The Prison Industrial Complex: A Feminist Concern

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Abstract
Prisons separate families and isolate members of society, all at a profit for corporations. This paper aims to illustrate why feminists should not ignore the inequalities and blatant corruption in the so-called "justice" system. We must aim to understand the things that we oppose before we can offer alternatives. Drawing on Nancy Fraser's systematic critique of the welfare system, the same categories can be used to critique the "justice" system and create space for formulating and implementing alternatives.

In The Prison Industrial Complex Angela Davis briefly introduces the meaning of the term and demonstrates the existence of the complex in the United States. She defines prison industrial complex by saying, "The exploitation of prison labor by private corporations is one aspect among an array of relationships linking corporations, government, correctional communities, and media. These relationships constitute what we now call a prison industrial complex." She demonstrates how the private prison industry has increased incarceration rates even though crime has decreased. She also draws our attention to the disproportionate amount of minorities who are sent to prisons.

In this essay I will first prove that the prison industrial complex continues to thrive and that it is harmful to society by offering specific examples drawn from the media; the "kids for cash" scandal in Pennsylvania and the corporate controlled operations of prisons. I will then argue that the prison industrial complex runs in direct opposition to the feminist ideals of gender, class and racial equality. Finally, I will briefly evaluate the system through the Fraser Standards created by Nancy Fraser and assess how they could be used to evaluate alternatives to the prison industrial complex.

Privatization of Juvenile Facilities in Pennsylvania

From 2000 to 2008, two judges in Pennsylvania, Mark Ciavarella Jr. and Michael Conahan, received more than $2.6 million for sending youth to serve their sentences at two privately-run youth detention centers. Judge Conahan secured the contracts to build and operate both

of the centers by making a deal with a friend to eliminate the County-run facility and divert the funds to the two private centers. Judge Ciavarella then kept the centre full by sentencing youth to terms at the centers. "Prosecutors say that by sentencing juveniles to detention at twice the state average, Judge Ciavarella was holding up his end of the bargain." Half of the youth who came before Ciavarella did not have legal representation, and many were first-time offenders. They were sentenced to the detention centers often against the recommendations of law enforcement and prosecutors. For example, twelve year-old Eric Stefanski took his mother's car for a joy ride and ran over a barrier, causing moderate damage. No one was hurt, not even Eric. His mother filed a police report regarding the incident only for the purpose of claiming insurance for the damages. Eric was told he must appear in front of Judge Ciavarella. His mother did not attain legal counsel because she did not think the situation warranted it. Much to her surprise, her son was sentenced to serve two years at one of the privately run detention centers.3

Other cases are similar to Eric’s: a minor crime by a first-time offender followed by a major punishment. Kurt Kruger, 18, was sentenced to fourth months in detention for acting as a lookout for a friend who was shoplifting.4 DayQuawn Johnson, 13, was sentenced to several days in detention for failing to appear as a witness in court to a fight that had occurred at school. His family was not given notification of the hearing and DayQuawn had already told school authorities that he had not seen the fight.5

The Privatized and Corporate-Controlled Operation of Prisons

There is more to running a prison than supplying a building and hiring security. Inmates must be clothed, fed, washed, given medical care, and provided with activities to perform. These needs provide more profit-making opportunities for prisons. According to Davis, "many corporations, whose names are highly recognizable by 'free world' consumers, have discovered new possibilities for expansion by selling their products to correctional facilities."6 This includes $100,000 worth of Dial Soap sold to the New York City jail system and a $34 million a year no-bid contract between VitaPro, a Montreal food processor, and

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the state of Texas.\textsuperscript{7} Allowing corporations like Aramark Food Services, Verizon, and for-profit colleges to provide services to private prisons increases the profit produced by the system.

Not only do prisons profit from the services they provide, but they also use inmates to secure additional profit through the contracting of inmate labor. As it is mostly minority men who are incarcerated, Davis suggests that they have become more susceptible to be used as labor in the prison system. According to the 2002 Bureau of Justice Statistics, African-Americans as a whole represent the majority of county, state, and federal prisoners, with a total of 803,400 black inmates—118,600 more than the total number of white inmates. If Latinos are included, another 283,000 bodies of color are added.\textsuperscript{8} Davis asserts that “it is clear that black bodies are considered dispensable within the ‘free world’ but as a major source of profit in the prison world.”\textsuperscript{9} On December 6, 2010, the Allegheny County Council in Pennsylvania approved inmates working outside of the prison on deferred maintenance projects. This means that all inmates who qualify for the work program will be required to work for eight hours every day except Sundays and holidays. They will be paid around 25 to 50 cents per hour, which can be used to pay fines, child support or to buy snacks and toiletries from the prison.\textsuperscript{10} In the state of Pennsylvania, the minimum wage is $7.25 an hour and anyone working more than 40 hours is paid overtime.

\textbf{Relation to Feminism}

I believe it is important to first define feminism before relating it to the prison industrial complex. The definition of feminism differs from person to person and even between academic disciplines. To me, feminism is the movement to dismantle patriarchy; and in doing so, establish equality for all people regardless of race, sex, gender, class, abilities, etc.. Given my personal definition, I believe that the prison industrial complex should be of great concern for feminism.

As demonstrated by the Pennsylvania judges who profited from sending youth to detention centers unnecessarily, accumulating wealth for personal gain is valued more than acting in the best interest of youth in the community. Furthermore, as noted earlier, in the state of


\textsuperscript{9} Davis, “The Prison Industrial Complex,” 417.

Pennsylvania, the minimum wage is $7.25 an hour and anyone working more than 40 hours is paid more. Inmates are paid 25-50 cents for over 40 hours of work. This means that inmates who work 40 hours a week get paid only 6.9% of the minimum wage. The income they receive also has strings attached—it must be reinvested into the prison system by buying snacks or toiletries or paying fines. The private prison industry creates wealth for the few individuals that control the system on the backs of those who cannot afford it. Valuing money over people is a feminist concern because it works to further disadvantage marginalized groups; especially those who are not cis-gendered males.

The prison industrial complex negatively impacts families and marginalized communities. “The dominant social expectation is that young black, Latino, Native American, and Southeast Asian men—and increasingly women as well—will move naturally from the free world into prison, where, it is assumed, they belong.” The prison industrial complex is set up to incarcerate individuals as much and as long as possible—when beds are empty, money is lost. Although the majority of incarcerated people are men, women who are in relationships with those men are also impacted. Nearly 1.5 million US children had a parent in prison in 1999. Black children were nine times as likely than white children to have a parent in prison. A common struggle for feminists is for equality in the workplace and shared responsibility of child-raising duties. Incarcerating fathers, especially black and lower class fathers, automatically burdens the mothers entirely with the responsibility of child-raising. There is a high cost to having a family member in jail. It becomes the responsibility and expectation of the non-incarcerated person to pay legal fees, transportation to and from court, and to prisons for visitations. In addition the income lost by the incarcerated—once again, usually men who are paid at a higher rate than women—burdens the other to find an additional job or to otherwise accommodate for the sudden loss in support.

The incarceration-rate of a community can also be linked to higher rates of Sexually Transmitted Infections in women in the community. STIs are widespread among prisoners, which is fueled by unsafe sex practices and prison rape. For example, the rate of Hepatitis C infection in the general population is 1.8 percent while 33 percent of California’s prison population is infected. When the incarcerated return to the community they bring the infections back with them. As incarceration causes instability in relationships and a constant

movement of people in and out of the community, infections are spread around quickly from one person to another. The health of a community is of importance to feminism; unequal distribution of resources to treat and prevent disease furthers a societal divide and negatively impacts women, children, and men.

Evaluating the System: Adapting the Fraser Standards

In *After the Family Wage: Gender Equity and the Welfare State* Nancy Fraser asserts that the current state of welfare fails to provide the necessary amount of care and protection, especially for women and children. In short, the current state is unacceptable and out of touch with reality. She then suggests a reform centered upon deconstructing gender, which she justifies by examining two feminist models of reforming welfare. Fraser evaluates each model using five distinct normative principles; the antipoverty principle, the antiexploitation principle, equality principles (which consist of income equality, leisure-time equality, and equality of respect), the antimarginalization principle, and the antiandrocentrism principle. After analyzing both models separately, she rates them “good,” “fair,” or “poor.”

I believe that the same principles could be used as a basis for evaluating both the prison industrial complex and alternative methods for addressing punishment in the criminal justice system.

The antipoverty principle evaluates the effectiveness of punishment methods in preventing further poverty for those being punished and their families. Incarceration rates are higher in low-income communities. If a model works towards the elimination of poverty it would also work towards a decrease in incarcerated individuals. Fewer prisons result in more public funds available to invest in education, and community supports. The prison industrial complex fails at this principle because, as argued in the last section, it furthers the economic stress of those incarcerated and their families—and, in particular, women.

The antiexploitation principle assesses if the punishment method prevents the exploitation of vulnerable people. As demonstrated by the PA judges’ case, the prison industrial complex exploited young people who had no legal representation and little power in objecting to their sentencing. Prisoners are constantly exploited by the system in the prison industrial complex, as their bodies are used to generate cash through longer stays that result in more profit and the cheap labor that inmates provide.

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The equality principles as defined by Fraser are harder to adapt in appraising reforms to the criminal justice system. However, equality in treatment of different "crimes" would be beneficial to evaluate. Placing Martha Stewart on house arrest at her estate is drastically different than placing an urban youth on house arrest. The prison industrial complex has higher rates of incarceration for lower-income and marginalized communities. A reform of the system must entail equality in punishment for everyone. High-class crimes and those who commit the crimes must have a punishment equal to that of everyone else.

The antimarginalization principle should aim to ensure the rights of those who have received or are receiving punishment. Disallowing those people from participation in voting and political processes further marginalizes them. Similarly, limiting job opportunities unnecessarily after punishment is served pushes them to the edges of society. We cannot ignore that the prison industrial complex is completely in opposition to antimarginalization. The current system further marginalizes women and men of certain backgrounds and communities. The high proportion of blacks to whites in US prisons is not because blacks commit more crimes, it is because the system targets them and has racism built into its very foundation.

The antiandrocentrism principle would gauge if the punishment method upholds gender norms. Feminists concerned with equality for all genders may use this principle as a means to investigate the treatment of those outside the gender norms who are in the criminal justice system as well as how it treats women. Prisons were mostly built with the needs of men in mind, as they make up the vast majority of the incarcerated population. Locking women—especially those who are the primary caretakers of their family—behind bars is detrimental to the woman and the family. Reforming the punishment system to allow for more interaction with others, including family and other supporters, would be a step in the right direction. Recognizing the benefits of and allowing for incarcerated individuals to continue fulfilling their social responsibilities, whether it be child-raising or providing income for the family, would begin to address the needs of incarcerated individuals and the best way to prevent further criminal activity and serve as fair punishment for the offence committed.

Conclusion

Angela Davis draws our attention to the problems and inequities in the prison industrial complex. Her essay is a great starting point for further research into how corporations benefit from the punishment of those who are accused of breaking laws. We also are given an introduction to the disproportionate number of marginalized groups who are used by the prison industrial complex to create wealth for the private industry owners. I attempted to use recent examples and information on the impacts of the privatization of prisons to support Davis’s claim that the
system must change. I connected the struggle to change the current system to feminism in an attempt to prove that the anti-prison struggle is a feminist struggle. As Davis concluded, "A major challenge of [the antiprison] movement is to do the work that will create more humane, habitable environments for people in prison without bolstering the permanence of the prison system. How, then, do we... at the same time call for alternatives to sentencing altogether, no more prison construction, and abolitionist strategies that question the place of the prison in our future?"16 I would argue that one step in calling for alternatives to sentencing and putting an end to the prison industrial complex would be to evaluate the current system and alternatives in a similar way to how Fraser compared welfare reform models. We must aim to understand the things that we oppose before we can offer alternatives. In the future I would be interested in expanding upon principles to use when evaluating alternatives and create an analysis akin to Fraser’s, but with the focus on the criminal justice system of punishment.

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FOOTNOTES

Works Cited


