

Department of “Corrections:” The Human Caging of Men and Women, and Reproductive Justice

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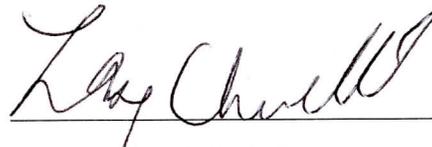
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THESIS APPROVAL

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The abstract and thesis of Mickayla E. Fisher for the Master of Arts in History was submitted to the Graduate College on November 11, 2019 and approved by the undersigned committee.

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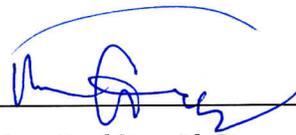
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ABSTRACT

This thesis examines the prison system in the United States starting in the early 19th century and discusses punishments that were considered inhumane, resulting in the introduction of prisons. This research explores some of the injustices that prisoners face daily and how some of these issues conflict with their identity inside and outside of the prison. It also examines the conditions inside both state-owned prison facilities and private prisons. Prisons exist as Third-World structures in the First World, as inmates are forced to live in conditions that western society would often deem Third-World or developing conditions. A chapter in this thesis focuses on the high rates of women who have been incarcerated, particularly in Oklahoma, which has the highest rate of incarcerated women in the nation. Incarcerated women are overlooked by the system, despite the disruption that prison sentences cause for their families. This research also explores the family structure and how incarceration impacts not only the women but also their children as well. All these scenarios reflect a violation of reproductive rights and justice in the case of prisoners in the United States.

The thesis explores the ways in which inmates can regain a sense of humanity and bodily autonomy through horticulture and end-of-life (EOL) programs. Such programs have proven to be two effective forms of rehabilitation for some prisons, since inmates are able to reconnect to their humanity through them. Throughout this thesis there will be a discussion of the reproductive justice framework and how it fits within the carceral system. The systematic construction of the prison industrial complex was made to control others, and it transformed into the contemporary version of the Department of “Corrections” (DOC).

“Department of “Corrections:” The Human Caging of Men and Women”

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Chapter 1

Introduction

Reproductive Justice (RJ) was a term created in 1994 by a group of African American women living in Chicago who called themselves Women of African Descent for Reproductive Justice.¹ The development of RJ stemmed from women of color and their communities not receiving adequate assistance. Oftentimes reproductive justice is misinterpreted to be solely about reproductive rights, but it also addresses other social justice issues. Women, men, trans-women, trans-men, and gender non-conforming people all have reproductive rights and rights to their own bodily autonomy. Sister Song states that RJ is “a human right. RJ is based on the United Nations’ internationally-accepted Universal Declaration of Human Rights, a comprehensive body of law that details the rights of individuals and the responsibilities of government to protect those rights.”² The prison system is a source of several human rights violations, making it an appropriate place to assess RJ issues because they are prevalent within the prison system. The insufficiency of the facilities and the inadequate care for inmates are the central problems and major reasons why there are so many issues in the prison system. Due to the lack of bodily autonomy, prison functions as a site to violate reproductive justice for women and people of color. Efforts such as gardening activities, end-of-life programs, and condom dispensers offer an alternative to these violations of reproductive rights.

After receiving a US Department of Education grant in 2016, I was given an opportunity to create a documentary about reproductive justice in Oklahoma, titled *Red State Resistance: Reproductive Justice in the Red State of Oklahoma*. This film offered people a platform to talk about how they were affected by violations of their reproductive rights. There were several

¹ “Reproductive Justice,” Sister Song, Accessed October 30, 2019, <https://www.sistersong.net/reproductive-justice>.

² Ibid.

themes covered in the documentary: sex education, health care, family, and religion. In the beginning of this film process, my colleagues and I did not know what reproductive justice was, but, with research, we began to truly understand what it represented. Through research I learned that reproductive justice addressed a magnitude of things that incorporates both RJ and social justice issues. Intersectionality became another important part of our film process, because it allowed us to see how different forms of oppression interact with one another. In 1989 Kimberlé Crenshaw first coined the term, which scholars now use as a template to recognize how identities such as race, gender, sex, and religion intersect with one another.³

Reproductive justice is the right to govern one's own body as they see fit. It advocates for people to have the right over their own reproductive health, including such things as proper child care, clean environments, and the ability to maintain a job. Human rights and reproductive justice are closely related, since RJ uses a social justice framework to tackle problems.

According to the Universal Declaration of Human Rights, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."⁴ It is important to decipher the difference between reproductive justice and human rights because they represent a lot of the same things. However, as RJ was created by women of color to assess a

³ Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine," *Feminist Theory and Antiracist Politics*. *University of Chicago Legal Forum*. Vol. 1989. Issue 1.

⁴ "Universal Declaration of Human Rights," United Nations Human Rights, accessed November 20, 2019, https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

particular need in the reproductive justice movement, RJ represents a specific historic context and focus on people of color, poor women, and the specific conditions that may be harmful to their bodily autonomy,

Through my understanding of reproductive justice and intersectionality, I was able to apply it to my research because RJ encompasses the justice system. The parallels between RJ and the prison system are evident because the carceral system is a site for reproductive justice issues. RJ advocates for the bodily autonomy of those marginalized individuals. Inmates lose their bodily autonomy while incarcerated and are forced to live by the prison's standards. I have utilized RJ throughout this thesis to show how it is relevant to the prison system and to show that reproductive justice is not solely a cis women's issue—it is an issue that impacts all who are incarcerated.

The prison system in the United States was designed to rehabilitate those who are incarcerated, but this industry has instead become a place to devalue bodies, force them into submission, and lock them behind iron bars. In Chapter Two, I discuss the origins of the prison system in the United States through a historical lens. In this chapter, I explore how American prisons were based off European jails and how people wanted to move away from cruel punishments handed out for crimes committed. To analyze the prison system, I use Michel Foucault's book *Discipline and Punish* to help lay out the structure of the prison through the lens of the panopticon. I also use the work of Larry Ingle and his biography of Thomas Edy to discuss how Edy developed the concept for solitary confinement. Angela Davis is another source used in this chapter to delve into race issues and how prison is seen as a new form of slavery. In this chapter, I aim to inform readers about the beginnings of the prison system in the United States.

In Chapter Three, I provide insight into the concept of American prisons as Third-World structures in the First World. The Third World represents “undeveloped” nations. I also discuss how some scholars consider the term Third World problematic, preferring instead the term “developing world.” I propose reasons why the prison system in the United States should be viewed as an undeveloped structure within the construct of the First World. Initial examinations will cover the concept of constant surveillance of prisoners, the intimidation of the panopticon, and inciting self-correction in inmates. The prison cell will be discussed, focusing on how it plays a role in power and control over the inmate. Second, I will discuss the conditions in the prison while thoroughly examining the responsibilities of prisons regarding their cleanliness. Also, I will explore the conditions of the prison regarding the type of health care the prisoners can receive while incarcerated and, if needed, the ability to receive treatment for conditions like diabetes, high blood pressure, and AIDS/HIV. Third, I will consider the identity of the prisoner while incarcerated. While incarcerated, inmates leave their identities from the outside world, since penitentiary life imposes upon them a new identity within the prison. Finally, mental health within the penitentiary will be examined based on pre-existing mental illnesses of inmates and how they are cared for while in prison.

These points factor into the conditions of the prison system as a Third-World structure in a First-World construct. In examining these individual elements, I demonstrate how First-World society shapes prison structured with Third-World ideals. In this chapter, I employ theory from Michel Foucault’s book *Discipline and Punish: The Birth of the Prison*. I discuss the panopticon and how it is used in prison surveillance as a form of correction. I also discuss the inmates as docile bodies forced to be reacclimated to new environments and conditions. Another source utilized in this chapter is Norbert Finzsch and Robert Jutte’s book *Institutions of Confinement:*

Hospitals, Asylums, and Prisons, in Western Europe and North America. This work is used because it contains an extensive history on confinement, but it is also the development of confinement history.

In Chapter Four, I provide a look into the high rates of incarcerated women with a focus on Oklahoma, which ranks second nationally in rate of incarcerated men but ranks first in rate of imprisoned women. According to the 2015 Oklahoma Department of Corrections annual report, 28,871 inmates comprise the prison population. 10.9 percent of those incarcerated were women, making the number of incarcerated women 3,147. Of the 3,870 violent crimes committed in Oklahoma, women committed only 151 of those offenses. Other crimes that involved alcohol, drugs or other non-violent incidences totaled 15,000.⁵

I pose three questions in order to understand why there are so many women imprisoned in Oklahoma. First, why is there a lack of information regarding women and crime? Further, why are so many women incarcerated in Oklahoma's Department of Corrections? Lastly, what are some contributing factors that could have led these women down a path of crime? In this chapter, I examine the scholarship of Susan Sharp, author of *Mean Lives, Mean Laws: Oklahoma's Women Prisoners*. I consider her text to be the first legitimate comprehensive research on incarcerated women in Oklahoma. Another source utilized in this chapter is Carol Smart's book *Women, Crime, and Criminology: A Feminist Critique*. Feminist criminology was developed in the 1970s, and it is the intersection of women's issues and social justice issues. In this chapter, I will contribute my own knowledge of reproductive justice to help further explain the injustice that women face while incarcerated.

⁵ "2015 Annual Report," Oklahoma Department of Corrections, Produced by Communication Office, 2016, Accessed September 19, 2018.
<http://doc.ok.gov/Websites/doc/images/Documents/Newsroom/Annual%20Reports/annual%20report%202015.pdf>

In Chapter Five, I provide information about horticulture programs and how they can reconnect inmates to their humanity while providing them a chance for rehabilitation. People who are incarcerated are often isolated from the outside world, shaping the social environment of the inmates while they are in prison. Prisoners frequently suffer inhumane conditions, so the development and maintenance of social relationships inside and outside of incarceration are central to how inmates regain and retain their humanity. Horticulture programs help aid prisoners to do just that, connecting incarcerated persons with others and with the environment. Through these programs, they gain skills and connect with others on a deep level.

There are several questions that will be answered throughout this chapter. Why is it important that inmates regain a sense of humanity while incarcerated? How do these programs help develop a sense of social normality? How do these programs help inmates as they are re-introduced to society? How does getting in touch with their humanity help prisoners in the long run and offer them a sense of bodily autonomy? These are important questions that will help understand the struggles of prisoners. One major source used in this chapter is James Jiler's book, *Doing Time in the Garden: Life Lessons Through Prison Horticulture*. In this text, Jiler discusses the benefits of gardening for inmates. He also discusses his success with the gardening program on Rikers Island. Another source utilized is Rachel Depner's article in the *Journal of Palliative Medicine*, "People don't understand what goes on in here': A consensual qualitative research analysis of inmate-caregiver perspective on prison-based end-of-life care," which elaborates on the benefits of end-of-life programs in prisons.

Most of these chapters will link back to reproductive justice, considering how the subject stands at the intersection of reproductive health and social justice issues. Contrary to common misconception, women are not the only ones who experience reproductive justice violations. RJ

is the primary representation of marginalized people who struggle to be listened to regarding their bodily autonomy. Reproductive justice is about telling the stories of those of have been affected as a collective so that injustices against them will be heard and recognized. This thesis aims to examine how prison violates these rights as well as explore the few programs in place created to challenge these injustices.

Chapter 2

History of the Prison

Prisons in the United States have become institutions of mass incarceration, considering how the nation boasts the highest prison population in the world.⁶ In the early 19th century, though, prisons were used not as a form of punishment but as holding cells. People thought prison represented a more humane form of punishment compared to others, the idea being that it supposedly forced convicts into submission and stopped them from committing future crimes upon released. In order to discourage the need for harsher punishments, another form of consequence needed to be created. Given this brief summary, a history of prisons, especially in the United States, is important in understanding the elevated levels of incarceration.

The birth of prison in North America followed the model of European prisons. After breaking away from their colonizers, the United States of America maintained a harsh system of punishment for criminals. In the 1820s and 1830s, Andrew Jackson created prisons throughout his presidency, most of which were based on social order. During this period, both the public and criminals established hierarchies within the carceral system. Most prisons during this time contained primarily men, and there were several punishments handed out for crimes committed, including whippings, sentences to the gallows, and public humiliation. Imprisonment in the modern sense was not yet a form of punishment. In fact, those facilities were just holding places for criminals who were waiting to receive their punishment. In contrast, authorities displayed punishments in front of people to show the public would happen if they committed certain crimes. By putting these people on display, the state hoped that the populace would think before they committed a crime. This punishment was also a scare tactic: “Their aim was not to reform

⁶ “In Depth,” BBC News, June 20, 2005, accessed October 30, 2019, <http://news.bbc.co.uk/2/shared/spl/hi/uk/06/prisons/html/nn2page1.stm>.

the offender but frighten him into lawful behavior.”⁷ This did not always work, as offenders would sometimes try their luck and would lose, facing severe ramifications befitting their crimes.

A shift toward the modern system began with minds such as Thomas Eddy. In 1791 Eddy and his family moved to New York. In addition to his background in politics and banking, he developed interest in education and prison reform. He posited that some of the severe punishments being handed out (e.g. hanging) could be countered and substituted with incarceration. As his biography states, “In 1801 he published his *Account of the State Prison or Penitentiary House in the City of New York*, a detailed examination of the prisons in New York, which asserted that the first and major goal of imprisonment was to prevent crime by reforming the offender.”⁸

Newgate Prison, built in Greenwich Village in New York City and named after an English facility, was the first state prison established in the nation. Eddy became the warden at there, and he developed an interest in the idea of solitary confinement and petitioned for single cells, measuring seven feet by nine feet, to be built in subsequent New York prisons. According to historian David Rothman, America had accepted imprisonment as a form of humane punishment that would also keep people from committing crimes. The problem with the prison system in America was that “incarceration was not the critical feature of the reformed system, and rehabilitation was not its expected goal.”⁹ During this time, what mattered to people was not that prisoners served their time while rehabilitating themselves, but that they were punished for the crimes they committed. While he put in place the plan to create America’s first prison, Eddy

⁷ Norval Morris and David J. Rothman. *The Oxford History of the Prison: The Practice of Punishment in Western Society*. (New York: Oxford University Press, 1998), 102.

⁸ Thomas Eddy Biography pg. 1 Larry H. Ingle. "Eddy, Thomas." *American National Biography Online*. (American National Biography Online, 2000)

⁹ Norval Morris and David J. Rothman. *The Oxford History of the Prison: The Practice of Punishment in Western Society*. (New York: Oxford University Press, 1998), 103.

did not enact any structure, rules, or understanding of what rehabilitation meant amongst the prisoners and guards.

The focus on punishing criminals took away from management and the internal structures of the prisons. Furthermore, people wanted an alternative way of punishment for crime instead of the gallows. This formed the basis of the contemporary prison system in the United States.

Rothman argues that “Institution life was casual, undisciplined, and irregular.”¹⁰ During Jackson’s run as President, people grew concerned with the stability of America due to crime, which they felt was disrupting and depleting the social order of society. Family, church, and schools were no longer priorities in American societies. At this time, the public feared that the values that once had a sturdy foundation in the United States had disappeared from their communities due to neglected and undisciplined youths, constant moving around, and a general loss of values. This devaluation of core principles was thought to play a major part in the rising crime rates within the United States. To maintain a sense of order and structure in the prison, then, there were two plans: the congregate and the separate system. Though these plans both required order, structure, isolation, and obedience from the prisoners, they had clear distinctions.

With these structural elements in place, prisons began to assemble a conception of a model prisoner with “moral docility” who would be a model citizen upon release. When entering a jail, people are shaped in societal norms outside of the prison. However, when placed in the prison environment, they are shaped to fit their surroundings. As Foucault states “Posture is gradually corrected; a calculated constraint runs slowly through each part of the body, mastering it, making it pliable, ready at all times turning silently into automation of habit.”¹¹ In this

¹⁰ Norval Morris and David J. Rothman. *The Oxford History of the Prison: The Practice of Punishment in Western Society*. (New York: Oxford University Press, 1998), 104.

¹¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 136.

description, Foucault explains how a peasant is formed into a model soldier. This, according to Rothman, is what penitentiaries in America began doing to effectuate control in the prisons. To create a model prisoner is to create an easily malleable model “reformed” citizen who does not question authority. As Foucault states, “A body is docile that may be subjected, used, transformed and improved.”¹² Prisons with new structures and strengths applied have become a source of control and power on a small scale.

Reforming people who have committed crimes has been one of the bases for prisons in the United States, but discipline is the sole reason in which people are placed in jail. To be reformed is a reward, not a privilege or a right. Furthermore, to be disciplined is to create a docile citizen, and discipline is a method of power. According to Foucault, “They [disciplines] were different from slavery because they were not based on a relation of appropriation of bodies; indeed, the elegance of the discipline lay in the fact that it could dispense with this costly and violent relation by obtaining effects of utility at least as great.”¹³ Foucault’s statement is debatable for several different reasons. Imprisonment became a new form of slavery, the difference being that this form of enslavement was a result of the actions of those incarcerated. Angela Davis, an advocate for prison reform, argues that “the prison is not the only institution that has posed complex challenges to the people who have lived with it and have become inured to its presence that they could not conceive of society without it. Within the history of the United States the system of slavery comes to mind.”¹⁴ The acts of prison guards are shielded behind the walls of the prison. Bodies are appropriated by the prison, but not by force. By accumulating criminals, the penitentiary takes away their rights and forces them into servitude as if they were

¹² Ibid.

¹³ Ibid, 137.

¹⁴ Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 22.

slaves. Prisoners are then forced into hard labor jobs and receive little-to-no compensation. They are also expected to do as they are told and obey the prison guards. “The establishment of prisons meant that physical penalties were no longer meted out, or at least less frequently.”¹⁵

Disobedience of the guards is met with brute force. So, while US prisons are advertised as systematic structures used to discipline and reform those who have committed crimes, there is no reformation.

“Disciplines” not only refers to the structure into which prisoners are molded, but also spaces perceived as boundaries laid out to inmates. As Foucault describes, “Disciplinary space tends to be divided into as many sections as there are bodies or elements to be distributed.”¹⁶ Architecture shapes these boundaries with the creation of the cell, which serves as inmates’ living quarters. Besides Eddy’s petitioning, religion was the main force behind the creation of these prison cells. According to Foucault, “Solitude was necessary to both body and soul, according to a certain asceticism: they must, at certain moments at least, confront temptation and perhaps the severity of God alone.”¹⁷ The cell, then, has metaphorically become a place of reasoning and penance to God for the criminal, but it also has a means of regulation and separation. Being governed and ruled correctly could result in a successful domain for prisons. According to historian Norbert Finzsch, “Foucault has developed a theory that incorporates ‘total institutions’ into a larger framework that one might call a theory of social control.”¹⁸ There is no targeted person or group who maintains this control, but there is an anonymous procedure that is set in place: “the institutionalization of a ubiquitous discipline has one of several ‘dispositive’ of

¹⁵ Norbert Finzsch and Robert Jutte, *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500-1950*. (New York: Cambridge University Press, 1996), 18.

¹⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 143.

¹⁷ *Ibid.*

¹⁸ Norbert Finzsch and Robert Jutte, *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500-1950*. (New York: Cambridge University Press, 1996), 9.

power.”¹⁹ Theorist Norbert Elia believes that the reorganization of a society makes the structure of power within that society. With the creations of various institutions such as hospitals, insane asylums, and prisons, came new methods of control to utilize to generate and maintain power within each institution.

According to Finzsch, an unclear understanding of each institution and their surroundings presents a problem because the philosophical history of confinement is not known. It is important for historians who research the history of prisons, hospitals, or insane asylums to know this history. Robert Von Hippel, a legal historian from Germany, was part of a group of historians who first gave their perspective of imprisonment through an international lens. Von Hippel is important because he is the first to talk not about imprisonment but of bondage. His word choice creates a narrowing and an opening of the topic of confinement and generates a clear understanding of the friction between prisoners and their complete loss of freedom while in the penal system. Von Hippel’s view also changes the concept of imprisonment because the word “bondage” embodies more than just the confinement of inmates. It refers to the involuntary servitude through the methods of control and power over an individual—in this case, an individual who is incarcerated. In the prison system, “punishments all were based on a spatial principle, namely that confining deviants to a certain place or area instead of sending them away.”²⁰

According to Spierenburg, the rise of prisons was celebrated until the 1970s, when the comfortability of society and presence of prisons was questioned. He says that these authors attacked their precursors, proclaiming that social control and not humanitarianism is what led to the rise of the prison. Images of prison in the past showed the forced bondage that inmates were

¹⁹ Ibid.

²⁰ Ibid.

accustomed to. Present day images of the penitentiary, especially in the United States, replicate the urban jungle, showing the hierarchy amongst inmates. This public image shows what inmates do to one another on the inside, providing those in power with a sociological scare tactic for the public.

An important feature of the prison is the panopticon. This is a concentrated location, typically in the center of the prison complex, in which the prison guards can keep a watchful eye on the inmates. It is adorned with wide windows that are opened to the inner side of the structure. The building is split into room-like cells that go around the whole building, all adorned with wide windows opened to the inner side of the structure, allowing a guard to observe the prisoners. The guard is locked into the panopticon, and they walk around the structures watching the inmates confined to their cells who serve as objects of the supervision. The prisoners are seen from the front, but the walls of the cell prevent them from communicating with the inmate in the cell next to them. Foucault states that visibility is a trap. Regarding the inmate, he states that “he is seen, but does not see; he is the object of information never a subject in communication.”²¹ The inmate’s cell is visible to the guard, but the division of the cell provides a lateral form of invisibility for the guards in the tower. The main function of the panopticon is to create a sense of consciousness amongst the inmates, maintain a known visibility, and keep an operative power. As Davis writes, “The conditions of possibility for this new form of punishment were strongly anchored in a historical era during which the working class needed to be constituted as an army of self-disciplined individuals capable of performing the requisite industrial labor for a developing capitalist system.”²² When the creation of the panopticon came about, it was not created for prisons—it was created for work warehouses to regulate workers.

²¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 200.

²² Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 47.

The functionality of the carceral system could not survive without the help of inmates. The role of prisoners has become the foundation of the prison in order to keep them open. As J.E. Baker states, “Participatory management has always existed to some degree in American prisons, with inmates occupying roles having an impact on operations, procedures and sometimes, policy.”²³ Most of the roles the inmates maintain while in prison are a result of convenience, a lack of funding, and a lack of staff. Except for administrative positions, prisoners have been utilized in numerous positions in order to help the management and operation of the facility. According to Baker, part of the reason inmates complete work around the jail is because the state profits off inmate labor. Prisoners also received some perceived benefits, earning positions of power within the prison system by becoming guards and holding positions in inmate self-government programs. These programs were used to establish places in which recidivists (or repeat offenders) could have freedom of expression and a choice in how they would be governed. With these positions came the power to influence others. An inmate in a position of power had the ability to influence the other prisoners, creating another method of control for the prison administrators to keep prisoners in check. An internal government comprised of inmates ultimately created a way for penitentiaries to generate income without hiring additional outside workers. Within this practice, then, bodily autonomy becomes controlled by the institution.

According to Ian Urbina, during President George W. Bush’s “Hardware in the Heartland” tour, he paid homage to the hundreds of workers who help manufacture the Military’s F-18 Hornet Fighters, many of which were having to lay off their workers. Furthermore, on this tour, Bush neglected to visit several other facilities that helped manufacture equipment for the military. This is because these facilities used the labor of federal prisoners to create military

²³ J.E. Baker, *Prisoner Participation in Prison Power*. (Metuchen, N.J.: Scarecrow Press, 1985), 25.

equipment. Without the labor of these recidivists, manufacturers would not have met the demands of the military in a timely manner. On such recidivism labor force is UNICOR, a corporation ran by the Bureau of Prisons. Its purpose is “to turn a profit in order to offset costs in the expensive prison system, while also bolstering prison security by keeping a sizeable percentage of the federal prisoner population as busy as possible.”²⁴ Unlike earlier prisoners, those working under UNICOR were paid wages—albeit very low ones. Within this system, an inmate could make anywhere between \$ 0.23 per hour to a \$1.25 per. However, recidivists in the 21st century do not have the luxury of having self-governed societies like that of the inmates of the 20th century. Baker explores the labor of prisoners behind the penitentiary walls but says little about the inmate leasing. Ian Urbina addresses this practice in his chapter of *Prison Profiteers*, where he talks about contracts federal prisons had with manufactures, that leased prisoners to perform commissioned work. He states inmates creating military equipment is nothing new, as UNICOR had been contracting prisoners to do this type of work since World War II.

This practice continues a longstanding practice affecting many marginalized individuals. The first section of thirteenth amendment to the US Constitution states, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”²⁵ After the abolishment of slavery, the bondage of African slaves did not take place immediately. “Peculiar institutions” were still prominent in the South until their disbanding during the Civil War. Although black people were “free,” white supremacy thrived throughout America,

²⁴ Tara Herivel and Paul Wright. *Prison Profiteers: Who Make Money from Mass Incarceration*. (New York: New Press, 2007), 110.

²⁵ *The Constitution of the United States: With Index and the Declaration of Independence*. (Washington, D.C.: Government Printing Office, 2012), 25.

especially in the South. Whites found new institutions like lynching, Jim Crow, and segregation to disenfranchise the African-American population. To the public, prisons are not seen as one such racial institution. However, many people of color have helped shaped the structure of the penitentiary. There are strong parallels between slavery and the incarceration. For instance, in both establishments, the individual finds themselves subjected to the will of others: a routine is established, and inmates are expected to be follow it, much like slaves had daily routines that were expected to be followed. In both institutions, individuals depended on others to provide their basic needs while being isolated from social atmospheres and confined from the general population. These institutions also forced their subjects to work for long hours as free laborers.

To some people, racism in the penitentiary is very subtle and not recognizable. However, the point of the present research is not to argue that racism is a motivator for prisons; rather, it is to show the conditions of the penitentiary for people to understand the overall idea behind the creation of the prison. There is no doubt that racism exists in the penitentiary, but, for this thesis, the conditions and structure of the prison are the main focal points. According to Davis, “Incarceration within a penitentiary was assumed to be humane—at least far more humane than the capital and corporal punishment inherited from England and other European countries.”²⁶ Prisons in the US are some of the most inhumane institutions. For instance, a prisoner can be placed in in solitary confinement for days, weeks, months, and even years with only one hour of time outside. These prisoners have no communication with other people and are excluded from the general population. Michelle Alexander argues in her 2005 book *The New Jim Crow* that the prison system is a major form of disenfranchisement to people of color. She makes some valid points not only about how the carceral system in America pertains to race, but also in accordance

²⁶ Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 40.

with Davis, how race is a motivator for prisons, making these institutions are a new form of enslavement. As Alexander states, “Like Jim Crow (and slavery), mass incarceration operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race.”²⁷ Foucault’s theory of carceral power has been challenged for its of lack of racial inclusion, and what the confines of prison looks like for people of color especially, African-Americans. Alexander and Davis both address these issues in their works.

Furthermore, professor of social justice Rashad Shabazz argues in his book, *Spatializing Blackness* that perceptions of prison are moving away from the “European race-neutral focus.”²⁸ Shabazz explains that “critical race scholars have critiqued Foucault for his lack of attention to the way race informs and structures incarceration and carceral punishment.”²⁹ The exclusion of race in prison history erases the experiences of inmates of color and how they understand and interact with incarceration. Carceral power is a product of racism ingrained through slavery. As Shabazz writes, “In the United States, carceral power, which was born out of transatlantic slavery, was expressed on the plantation and in the broader geography of the South.”³⁰ Carceral power intersects with racism, and Foucault’s generalization of prison based on white inmates’ experiences leaves people of color especially vulnerable within the justice system. This is one of the reasons reproductive justice was created: to represent people of color on all platforms, including social justice issues.

²⁷ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Rev. ed. (New York: New Press, 2005), 13.

²⁸ Rashad Shabazz, *Spatializing Blackness: Architectures of Confinement and Black Masculinity in Chicago* (Chicago, IL: University of Illinois Press, 2015), 5.

²⁹ Ibid.

³⁰ Ibid, 6.

Social order, control, capitalism, and power are all reasons why the penitentiary has survived for so long. Prisons have become institutions of slavery under capitalism's control. Without the work force of prison inmates, penitentiaries are unable to sustain themselves. As part of their punishment, inmates provide "free labor" to the prison, which only helps the facility generate income and maintain their budget. Forced to submit to the will of the penitentiary, inmates lose their freedom, their control over their own lives, and in many cases, their bodily autonomy. Prisoners are looked at not as people but as commodities in a warehouse shaped into the image of the obedient inmate. Reproductive justice embodies racial issues because it was women of color who created this movement as a platform to be heard, and this idea extends to those marginalized within the prison system, since Foucault's failure to examine how race is perceived and how inmates of color are treated establishes this as a reproductive justice issue.

My research also utilizes the idea of reproductive justice as a framework to explore prison systems. Literature has defined reproductive justice as "a political movement that splices reproductive rights with social justice to achieve reproductive justice."³¹ Loretta Ross and Rickie Solinger are two activist and scholars who team up together to define and give a detailed history of reproductive justice in their book *Reproductive Justice: An Introduction*. Ross, an African-American theorist, feminist, and activist, is often credited with coining the term, while Solinger, a historian, writer, and curator, focuses her research on RJ. She has written a series of books dedicated to reproductive justice and, as a curator, creates exhibits based on their themes. Both Ross and Solinger argue that all people have the right to quality health care, housing, education, safety, and a healthy environment.³² These are all things necessary to sustain a healthy lifestyle

³¹ Loretta J. Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland, CA: University of California Press, 2017), 9.

³² Ibid.

and family. Without access to these resources, such goals are nearly impossible. Reproductive justice makes the point that access to these resources are justified because childbirth, fertility management, and parenting together constitutes a human right. As they write, “Reproductive justice uses a human rights framework to draw attention to---and resist--laws and public and corporate policies based on racial, gender, and class prejudices.”³³ The RJ structure advocates for the rights of those individuals experiencing violations of human rights not only in the reproductive justice realm but also throughout the social justice spectrum.

The RJ framework also fights against laws that hinder the autonomy of people and their rights to have control over their own bodies. Reproductive justice, then, protects people’s autonomy from outside forces such as the government. As Ross and Solinger write, “Protecting people against this interference is crucial to ensuring human rights of all because all of us have the human right to be fertile, the human right to engage in sexual relations, and the human right to reproduce or not, and the human right to be able to care for our children with dignity and safety.”³⁴ RJ is also the foundation in which attention is redirected to those who are in power and hinders vulnerable and overlooked populations. Reproductive justice gives a platform for those individuals, especially communities of color, to discuss the issues they are facing. For instance, women of color created the reproductive justice framework for the lack of being understood or heard by their doctors. One such example of this came from tennis player Serena Williams who, in 2018, experienced life-threatening complications after giving birth to her daughter. Williams decided to use her platform to call for better maternal health care, particularly for black women.

³³ Loretta J. Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland, CA: University of California Press, 2017), 10.

³⁴ *Ibid.*

She told BBC news, “Doctors aren’t listening to us, just to be quite frank.”³⁵ This is just one example of how the reproductive justice structure becomes a significant factor in how to advocate for individuals rendered invisible within society. It is more than retaining fertility rights and the right to choose whether to have children: it is also about health care, racial injustices, gender injustices, and prison reform. There are myriad things that fit under the reproductive justice umbrella, many of which will be discussed throughout this thesis.

³⁵ Carly Ledbetter, “Serena Williams: 'Doctors Aren't Listening' So Black Women Are Dying,” HuffPost, March 8, 2018, accessed October 30, 2019, https://www.huffpost.com/entry/serena-williams-black-women-health-care_n_5aa156fce4b002df2c61c6aa.

Chapter 3

Reproductive Justice Violations in the U.S. Prison System

In the United States, prisons are what some scholars say are Third-World structures within the First-World construct. In this chapter, I propose reasons why the prison system in America should be conceptualized as an undeveloped structure within the construct of the First World. To begin with, I will examine the concept of constant surveillance of prisoners, the intimidation of the panopticon, and the causation of self-correction in inmates. The prison cell and its role in power and control over the inmate will be discussed as well. Second, the conditions in the prison will be discussed, including a thorough examination of the prisons' responsibilities regarding cleanliness. Taken into consideration with the conditions of the prison is the type and quality of health care the prisoners can receive while incarcerated, and, if needed, the ability to receive treatment for conditions like diabetes, high blood pressure, and AIDS/HIV. Third, I will also examine the identity of the prisoner while incarcerated, since, while in prison, inmates leave the identity of who they were on the outside and receive a new prison-imposed identity. Fourth, mental health within the penitentiary will be examined based on pre-existing mental illnesses before inmates were incarcerated and the care they receive while in prison. Finally, I will define reproductive justice and how it factors into the prison system as well as other important aspects of life in general. These points factor into the conditions of the prison system as a Third-World structure in a First-World construct. In examining these individual elements, I will demonstrate how prison is shaped by First-World society but is structured with "Third-World" ideals.

The term "Third-World" is used throughout this chapter, but it has become problematic over the years. Historian B.R. Tomlinson states that "although the phrase was widely used, it was

never clear whether it was a clear category of analysis, or simply a convenient and rather vague label for an imprecise collection of states in the second half of the 20th century and some of the common problems that they faced.”³⁶ The term is often used to differentiate between what a place was not rather than what they were. Third-World is often used to describe poor countries inhabited by people of color, while First-World is used with an air of superiority over countries in decline that cannot support their people.

However, a country’s lack of perceived development does not equate to a lack in functionality and sustainability. Many scholars agree that alternative words to describe these countries could be “developing” or “developed” countries. According to Mic, “The term ‘developing’ can be useful with concrete and effectively universal quality-of-life metrics such as hunger and infant mortality rates. But the term is a bit self-satisfied and obscures the complications of what we understand as modernity.”³⁷ There are some people who believe that the alternative words for these countries are also very problematic. Shose Kessi, a social psychologist at the University of Cape Town, states that she does not like the term “developing world” because it “perpetuates stereotypes about people who come from the so-called developing world as backward, lazy, ignorant, and irresponsible.”³⁸ Although there are some scholars who do not agree with the term “developing world,” it appears to be the least problematic when discussing countries or areas that are not as developed. These countries that are considered “Third-World” or “developing” represent areas that are especially rife with reproductive justice violations, which will be addressed later in the chapter.

³⁶ Tomlinson, B. R. "What Was the Third World?" *Journal of Contemporary History* 38, no. 2 (2003): 307-21. <http://www.jstor.org/stable/3180660>.

³⁷ “Why You Shouldn’t Call Poor Nations ‘Third World Countries,’” Mic, accessed October 30, 2019, <https://www.mic.com/articles/107686/why-you-shouldn-t-call-poor-nations-third-world-countries>.

³⁸ Marc Silver, “If you Shouldn’t Call it Third World, What Should you Call it?,” NPR, January 4, 2015, accessed October 30, 2019, <https://www.npr.org/sections/goatsandsoda/2015/01/04/372684438/if-you-shouldn-t-call-it-third-world-what-should-you-call-it>.

The penitentiary system reflects many features associated with such geographical areas, at least as pertains to violations of reproductive justice. Inside of prisons, there are two structural elements that are used to keep the inmates in check and force them to self-correct. The first structure is the central tower known as the Panopticon. As Foucault describes, “The Panopticon is a machine for dissociating the see/being seen dyad: in the peripheric ring, one is totally seen, without ever seeing; in the central tower, one sees everything without ever being seen.”³⁹ This structure is used to intimidate prisoners by implying that they are always being watched, even if there is no one in the watchtower. The associated fear, then, becomes a form of discipline in the prison system. Foucault continues, “The historical moment of the disciplines was the moment when an art of the human body was born, which was directed not only at the growth of its skills, nor at the intensification of its subjectification, but at the formation of a relation that in the mechanism itself makes it more obedient as it becomes more useful, and conversely.”⁴⁰ This statement solidifies the idea that the body is structured to its surroundings, and, in the process of conforming, it maintains the obedience needed to live within society. The Panopticon, as a position of power that creates a sense of order in the penitentiary, reflects this concept within the context of a penitentiary.

Another power structure within the penitentiary is the prison cell, which serves as an inmate’s living quarters and the place where they spend most of their time during their sentence. Imprisonment, in the beginning, was not a form of punishment. Jail cells were used to hold prisoners before they received their punishment. These cells were thought of as a more humane form of punishment, especially when compared to the gallows and to whippings. Prison cells

³⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 201-02.

⁴⁰ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 137-38.

also enforced the inmate to spend a lot of time alone to think about the crimes that they committed. Foucault elaborates, “Through the fact, too, that solitude assures a sort of self-regulations of the penalty and makes a spontaneous individualization of the punishment.”⁴¹ It was believed that the prisoners, in their solitude, would become more remorseful for their crime and would subsequently repent and be forgiven. Doing this would eliminate the weight of the inmate’s solitude, and they would be able to endure the rest of their sentence with a clean conscious.⁴² There are other conditions of the prison that may result in life or death situations that the inmates are conscious of. As such, prison is a place where reproductive justice violations happen on a regular basis. When inmates are reduced to docile structures within the prison, they lose all autonomy. They are under constant 24-hour surveillance and stripped of any identity they had before they were incarcerated. Inmates no longer have any rights to their bodies and struggle to regain any form of autonomy while in prison.

In the beginning, American prisoners had no constitutional rights. In the 1960s, the U.S. Supreme Court established that prisoners should have some rights while incarcerated.⁴³ Prisons are not created for comfort but for discipline, but there are standards that the correctional facilitates must uphold. When the conditions of prisons affect the safety of inmates, prisoners have the right to file lawsuits against the prison system if the conditions in the prison. In the words of Hugh Klare, “The U.S. Supreme Court has interpreted Section 1983 of the U.S. Code to

⁴¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 237.

⁴² Ibid.

⁴³ Roger A. Hanson, Henry W. K. Daley, and United States. Bureau of Justice Statistics. *Challenging the Conditions of Prisons and Jails: A Report on Section 1983 Litigation*. Discussion Paper (United States. Bureau of Justice Statistics, 1995), iii. ⁴³ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 201-02.

⁴³ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd ed. (New York: Vintage Books, 1995), 137-38.

⁴³ Ibid, 142.

permit prisoners to sue state correctional officials when the conditions of confinement fail to meet constitutional standards of physical security, adequate medical treatment, and freedom of religious expression.”⁴⁴ The cell blocks in a prison, depending on their location, can have anywhere from two to five levels or tiers that are uniformly placed on the walls.⁴⁵ The inmates are stacked on top of one another with no privacy and are treated as animals in cages. In some prisons, a level of cleanliness is upheld, and the prisoners are expected to keep their cells a certain way. While incarcerated, inmates do not have claim to their bodies because, while they are imprisoned, the state owns their bodies. This means that the inmates are stripped of all autonomy, even with Supreme Court rulings that give them a small amount of control.

This limited autonomy covers not only prisoner bodies but also their living spaces and their health. According to the Federal Bureau of Prisons, “The institution issues clothing, hygiene items, and bedding; and provides laundry services.”⁴⁶ Other items, like food from the commissary and some personal hygiene products, are the inmate’s responsibility. It is unclear if the prison continues to provide these necessities to the prisoners, or if the prisoner takes over the responsibility for all personal hygiene products. Georgia’s correctional facilities are run on a paramilitary system. The inmates in this facility are responsible for making sure that their cells abide by the standards of the warden, who enforces these guidelines with daily inspections. If the inmates have failed to comply with the standards of the warden, they are given a warning and threatened to be sent to lockdown (“the hole”) upon their next offense. It is not clear if the inmates are given any type of cleaning supplies, but they are held to certain standards of cleanliness. Standards may vary based on different penitentiaries.⁴⁷

⁴⁴ Ibid.

⁴⁵ Hugh J. Klare, *Anatomy of Prison*. (1979), 19.

⁴⁶ "Federal Bureau of Prisons." BOP: Entering Prison. Accessed March 25, 2017.

⁴⁷ *Hard Time*. Directed by Thurston Moore. 2007. Netflix.

Privatized prisons are a hotbed of reproductive rights violations, especially since the standard of cleanliness is overshadowed by profit, gain, and greed. In 2011, Lake Erie Correctional Facility in Conneaut, Ohio, was sold to Corrections Cooperation's of America (CCA) for \$72 million. In the first year that the CCA took over, the prison population rose to 300 hundred inmates. During that time, the city responded to four times more security breaches than it had in the previous five years. The CCA was cutting corners every chance they got. In this facility, inmates were sleeping on the floor or trying to fit three in a two-person cell. They cut or eliminated rehabilitation programs for the prisoners, and they limited the number of correctional officers staffed at the prison. Drugs, alcohol, and other contraband became more prominent in the facility, as the perimeter of the prison was not being monitored, allowing some people to throw contraband over the gates. The act of cutting back on the number guards on duty creates a safety issues for both the guards and the inmates. Total of fights went up 40%, while inmate-on-staff assaults went up 187% and inmate-on-inmate assaults went up by 305%. Prison guards were not allowed to break up fights because of a CCA rule that prohibited guards from having contact with inmates. For fear of losing their jobs, they had to sit and wait for reinforcements when a fight broke out. Inmates took advantage of this rule, and they slowly gained some autonomy before there was none.⁴⁸ According to Chris Kirkham, "In the year Corrections Corporation of America took over the 1,700-bed Lake Erie Correctional Institution, state audits have found patterns of inadequate staffing, delays in medical treatment and 'unacceptable living conditions' inside the prison"⁴⁹ The CCA's two main focal points were to keep their shareholders

⁴⁸ Acluohio, "Prisons for Profit: 18 Months in the Life of the Nation's First Prison Sold for Profit." YouTube. April 24, 2015, accessed April 26, 2017. <https://www.youtube.com/watch?v=YQcZzS7eqfY>.

⁴⁹ Chris Kirkham, "Lake Erie Correctional Institution, Ohio Private Prison, Faces Concerns About 'Unacceptable' Conditions," *The Huffington Post*. February 02, 2013, accessed April 25, 2017, http://www.huffingtonpost.com/2013/02/02/lake-erie-correctional-institution_n_2599428.html.

happy and to continue generating profit. As such, they cut corners and found ways to spend money on the prison or prisoners.

The lack of healthcare for inmates in private prisons proposes another hazard for those inmates who have significant health problems that require monitoring. In the Lake Erie Correctional Facility, inmates were not receiving proper medical treatment within the required 48-hour time frame. Medications were not distributed to the patients who had a chronic illness such as diabetes, high blood pressure, and AIDS/HIV. This negligent practice is significant, especially for those who are living with HIV/AIDS, since research has found that, “at the end of 2010, state and federal prisons held over 20,000 people living with HIV,”⁵⁰ with black men comprising the largest population of inmates with HIV. The reasons inmates have contracted this disease is ultimately the cause of their incarceration (drug abuse, sex work, etc.). One way to combat this is to make condoms available for both male and female prisons. Consensual sexual relationships in US prisons remain forbidden, but that does not stop inmates from engaging in sex. With HIV/AIDS being at its highest in prisons, providing condom dispensers would help prevent exposure to sexually transmitted illness. Not having the means to protect one’s sexual health represents a reproductive justice violation. In fact, all the mentioned problems are reproductive rights issues, since they violate not only inmate autonomy but also the right to a healthy functioning facility that can provide both a safe place and the adequate health care needed.

However, there are some states leading the way in STI prevention in prisons. As Joe Watson writes, “Legislation in California, signed into law by Governor Jerry Brown in September 2014, allows prisoners in the state’s 34 adult correctional facilities access to

⁵⁰ “Prisons and Jails,” The Center for HIV Law and Policy, accessed October 30, 2019, <https://www.hivlawandpolicy.org/issues/prisons-and-jails>.

condoms.”⁵¹ This proves that other places are seeing a need to provide condoms as necessity to inmates who are partaking in sexual activity while in prison. Due to private prisons being paid to take inmates into their facilities, they are not worried about the conditions because everybody that they house brings in money. As Jeff Gerritt explains, “The state has at least an economic interest in making sure inmates who leave prison succeed and stay out. Private prison operators don’t. For them, inmates are cash cows. Companies often cut cost with less training, lower salaries, and fewer benefits.”⁵² CCA does not pay for programs that would rehabilitate the prisoners because they do not want to create a fracture in an industry full of bodies that generate revenue. In an East Mississippi correctional facility in Meridian, inmates were granted a class-action lawsuit against the facility for deplorable conditions. Indeed, some argue that prison is specifically designated to not help their inmates. As Timothy Williams describes regarding the decision to the Mississippi case, “Judge Barbour wrote in his opinion that there was sufficient evidence that the prison had failed to appropriately address complaints that inmates were being denied ‘adequate food, shelter, medical and mental health care, and safety.’”⁵³ This is yet another example as to why prison facilities need to be held accountable for their actions as well as to the prisoners.

The conditions of the prison mimic the concept of the Third World because they are structures within the First World that are marginalized and often steeped in poor living conditions. Prisoners become the product of Third-World conditions when they are placed in cages and put on display. The Panopticon represents the colonial rule over a marginalized

⁵¹ Joe Watson, “Condoms now available to Prisoners,” Prison Legal News, accessed October 30, 2019, <https://www.prisonlegalnews.org/news/2016/sep/2/condoms-now-available-prisoners-three-states/>.

⁵² Jeff Gerritt, “Ohio shouldn’t gamble on private prisons.” *The Blade*, April 27, 2013, accessed April 25, 2017, <http://www.toledoblade.com/JeffGerritt/2013/04/28/Ohio-shouldn-t-gamble-on-private-prisons.html>.

⁵³ Timothy Williams, “Judge Allows Class-Action Suit Over Mississippi Prison Conditions,” *The New York Times*, October 01, 2015, accessed April 25, 2017, <https://www.nytimes.com/2015/10/02/us/judge-allows-class-action-suit-over-mississippi-prison-conditions.html>.

society. While incarcerated prisoners lose their birth identities when given a new identity: their DOC number (Department of Corrections). Inmates lose value while in prison and are known by identification numbers.

The loss of identity can also be linked to reproductive justice as there have been many injustices against people of color and women. For instance, in my documentary *Red State: Resistance Reproductive Justice in the Red State of Oklahoma*, many individuals, on some level, felt that their identity and autonomy had been compromised at some point in their lives. A woman named Frances Danger discussed her struggle with trying to stay connected to her Native American heritage while in the process of giving up her daughter for adoption. She was raised by her white mother and did not know much about her Native American culture. During the adoption process, she discovered the Indian Child Welfare Act. This act said that Native children like hers had to be adopted out to a Native American family of the tribe's choosing if specific requirements were not meant. Her child was able to go to the family she chose after a long battle, but this process challenged how Danger felt about her Native American identity. She later told me that she now understands why the act was in place: it was a form of protection because Native American children had been forcibly removed for years and put in boarding schools, stripping them of all identity and leaving their descendants to put the pieces back together. Without autonomy, Native people cannot figure out who they are when their ancestors were stripped of who they were. Reproductive justice advocates for the rights of people and their cultural backgrounds. Identity is a crucial thing to be stripped of, especially when done forcibly.

Upon entering the prison system, inmates are stripped of their identities and given an identification number to be known by while incarcerated. This number ultimately becomes who the inmate's new identity. When inmates do morning roll call, order items from the commissary,

or receive medical treatment, they are known solely by these numbers. There is something sinister about being identified by only a number: in Nazi Germany, Jewish people were tattooed with numbers to identify who they were. While prisoners in America are not tattooed with their numbers, they follow the inmates for the rest of their lives. During their sentences, prisoners are incarcerated with their DOC numbers attached to their clothing. Although very devastating, tattooing became a part of Jewish history and identity. As Joel Rudoren writes, “Tattooing was introduced at Auschwitz in the autumn of 1941, according to the United States Holocaust Memorial Museum’s Encyclopedia of the Holocaust, and at the adjacent Birkenau the next March.”⁵⁴ Only people who were able to work were given tattoos, but some wore them with pride because it showed that they survived.⁵⁵ While incarcerated, the prisoner has to maintain two separate identities. They have to maintain the identity of who they are outside of prison and the identity of who they are while inside the prison. Any sense of normalcy is taken away the moment that a prisoner enters the penitentiary.

When a person is born, their identity begins to form culturally, religiously, socially, and racially. These are factors that people grow to understand if they are intertwined within their families. Intersectionality is a prominent part of everyone’s lives, as it defines an intersection between several entities, such as career, family, race, and religion. Kimberlé Crenshaw defines intersectionality as “an analytic sensibility, a way of thinking about identity and its relationship to power. Originally articulated on behalf of black women, the term brought to light the invisibility of many constituents within groups that claim them as members, but often fail to

⁵⁴ Jodi Rudoren, "Proudly Bearing Elders' Scars, Their Skin Says 'Never Forget'," *The New York Times*, September 30, 2012, accessed April 24, 2017, <http://www.nytimes.com/2012/10/01/world/middleeast/with-tattoos-young-israelis-bear-holocaust-scars-of-relatives.html>.

⁵⁵Ibid.

represent them.”⁵⁶ Intersectionality is not limited to black women, but it can be applied to any marginalized group since it advocates for those who are invisible. The term alone does not wield the power to make change, though. As stated in one Washington Post article, “People of color within LGBTQ movements; girls of color in the fight against the school-to-prison pipeline; women within immigration movements; trans women within feminist movements; and people with disabilities fighting police abuse—all face vulnerabilities that reflect the intersections of racism, sexism, class oppression, transphobia, able-ism and more.”⁵⁷ Intersectionality is developed during the most formative years of people’s lives and helps solidify their identities. In understanding the intersections in the lives of incarcerated people, it helps others understand why being stripped of their identity is so significant.

When people have entered the penitentiary, they begin to “[lose]the identity of a free human the prisoner’s new ‘formed’ identity is more complex as it is formed through a multiplicity of means”⁵⁸ These two identities create a bicultural existence. The first existence lies outside of the prison, which is essentially stripped away when processed into the penitentiary: “It is partly ‘given’ by the institution, partly ‘claimed’ by the prisoners themselves and partly ‘observed’ by other people.”⁵⁹ The other identity is their DOC number. There could be multiple people with the same name, but the number singles them out. The numbers given to a prisoner are used on all other paperwork as an identifier instead of their name. Some inmates have taken control of their newly formed identities and have used them as tools to regain some autonomy. For example, several inmates publish books under their numbers, an action that serves as one’s

⁵⁶ <https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/>

⁵⁷ Ibid.

⁵⁸ "Religion, Faith and Crime: Theories, Identities and Issues." Google Books. accessed April 24, 2017. <https://books.google.com/books?isbn=1137456205>. 359.

⁵⁹ Ibid. 359.

full adoption of their prison identity. “An early historic example of this would be ‘the final sign that a man, as far as prison officialdom goes, is completely robbed of his personality and has become a number’”⁶⁰ Here in the United States, we are given social security numbers—in a sense our first number. This becomes a personal identification for the government, hospitals, school, and even jobs, but these numbers do not become so entrenched in our identities that the numbers are who we are. This is the opposite for prisoners: their numbers essentially become who they are while incarcerated and beyond. People in the Third World are constantly being told who they are by outsiders. The image of the Third World is imposed on them much like the image of Caliban was imposed on him by Prospero in *A Tempest*. Inmates being stripped of their identities and having numbers imposed on them is how the prison says they are, say, inmate 1235245 and nothing else.

Due in part to this dehumanization, mental health issues in the prison system have become increasingly more prominent. Some inmates arrive at the prison facility with pre-existing mental health issues, and they do not have the means to receive psychiatric care. The prison, in a way, has become the new mental hospital because there is nowhere to house mentally ill patients. Due to multiple mental health facilities shutting down across the nation, prison has become the new mental institutions by default. As Ahmed Okasha writes, “The situation has been exacerbated by the closure of many mental institutions: between 1982 and 2001, the numbers of public hospital beds available for the mentally ill decreased by 69% in the US.”⁶¹ Psychiatric hospitals have shut down, and people with severe mental impairments were left to fend for themselves. However, prison is not a place to care for individuals who have mental health issues.

⁶⁰ Ibid. 360.

⁶¹ Ahmed Okasha, "Mental patients in prisons: punishment versus treatment?," *World Psychiatry*, February 2004, accessed April 24, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1414650/>.

Often people with mental illnesses are brought in on minor offenses such as vandalism or theft, sometimes used as an escape from the elements. Prisons are not equipped with the means to take care of these mentally ill patients, but prison is the one place that cannot turn them down if they commit a crime.⁶²

The mentally ill represent 16 percent of prison's population. These prisoners require more attention than the average prisoner because of their mental handicap. In order to deal with the large influx of mentally ill patients in the Ohio state prison, they are separated from the general population and are placed in mental health units where they can receive effective treatment. As Okasha writes, "Despite efforts over the last 30 years to promote diversion from jail for individuals with serious mental illness who have engaged in criminal behavior, few jail diversion programs have been adequately implemented."⁶³ Placing these mentally ill patients in prison cells when they need to be in a psychiatric hospital does not help their mental health. In fact, it contributes to the decline of it. Of the people with mental illnesses locked up, 25-30% of them have chronic mental health issues and need to have someone making sure that they are taking their medication consistently. When Ohio state prison began to take in so many mentally ill patients, they had to rethink their discipline policies to take in consideration of mental illness. Prison is not the right place for people with mental handicaps because prison does not exist to provide mental health treatment, but it is there to provide safety and security to surrounding communities.⁶⁴ How does this relate to the Third-World? Prisons in other countries have seen influxes of people with mental illness. In India, they have received a high rate of mentally ill

⁶² Films for the Humanities & Sciences, Films Media Group, and Public Broadcasting Service. *The New Asylums*. New York, N.Y.: Films Media Group, 2009.

⁶³ Ahmed Okasha, "Mental patients in prisons: punishment versus treatment?," *World Psychiatry*, February 2004, accessed April 24, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1414650/>.

⁶⁴ Films for the Humanities & Sciences, Films Media Group, and Public Broadcasting Service. *The New Asylums*. New York, N.Y.: Films Media Group, 2009.

patients in their prison system. Healthcare in developing countries is lacking, and therefore they lack the adequate training⁶⁵ needed to help with the high rates of mentally ill prisoners in their systems. Mental health treatment is pertinent to sustaining patients with mental illnesses, but if treatment facilities continue to get shut down, prisons in the United States will continue to be an alternative housing treatment facility. As Okasha states, “As long as the budget of mental health is treated as the Cinderella of health services, mental patients will continue to be deprived of their right to be managed in mental health premises rather than in prisons and other incarcerating places.”⁶⁶ Prisons are not for psychological treatment. Despite their origins, they are created for discipline and punishment.

The panopticon and the jail cell play a huge role in creating an atmosphere where the prisoner is forced to think about their crimes. It also instills fear within them, as they feel they are constantly being monitored. The conditions of prisons can be deplorable, like those of private facilities. Inmates, although they may have committed a crime, have the right to live in humane conditions. That was the point in creating prisons in the first place: to be more humane in how the prisoners were being treated as an alternative to the harsh punishments that were given before. They have the right to live in a clean and healthy environment despite the crimes committed. Inmates, upon arrival to prison, are imposed with their new identities: their DOC numbers, which strip them of the identities that they maintained before they were incarcerated. Numbers have no identity—they are just numbers. Essentially, that is what prisons are telling inmates: they are no one, just numbers. Due to the large number of mental health facilities being

⁶⁵ "Health equity: challenges in low income countries." *African Health Sciences*. October 2009, accessed April 28, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2877288/>.

⁶⁶ Ahmed Okasha, "Mental patients in prisons: punishment versus treatment?," *World Psychiatry*, February 2004, accessed April 24, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1414650/>.

closed, prisons have become the new mental asylum. Not adequately equipped, they must create rules and regulations to help deal with the influx of mentally ill inmates. Some prisons, like the Ohio state prison, is creating special treatment wards for prisoners who deal with mental illness. These facilities have mental health staff and nurse 24/7 to care for the inmates. These issues within the prisons system here in America reflect some of the issues going on in the third world-imposed images of what the third world is.

Chapter 4

Women Behind Bars: The High Rates of Incarcerated Women in Oklahoma and How it Fractures the Family Structure

The previous chapters have discussed the prison system overall without much focus on the gendered nature of prison. This chapter will examine how gender plays a role in reproductive justice issues within the carceral framework. Women in crime were not a focus of early criminology.⁶⁷ In fact, the concept was often dismissed: if a woman committed a crime, it was attributed to hysterical states or masculine behavior. Currently, Oklahoma has the highest population of incarcerated women in the nation, and most are imprisoned for non-violent crimes. Looking at the reasons behind their offenses can offer a broader understanding of issues not only for women but also within their greater communities. Beginning in the 1970s, feminist scholars attempted to generate a better understanding of the experience incarcerated women. They developed feminist criminology to examine the reasons women commit crimes while also looking at the discriminatory problems against women within the legal system.

One major point these scholars address involves dynamics within their support systems. Most female offenders who enter the criminal justice system often have families that they leave behind. When one parent is sentenced, the dynamic between parents and children often becomes fractured. In the wake of their incarceration, they have children who are often placed with family members or in foster care. How the family dynamic is addressed by both incarcerated mothers and their children is important to sustaining a healthy relationship not only while the mother is in prison but also upon their release.

⁶⁷ Pamela J. Schram, and Barbara Koons-Witt, *Gendered (In)Justice: Theory and Practice in Feminist Criminology*. (Long Grove, IL: Waveland Press, 2004), 49.

There are some programs that were created to aim at incarcerated and formerly incarcerated women to give them skills or to help regain custody of their children. Still She Rises is program sponsored by the Bronx defenders, and established in Tulsa, Oklahoma. Through attending the Take Root: Red State Perspectives on Reproductive Justice Conference, I have personally been able to hear what Still She Rises is about, and how they work with community members for the advancement of people in the north Tulsa. “Still She Rises empowers the women we serve take an active role in their defense, the strategy and the actions of their team. Women are shown more are shown empathy and warm genuine understanding in an open and non-judgmental environment. This encourages the women we serve to direct the improvement of their overall situation.”⁶⁸ This program is geared solely towards women because they are the highest incarcerated group of people in Oklahoma.

ReMerge is another program also aimed at helping formerly incarcerated women and maintain the custody of their children. “Oklahoma incarcerates more women per capita than any other state in the nation ReMerge is a comprehensive female diversion program designed to transform pregnant women and mothers facing incarceration into productive citizens.”⁶⁹ This program is one of Oklahoma’s more established, and they provide many types of programs to help these women once they are released. Scholars have studied the many reasons female crime was not considered, and the reasons women committed crimes. My research covers various aspect of the family structure and how fractured by the criminal justice system in Oklahoma through the high rates of incarcerated women who are often mothers.

⁶⁸ <https://www.stillsherises.org/>

⁶⁹ “Home.” Rmerge Oklahoma, www.remergeok.org/

Oklahoma ranks second in the rate of incarcerated men but, ranks first in the national rate of imprisoned women. According to the 2015 Oklahoma Department of Corrections annual report, 28,871 inmates comprise the prison population. 10.9 percent of those incarcerated were women, making the number of incarcerated women 3,147. Of the prison population, 3,870 violent crimes were committed in Oklahoma, and women committed 151 of those offenses. Other crimes that involved alcohol, drugs or other non-violent incidences totaled 15,001, and of those offenses' women committed 1,635. I pose the following questions to understand why there are so many women imprisoned in Oklahoma. Why is there not a lot of information on women in crime? Why are so many women incarcerated in Oklahoma's Department of Corrections? What are some contributing factors that could have led these women down a path of crime?

Susan Sharp, author of *Mean Lives, Mean Laws: Oklahoma's Women Prisoners*, argues that there is not a lot information written about women offenders because in the beginning their crimes were overlooked. Sharp argued that the women who commit crimes are often seen as sexual deviants or more masculine women with high sex drives. Sharp also argued that not until Cesare Lombroso and Guglielmo Ferrero published research, did research into female criminology begin to develop. There are a few factors that Sharp points out as reasons women commit crime; race and class being the primary reasons. Women born into impoverished families often get involved with crimes such as petty theft, forced prostitution, or being involved with drugs given to them often by men they are involved with.⁷⁰

Charles Ochie, Sr., argued in his dissertation *Female Offenders and the Criminal Justice System* that women offenders are given harsher sentences than their male counterparts, because

⁷⁰ Susan F. Sharp and Juanita Ortiz, *Mean Lives, Mean Laws: Oklahoma's Women Prisoners*. (New Brunswick, New Jersey: Rutgers University Press, 2014), 15.

they are more likely to achieve rehabilitation when given longer sentences. Ochie also argues that there is a difference in the way women are treated when sentenced based on their behavior. If a woman appears more docile and does not display any dominance, she is more likely to receive a lighter sentence. If a woman demonstrates more masculine or assertive actions, however, she is more likely to receive a more severe punishment. Though dated, Ochie argued that the female incarceration rate in Oklahoma in 1991 was the highest in the nation. There is no difference from the 1991 incarceration rates in Oklahoma to the 2015 incarceration rates, and imprisoned women in Oklahoma are still number one in the nation.⁷¹ Hmoud Salem Al-Mosleh argued in his dissertation *Characteristics of Female Offenders in Oklahoma* that women who are incarcerated often come from homes that are abusive, dysfunctional, or they have experienced spousal abuse. Al-Mosleh also argued that women who commit criminal offenses do so later in life, and most of the offenses involve theft or drugs. Often women commit crimes to help support their families, spouses, or potential addictions to drugs or alcohol.⁷² These scholars bring forth some of the issues that plague women and contribute to the high rates of incarceration not just in Oklahoma, but also in the nation.

Often the issues of women are often overlooked, especially for women of color. The high rates of incarcerated women in Oklahoma fit within the reproductive justice framework. These women are imprisoned on minor offenses and are given harsh penalties for the crimes they have committed. Often these women face reproductive justice violations while incarcerated. In 2019, I was able to visit Rmerge which is a place for mothers who are getting released from

⁷¹ Charles Ochie, and John Cross, "Female Offenders and the Criminal Justice System: Examining the Patterns of Differential Treatment of Female Offenders in Oklahoma" (PhD diss., Oklahoma State University, 1993), 25, Accessed September 7, 2018. ProQuest Dissertations and Theses.

⁷² Hmoud Al-Mosleh, "The Characteristics of Female Offenders in Oklahoma: An Analysis of High Rate of Incarceration." (PhD diss., Oklahoma State University, 1993), 10, Accessed September 7, 2018. ProQuest Dissertations and Theses.

prison, or have been released from to prison into the programs custody. I listened to some of the women's stories about their incarceration. Not only did these women lose their autonomy they lost their safety. One woman discussed giving her cellmate her food in order for her not to get beat up. This is a reproductive violation, because inmates are often looked at by the crimes committed and are removed from any forms of humanity.

Criminologists mainly study incarcerated males, ignoring imprisoned women and their issues. Men were considered more likely to commit crimes. Feminist criminology incorporates feminist thought within that field and are focused on the often-ignored female populations in the prison system. Dana Britton states that "The founding of the feminist criminology can be somewhat arbitrarily fixed at 1976, with the publication of Carol Smart's *Women, Crime, and Criminology: A Feminist Critique*."⁷³ There were other works written before this, but Dana Britton argues that this book put female criminology in a perspective that was more systematic in examining the needs of incarcerated women, and the lack of treatment they receive in prison. In her essay, Britton examines the three different forms women can take in criminology: women as victims of crime, women as offenders, and women who work in the criminal justice field. She focuses on these three aspects of criminology to show the underrepresentation of women not only as offenders, but as victims and people who work the field. "Feminist Criminological theories began arising during the 1970s, largely due to the Women's movement of the late 1960s and early 1970s."⁷⁴ Feminist criminology creates new perspectives that focuses on women and social justice. Overall feminist criminology combines feminist theory, and the criminology to

⁷³ Pamela J. Schram, and Barbara Koons-Witt, *Gendered (In)Justice: Theory and Practice in Feminist Criminology*. (Long Grove, IL: Waveland Press, 2004), 49.

⁷⁴ Susan F. Sharp and Juanita Ortiz, *Mean Lives, Mean Laws: Oklahoma's Women Prisoners*. (New Brunswick, New Jersey: Rutgers University Press, 2014), 9.

explain why women commit crimes. By combining these two fields of study, it also offers advocacy for women who are incarcerated and face injustices within the legal system. “It is noteworthy that in Oklahoma, fewer than one in four women prisoners are black, unlike in most states. However, it should be noted that the black population in Oklahoma is far smaller than in the United States as a whole: 8.1 percent compared to 12.9 percent.”⁷⁵ Therefore the high rates of incarcerated women discussed in the paper are predominantly white and Native American.

Often the women who commit crimes have experienced some form of trauma within their lifetime that put them in a position to commit a crime or they felt they had no choice when put into dire situations. Women who commit crimes may have a drug addiction, are more likely to offend, or to be targeted by police.⁷⁶ Women who have had negative childhood experiences due to physical and sexual abuse have been found to commit crimes. Often these women came from dysfunctional households where one or both parents exhibited physical violence towards them, or against other family members. Female offenders who experienced sexual molestation, or physical abuse, or both developed criminal behaviors. “Simply put, the more adverse experiences one has during childhood, the more likely it is that, as an adult, one will develop physical health problems, mental health problems, and substance abuse problems.”⁷⁷ These childhood experiences incarcerated women endured led them to suffer with mental health or to struggle with substance abuse problems. When drugs are used to ease the pain of past trauma it often develops into an addiction, and ultimately leads the women to prison. Women who have experienced traumas within their lives often are often revictimized by the criminal justice system

⁷⁵ Susan F. Sharp, and Juanita Ortiz, *Mean Lives, Mean Laws: Oklahoma's Women Prisoners*. (New Brunswick, New Jersey: Rutgers University Press, 2014), 49.

⁷⁶ Ibid.

⁷⁷ Susan F. Sharp, and Juanita Ortiz, *Mean Lives, Mean Laws: Oklahoma's Women Prisoners*. (New Brunswick, New Jersey: Rutgers University Press, 2014), 53.

by being put in jail. Reproductive justice advocates for the wellbeing of human beings thus making this part of the RJ framework. These women often need resources to help them get out of situations that are harmful to them.

According to the 2004 Special Task Force for Women Incarcerated in Oklahoma report “Oklahoma’s high correlation between increases in arrest of females and increase in imprisonment of females seems to be isolated to drug-related offenses.”⁷⁸ Drug laws in Oklahoma are tough on women—instead of providing them with rehab treatments or mental health services, they are given lengthy sentences. There are three reason women are incarcerated: They come from an impoverished background, they are involved with men who indulge in criminal activity, and because they have a long history of abuse.⁷⁹ Most of the women who are imprisoned have histories of physical, sexual, and emotional abuse. These women are often targets of domestic violence, and often fail to report the crimes committed against them due to their lack of awareness. Many of the women involved in domestic violence cases end up dropping their complaints because they are “lacking funds, education, and job experience, and they have no apparent means of survival outside of the troubled situation.”⁸⁰ Which often means the women are stuck in dangerous situations because of the lack of resources available to them or they are scared to leave their situations. This is how reproductive justice ties into incarceration. The institutions that create the conditions for women to have to stay in abusive relationships or deal with past trauma due to sexual assault are the same institutions that ultimately revictimizes them.

⁷⁸ State of Oklahoma, *Special Task Force for Women incarcerated in Oklahoma*, by S.B. 810 of 2003 Legislative Session. (Oklahoma, 2004), 9.

⁷⁹ Andrew Knittle, "Oklahoma's 'mean' Laws to Blame for High Female Incarceration Rate, Sociologist Says," *The Oklahoman* (Oklahoma City, Okla.), October 10. Accessed September 7, 2018.

⁸⁰ State of Oklahoma, *Special Task Force for Women incarcerated in Oklahoma*, by S.B. 810 of 2003 Legislative Session. (Oklahoma, 2004), 8.

Although, drug abuse, domestic violence, and other traumas experienced by incarcerated women contribute to their imprisonment mental health is also a big component in the imprisonment of not only women but also men. Due to the closure of mental health facilities, prison has become the new psychiatric ward. Most jails are not equipped to deal with the high volume of people who struggle with mental illness. “The situation has been exacerbated by the closure of many mental institutions: between 1982 and 2001, the numbers of public hospital beds available for the mentally ill decreased by 69% in the US.”⁸¹ More than half of incarcerated women in Oklahoma suffer from mental illness, and that is double the rate of imprisoned men. “Of women with mental illness sent to prison 68.3% were incarcerated for non-violent crimes.”⁸² While the rise of women in prison continues to increase, mental health and substance abuse facilities show a drastic decrease in their programs. While drug abuse, childhood traumas, domestic violence, and mental illness contribute to some of the reasons women are incarcerated, one should examine the family structure and show how incarceration fractures it.

Often imprisoned women leave behind families when they become incarcerated. This causes a fracture within the family unit. One must examine how the family structure is disjointed, but it is the relationship between mothers and their children that are important to see how incarceration has affected the relationship. Most women who are incarcerated were single parents and the head of their households. Due to these circumstances, female offenders often find themselves fighting to maintain relationships with their children. They also struggle to keep custody of their children while imprisoned. In order to retain custody, they must present their case in family court. These women cope with the narrative that they are poor mothers because

⁸¹ Ahmed Okasha, "Mental patients in prisons: punishment versus treatment?," *World Psychiatry*, February 2004, accessed April 24, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1414650/>.

⁸²State of Oklahoma, *Special Task Force for Women incarcerated in Oklahoma*, by S.B. 810 of 2003 Legislative Session. (Oklahoma, 2004), 7.

they were drug abuser or prostitutes. “Many of these women, two-thirds of whom were primary caretakers of at least one child before incarceration, define themselves as “bad mothers,” persons who violated the basic norms of caring for their children.”⁸³ This strains the family framework and causes larger issues. Critics scrutinize their parental rights because of the choices they made, and society deems them as unfit guardians because they fail to uphold the ideal concept of motherhood. Victoria Law claims that, “The view of the imprisoned mother as unfit and unworthy has been used to legitimate prison and social services policies regarding the children of imprisoned parents.”⁸⁴ In 1997, Congress passed The Adoption and Safe Families Act. This legislation determines that if a parent is incarcerated for more than six months, their parental rights would be relinquished, and they would be accused of abandonment and abuse.

The prison’s distance from the incarcerated families also contributes to mothers’ difficulty sustaining their relationships with their children. The location of the prisons makes a difference in how often they can see their children. If the parent is imprisoned, in a location, that is four or five hours away from their children, the likelihood that they will be able to see their children often is slim. Female prisoners have established ways to resist the separation of themselves from their children. For instance, In Victoria Law’s book *Resistance Behind Bars*, she discusses an account of a woman named Yraida Guanipa who was placed in a prison over four hundred miles from her children. She began to combat this distance by writing to congressional representatives, universities, and prison activist groups requesting she be transferred to a prison closer to her family. According to the 2004 Special Task Force for Women Incarcerated in Oklahoma report, “[In] Oklahoma, about 1,000 minors are currently in

⁸³ Loretta J. Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland, CA: University of California Press, 2017), 226.

⁸⁴ Victoria Law, *Resistance behind Bars: The Struggles of Incarcerated Women*. 2nd ed. (Oakland, CA: PM Press, 2012), 44.

foster care because the mother is incarcerated.”⁸⁵ A task force was created by the Oklahoma legislature in order to help fulfill the needs of children whose parents are incarcerated. Three percent of Oklahoma's children live without their parents as a result of Oklahoma’s high incarceration rates.

In an article by the Christian Science Monitor it discusses a situation with a woman named Laura Richards, and her issues with alcohol and being in an abusive relationship with her husband. Drunk and arguing with her husband over who would drive home Richards got in her car, and drove towards her husband in an attempt to hit him. “In April, she enrolled in Women in Recovery, a community-based rehabilitation program in Tulsa that has treated hundreds of women facing prison terms for nonviolent offenses. Like Richards, nearly all are mothers caught up in a cycle of abusive relationships, addiction, and petty crime.”⁸⁶ Women who are in the Women in Recovery program are restricted from any contact with family, friends, and their children in order to maintain recovery, and be successful with recovery after they are released from the program. This program offers women alternative methods to dealing with their substance abuse issues, and their children in order to maintain sobriety and maintain custody of their children. Programs like Women in recovery help to reconstruct the relationship between mothers and their children over time.

In order to see how many children have been affected by their parent's incarceration the Children of Incarcerated Parents task force (CIP) administrated a survey. “The growing number of mothers in prisons is especially significant since incarcerated mothers often are the sole support for their children, making incarceration a more disruptive change and more difficult

⁸⁵State of Oklahoma, *Special Task Force for Women incarcerate in Oklahoma*, by S.B. 810 of 2003 Legislative Session. (Oklahoma, 2004), 10.

⁸⁶ Simon Montlake, ‘Bad moms’ or women in need of help? Oklahoma rethinks view of female inmates, The Christian science monitor, November 20, 2018.

adjustment for children and families.”⁸⁷ Contact between incarcerated mothers is important to help them retain a level of communication and support for the children. Although, incarcerated women are not able to be with their children physically, they can provide a level of emotional support for their children who are ultimately mourning the loss of their parent to the prison industrial complex. There has been an effort to start programs to help reform women who are incarcerated or formerly incarcerated. There are some programs that have worked hard to help not only reform women, but to also reunite them with their family, more specifically their children. Although there are men who experience disconnect to their children while incarcerated the focus of this chapter is solely on women here in Oklahoma. Most of the women who are incarcerated in Oklahoma are single mothers, and so that is why the focus is on how it affects their households.

In Oklahoma, there are a few organizations that have been established to help incarcerated and formally imprisoned women, more specifically mothers singles mothers who have experienced addiction, and physical abuse by a partner. These programs often try to help women get back on their feet and regain custody of their children. A New York non-profit organization known as the Bronx Defenders established Still She Rises a holistic defense program in Tulsa, Oklahoma. They did this to help combat the high rate of incarcerated women in Oklahoma. The Bronx Defenders is a non-profit organization established in 1997 in Bronx, New York to help low income people with legal services. They are known for the holistic defense model which aids in getting better legal outcomes for their clients, and in doing this they develop one on one relationships in order to provide the best form of defense for them.

⁸⁷ Oklahoma Commission on Children and Youth, *Children of Incarcerated Parents Task force (CIP)*, Oklahoma Legislator, (Oklahoma, 2011), 1.

The organization explains that a “holistic defense begins with a commitment to addressing clients’ most pressing legal and social support needs. Because the universe of these needs will vary from community to community, a holistic defender office must begin by identifying the full range of client’s needs.”⁸⁸ In January of 2017 the Bronx Defenders opened a sector of their non-profit organization on the north side of Tulsa, Oklahoma called Still She Rises. Here the holistic defense model is present, but the organization focuses on incarcerated women and mothers. “For the past year, Levinthal’s organization, Still She Rises, has built a legal-aid practice in Tulsa that is exclusively for mothers facing incarceration and helps not only with criminal courts but also child-protection services and other agencies. It’s the first of its kind anywhere in the country. The program is still too new to be able to tell its impact on the recidivism rate of the low-income, African-American population it’s designed to serve.”⁸⁹ In February of 2017 I attended the Take Root Conference held at Oklahoma University in Norman, Oklahoma I went to a panel with Still She Rises.

During that time, the organization was just starting out, but they were present with law students from Tulsa University (TU) explaining their program and what they do to help women in the community with legal issues. On this panel, they had a woman who was formally incarcerated, and she talked about the struggles of her being in jail and away from her son who at the time she was incarcerated was two years old. She was convicted of a drug offense and was sentenced to seven years. When she got out of prison she found out about this program and she began rebuilding her life a little at a time. She talked about the struggles of being a parent to a

⁸⁸ The Bronx Defenders, Accessed September 30, 2018, www.bronxdefenders.org/who-we-are/.

⁸⁹ Simon Montlake, ‘Bad moms’ or women in need of help? Oklahoma rethinks view of female inmates, The Christian science monitor, November 20, 2018.

child whose life she was not present in for seven years and learning how to be a parent because she lacked those skills due to her incarceration.

With Oklahoma having the highest rates of incarcerated women Still She Rises makes it their mission to offer legal support to women on all aspects whether it be criminal, family law, or other legal issues. Their website says, “Women are the fastest growing population in the U.S. with Oklahoma leading this trend at twice the national rate Still She Rises goes to the ground Zero of this crisis.”⁹⁰ This program has worked out for several women who were formally incarcerated or are just facing legal troubles. In March of 2017 Tulsa’s News 6 featured a story about Still She Rises and interview a woman who needed their help. The woman’s name is Latrice Parker, and she had some ongoing legal issues within her family when someone she knew recommended Still She Rises. During her interview with news 6 she became emotional because she was so grateful for the help that the organization gave her.⁹¹ Still She Rises is a great program and continues to help women who are struggling with legal issues, but they are not the only program making a difference in Oklahoma.

ReMerge is an organization that was established in Oklahoma City, Oklahoma in 2011 to help tackle the high rates in which Oklahoma incarcerated women. The organization was created by a group of citizens and 25 non-profit organizations, community members, and government agencies. ReMerge states that it is “a comprehensive female diversion program designed to transform pregnant women and mothers in facing incarceration into productive citizens.”⁹² ReMerge was created as an alternative form of rehabilitation for women who are facing convictions for non-violent offenses. The program works with the Oklahoma department

⁹⁰ <https://www.stillsherises.org/>

⁹¹ “Non-Profit Offers Free Legal Representation, Services To North Tulsa Mothers.” *News On 6*, www.newson6.com/story/34691746/non-profit-offers-free-legal-representation-services-to-north-tulsa-mothers.

⁹² “Home.” ReMerge Oklahoma, www.remergeok.org/

of corrections and the Oklahoma department of mental health, and substance abuse services to help decrease the rates women are incarcerated and help end generational cycles of incarceration and poverty. NewsOk covered a story about ReMerge where the CEO of the Foundation and donor to the organization states, “We know that children with incarcerated mothers are five times more likely to end up in prison themselves. Remerge gives these mothers the opportunity to be part of their children's lives and chart a new course for their family's future.”⁹³ They provide substance abuse and mental health services for the women in their program, and they work with mothers to get their children back if they have lost custody. They also help get these mothers parenting classes so that they are able to be more productive parents. Reproductive Justice advocates for the right to parent children as individuals see fit. By having programs like ReMerge and Still She Rises it makes it possible for mothers in Oklahoma. RJ also represents the rights parents should be able to raise their children in healthy and safe environments. Reproductive justice implements a reproductive justice a human rights framework, because that’s all they are fighting for is the basic rights as a human to have adequate healthcare, environments, and shelter. RJ goes far beyond pro-choice/pro-life it is the right as a human being to be to have autonomy over one’s body and be able sustain one’s self.⁹⁴

Women in Oklahoma face a disadvantage if they are incarcerated, because Oklahoma is harsh on women who commit crimes especially non-violent crimes. By presenting a broader perspective on why women in general, not just in Oklahoma commit crimes helps develop theories on why the incarceration rates of women are so high. There is not a lot of scholarship on

⁹³ “Non-Profit Offers Free Legal Representation, Services To North Tulsa Mothers.” *News On 6*, www.newson6.com/story/34691746/non-profit-offers-free-legal-representation-services-to-north-tulsa-mothers.

⁹⁴ Loretta J. Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland, CA: University of California Press, 2017), 9.

the topic women who are incarcerated. Women who come from violent, traumatic, and impoverished backgrounds tend to be the ones who commit crimes. Sometimes these crimes are committed out of desperation or to support addictions. When women are incarcerated it often fractures the family structure because they are the glue that holds everything together. When mothers are imprisoned it ultimately destroys the mother-child relationships. Programs like Still She Rises and Rmerge are what helps families pick up the pieces to rebuild their relationships. With these programs and other ones like then rehabilitation for women can be achieved in a more productive manner. These programs view women in a more holistic manner and seem aware of the many intersectional identities that are involved regarding incarcerated women.

Chapter 5

Re-establishing Humanity Through Horticulture and End-of-Life Programs

People who are incarcerated are often isolated from the outside world, but this also shapes the social environment of the inmates while they are in prison. Prisoners often suffer inhumane conditions and are treated like animals. How inmates develop and maintain social relationships inside and outside of their incarceration is central to how they regain their humanity. There are horticulture programs that help aid prisoners reclaim their humanity by connecting with others and the environment. Through these programs they gain skills and connect with others on deeper a level. There are several questions that will be answered throughout this chapter: Why is it important that inmates regain a sense of humanity while incarcerated? How do these programs help develop a sense of social normality? How do these programs help inmates as they are re-introduced to society? How does getting in touch with their humanity help prisoners in the long run? These are important questions that will help understand the struggles of prisoners. There are several texts that will be used to help develop this chapter and they show reconnecting to humanity helps inmates.

The first text that explores such programs is *Doing Time in the Garden: Life Lessons in Prison Horticulture* written by James Jiler. In this text Jiler examines how inmates can benefit from gardening programs while incarcerated. Jiler shows how successful horticulture programs can be in rehabilitation, job skills, and post release programs through gardening. This text takes place at Rikers Island which has a successful prison garden run by the Horticultural Society of New York. *Doing time in the Garden: Life Lessons in Prison Horticulture* is a fresh example of what can happen when education and employment are introduced to prisoners and they can be rehabilitated. Prison gardens are one way for inmates to be rehabilitated, connect with humanity,

and regain social structures, but end-of-life programs are also another way for inmates to reconnect to their humanity.

There are several programs that focus on end-of-life programs here in America. End-of-life programs are volunteer programs that help elderly inmates who are dying. In the *Journal of Palliative Medicine*, Rachel Depner and several other authors perform in-depth research in an article titled “People don’t understand what goes on in here”: A consensual qualitative research analysis of inmate-caregiver perspective on prison-based end-of-life care. In this article, Depner and her colleagues discuss how prison end-of-life programs are helpful, but there needs to be better medical coverage of inmates especially prisoners who are dying of natural causes and illnesses. End-of-life programs serve as more than a way for people to offer comfort in the last moments of someone’s life. These programs allow inmates to reconnect with their humanity by caring for their counterparts. Both prison gardens and end-of-life programs are a means for prisoners to connect to their humanity.

While incarcerated, inmates are often stripped of their identity and given a Department of Corrections (DOC) number as a form of identification. Offenders are then given a prison uniform, and their identity outside of prison is non-existent. These are all things that can create a loss of humanity for inmates while incarcerated because they are no longer connected to the outside world. Prison gardens have been implemented in prisons throughout the United States. One of the most successful prison gardens was started on Rikers Island. James Jiler, author of *Doing Time in the Garden* discusses his work with inmates on Rikers island and teaching them horticulture. Jiler states that “the idea is to provide prisoners with job and life skills, some scientific knowledge and on-going therapy working with plants and animals in the hope they can

redirect their lives through meaningful work.”⁹⁵ Through gardening, prisoners get the opportunity to put their energy’s and frustrations into something else, and they get to see the rewards of their labor. Working hard to grow something and to see the progress makes gardening a rewarding process, but it can also create a sense of pride and help reconstruct an inmate’s humanity. Oftentimes, inmates are treated as less than human; they are treated as animals, and so they often begin to behave like they are treated because of the injustices they face.

The gardening program is a way for them to reconnect to something real and form an alternative form of therapy. In one article Catherine Sneed claims that it is society’s lack of humanity that should be questioned, because as a society we do not create any outlets for prisoners to rehabilitate. Indeed, all we do is give them bus fare, and send them back into society hoping that they will change. Sneed, after being a counselor in the San Francisco county jail, decided to start her program The Gardening Project. In the program they learn to grow food and plant trees; inmates even earn a paycheck. Sneed states that “there are other things they learn—things I cannot teach them that transcend their day-to-day work and give them back their lives, and their humanity.”⁹⁶ Sneed’s observations continue to prove that gardening is a tool that can help in the rehabilitation process of inmates. Inmates are able to regain their humanity when they work with something tangible, and are able to see the proof of their labor through the plants growth. Most inmates continue to struggle with problems that they had before being incarcerated.

Most of the inmates in the U.S. prisons are there for non-violent crimes like alcoholism, drug abuse, and prostitution. Most of these offenders are women. Through gardening programs

⁹⁵James Jiler, *Doing Time in the Garden: Life Lessons Through Prison Horticulture* (Oakland, CA: New Village Press, 2016), 16-17.

⁹⁶*Ibid*, 37.

there is hope that inmates will transform through nature and use this opportunity to change their lives. “Horticultural therapy as a concept and practice saw its beginnings with the rise of institutional medicine shortly after the American Revolution.”⁹⁷ It had been proven that patients in psychiatric hospitals who worked in the hospital gardens made a better recovery time than their wealthier counterparts. Horticulture has been proven to help others recover from mental illnesses, but two questions remain: how can offenders benefit from it, and how, through gardening, can they get in touch with their humanity? In her thesis, *Landscaping in Lockup: The Effects of Gardening Programs on Prison Inmates*, Rachel Jenkins argues that many of the inmates suffer from mental illnesses, or they are socially awkward. Inmates who have mental health issues are able to use horticulture as a way to refocus themselves and get in physical shape so that they are able to flourish. “In gardening therapy, emotional support is obtained from other people and from interacting with the natural environment. People gardening together can lend emotional support as needed. The person involved in therapy also must lend care and love to his or her plants and trust that they will grow. This practice helps a person to develop emotionally.”⁹⁸ Horticulture helps inmates reach their full potential as individuals and helps them persevere through their struggles. In this sense prisoners can gain humanity and bodily autonomy by connecting emotionally to something that they value.

Gardening can be beneficial and rewarding to inmates. There are healing capabilities in nature and it is a serene experience for human beings.⁹⁹ Gardening often offers a sense of mental clarity, and physical exertions that can be gratifying for inmates. Gardening for two and a half

⁹⁷ Ibid, 33.

⁹⁸Rachel Jenkins, “ Landscaping in Lockup: The effects of Gardening Programs on Prison Inmates” (master’s thesis, Arcadia University, 2016), 10.

⁹⁹ Julia Darnton and Lauren McGuire, “What Are the Physical and Mental Benefits of Gardening?,” MSU Extension, October 2, 2018, accessed April 17, 2019, https://www.carn.msu.edu/news/what_are_the_physical_and_mental_benefits_of_gardening.

hours each week with moderate-intensity can help reduce health risk like heart disease, diabetes, high blood pressure, stroke, and depression. “Gardening has also emerged in recent years as a scientifically proven stress reliever. Stress can cause irritability, headaches, stomach aches, heart attacks, and worsen pre-existing conditions in the body.”¹⁰⁰ Inmates are already under a lot of stress being locked down twenty-four hours a day with no outlet to release their energies – this can heighten stress levels. “What takes place in the garden—work, planning, skill, and an understanding of various plant, animal and human interactions—has benefits that affect individuals in a myriad of ways.”¹⁰¹ Gardening also provides a way for prisoners to gain skills in landscaping, and creates employment for inmates upon their release.

There are several prison gardening programs throughout the United States that focus on inmates growing their own food and gaining skills that can help them in the real world. For example, The San Quentin State Prison, outside of San Francisco, partnered with Planting Justice to create a garden on their property. Planting Justice not only provides a way for inmates to grow food, but also provide them with skills that they can use once released from prison. “Those gardening skills are being put to use once the men leave San Quentin as well. In the past three years, Planting Justice has hired 10 former inmates to work on landscaping jobs, according to the group's website. They get an entry-level wage of \$17.50 per hour.”¹⁰² This is great for inmates who have struggled with holding down jobs, and struggle with addiction. This also gives offenders the opportunity to look forward to something once they are released from prison. “For

¹⁰⁰ Julia Darnton and Lauren McGuire, “What Are the Physical and Mental Benefits of Gardening?,” MSU Extension, October 2, 2018, accessed April 17, 2019, https://www.carn.msu.edu/news/what_are_the_physical_and_mental_benefits_of_gardening.

¹⁰¹ James Jiler, *Doing Time in the Garden: Life Lessons Through Prison Horticulture* (Oakland, CA: New Village Press, 2016), 35.

¹⁰² Eliza Barclay, “Prison Gardens Help Inmates Grow Their Own Food- And Skills,” NPR, January 12, 2014, accessed March 21, 2019, <https://www.npr.org/sections/thesalt/2014/01/12/261397333/prison-gardens-help-inmates-grow-their-own-food-and-skills>.

prisoners, many of whom have suffered frequent failures in the job place and the frustrations of being marginalized in society, horticulture is a process that allows them to control their environment through shared responsibilities in an unspoken contract between person and plant.”¹⁰³ This proves that horticulture is a tool that can be utilized to help rehabilitate inmates, and give them incentives after they are released from prison.

Another example of the benefits of gardening programs is the Howard Mcleod Correctional Center located in Atoka, Oklahoma. In 2006, this prison was trying to meet their goal of harvesting 200,000 potatoes in an effort to supplement food cost in the prison and to save taxpayers \$43,000 a year. With this amount of potatoes, the prison would be able to provide four meals to inmates in state prisons. At the time the article was published about the potato harvest the prison had already collected 188, 270. During the same year Northeastern Oklahoma Correctional Center in Vinita, OK grew 23,626 pounds of vegetables in their garden. “However, even small spaces can produce tons of food. Oklahoma State Penitentiary’s two-acre garden had produced more than 7,000 pounds of cabbage and 5,000 pounds of squash by late July, according to DOC figures.”¹⁰⁴ This program in Oklahoma shows that there is a benefit to gardening not only for the inmates, but for the prisons and the surrounding community. With home grown food, inmates can maintain a healthier diet while incarcerated. Horticulture programs have proven to be resilient when helping inmates reclaim their humanity, but there are other programs like end-of-life programs which also aids inmates in connecting on a deeper level and get in touch with their humanity.

¹⁰³ James Jiler, *Doing Time in the Garden: Life Lessons Through Prison Horticulture* (Oakland, CA: New Village Press, 2016), 35.

¹⁰⁴ Angel Riggs World Capitol, “Prison Food: ‘Big House’ Horticulture,” *Tulsa World*, September 13, 200, accessed March 21, 2019, https://www.tulsaworld/archive/prison-food-big-house-horticulture/article_c77b0d8b-344c-560e-a6f6-68854f24667.html.

End-of-life (EOL) programs are volunteer programs where inmates help take care of other prisoners while they are dying. Due to the lack of medical care most prisons struggle with end-of-life care for inmates who are dying; so they enlist the help of other offenders to care for them. The age demographic in prisons are changing, and the facilities are finding that they are needing to provide care for those inmates who are aging or dying.¹⁰⁵ While inmate-peer programs are helpful to the facilities there needs to be more information on health care in the criminal justice system. Inmate caregivers are there to help their counterparts while they are dying, but they are not medical doctors and cannot give them the comforts of administering medication if needed. “The aging prison population has more than tripled since the early 1990s representing one of the most dramatic changes in the American correctional system.”¹⁰⁶ Due to prisons having strict budgets they are unable to provide the hospice care dying inmates need. Prisons in turn created alternative care which involved inmates over their thirties caring for dying offenders. Taking care of dying inmates creates a deeper understanding of life, and humanity for the caregivers who are there with them in their last moments.

Inmate-caregivers want to surround their counterparts with comfort and peace in their last moments. In the process inmate-caregivers become an alternative family to the dying prisoner, and they are able to build a familial bond with them. “Building an authentic and/or familial bond was viewed as an essential aspect of providing EOL care within the correctional setting, as there are both institutional and geographic barriers to families/loved-ones being present for extended periods of time.”¹⁰⁷ Through caring for the dying inmate, caregivers regain a sense of purpose

¹⁰⁵ Rachel M. Depner, “ ‘People don’t understand what goes on in here’: A Consensual Qualitative Research Analysis of Inmate-Caregiver Perspectives on Prison based End-of-life care.” *Palliative Medicine* 32, no. 5 (2018).

¹⁰⁶ Laura L. Phillips, “Care Alternatives in Prison Systems: Factors Influencing End-of-Life Treatment Selection,” *Criminal Justice Behavior* 36, no. 6 (2009).

¹⁰⁷ Rachel M. Depner, “ ‘People don’t understand what goes on in here’: A Consensual Qualitative Research Analysis of Inmate-Caregiver Perspectives on Prison based End-of-life care.” *Palliative Medicine* 32, no. 5 (2018).

and meaning to their lives. Inmates can reclaim their humanity by caring for their dying counterparts and being able to be a part of this transformative experience is important to them. “Caring for fellow dying inmates may be a transformative process in which inmate-caregivers begin to demonstrate rehabilitative benefits such as prosocial behavior.”¹⁰⁸ EOL programs help inmates get in touch with their humanity and be rehabilitated in a system that is not setup for either of those things. Women are the highest growing population in the prison system, and they have inmates in all age ranges in their facilities. Often these women are faced with circumstance that often help put them in prison, and in return they are placed with heavy sentences. With reproductive justice advocacy for those who are incarcerated man or woman is a part of the movement. There are a lot of reproductive rights violations that happen in prisons. Women are constantly getting these harsher sentences because they are covering for someone else. This alone is a reproductive justice violation.

Due to harsher and lengthy sentences, female inmates are beginning to age while incarcerated and ultimately dying. For female inmates to make informed decisions about their healthcare a handbook titled *Choosing Healthcare Options through Information, Communication, and Education* was created in order to build confidence in the inmates making healthcare decisions. “Not all inmates have families who are willing, available, and able to visit them, and inmate peers could be a viable substitute for many women. The opportunity for healthy inmates to care for their dying peers can provide transformative experiences that help them to create new legacies. Inmate volunteers can and are trained by nurses to provide a comfortable environment, console dying inmates, raise funds for special food or sundry items,

¹⁰⁸ Rachel M. Depner, “ ‘People don’t understand what goes on in here’: A Consensual Qualitative Research Analysis of Inmate-Caregiver Perspectives on Prison based End-of-life care.” *Palliative Medicine* 32, no. 5 (2018).

read, or sit vigil.”¹⁰⁹ Similarly to male facilities, female inmates have the same goal in creating a safe and comfortable environment for their counterparts. Through their compassion they can re-establish their humanity and provide something to dying inmates that they may feel like they lost, and that’s their dignity.

One example of end-of-life care is Vacaville, California’s, California Medical Facility which was built in 1993. In the beginning it was housed with younger men infected with HIV/AIDs, with the facility being built in response to the AIDS crisis. Now the facility is used to care for inmates who are suffering from illnesses like Alzheimer’s and cancer. “Prisoners older than 55 serving time in federal and state prisons make up the fastest-growing age group behind bars, increasing more than 500 percent since the 1990s, from 26,300 aging inmates in 1993 to 164,800 at the end of 2016.”¹¹⁰ Most of the inmates who enter the prison in their early to late 50s are incarcerated for non-violent crimes, but with a tough stance on punishment they often live the remainder of their lives behind bars. Prisons were never built to withstand a high volume of medical matters including the care of dying inmates. The California Medical Center has a “cohort of about two dozen men called the Pastoral Care Service Workers.”¹¹¹ These men are typically inmates who are serving life sentences, and they get the opportunity to take care of inmates who are dying. Through caring for dying inmates it gives the caregivers an opportunity in a since to rectify their wrong doings. This work is important for inmates to continue their journey in connecting with their humanity.

¹⁰⁹ Susan J. Loeb, “End-of-life Care and Barriers for Female Inmates,” *Journal of Obstetric, Gynecologic, and Neonatal Nursing: JOGNN*. U.S. National Library of Medicine, (July 2011), accessed April 11, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3140619>.

¹¹⁰ Suleika Jaouad, “The Prisoners Who Cares for the Dying and Get Another Chance at Life,” *The New York Times*, May 16, 2018, accessed April 24, 2019, <https://www.nytimes.com/interactive/2018/05/16/magazine/health-issue-convicted-prisoners-becoming-caregivers.html>.

¹¹¹ *Ibid*

In order to work in the hospice unit in the California Medical Center prospective inmates must do a series of interviews, random drug test, and behavioral reviews. If an inmate passes all these requirements, they have to do 70 hours of preliminary training that teaches them how to handle situations from mental health to spirituality. Taking care of these inmates is a life changing experience for the caregivers as they tend to get to know the dying inmates on a more familial level. “Keith Knauf, a Presbyterian chaplain who oversees the program, believes that caring for the dying teaches compassion and changes these men in profound ways.”¹¹² Most of the inmates who are a part of this program achieve rehabilitation with a few of them having minor issues involving parole. Caregivers give the dying inmates the dignity of passing on knowing that they were in the care of someone they trusted and cared for them. Inmate caregivers prefer not to know the crimes of the prisoners they care for because they feel it would affect the quality of care that they provide. Prison politics are very important and can cause life or death situations. In the hospice unit of the California Medical Center inmates put those differences to the side so that they are able to receive and provide proper care. One of the hospice workers, named Kao Saepanh, felt that by working in the hospice unit he would be able to achieve redemption for all the things he did wrong. For Saepanh, keeping a smile on his patients face, and making sure that they are comfortable in their final moments is all that matters. Like Saepanh, a lot of the inmates working in the hospice facility want to make a difference in someone else’s life. Through prison gardening and end-of-life care inmates are able to reconnect to their humanity.

In the prison garden programs inmates can plant gardens to help supplement food cost, but they were also able to re-establish their humanity. Gardening was used a tool to help

¹¹² Ibid

rehabilitate inmates and provide them with a skill set upon re-entering society. In gardening, offenders are able to connect with not just the environment, but also the people who taught the classes and other inmates. Connected to something physical helped inmates regain their dignity and humanity in a system where both are stripped away. In end-of-life programs inmates get the ability to build alternative familial bonds with their dying peers. In a time when people want to be surrounded with family, inmates who are in their final moments have no choice. By performing as caregivers, prisoners get the opportunity to provide comfort, and peace to their dying counterparts. Through the transformative experience of caring for other inmates, care providers get the chance to reclaim their humanity. In both horticulture and end-of-life programs inmates search for a sense of normality, humanity, and rehabilitation, and in these programs, these are things that are ultimately achieved.

Chapter 6

Conclusion

Reproductive justice in the beginning was created for women of color, but it has evolved over the years. RJ advocates for the marginalized and their autonomy. Reproductive justice is often misinterpreted and considered a woman issue, but it is a human rights issue. RJ uses the human rights framework to tackle injustices that happen within marginalized groups but also offer a specific focus on people of color and poor women. The prison is a place where many reproductive violations take place. The lack of autonomy incarcerated people have makes them vulnerable to the prison system. The prison system is a source of several human rights violations making it a good place to examine. Throughout this thesis there are different forms of reproductive rights violation. These abuses were not just in the framework of the pro-choice or pro-life movements regarding abortion. Reproductive justice encompasses so many additional important issues like prison reform, high levels of incarceration, and the loss of autonomy. I have been given an amazing platform through my research to discuss reproductive justice, and to show that reproductive justice is not a women's issues it is human issue. I have also explored in this thesis ways that programs are attempting to allow for more bodily autonomy for their prisoners.

The prison system here in the United States has been unsuccessful in rehabilitating inmates. The prison industry instead has become a horde of bodies devalued, forced into submission, and locked behind iron bars. Michel Foucault's, book *Discipline and Punish* contributes to the knowledge of the panopticon and the layout of the prison. Inmates behaviors while incarcerated are changed by monitoring, and the intimidation of the panopticon causing them to become docile bodies. Inmates our instantly stripped of their identities and formatted how the prison wants them. Reproductive justice plays role in being monitored and watched.

Peoples bodies are monitored and regulated all the time especially when women, and women of color are considered. In understanding where the prison system started people can reflect of the issues that still need to be examined.

Prisons are a third world or developing structure in the first world. Due to the conditions in prisons, they can be compared to undeveloped countries. Some scholars believe that the term third world is outdated and problematic. The term developing or undeveloped is a preferred by some when discussing countries that are not developed as others. The surveillance and self-correction of inmates is important, because they are being conditioned to behave in a particular manner. The conditions in which the inmates live in is important, because although they are incarcerated, they are still human. Regardless of how people feel about an inmates crimes they still should be able to have a decent place to live. Reproductive justice advocates for people to have a safe, clean environment to live. Prisoners health is important because often they are neglected, and this is a reproductive justice violation. People have a right to proper medical care to sustain themselves. Prisons mimic third world conditions because of the lack of care given for the people and the facilities. There are some programs like ReMerge, Still She Rises, gardening and end-of-life programs that set out to help inmates feel a larger sense of autonomy.

Women representing the largest incarcerated group in Oklahoma takes a toll on the family structure. There are programs that reach out, to help the women who are incarcerated, reconnect with their children. ReMerge does a step by step program to help women who were not only incarcerated, but also dealt drug and alcohol abuse. Still She Rises enlist a holistic approach to help incarcerated women and women fighting court cases. ReMerge and Still She Rises both reach out to help women with children. Often these women just need resources to get them on the right track, and that is what these two programs provide. Reproductive justice is

about sustaining the familial bonds no matter how hard it may be. Ultimately RJ advocates for families no matter how they are formed.

Horticultural programs can help inmates reconnect to their humanity and aid them in their rehabilitation process. Inmates being isolated from the outside world can shape their environments while they are incarcerated. Prisoners are often subjected to inhumane conditions and treated as animals. The way inmates can maintain social and relationships while they are incarcerated is important to their humanity. Through horticulture programs prisoners can reconnect to their humanity. Horticultural has been a means for inmates to truly be rehabilitated, and end-of-life programs do the same. Inmates who are given life sentences ultimately die in prison. End-of-life programs provide them with the comfort of having someone by their side until they pass away. Often when inmates do this, they regain a sense of humanity through caring for another. Inmates ultimately grow close to the dying patients and form familial bond with them.

Prisons were built as an alternative, cruel free way to punish those who commit crimes. This alternate form of punishment just added to the cruelty's inmates face, but instead of losing limbs they lose their humanity. Inmates are often treated as animals locked in cages, and any humanity they have is stripped away. Prisoners are not given proper medications, because private prisons are frugal make money housing the inmates. Prisoners are often looked at as bad people, but this is not the case for all people who are incarcerated. People make mistakes when they are dealt a difficult hand in life, and often there are no resources for them. Inmates deserve to have some rights while incarcerated, and reproductive justice advocates for those rights. In my experience and research with reproductive justice people associate it with solely women and women's issues. Though these are the primary issues that are encompassed in RJ, ultimately

reproductive justice is the advocacy of all human beings. RJ stands for the protection of all reproductive rights for all people and their wellbeing. The prison system has consistently represented a place where reproductive justice issues remain and will until larger structural changes occur.

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