

# Functional Misogyny in Female Prisons: A Literature Review and Narrative Account

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## ABSTRACT

Women and trans-variant individuals have been disproportionately affected by mass incarceration. Incarceration rates have dramatically increased in federal, state, and local jails/prisons (Cowan, 2019), growing at twice the rate of incarcerated men (Prison Policy Initiative, 2020). This literature review organizes data on legislation related to female incarceration, the incarceration experience, important social work considerations (such as its impacts on the individual and family) and misogyny's multifaceted presence within the criminal justice system with both implicit and explicit considerations for the ways in which misogyny is perpetuated against inmates. As evidenced by this review, misogyny exacerbates mental illness and increases the re-traumatization of inmates leading to life-long psychological complications. This literature review is coupled with narratives from formerly incarcerated people reflective of their experience of misogyny within the industrial prison complex. Future directions for social work practice and issues for further study are discussed.

**Keywords:** incarceration, prison rape elimination act, dignity for women act, misconduct in prison

## Introduction

### Historical Context and Scope of Problem

Ronald Reagan's War on Drugs sparked a national mass incarceration crisis that funneled millions of Americans into the prison industrial complex for petty crimes. This rapid expansion resulted in prison overcrowding that increased inhumane treatment and conditions, social stigma, and created a legal means of discrimination that has disproportionate effects on historically oppressed groups. Scholars have referred to the mass incarceration crisis as the "New Jim Crow" (Alexander, 2020). Women and trans-variant individuals have been disproportionately affected by mass incarceration, yet their experiences inside

the prison walls remains understudied. Trans-variant is understood as those individuals whose gender identity does not reflect the imposed societal norms of their sex assigned at birth.

Thirty-three percent of the increase among biological females are attributed to violent offenses (Sawyer, 2018). Over the last 30 years, 'incarceration rates among women have increased by 700% in federal, state, and local jails/prisons (Cowan, 2019), growing at twice the rate of incarcerated men' (Prison Policy Initiative, 2020). Most females are held in local or county jails, 60% of whom have not been convicted of any crime (Kajstura, 2019).

Pennsylvania has not been immune to the national increases in the prison population. Between 1980 and 2015, the number of women incarcerated has

increased by 1,023% in local jails, and by 966% in state prisons (Vera Institute of Justice, 2018). According to the Pennsylvania Department of Corrections Website (2021), the female housing units hold 2532 individuals; 200 of which were serving a life without parole (LWOP) sentence in 2018 (Conde, 2021).

### **Research Topic and Justification**

This paper pulls from the peer-reviewed literature and personal narratives of formerly incarcerated people to provide a framework that demonstrates that misogyny is a widespread issue in female prisons that exacerbates psychological distress. Additionally, the author's personal experiential observation over a five-year period in a Pennsylvania State Prison will provide a wide breadth and depth of supportive evidence (*Commonwealth of Pennsylvania v Anonymous*, 2016). A woman's and trans-variant individuals experience in prison, in this context, is that abusive treatment is not explicitly part of their sentence. The hostile environment that women endure is traumatic (DeVeaux, 2013; Vaswani, 2019), and is not conducive to rehabilitation.

While there is a vast array of research exploring the use of physical violence, rape, and abuses of power against incarcerated persons most of this research focuses on male confinement centers. Research on the experience in female prisons is largely lacking.

Given the sensitive nature of the subject matter and the oral histories being shared the author reviewed the nature of the personal communications reported herein with the University's Institutional Review Board and the content was identified as "oral histories" per IRB standards. The paper was reviewed and approved by the California University of Pennsylvania IRB as OR-21-001. All narratives included in this text were collected via personal conversations with

formerly incarcerated individuals with whom the primary author has a personal relationship. No coercive measures were used to elicit information. Through telephone and email correspondence the author gained permission from each individual to use their experiences as illustrations of the facts uncovered in the literature review. All names have been omitted to protect anonymity.

Using feminist, person-in-environment, and trauma-informed perspectives, this project seeks to synthesize the existing research and develop new gender-specific research topics that concern confinement a female prison. The project explores how misogyny behind the walls of female housing units' functions as an enforcer of patriarchal values to the detriment of rehabilitation.

This paper presents data from an extensive literature review coupled with narratives from formerly incarcerated persons to characterize their experience in Pennsylvania state institutions. The first section presents aspects of this experience that are relevant to social work practice at the micro, mezzo and macro levels. The second section explores implicit and explicit misogyny and its impact on this population and, finally, authors unpack the implications of the review apropos misogyny and provide direction for future research.

### **Relevance to Social Work Practice**

Social work practitioners and policymakers need to be aware of the multifaceted collateral consequences that mass incarceration has on individuals housed in female prisons. The intersectionality of these two groups (inmates, and women/transmen/transwomen/non-binary) makes them an exceptionally vulnerable group that calls for the social work profession's attention at all levels (micro, mezzo, macro).

### **Inclusivity of Gender-Identity**

Because Pennsylvania is one of the first states to house inmates according to gender identity, it is important to use gender-sensitive language to be inclusive of the experiences of gender-variant inmates housed in female prisons. A former inmate, released in 2019 shared that it is important to recognize that these inmates often encounter additional discrimination, prejudice, misogyny, trauma, and abuse than those of their gender normative counterparts (Anonymous Inmate 1, personal communication, October 18, 2021). Authors have made a concerted effort herein to be inclusive of gender variant language. To additionally clarify terminology, male institutions/prisons/confinement centers reflect the housing units traditionally used to hold biological males where female institutions/prisons/confinement centers reflect housing units that traditionally held biological females. Both male and female institutions hold a majority of the respective sexes assigned at birth.

### **Acknowledging Racial Disparities in the System**

Critical Race Theorist Kimberlé Crenshaw conceptualizes intersectionality as differing forms of discrimination interacting simultaneously to impact marginalized groups (Crenshaw, 1989; Darkwa, 2019). The intersections between gender, race, and socioeconomic status present in the American Justice System further oppresses individuals housed in female prisons. Though males encompass the majority of those incarcerated by biological sex, African Americans and those of lower economic status are disproportionality over-represented in American prisons (Alexander, 2020; Kaeble et al, 2020; Prison Policy Initiative, 2020). Alexander (2020) argues that the prison industrial system maintains the racial caste system of the Jim Crow

era. Gender-specific demographics show that the imprisonment rate among African American biological females are 1.7 times higher than white biological females, while biological females of Latine descent are imprisoned at 1.3 times the rate of their white counterparts (Incarcerated Women and Girls, 2020).

The report released by The Sentencing Project (2009) found that 1 in 15 Black children have an incarcerated parent whereas 1 in 111 white children experience parental incarceration. The imprisonment inequalities among African American biological females infiltrate the lives of their families. The imprisonment of Black mothers perpetuates a generational racial disadvantage that gets passed onto their dependent children (Roberts, 2012).

### **The Impact on Families and Dependent Children of Incarcerated Parents**

It is estimated that 2.7 million children will be separated from their parents yearly due to incarceration (Martin, 2017). Additionally, it is reported that upwards of 10 million children have been impacted by parental incarceration in their lifetime (Rutgers, n.d.). Such abrupt separation, even for short periods, can have irreversible and catastrophically damaging effects on these children (Sawyer et al., 2018).

The dependent children of incarcerated mothers suffer similar consequences as the direct victims of crime; although they rarely receive the same social and systemic support (Martin, 2017), leaving them vulnerable and increasing risk factors for anti-social behaviors, psychosocial impairment and psychological distress, economic hardship, education attainment, and parent-child attachment complications, and other negative developmental outcomes (Martin, 2017; Dallaire, 2007). These negative outcomes for the dependent children of incarcerated mothers perpetuate the

generational cycle of criminality creating unhealthy outcomes for society, overburdening the prison and child welfare systems.

Approximately 15%-20% of children entering the child welfare system in 2020 came from homes of incarcerated parents, putting these children at increased risk of poverty and housing insecurity, and future homelessness (Farmer et al., 2021; Palcheck, 2021). The trauma of being placed in the American foster-care system increases the risk of perpetuating a generational criminal cycle known as the “foster-care to prison pipeline” (Goetz, 2020). Juveniles living in foster care have higher rates of juvenile court involvement and it is estimated that more than half of children who aged out of the foster care system are incarcerated by their mid-twenties (Goetz, 2020; Lee et al., 2015). These research findings underscore the need for a more holistic approach to imprisoning biological females/trans-men/trans-women/non-binary persons as maternal imprisonment generationally penetrates family life resulting in negative long-term consequences for children.

### **Misogyny’s Presence and Impacts on Incarcerated Females**

Merriam-Webster (2021) defines misogyny as, “hatred of, aversion to, or prejudice against women” (par. 1). Given that this dictionary definition is lacking in scope, this synthesis additionally incorporates the definition of misogyny provided by the renowned feminist researcher and author Kate Manne. Manne (2019) defines misogyny as a larger systemic issue calling it the “law enforcement branch of the patriarchal order” (p. 63). This social mechanism is often expressed in punitive, resentful, personal, and social sanctions on inmates (Manne, 2019).

The cornerstones of misogyny are control of the implicit and explicit environments. Implicit environments

connect to historical trends, pathways to incarceration, sentencing practices and parole practices. Explicit environments refer to the experience within the prison/jail itself, and specifically attends to the punishment, dress codes and dignity within the system.

### **Misogyny: Control in the Implicit Environment**

#### ***History of Misogyny and the Wandering Womb***

Language influences how society responds to women’s mental health issues. The term “hysteria” originated in Ancient Egypt when depressive symptoms and seizures were believed to be the result of a “wandering uterus.” Hippocrates, an ancient Greek physician, maintained that the uterus of sexually inactive women were the root cause of mental health disease, seizures, and paralysis. The suggested intervention for this ailment was increased sexual activity (McDonald, 2018).

Psychanalysts (Freud, Charcot & Janet) of the late 1800s and early 1900s rejected the idea that hysteria was caused by the female uterus, but they maintained that it was in fact a malady affecting biological females (McDonald, 2018). The shifting cultural context of the term from the wandering womb to demonology, to weaker constitution, to sexual repression has successfully promulgated a negative connotation of the biological female’s experience (Gerson, 2011). However, when symptoms of hysteria became recognizable in biological men, the terminology used to address men’s mental health quickly shifted to avoid stigmatization and feminization (Gerson, 2011).

Hysteria is no longer a term used in contemporary society, yet stereotypes abound. The word “crazy” serves as a misogynistic tool underscoring the emotional instability of biological females and trans-variant individuals by

invalidating their emotional experiences. A former inmate released in 2019 stressed that it is a common occurrence to hear officers call inmates struggling with mental health illness “crazy bitches” (Anonymous Inmate 2, personal communication, September 14, 2021). Under-qualified staff with inadequate training (Vaswani, et al, 2019) who often hold implicit biases, exercise their power through verbal and physical altercations (Specter, 2006) counterproductive to the rehabilitation of inmates housed in female correctional institutes.

### ***Pathways to Incarceration***

A qualitative study by Henry (2020) used an ecosystems perspective to explore the social determinants that influenced incarceration among biological males and females. The study found that trauma, discrimination, social stigma, being unable to meet basic needs, and community violence were primary factors leading to incarceration. This study also showed that biological females were more likely to maintain unhealthy relationships characterized by intimate partner violence perpetrated by a male partner. Biological females were also more likely to report unstable housing as a determinate to getting involved with these abusive men. Most biological females reported that being in exploitative and abusive relationships was a direct influence on their incarceration (Henry, 2020).

“Feminist pathway perspectives” focus on how the oppression and victimization of biological females minimizes pathways to healthy living and influence deviant behaviors to manage the corresponding psychological distress. This perspective emphasizes how the oppression, lack of social power, and inequality experienced by women lead to chronic trauma and abuse. Feminist pathways posit that the biological female’s pathways to criminal behavior rest in both the trauma experiences and lack of social

power that leads to a retrogression of negative experiences that eventually result in incarceration (Jones et al., 2018). In a seminal study, Daly (1993) identified distinct pathways to incarceration. Toxic family systems in early childhood, family composition, barriers to education and employment, insufficient economic support, childhood and adult victimization, substance misuse and poor mental health were factors that led to incarceration.

### **Misogyny: Control in the Explicit Environment**

#### ***Disparities in Punishment for Minor Infractions While Incarcerated & Male Privilege***

One of the ways misogyny manifests itself in female prisons is through disparities in punishment and male privilege. A National Public Radio report (NPR), Shapiro et al. (2018) found that individuals in female prisons are subject to harsher punishments for minor infractions than inmates in male prisons. Where biological men housed in male prisons were held accountable for violent offenses while serving their time, biological females housed in female prisons received “write-ups” for behaviors deemed appropriate for male inmates. Such infractions include disrespecting an officer (talking back), not following a direct order, and stealing leftover food (fruits, vegetables, and pieces of bread) from the kitchen (Shapiro, 2020; Unites States Commission on Civil Rights, 2020). The federal report shows that inmates housed in female prisons are likely to lose their good credits and be denied parole for such small offenses, a concern that male inmates do not have (Unites States Commission on Civil Rights, 2020). Though this federal report shows discrimination in practices between male and female prisons, there is a lack of scholarly research surrounding this important issue in local and state institutions. These studies show how

inmates in female prisons are held to higher standards than their male counterparts, mimicking the misogynic values held by society.

### ***Dignity for Incarcerated Women***

The Dignity Act was presented to congress in 2017 by U.S. Senators Cory Booker, Kamala Harris, and Elizabeth Warren (Mitten, 2020) and reintroduced in 2019 (Warren, Booker Re-Introduce the Bicameral Dignity for Incarcerated Women Act, 2019), but is falling short in becoming law and implementing serious reforms in female institutions. It aims to ensure dignity and respect regarding reproductive health, ensure a trauma-informed approach to care, make it easier for inmates to keep in touch with their children and families in the community, and ensure access to adequate and appropriate feminine hygiene products (Booker, 2017; Warren, 2019).

The current protocol in many states for birthing inmates requires that inmates remain handcuffed and shackled during childbirth (DeAngelis, 2016). This cruel and dehumanizing practice can leave lasting psychological effects. It is an exercise in patriarchal power that controls birthing inmate's bodies and the bodies of their unborn children and had been deemed unnecessary by experts. The American Psychological Association argues that this medieval practice defies logic because pregnant women are not flight risks. Additionally, the use of handcuffs, ankle shackles, waist chains, and leg irons puts the birthing person and the fetus at risk for health complications (DeAngelis, 2016). While few states do have policies minimizing the use of restraints for pregnant inmates it is widely reported that officers use personal discretion and continue to use cuffs and shackles (DeAngelis, 2016; Yearwood, 2020).

Research shows that most of the inmates incarcerated in female prisons are

sexual and domestic assault survivors (Dream Corps, 2021; Wolff, et al., 2009), yet male officers hold complete power and control in monitoring women's showers. They also have visible access into private cells while inmates are dressing and using the facilities (Dream Corps, 2021; Kupers, 2010). Having this access to inmate's bodies can be a trauma triggering event ultimately retraumatizing inmates and causing serious psychological distress (Substance Abuse and Mental Health Services Administration, 2014; Van der Kolk, 2015).

Anonymous Inmate 3 served a five-year sentence at a Pennsylvania State Correctional Institute. The individual reports that officers will often look into the doors of private cells with "grotesque smirks" on their faces. The inmate reports experiencing this while using the toilet in her cell. When she complained about this invasion of her privacy the officer claimed that it was a security measure and therefore the inmate had no basis for complaint. Officers are known to use "security checks" as an excuse to invade the privacy of inmates in female prisons. (Anonymous Inmate 3, personal communication, September 30, 2021).

Inmates housed in female housing units have inadequate access to female hygiene products. Access to feminine hygiene products vary across states and often distribution of pads and tampons fall to prison officials' discretion (Carney, 2020). Anonymous inmate 4 was 38-when she was incarcerated at a Pennsylvania State Correctional Institute. She reports that officers would provide 25 bulky pads with no strip adhesive per month. The inmate shares the experience of other inmates when she says that these pads are such low-quality that they need changed every hour, but if changed frequently they will run out. Inmates cannot play sports, go to the yard, and sometimes must cancel visits for fear of leakage during a heavy menses (Anonymous Inmate 4, personal

communication, September 15, 2021). Tampons are available upon request, but inmates report that the low-quality products provided is inadequate and painful. It is also reported by an inmate released in 2020 that often inmates must gain access to these products through male officers who often act as gatekeepers in what has been described as a humiliating experience (Anonymous Inmate 5, personal communication, 2021).

Menstrual health must be understood as a human right and the right to autonomy and dignity (McLaren, 2021), and denying adequate access to quality products stigmatizes and further oppresses inmates in female housing units.

### **Future Implications and Conclusions**

Additional evidence is required to examine the specifics of misogyny in female prisons in addition to qualitative and quantitative data on the long-term effects it has on inmates. This evidence can be collected through official research studies conducted with present and past incarcerated individuals. Changing hiring practices by implementing testing for implicit biases such as misogyny, racism, xenophobia, etc. can help close the gap between the current prison environment and one that allows for individuals in female prisons to heal and thrive by using gender sensitive and trauma -informed practices. Additionally, comparing policies that govern inmates of all genders and seeking equity and consistency across policies would serve to decrease the function of misogyny in these facilities. Furthermore, legislation does exist that seeks to address some of the inequities and human rights violations unpacked in this review. The passage and advocacy for such legislation that seeks to address the issues facing women who are incarcerated would take an important step toward addressing this critical issue.

One such example, the Dignity Act, was presented to congress in 2017 by

U.S. Senators Cory Booker, Kamala Harris, and Elizabeth Warren (Mitten, 2020) and reintroduced in 2019 (Warren, Booker Re-Introduce the Bicameral Dignity for Incarcerated Women Act, 2019), but is falling short in becoming law and implementing serious reforms in female institutions. It aims to ensure dignity and respect regarding reproductive health, ensure a trauma-informed approach to care, make it easier for inmates to keep in touch with their children and families in the community, and ensure access to adequate and appropriate feminine hygiene products (Booker, 2017; Warren, 2019). This act directly addresses issues facing women who are incarcerated and seeks to redress some of the infractions against human dignity experiences in the prison system.

The research regarding the experiences of trans-variant individuals and women housed in female prisons is alarming given the rate of victimization of these individuals. Research is needed to both qualify and quantify how misogyny creates new and exacerbates preexisting trauma and mental health illnesses. Future directions may include establishing much needed gender-sensitive programing and implement more welcoming environments that encourage recovery.

The research described herein coupled with the narratives from formerly incarcerated persons shows a microcosm of patriarchal social institutions exists within the walls of female prisons. As evidenced by this review using misogyny as a functional tool to control these individuals' bodies, minds, and spirits creates a dangerous axis between misogyny and trauma of the inmate population.

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