In Search of Safety

Confronting Inequality in Women's Imprisonment

Barbara Owen,
James Wells, and
Joycelyn Pollock

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This book is dedicated to John Irwin.
We honor his contributions to prison sociology
and his unwavering insistence that we must
recognize the humanity of all imprisoned persons.
We, and the field of criminology, miss him.

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Intersectional Inequality and Women's Imprisonment

When most people think about prison, they think about men. And this makes sense: men make up over 90 percent of the prison population in the United States and in most countries around the world (Walmsley 2015). In 2014, women comprised just over 7 percent of the prison population, 112,961 of the 1,561,500 prisoners in the United States (Carson 2015). As Britton (2003) argues, prisons are deeply gendered organizations. We build on this insight to employ an intersectional analysis (Potter 2015; Joseph 2006) in describing the gendered harms embedded in the contemporary prison. In documenting women's experience with imprisonment, we argue that threats to safety are bound by multiple forms of inequality within the prison itself. Women's lived experiences while locked up, we assert, reflect the multiple and cumulative disadvantages that condition their pathways to prison and continue to shape their choices and chances in the total institution of the prison. In confronting these inequalities, women negotiate myriad challenges to their safety inside prison by developing forms of prison capital. This capital can protect women from the threats in the carceral environment, in their interaction with other prisoners, and from the staff employed to protect them. Learning how to do time, we find, is based on leveraging prison-based forms of capital that can protect women from the harms of imprisonment.[1]

1. While our data and our interest lie in articulating women's experience with imprisonment, the concept of prison capital is equally applicable to the exploration of violence

Multiple forms of inequality and disadvantage find direct expression in women's pathways to and within prison. While racial and class inequities constrain the life chances of many before they land in prison, understanding the experience of women requires a separate examination. In their examination of "gender-specific explanations of prison violence," Wooldredge and Steiner (2016, 12) find: "Although incarcerated men are disproportionately drawn from more impoverished populations, incarcerated women tend to be even more disadvantaged and face multiple deficits in social capital (inadequate job training, spotty employment histories, and economic marginalization)."

Our analysis builds on the intersectional inequalities that increase women's vulnerabilities to crime, violence, and imprisonment (Belknap 2015; Crenshaw 2012; Pollock 2014; Potter 2015). For women whose pathways lead them to prison, such disadvantages are replicated and often magnified inside prison, which, in turn, increases the threats to their already tenuous sense of safety and well-being. In addition to gendered disadvantage, our analysis introduces the notion of prison capital. We define *capital* as any type of resource, or access to a desired resource, that can keep a woman safe while she does her time. In addition to prison forms of social capital (who you know) and human capital (what you know), other specific expressions of cultural, emotional, and economic capital provide the foundation for the search for safety as women do their time. In the context of irrationality and inequality, women navigate these challenges embedded in prison life by marshalling their stores of prison capital. Women who develop and deploy their stocks of prison capital survive, and sometimes thrive, as they serve their prison sentences. Most can do their time safely by gaining economic capital, earning the cultural capital of respect and reputation, increasing emotional capital, and developing social capital through connections with nonthreatening and supportive prisoners and staff.

In documenting women's experiences with incarceration, we explore the ways these multiplicative and cumulative disadvantages create the

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and safety in men's prisons (de Almeida and Paes-Machado 2015). We support further study of the utility of the concept of prison capital across all carceral settings. While the term *gendered* often indicates a study of women, there is much utility in looking at the gendered experience of male prisoners as well. We encourage investigations of men's gendered pathways to and within prison, as in the work of Sabo, Kupers, and London (2001) on prison masculinities. In the same spirit, an emphasis on the human rights of all prisoners is warranted, as guided by the recent United Nations human rights instrument, the Mandela Rules (retrieved 10/9/2015, www.penalreform.org/wpcontent/uploads/2015/05/MANDELA-RULES.pdf).

context for gendered troubles, conflict, and violence within the framework of intersectional inequalities and constrained choice. Reframing the lives of incarcerated women's lives in terms of the gendered harms of imprisonment directs attention toward the consequences of structural inequities and away from individual pathologies as explanations of prison conflict and violence.

Threats to safety and well-being are embedded in the world of the prison. Standard operational practice can threaten women's well-being through "gender-neutral" policies. Material needs and desires, unmet in the scarcity of the official economy, feed economic conflict and the subterranean economy through illicit trafficking and trading. Drug use and other risky behaviors inside also contribute to these potentials for prison violence. Relationships among women prisoners and with staff contain the possibility of risk, conflict, and violence. Prison culture may require women to resort to forms of aggression to protect themselves and their reputations as they do their time.

Women's safety is further compromised by the many contradictions embedded in the contemporary prison. We demonstrate how prisons manufacture risk and sustain unsafe conditions, contradicting the stated mission of "care and custody" of their prisoners. Existing prison conditions, such as inadequate housing, untreated disease, minimal medical care, and inferior nutrition create a context of risk and threat to women's well-being. Aspects of operational practice, such as gender-neutral classification systems and lack of women-centered services (Van Voorhis 2005, 2012; Bloom, Owen, and Covington 2003, 2004), also undermine women's ability to live safely inside prison. We claim these harms are unnecessary and constitute gendered human rights violations when viewed through the lens of international human rights standards for the treatment of women in prison. The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (2010), or the Bangkok Rules, serve as international standards intended to relieve the iatrogenic damage of imprisonment and better prepare women to reenter their communities. The Bangkok Rules, and other international human rights instruments, however, have gained little traction in U.S. prisons. We return to the promise of the Bangkok Rules in our conclusion.

GENDER AND IMPRISONMENT

The concept "gender" is used here as a sociocultural category, as opposed to the biological concept "sex" (West and Zimmerman 1987;

Belknap 2015). In summarizing work on gender as process, Wesely (2012) shows that gender is a socially constructed identity through social, cultural and psychological accomplishment. Gender is thus organized and managed within social structures and institutions (West and Zimmerman 1987; Belknap 2015). Wesely (2012, 11) outlines the ways gender socialization and different expectations of gender identity are "inextricably linked to unequal levels of social value, prestige, or advantage" in patriarchal societies. In challenging the assumptions of the duality of the social construction of "female" and "male," Wesely ties these artificial dichotomies to the assumptions of a patriarchal culture in which girls and women are subordinated, oppressed, and seen as "less than" boys and men. We see gender as "an ongoing and contradictory historical and interactional process, not as an attribution of individuals" (Martin and Jurick 2007, 29).

The concept of intersectionality (Potter 2013, 2015; Crenshaw 2012; Joseph 2006) informs our work by underscoring the overlapping inequalities of race, class, gender, and sexual orientation and identity that underpin women's status in the free world. Women's prisons provide a stark example of these intersecting and hierarchical forms of discrimination against women, the poor, and communities of color. Richie frames this argument precisely.

> I cannot imagine a place where one might stand and have a clearer view of concentrated disadvantage based on racial, class and gender inequality in the country than from inside the walls of women's prisons. There, behind the razor wire fences, concrete barricade, steel doors, metal bars, and thick plexiglass windows, nearly all the manifestations of gender domination that feminist scholars and activists have traditionally concerned themselves with—exploited labor, inadequate healthcare, dangerous living conditions, physical violence, and sexual assault are revealed at once. That gender oppression is significantly furthered by racism and poverty is undeniable from this point of view. Women's correctional facilities constitute nearly perfect examples of the consequences of the multiple subjugation and the compounding impact of various stigmatized identities. The convergence of disadvantage, discrimination, and despair is staggering. In fact, it could be argued that prisons incarcerate a population of women who have experienced such a profound concentration of the most vicious forms of economic marginalization, institutionalized racism, and victimization that it can almost seem intentional or mundane. The pattern is clearly evident in almost every crowded visiting room, in every sparsely decorated cell, and in the stories of each woman held in degrading and dangerous conditions that characterize women's prisons and other correctional facilities in this country. (Richie 2004, 438)

THE CONCEPTUAL FRAME OF THIS BOOK

We draw on multiple, overlapping concepts to frame and present our data. The constructs of pathways, gender inequality, intersectionality, community, capital, prison culture, human rights, and state-sponsored suffering guide our analyses.

Expanding the Pathways Perspective

The story begins in women's pathways to prison. Deeply informed by feminist theory, the pathway perspective examines gendered experiences that lead women to prison. The pathways approach draws on life course and cycle of violence theories to trace, retrospectively, the paths traveled by justice-involved girls and women (Lynch et al. 2012; De Hart 2005; Belknap 2015; Pollock 2014). It focuses on the lived experiences of girls and women and their multiple marginality from conventional institutions, such as work, family, and school (Owen 1998), and the patterns of violence and victimization throughout their life course (Bloom, Owen, and Covington 2003; Pollock 2014; Belknap 2015). These pathways are often shaped by punitive policies toward women. Sharp (2014, xiii) locates the high incarceration rate of women in Oklahoma in the legal and social climate of "mean laws," arguing that "to truly understand why Oklahoma imprisons women at such a high rate, we must look beyond the women themselves." The mean laws that have propelled women into Oklahoma prisons illustrate the punitive nature of U.S. prison policies, with disadvantage, discrimination, and despair (Richie 2004) embodied in these pathways. As Enos (2012) and Sered and Norton-Hawk (2014) suggest, prisons have become the default system for managing marginalized people disadvantaged through intersectional inequalities.

The notion of agency is critical to understanding women's experience (Bosworth 1999; Batchelor 2005; Miller 2002). We offer the idea of *constrained choice* to describe the limited options available to many marginalized women and emphasize the cumulative disadvantage rooted in structural and historical forms of inequality that produce oppression, trauma and subsequent harm. We argue that the pathways and choices that bring women to prison continue to shape their lives inside.[2]

2. Nuytiens and Christiaens (2015) question the application of pathways theories to non-U.S. populations, given the societal differences between the United States and countries in other regions.

Gender Inequality

We also build on the definition of gender and gender equality offered by the United Nations in *Women and Imprisonment: The Handbook for Prison Managers and Policy-Makers:*

> Gender refers to social attributes and opportunities associated with being male and female, including socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence. Gender equality refers to the equal rights, responsibilities and opportunities of women and men, and implies that the interests, needs and priorities of both women and men are taken into consideration. (UNODC 2015, 12)

Gender inequality finds expression in all aspects of women's imprisonment. It is a critical component of their lives inside and out, a foundation for the punishment philosophy vis-à-vis women, and a significant source of threat within the prison community. Such inequality intersects with other identities and social positions, particularly those generated by racial, ethnic, and class oppression, reproducing disadvantage and harm in their prison lives. In or out of prison, women's experiences with interpersonal violence and victimization must be contextualized within the frame of structural disadvantage and intersectional inequality, rather than dismissed as individual pathologies. We reframe the discussion of women's pathway experiences into and inside prison through our understanding of intersectionality and structural inequality.

Intersectionality: Intersections of Inequality and Identity

We are guided by scholarship articulating the dimensions of intersectionality (Joseph 2006; Burgess-Proctor 2006; Crenshaw 2012; Chesney-Lind and Morash 2013; Potter 2015). Potter (2013, 305) offers this definition: "Intersectional criminology is a theoretical approach that necessitates a critical reflection on the interconnected identities and statuses of individuals and groups in relation to their experiences of crime, the social control of crime and any crime related issues." With roots in black legal scholarship (Crenshaw 2012), this approach establishes that women must be understood in terms of the multiplicative social effects of an individual's identity "and the social forces that generate crime and reactions to crime" (Potter 2013, 305). Potter draws on Richie's concept of gender entrapment to show how the linked stigmas of gender, race, and economic and social class are ampli-

fied by "being battered women, being criminals and being incarcerated women" (2013, 311). Salisbury and Van Voorhis extend this argument:

> Beyond the "triple jeopardy" many women offenders must face related to their race, class, and gender (Bloom, 1996), several unique experiences have been described by women offenders in narratives of their life experiences leading to continued recidivism. Among them are poverty-stricken backgrounds, lifelong traumatic and abusive events, serious mental illness with self-medicating behaviors as coping mechanisms, little social support, dysfunctional intimate relationships, and difficulty managing and providing for their dependent children. (2009, 542)

This notion of multiple stigmas and "oppressed and subordinated identities" (Potter 2013, 314) is central to our analyses. Understanding differences among women and critically analyzing the experiences of individuals based on their social positions is important to any study of women (Potter 2013, 316). As Georges-Abeyie (2015) further notes, communities of color should not be seen as an ethnic monolith. Women, too, must be understood in terms of their diversity, rather than heterogeneity. The intersectional paradigm unpacks the experience of women in prison by focusing on the multiplicative effects of these identities beyond a monolithic definition of gender. With real differences in women's lives mediated by social position, the additional subordinated status of "prisoner," "inmate," or "convict" adds another layer to women's oppressions and marginality as they do their time.

Potter's 2015 book, *Intersectionality and Criminology: Disrupting and Revolutionizing Studies of Crime,* extends the argument by saying that since "intersectionality is a practice of understanding and interrogating the role of identities, we must understand the social construction of major identities categorized within our societies" (8). For individuals "who hold multiple intertwined identities at the lowest end of the social hierarchy, discrimination, microaggressions, and bigotry are multiplied" (35). We argue these intersectionally informed experiences continue to shape pathways and disadvantage *inside* prison.

Chesney-Lind and Morash (2013, 292) agree that intersectionality is key to transformational feminist criminology, stating, "The feminist perspective calls attention to gender (and thus masculinity) as something that is enacted in the context of patriarchal privilege, class privilege, and racism." They remind us that feminist theory concerns gendered organizations of social control that are "clearly implicated in the enforcement of patriarchal privilege" (289). The prison, as the locus of

social control, reinforces and reproduces gender inequality and other forms of discrimination against women of color, those without capital, and those with non-normative sexual and other disdained identities.

Connecting the Free World and the Prison Communities

The idea of community influenced our work in several ways. Examining gendered inequality in the community structures of women's free world lives reveals the depth of struggle they experience prior to prison (Sered and Norton-Hawk 2014; Baskin and Sommers 1998). We were particularly influenced by the work of Sered and Norton-Hawk (2014) and Lipsitz (2012) as they emphasize the role of a spoiled medical status and housing insecurity in undermining women's safety in the free world community. Their work led us to consider how these factors contribute to safety inside prison.

Clemmer's critical work, *The Prison Community* (1958), frames our examination of the social worlds of the women's prison.[3] Clemmer's study was "intended as a compendium to cover the formal and informal organization of a conventional prison" (1958, xi). In his foreword to the 1958 edition, Donald Cressey (who worked with John Irwin in developing the importation theory a few years later) writes, "Although the premise is unstated, the book deals with the prison as a social microcosm in which the conditions and processes in the broader society are observed" (vii). This is precisely our argument: we can understand women's imprisonment by examining gender-conditioned inequality and other forms of cumulative disadvantage in the wider community.

After our research revealed to us that prison living units make up different neighborhoods, some more risky than others, we gained a deeper appreciation for the notion of prison as community. Women and prison staff told us that some housing units produced more conflict and violence while others were relatively safer. Women often made comparisons regarding the relative safety and inherent challenges of differ-

3. The literature on the social organization of women's prison documents these gendered worlds. Representative studies are Bosworth 1999; Britton 2003; Carlen 1983; Chesney-Lind and Rodriquez 1983; De Hart 2005; Faith 1993; Feinman 1976; Fletcher, Shaver, and Moon 1993; Freedman 1981; Giallombardo 1966; Girshick 1999; Hartnagel and Gillan 1980; Heffernan 1972; Henriques 1995; Kruttschnitt and Gartner 2005; Mahan 1984; Moyer 1984; Owen 1998; Owen and Bloom 1995; Pollock 2002a; Rafter 1990; Rierden 1997; Ross and Fabiano 1986; Schneider 2014; Selling 1931; Sharp 2014; Watterson 1996; Young and Reviere 2006; Zaitzow and Thomas 2003.

ent living units. This insight guided us in our sampling strategy for the survey data in the second NIC study (Wells, Owen, and Parson 2013), where we attempted to measure perceptions of risk across these different prison neighborhoods.

Prison Culture and Prison Capital

Women do their time differently than men by constructing gendered social worlds through rules and requirements for living in prison. One version of prison subculture is known as "the mix" (Owen 1998), a set of norms that mediates women's behaviors inside. Women in the mix run the risk of troubled relationships, involvement in drugs, fights with other prisoners, "being messy," engaging in gossip, and generalized conflict. As we looked at our data on violence and safety, we realized the mix can be understood as one source of prison capital. As de Almeida and Paes-Machado (2015, 190) suggest, "In prison, this capital relates to the internalization of norms and rules that constitute . . . the prison's social order." We now see the mix as a cultural adaptation to the multiple forms of inequality in prison that provides guidelines for surviving, and sometimes thriving, while imprisoned. In the coming chapters, we describe the contradictory influence of the mix: it creates the potential for conflict and violence while also shielding women from some of the risks inherent in doing time. Prison capital is generated through this cultural context, contributing to conflict and violence as well as to striving and thriving in this community.

Salisbury and Van Voorhis (2009, 545) tell us that the social and human capital framework is essential to deciphering patterns of female offending behavior. As most women offenders come from backgrounds of limited social and human capital, these concepts also inform our analysis of women's lives inside, as we argue that prison capital is essential to safety. *Human capital* concerns an individual's personal resources, such as education, intelligence, psychological stability, resiliency, skills, and other abilities used to make their way in the world. *Social capital* involves relationships and connections with others, serving to improve an individual's resources by providing material and social support. These networks and systems of mutual aid connect an individual to desired resources in this world of intentional scarcity.

Women who lack capital in the free world are vulnerable to gender-based violence, subordinated relationships, economic discrimination, and other forms of disadvantage. Giordano et al. (2002), Holtfreter,