "equality" for female prisoners was the 1996 decision by Alabama's prison commissioner to establish women's chain gangs. After Alabama became the first state to reinstitute chain gangs in 1995, then State Corrections Commissioner Ron Jones announced the following year that women would be shackled while they cut grass, picked up trash, or worked a vegetable garden at Julia Tutwiler State Prison for Women. This attempt to institute chain gangs for women was in part a response to lawsuits by male prisoners, who charged that male chain gains discriminated against men by virtue of their gender.⁹² However, immediately after Jones's announcement, Governor Fob James, who obviously was pressured to prevent Alabama from acquiring the dubious distinction of being the only U.S. state to have equal-opportunity chain gangs, fired him.

Shortly after Alabama's embarrassing flirtation with the possibility of chain gangs for women, Sheriff Joe Arpaio of Maricopo County, Arizona—represented in the media as "the toughest sheriff in America"—held a press conference to announce that because he was "an equal opportunity incarcerator," he was establishing the country's first female chain gang.⁹³ When the plan was implemented, newspapers throughout the country carried a photograph of chained women cleaning Phoenix's streets. Even though this may have been a publicity stunt designed to bolster the fame of Sheriff Arpaio, the fact that this women's chain gang emerged against the backdrop of a generalized increase in the repression inflicted on women prisoners is certainly cause for alarm. Women's prisons throughout the country increasingly include sections known as security housing units. The regimes of solitary confinement and sensory deprivation in the security housing unit (SHU) in these sections within women's prisons are smaller versions of the rapidly proliferating super-maximum security prisons. Since the population of women in prison now consists of a majority of women of color, the historical resonances of slavery, colonization, and genocide should not be missed in these images of women in chains and shackles.

As the level of repression in women's prisons increases, and, paradoxically, as the influence of domestic prison regimes recedes, sexual abuse—which, like domestic violence, is yet another dimension of the privatized punishment of women—has become an institutionalized component of punishment behind prison walls. Although guard-on-prisoner sexual abuse is not sanctioned as such, the widespread leniency with which offending officers are treated suggests that for women, prison is a space in which the threat of sexualized violence that looms in the larger socie-

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ty is effectively sanctioned as a routine aspect of the landscape of punishment behind prison walls.

According to a 1996 Human Rights Watch report on the sexual abuse of women in U.S. prisons:

Our findings indicate that being a woman prisoner in U.S. state prisons can be a terrifying experience. If you are sexually abused, you cannot escape from your abuser. Grievance or investigatory procedures, where they exist, are often ineffectual, and correctional employees continue to engage in abuse because they believe they will rarely be held accountable, administratively or criminally. Few people outside the prison walls know what is going on or care if they do know. Fewer still do anything to address the problem.⁹⁴

The following excerpt from the summary of this report, entitled *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons*, reveals the extent to which women's prison environments are violently sexualized, thus recapitulating the familiar violence that characterizes many women's private lives:

We found that male correctional employees have vaginally, anally, and orally raped female prisoners and sexually assaulted and abused them. We found that in the course of committing such gross misconduct, male officers have not only used actual or threatened physical force, but have also used their near total authority to provide or deny goods and privileges to female prisoners to compel them to have sex or, in other cases, to reward them for hav-

ing done so. In other cases, male officers have violated their most basic professional duty and engaged in sexual contact with female prisoners absent the use of threat of force or any material exchange. In addition to engaging in sexual relations with prisoners, male officers have used mandatory pat-frisks or room searches to grope women's breasts, buttocks, and vaginal areas and to view them inappropriately while in a state of undress in the housing or bathroom areas. Male correctional officers and staff have also engaged in regular verbal degradation and harassment of female prisoners, thus contributing to a custodial environment in the state prisons for women that is often highly sexualized and excessively hostile.⁹⁵

The violent sexualization of prison life within women's institutions raises a number of issues that may help us develop further our critique of the prison system. Ideologies of sexuality—and particularly the intersection of race and sexuality—have had a profound effect on the representations of and treatment received by women of color both within and outside prison. Of course, black and Latino men experience a perilous continuity in the way they are treated in school, where they are disciplined as potential criminals; in the streets, where they are subjected to racial profiling by the police; and in prison, where they are warehoused and deprived of virtually all of their rights. For women, the continuity of treatment from the free world to the universe of the prison is even more complicated, since they also confront forms of violence in prison that they have confronted in their homes and intimate relationships.

The criminalization of black and Latina women includes

persisting images of hypersexuality that serve to justify sexual assaults against them both in and outside of prison. Such images were vividly rendered in a *Nightline* television series filmed in November 1999 on location at California's Valley State Prison for Women. Many of the women interviewed by Ted Koppel complained that they received frequent and unnecessary pelvic examinations, including when they visited the doctor with such routine illnesses as colds. In an attempt to justify these examinations, the chief medical officer explained that women prisoners had rare opportunities for "male contact," and that they therefore welcomed these superfluous gynecological exams. Although this officer was eventually removed from his position as a result of these comments, his reassignment did little to alter the pervasive vulnerability of imprisoned women to sexual abuse.

Studies on female prisons throughout the world indicate that sexual abuse is an abiding, though unacknowledged, form of punishment to which women, who have the misfortune of being sent to prison, are subjected. This is one aspect of life in prison that women can expect to encounter, either directly or indirectly, regardless of the written policies that govern the institution. In June 1998, Radhika Coomaraswamy, the United Nations Special Rapporteur for Violence Against Women, visited federal and state prisons as well as Immigration and Naturalization detention facilities in New York, Connecticut, New Jersey, Minnesota, Georgia, and California. She was refused permission to visit women's prisons in Michigan, where serious allegations of sexual abuse were pending. In the aftermath of her visits, Coomaraswamy announced that "sexual misconduct by prison staff is widespread in American women's prisons."⁹⁶

This clandestine institutionalization of sexual abuse vio-

lates one of the guiding principles of the United Nations' Standard Minimum Rules for the Treatment of Prisoners, a UN instrument first adopted in 1955 and used as a guideline by many governments to achieve what is known as "good prison practice." However, the U.S. government has done little to publicize these rules and it is probably the case that most correctional personnel have never heard of these UN standards. According to the Standard Minimum Rules,

Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.⁹⁷

Sexual abuse is surreptitiously incorporated into one of the most habitual aspects of women's imprisonment, the strip search. As activists and prisoners themselves have pointed out, the state itself is directly implicated in this routinization of sexual abuse, both in permitting such conditions that render women vulnerable to explicit sexual coercion carried out by guards and other prison staff and by incorporating into routine policy such practices as the strip search and body cavity search.

Australian lawyer/activist Amanda George has pointed out that

[t]he acknowledgement that sexual assault does occur in institutions for people with intellectual disabilities, prisons, psychiatric hospitals, youth

training centres and police stations, usually centres around the criminal acts of rape and sexual assault by individuals employed in those institutions. These offences, though they are rarely reported, are clearly understood as being "crimes" for which the individual and not the state is responsible. At the same time as the state deplores "unlawful" sexual assaults by its employees, it actually uses sexual assault as a means of control.

In Victoria, prison and police officers are vested with the power and responsibility to do acts which, if done outside of work hours, would be crimes of sexual assault. If a person does not "consent" to being stripped naked by these officers, force can lawfully be used to do it . . . These legal strip searches are, in the author's view, sexual assaults within the definition of indecent assault in the *Crimes Act 1958 (Vic)* as amended in section 39.⁹⁸

At a November 2001 conference on women in prison held by the Brisbane-based organization Sisters Inside, Amanda George described an action performed before a national gathering of correctional personnel working in women's prisons. Several women seized control of the stage and, some playing guards, others playing the roles of prisoners, dramatized a strip search. According to George, the gathering was so repulsed by this enactment of a practice that occurs routinely in women's prisons everywhere that many of the participants felt compelled to disassociate themselves from such practices, insisting that this was not what they did. Some of the guards, George said, simply cried upon watching representations of their own actions outside the prison context. What they must have realized is that "without the

uniform, without the power of the state, [the strip search] would be sexual assault."⁹⁹

But why is an understanding of the pervasiveness of sexual abuse in women's prisons an important element of a radical analysis of the prison system, and especially of those forward-looking analyses that lead us in the direction of abolition? Because the call to abolish the prison as the dominant form of punishment cannot ignore the extent to which the institution of the prison has stockpiled ideas and practices that are hopefully approaching obsolescence in the larger society, but that retain all their ghastly vitality behind prison walls. The destructive combination of racism and misogyny, however much it has been challenged by social movements, scholarship, and art over the last three decades, retains all its awful consequences within women's prisons. The relatively uncontested presence of sexual abuse in women's prisons is one of many such examples. The increasing evidence of a U.S. prison industrial complex with global resonances leads us to think about the extent to which the many corporations that have acquired an investment in the expansion of the prison system are, like the state, directly implicated in an institution that perpetuates violence against women.