



The Criminal (In)Justice System: An Exploratory Analysis of the Experiences of Incarcerated Mothers in Poverty

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Abstract:

In the past three decades, incarceration has become an increasingly powerful force for reproducing and reinforcing social inequalities (Watterson, 1996; Schaffner, 2006). Women are the fastest growing segment of the prison population, surpassing male prison population growth in all 50 states (Guerino, Harrison, P. M., & Sabol, 2011). Despite efforts by a handful of excellent researchers, the unique issues facing women in the criminal justice system remain poorly understood, in part because they comprise a small—if growing—share of the nation’s prison population (Levi & Waldmen, 2011; Heilbrun, 2008). A better understanding of this population is critical for countless reasons, many of which are addressed in previous research findings such as the presence of poverty, sexual/domestic violence, and drug abuse. However, there is no available research on how the demanding role of being a primary care taker, which is socially and culturally encouraged for all women to fulfill, impacts female criminality, both in terms of crime committed and sentencing. Through in-depth interviews with six previously incarcerated women, “The Criminal (In)Justice System: An exploratory Analysis of the Experiences of Incarcerated Mothers in Poverty” takes an in depth look at the individual acceptance of socialized gender roles and women’s experiences concerning motherhood and crime. This exploratory endeavor unveils patterns of motherly self-sacrifice and the economic/emotional desperation of motherhood that outlines these women’s pathways to crime. Additionally, this work sheds light on how these women’s roles as mothers with minimal resources incited institutionalized gender stigmas, which may have resulted in harsher sentencing. Although exploratory in nature, this research demonstrates the critical need to question and analyze the gender-specific motives of the criminal justice system in order to ensure equity in the justice system. Future research should include more comprehensive qualitative and quantitative analyses of the experiences of incarcerated females and the impacts of the gendered-punishment they face within our criminal justice system.

Introduction:

Incarceration has always been of interest to American scholars in the fields of sociology and psychology, however, the majority of the research pertains to men’s facilities and male offenders (Henderson, 1998; Schaffner, 2006). Research focusing on women and crime is less studied due to the relatively small population of incarcerated females (Levi & Waldmen, 2011; Heilbrun, 2008). However, since 1980 the female prison population has grown by 646%, compared to that of men, which grew by 419% (Guerino, P., Harrison, P.M., & Sabol, W.). Despite this significant growth in the population of incarcerated females, female crime rates have remained stable, suggesting that the incarceration boom may result from other social processes and



structural factors (Blumstein & Beck, 2005). In fact, research demonstrates that “differential exposure to police surveillance (Beckett, Nyrop & Pfingst, 2006; Tonry 1996), increases in the likelihood of charges resulting in convictions (Bridges & Steen 1998), differences in sentencing patterns (Steffensmeier, Ulmer & Kramer, 1998), and a host of other structural factors” has permitted the United States to have the highest incarceration rate in the world since 2002 (Wakefield & Uggen, 2010).

While still in its nascent stages, research on the female prison population has examined the social control of the prison industrial complex as a means of regulating gender, race and social class (Watterson, 1996; Schaffner, 2006). Specifically, this research base relies on a range of methodological approaches to assess the variables that contribute to female criminality, as well as the gender-specific trauma incarceration inflicts on women (Watterson, 1996; Zaitzow & Thomas, 2003; Young & Reviere, 2006). The majority of these studies evaluate the role of drug use, mental health, domestic/sexual violence, and children on female incarceration and how these factors are undeniably gender specific, producing different types of criminality and reactions to imprisonment. Such research has acted as a springboard for interest in the role motherhood plays in female criminality and conviction. This exploratory study seeks to shed light on this issue, examining the role of gender control within the criminal justice system, the unfortunate gendered circumstances faced by female criminals, and how the stigmas attached to mothering render women repeated victims of patriarchal norms within formal and informal institutions.

Literature Review:

Serious stigma accompanies the identity of motherhood if one is unable to properly fulfill her responsibilities as primary caregiver. Provoked by institutional hegemonic beliefs, the upper middle class of America often deems bad mothers responsible for the deterioration of the traditional family structure. Wallbank (2001) explores the current social and legal components of motherhood within a more general discussion of families in Western society. She finds that images of the single mother have been framed and defined by political assumptions surrounding welfare, which highlight the selfish and manipulative intentions of women who drain and deplete public resources. Additionally, the popularized images of crack mothers have become



synonymous with minority single motherhood, further contributing to the contempt most middle class Americans hold toward single mothers (Shroedel, 2000). Women who pursue motherhood without aligning themselves with middle class values are ultimately stigmatized and punished through formal and informal means. “The government continues to identify ‘the family’ as the potential source and site of the solution to society’s troubles” (Wallbank, 2001, p.37). This “solution” compounds the challenges faced by incarcerated mothers who have become demonized for inciting injury to their nuclear family and the image of America as a whole. (Wallbank, 2001)

Historically, women have been incarcerated in the same custodial institutions as men due to the small number of female convicts and the belief that women were inherently more moral than men (Rosenberg, 1975). However, in the mid-nineteenth century, the reformatory movement gave birth to a new approach to female punishment. Separate institutions were designed for women to train them in cooking, cleaning and domestic arts to cultivate appropriate gender roles (Rafter, 1990). Previous research suggests that minority women were deemed unfit for redemption at the reformatories and continued to serve sentences at custodial institutions. When the reformatory movement ended in the 1930’s, the prison system took on an unintentional compromise between its predecessors, emphasizing punishment while simultaneously promoting gender-appropriate conduct (Katzman, 1978).

In addition to ensuring the promotion of gender-appropriate conduct, Rafter (1990) asserts that the intent of both reformatory and custodial institutions for women – much like the institutions for incarcerated men –has, and continues to be, the State’s ideal means of social control concerning gender, race and class. The persistent, problematic presence concerning gaps in information surrounding female incarceration and the biographies of female criminals has hindered available research. This trend can be identified across numerous research studies, proving how lack of information alone can act as insight to the bigger picture and problems incarcerated women face (Talvi, 2007; Watterson, 1996; Zaitzow & Thomas, 2003; Henderson, 1998).

Often overlooked in the discussion of incarcerated women is the role of motherhood in shaping their life experiences, as well as its influence on criminal female behavior. The biological capacity to bear children has functioned as a crucial socializing



agent toward vulnerability (Lips, 2006; Chodorow, 1999). This vulnerability promotes a gendered reality geared toward a lack of agency, incompetency and dependency when taking on the role of motherhood (Fausto-Sterling, 2000; Halpern & LaMay, 2000). Lack of agency is promoted by societies broad based assumptions that women are solely responsible for the physical and emotional well being of their children, when fulfilling the role of caretaker (Edin & Kefalas, 2005; Hoffnung, 1995). Incompetency is encouraged due the constraints and pressures of caretaking, which restrict equal access to education and vocational pursuits (Six & Eckes, 1991;). Consequently, mothers may become economically dependent and emotionally unstable, as result of the unavailability of resources and support offered by the same systems of society that deem them fit for motherhood in the first place (Ellwood & Jencks, 2001; Eagly, Wood & Diekman, 2000; Fiske, Cuddy, Glick & Xu, 2002; Edin & Kefalas, 2005).

The lives of incarcerated mothers provide insight into the contradictory reality and imbalanced consequences gender stereotypes may manifest within a court of law. Essentially, they are punished two fold- first for breaking our explicit criminal code, and second for disrupting implicit assumptions that outline acceptable gendered behavior (Ridgeway & Correll, 2004, Young & Reviere, 2006, Schroedel, 2000). These stereotypes and identities are not simply generated within traditional family relations but dictated and legitimized by informal and formal institutional systems –like prisons – that organize social relations of inequality on the basis of such stereotypes (Ferree, Lorber & Hess, 1999; Lorber, 1994; Nakano, 1999; Ridgeway, 1997; Ridegway & Smith-Lovin, 1999; Risman, 1998).

Current day laws and policies parallel the intentions of the Reformatory movement by imbedding gender stereotypes into policies that are supposedly directed at commonly agreed upon societal problems (Shroedel, 2000, Wallbank, 2001, Schaffner, 2006). Specifically, the eruption and emphasis of traditional family values within popular political and social frameworks has shaped the already entrenched ideas pertaining to acceptable gender behavior. Moreover, the impact of media as a coercive socializing agent, unique to the 21st century, has bolstered support and acceptance of modern day “tough on crime” attitudes that are rooted in misinformed beliefs concerning deviancy and poverty (Watterson, 1996, Anderson, 1999, Graham, 1987, Fish, 2013).



The combination of these social shifts has contributed to a steep rise in the rates of women convicted for drug felonies (Greenfield & Snell, 1999). With this rise in the population of female convicts, new social stigmas have developed to characterize the incarcerated female population (Young & Reviere, 2006; Schroedel, 2000; Schaffner, 2006).

Legislation has surfaced over the last 50 years in response to these pervasive stereotypes and stigmas that surround women (Schaffner, 2006), although laws regulating illegitimate motherhood have existed since females were first incarcerated (Raftner, 1990). In 1972, the War on Drugs set in motion policies that targeted non-violent drug crimes most commonly committed in poverty-stricken, minority-dominated communities. Specifically, the Sentencing Reform Act (SRA) of 1984 and the Anti-Drug Abuse Act (ADAA) of 1986 substantially impacted standards of federal punishment (Young & Reviere, 2006, p.75). While political players claimed the new SRA guidelines would provide a sense of “transparency, consistency and fairness” (US Sentencing Commission 2004), the new terms denied the judge the ability to take personal life circumstances surrounding the crime committed into account, factors especially important for women (Young & Reviere, 2006, p.76). Additionally, the SRA led to lengthier prison time served by federal felons, with average sentences more than doubling between 1987 and 1992 (US Sentencing Commission 2004). SRA sentencing guidelines were further influenced by the ADAA, which “established mandatory minimum penalties based on the weight of various drugs” (Young & Reviere, 2006, p.76). Then in 1988, the Crime of Conspiracy Act surfaced in order to ensure that such mandatory sentences were applicable to all individuals involved in a drug trafficking bust.

Together, the policies emanating from the War on Drugs served to disproportionately negatively impact women who were subsequently sentenced to years in prison simply due to biased laws that dictate prison life “without consideration of women’s unique backgrounds and needs” (Young & Reviere, 2006). While the line between gender specific needs and the insistence that women are only fit for gender specific roles, remains politically thin, many advocate for ‘gender neutral’ laws, claiming them to be progressive. In reality, such policies blindly dismiss mitigating circumstances



that are unique to women such as “minor role in drug operation, an abusive or coercive relationship with the dealer, single motherhood or women’s lower recidivism rates” (Young & Reviere, 2006, p.78).

The gender-specific histories that define female criminals allude to how their mass incarceration –at the hands of policies enacted as part of the War on Drugs and SRA –has aimed to remove deviant, not necessarily dangerous, females from society (Glueck & Glueck, 1934). For example, Greene and Pranis (2004) find that mass incarceration of women results from harsher sentencing for non-violent drug and property offenses, noting five distinct themes among women in prison: 1) female offenders originate from poverty stricken neighborhoods with little to no support/resources; 2) 75% have suffered from sexual or domestic abuse (Schlesinger & Lawston, 2011); 3) 73% suffer from mental and physical health problems (Doris & Glaze, 2006); 4) 74% suffer from substance abuse (Pollock, 2002); and 5) 70% are mothers, of which 62% have children under the age of 18 for whom they provided sole support prior to incarceration (Glaze & Maruschak, 2010). Moreover,

“The vast majority of women’s arrests are for lower-level offenses, with 82 percent of women’s arrests falling into the less serious “non-index” category. This includes a large number of arrests for drug violations, as well as minor offenses typically thought to be “women’s crimes,” such as shoplifting and welfare fraud” (Greene, Pranis & Frost, 2006, p.1).

The historical journey of gender stereotypes narrates the detrimental effects they have on women (Baxter, 1992). Perhaps most concerning is that these detrimental effects disproportionately impact women of color, with African American and Hispanic women more than eight times and three times as likely, respectively, to be in prison as white women (BJS, 2000; Young & Reviere, 2006, p.80). The systematic and institutionalized social control exerted through gender and racial stereotypes result in the methodical “imprisonment of whole groups of the population” (Garland, 2001, p.2). The apathetic attitude of the criminal justice system toward the life circumstances of female offenders illuminates the reality of so-called “women’s crimes” (Greene, Pranis & Frost, 2006). More appropriately labeled, crimes of survival constitute 82% of female convictions, constructing a homogenous identity of the female offender (Mauer, Potler &



Wolf, 1999). The invisibility of gender-specific needs within the criminal justice system, in addition to gaps in information and lack of research on incarcerated women, encapsulates the dilemma of the female offender (Henderson, 1998). The glaring racial constituency and gendered nature of criminal policy has fashioned a female prison population that reflects America's collective aversion toward deviant femininity, specifically illegitimate motherhood (Schaffner, 2006).

Qualitative Research Methods:

To answer the research questions outlined above, I conducted in-depth interviews with five previously incarcerated mothers whom I met while serving as a volunteer at Crossroads Inc., a non-profit located in Claremont CA. Crossroads Inc. provides previously incarcerated women with free housing, education, job support and counseling for six months to aid their reintegration into society and to lower recidivism rates. My research examined my participant's personal lives from childhood experiences, to incarceration, ending with their current reality of reintegration. Interviews were categorized into four main themes; 1) participant demographics 2) family/ childhood background 3) incarceration background and 4) motherhood background. I utilized snowball-sampling methods and had my personal contacts introduce me to women who had recently graduated from the program.

My research faced a handful of limitations due to the difficulty of accessing my selected population. Due to the time limitations and strict policies that circumscribe the prison industrial complex, I was unable to interview currently incarcerated women, with the exception of Participant E who I briefly interviewed at the California Institution for Women (CIW) in Chino California. Moreover, I was unable to attain permission to interview any women who had not completed their six-month stay at Crossroads or acquire contact information for previously incarcerated women who had not attended Crossroads. Its important to note that my participants do not accurately represent the typical female offender, as the majority of incarcerated women have been convicted for non-violent, drug and property related crimes and all of my interviews were conducted with women who were convicted of first or second degree murder and served life sentences. Additionally the majority of my participants were white, inaccurately capturing the racialized nature of the incarcerated female community. Future research



should explore the research questions based on a sample of women from a variety of backgrounds in terms of race, socioeconomic status, and criminal history, to further exemplify the patterns of behavior and history that accompanies all forms of female criminality.

Meet the Participants:

Participant A began having children at age 16, and proceeded to have 3 more daughters by age 24. She is Caucasian and now 50 years old. She was incarcerated at the age of 25 and served 20 years in prison for attempted suicide and murder of her two youngest daughters. She entered prison with the education level of a 7th grader and was brutally molested by over 10 different abusers from age four to 15. She began using hard drugs at the age of seven. She does not maintain contact with any of her children, due to strict court orders, two of her daughters are homeless.

Participant B had her only son at age 15. She is Caucasian and is now 43 years old. She was incarcerated at the age of 22 and served 20 years in prison for second-degree murder and first-degree robbery when her drug dealer died from a heart attack during a physical altercation with her boyfriend. She was illiterate upon incarceration and was sexually abused by her uncle and various other men at her foster care homes from age seven to 14. She was physically abused by numerous boyfriends and began smoking meth when she gave her son up for adoption at age 16. She has been diagnosed with PTSD and depression. She maintains contact with her son who has been diagnosed bi-polar and schizophrenic. He is currently serving an eight year sentence for drug possession.

Participant C had her first son at age 23, and her second son at age 25. She is Caucasian and now 52 years. She was incarcerated at the age of 27 and served a 25 year sentence for second degree murder. She was unwilling to identify the crime her and her husband were prosecuted for. She was offered a plea bargain stating that she and her husband may both serve 10-15 years each, or one of them may serve the entire 25. Her husband, who she claimed committed the crime would not accept the bargain, so she ended up pleading guilty and serving prison time for both of them. She entered prison high school diploma and remains in a close healthy relationship with her both



sons and during the entire duration of her incarceration. Neither boy has spoken to their father since the age of 18.

Participant D had her daughter at the age of 21 and her son at the age of 24. She is Latina and now 50 years old. She was incarcerated at the age of 25 and served 25 years for second degree murder of the man who she caught molesting her daughter. She was illiterate upon incarceration. She suffered physical abuse from male family members from age eight to 14, as well as numerous gang member boyfriends. She was raped one month prior to her crime and began using hard drugs at the age of 12. She maintains close contact with both children.

Participant E became the guardian of her sister's four children at age 44 when she passed away from cancer. She is Latina and now 61 years old. She was incarcerated at the age of 46 and is currently serving four consecutive life sentences without the possibility of parole, for four charges of child abuse and neglect. She was illiterate upon incarceration and was sexually and physically abused by stepfather from age three to 13. When she caught her sister's oldest child using heroin at age 16 and wanted to send her to rehab, the teenager called the police and reported child abuse of all four children. The youngest siblings were too afraid to speak out at her court appearance and she was offered a 10-year plea bargain that she refused due to her innocence. She and her physically disabled husband were convicted. After serving 15 years of her sentence, she continues to request a retrial to prove her innocence.

Findings: Gendered Injustice

From the information I gained during my personal interviews, coupled with my evaluation of previous research surrounding women, motherhood and incarceration, a chain of events emerged. First, the foundation of female incarceration stems in part from the operationalization of gender stereotypes, specifically stigmas associated with motherhood. Implementation of these gendered, as well as racially-biased policies over the last few decades have dismissed individual female histories that lead to criminal behavior, and explicitly operate to maintain white-privileged patriarchy. As a result, this historically-driven domino effect has allowed the criminal justice system to facilitate an unprecedented growth in the incarceration of women. These sky-rocketing female incarceration rates have led people to believe that women have become more violent



over the last several decades. My preliminary findings support the notion that women have not become more violent but remain victims of circumstance due to heightened sensitivity concerning traditional family values and gender-neutral policy. Nevertheless, female criminality and subsequent incarceration cannot be discussed without acknowledging the critical impact of poverty, lack of education, sexual/domestic violence and drug abuse on the lives of women. Together, these mutually coercive social forces indicate how socially-constructed/accepted gender norms lead to gender inequality, gender policing and the incarceration of women.

III Equipped Motherhood: Its Impact on Female Criminality

My research findings presented numerous conclusions concerning the way motherhood can lead to female criminality. First, some mothers who commit violent or non-violent crimes do so as a result of the desperation and fear that accompanies motherhood. Numerous examples of mothers acting on impulse to protect and provide for their children were presented in my interviews. For example, Participant D found herself in a fit of uncontrollable rage, as her daughter, the only thing she loved in the world, was being abused, abused in a way that she knew would forever affect her life, being a victim of sexual abuse herself. She claimed if she could go back in time she would not have done anything different. *“I was protecting my daughter the best way I knew how and no amount of prison time could ever have convinced me not to.”* For all women, providing for their children requires sacrifice. However, for women from low-income communities, sacrifice may be understood in terms of illegal behavior. With children to support and limited resources to help foster a healthy living environment, these women make decisions they feel are necessary as mothers. Some of my interviews relayed stories of drug dealing and prostitution to afford baby clothes, others of living under the same roof as the man who had sexually abused them during childhood just so they did not have to spend the night out on the street. The desperate necessity of these decisions takes place in a single moment. I asked Participant B how she was able to live with her child alongside her abuser, *“(groans) ah I don’t know, I think I checked out of that whole thing and I never really thought about it past the point of I didn’t have any other choice.”*



The impulsive instinct of survival for themselves and their children manifests in illogical, ill-conceived decisions. Decisions our court of law have deemed as intentionally dangerous and evil, yet in reality, these decisions are a product of their past. The story of Participant A provides the most extreme example of how trauma, lack of education, resources and support can allow mothers to make impulsive decisions that –when taken out of context –may seem irrational. Sentenced to 25 years in prison for attempted suicide and murder of her two youngest daughters, she explained *“I was desperate to prevent my children from suffering from the lifestyle I had lived and I could not endure another day of this suffering, I couldn’t do it and I couldn’t leave them knowing what they would face, I just wanted to protect them.”* Her irrational response to her role as a mother was not due to a mental disturbance but was simply a result of being unable to navigate her traumatic past once taking on the role of motherhood. Her story, defined by trauma and abuse of all kinds, allows one to understand that every mother is simply doing the best she can with the emotional and physical resources available to her.

Additionally, some women in my study turned to destructive coping mechanisms as they failed to fulfill the pressures of being a primary caretaker. Participant B turned to hard drug use at that age of 16, but it wasn’t because of the sexual abuse she endured from the time she was 4 to 15, nor was it her mothers heroin addiction and neglect. She explained that it was giving away her son that pushed her to smoke meth for the first time. *“When I knew I had to let my son go, I kinda like lost hope... in life... in faith and then I became a drug addict, less than a month after I gave my son up is when I became a junkie. I think it was just self medication, it kept me numb and I couldn’t think about my son.”* The desperate decisions these participants made which landed them behind bars were not a result of their inherent need to hurt their children or society. Rather, they are examples of mothers simply doing the best they can with what they have. Unfortunately, their best is a reflection of how this country feels and deals with problems of poverty and gender inequality.

Gender Inequality: Why the Punishment Doesn’t fit the Crime

“Incarcerated women are mostly portrayed as inadequate, incompetent mothers who are unable to provide adequately for the needs of their children” (García, Surrey,



Buccio-Notaro & Molla, 1998; Travis & Waul, 2003, p.76). With criminal mothers having been framed by the media and public policy as a threat to their own children, as well as civil society as a whole, their troubled emotional and economic histories are rendered irrelevant. Mitigating factors such as poverty, mental/emotional health, lack of education and sexual abuse trauma are often dismissed within our court of law. This theme prevailed throughout each and every interview. During the trials of Participant A, B and D, brutal histories of sexual abuse and domestic violence which led to a life of drug addiction, were decreed unrelated despite the direct role these factors played in their crime.

After 15 years in prison and numerous attempts to have her history of abuse documented, a sympathetic commissioner presented Participant A's history to the board which led to her release five years later. *"When the investigation was finally done, she said it was one of the worst cases she had ever seen of longevity of abuse and the head commissioner stated that he could see how I had gotten to the place that I was at when I committed my crime, not that he condoned it but he could see why, and that was the first and only time that I ever felt like someone had heard what I was saying, all of my life."* Gender-neutral attitudes that shape gender-neutral policy are anything but neutral and are in fact unavoidably gender biased due to the pervasive nature of socially accepted stigmas. Overall, I contend that ideas of femininity and motherhood alone can incite an injurious effect on sentencing and the treatment of women once incarcerated.

Similar sentiments of apathetic treatment were echoed across all my interviews. In reference to her trial, Participant B stated, *"I mean they basically said I had a horrible child hood and the person was a horrible person but I should have known better."* Although comparable institutional issues affect both men and women, such as racial and social class prejudices, patriarchy has established women as the gendered 'other'. Sociological research that has been conducted over the last 50 years indicates different institutional motivations behind incarcerating women, suggesting that our current criminal justice system is working to reinforce gender specific stereotypes as well as social hierarchies (Pollock, 2002).



Participant D noted,

“None of the abuse was taken into account during my trial, it was put on the record during jury selection, the jurors were asked if they had suffered childhood sexual abuse or battered partnership or if they suffered any kind of mental illness, all of this was asked of the jury but none of it was taken into consideration during the preliminary hearing or the trial. At my trial there was not even a defense, the prosecution called their witnesses and the defense asked if they had anything to say and there was none what so ever, not one single bit of defense.”

The unique story of Participant C, displays how her identity as a mother seen as corrupt was more pervasive than her white skin and middle class standing which aligned with traditional family values. *“I don’t know if he didn’t believe me or if he just didn’t care but he didn’t do anything to try and help me.”* The contempt Participant C experienced, first from her state appointed attorney and then from the jury and judge who sentenced her to life in prison, signifies the disdain that many hold toward deviant mothers. In this case, all demographic factors were isolated, further proving the hypocritical orientation of the criminal justice system concerning the protection of women, their children and their supposed concern to maintain healthy traditional families.

Mothers who break the law are disregarded as morally bankrupt individuals, posing a threat to their own children and society as a whole. This is vividly displayed in the story of Participant E who received four consecutive life sentences after her sisters adopted children claimed she had physically abused them. Despite various witnesses who spoke on her behalf as a loving and non-violent mother, her state appointed attorney did practically nothing to get the charges acquitted. Similarly, Participant D was originally sentenced to death row due to her drug habits that prompted her crime; luckily, her sentenced was reduced to life in prison after the jury was informed that she accidentally beat a man to death who was abusing her daughter. The court makes it clear that they believe such fallen women are incapable of rehabilitation by locking them up for life.

Conclusion: The Need for New Resources and a New Approach

Our booming prison population proves that talk is cheap. American citizens and the policies of this country claim to care about the children and mothers of our nation,



rendering a wholesome and happy family structure as the guiding backbone to our nations success. However, the punitive gender-neutral measures we administer to the uninformed and ill-equipped mothers of America, tells a different story: a story of abuse, of anger and confusion.

The criminal justice system displays an incessant need to punish those who defy civil and societal expectations. Its operating policies and the extreme spike in female incarceration over the last 30 years, provide a direct contradiction to the claims professed by the media and politicians who work to feverishly promote traditional family values. In America, our professed morals concerning traditional family values and what it means to be a good mother remain in direct conflict with the formal policies and informal beliefs that unjustly incarcerate women, dismantle families and the lives of thousands of innocent children. The lack of compassion administered toward deviant mothers paints a clear picture that reunification and goals of building a healthy and happy family are in reality, of little concern to the criminal justice system.

It is time to start investing money and resources into the lives of women our criminal justice system has deemed dangerous, if not for them, for their children who hold the potential to end the cycle of incarceration and poverty.

While the majority of citizens and policy makers of America believe in a theme of punishment, that an eye for an eye is a reasonable and rational way to discourage criminal activity, the reality remains that when we blind mothers, we administer blindness to their children as well. Punishing the lives of criminal mothers unfairly punishes the innocent future of their children. The lives most harshly affected are echoed in the stories of my interviews, as mothers serving life sentences face the permanent removal of taking part in their child's emotional development. Although this strife was noted as the most difficult challenge of their lives, it was only referenced as such because of the evident pain, trauma and loss their children must endure due to their absence. More than 2.2 million minor children have mothers in prison and three-fourths of those children are under the age of 13. Recent studies show that there is a high probability they will follow in their mother's footsteps, inheriting problematic patterns of juvenile delinquency, adult criminality and substance abuse (Califano, 2010).



Rosalind Barnett (2004) asserts, “That history is condemned to repeat itself as long as stereotypes about women and men persist. We would like to believe that with knowledge comes the possibility for true and lasting change” (p.8). To emancipate mothers from the stigmatized images that land them behind bars, scholarly pursuits, activists and feminists alike must work to make the marginalized lives of criminal mothers and their children visible. In order to dismantle the gendered realities that have reduced women to child bearing, economically dependent victims of circumstance, we must stimulate new theoretical perceptions of gender to make the power of stereotypic thinking visible within empirical demonstrations (Crosby, Williams & Biernat, 2004).

By popularizing the sexist and racist truths about female deviancy and the criminal justice system as a whole, we open the door to public discussion on how to transform stereotypes and ultimately rewrite the realities of femininity and motherhood. Aiding the thousands of incarcerated mothers in America requires the intentional modification of policies, which will in turn lead to the renovation of resource distribution. But to effectively change policy, ideas requires opportunity (Somers & Block, 2005). Yet, such an opportunity requires a demand from the majority, as the systems of this country adamantly work to restrict any rhetoric that aims to disrupt the current, patriarchal privileged social order.

“I think the prison system hindered the growing process for me because there is so much abuse that goes on inside that it makes it difficult for somebody to progress in prison and work through it.” (Participant D) While uprooting poverty is a lifetime task, the redistribution of resources doesn’t have to be. Its time to face the facts: the histories and circumstances of criminal females are ones that cannot be addressed or aided through the physical and psychological brute strength exerted by the prison system.

“Incarcerating women does not solve the problems that underlie their involvement in the criminal justice system. Their imprisonment creates enormous turmoil and suffering for their children. What makes far more sense is sensible sentencing reforms and public investment in effective drug treatment and gender-responsive services to aid women who seek to live law-abiding lives and provide a healthy and stable home for their children” (Greene, Pranis & Frost, 2006, p.1).



What the women and mothers of this country need and deserve is a redistribution of resources and opportunity to better assess the unequal and prejudiced circumstances of their lives that lead to crime. Programs that address individual emotional, mental and physical health, as well as access to opportunity, must be developed as an alternative to confinement. The narratives of my interviews illustrate how the women who are able to regain their lives after incarceration do so in spite of, not as a result of, the prison system. Participant E, *“I think its more about punishment than rehabilitation, only way your gonna get rehabilitation is if you get out and find it yourself.”*

The incomplete but available research on female incarceration presents a belief that the potential impact of intervention programs including drug rehabilitation, therapeutic counseling, vocational skill building and education is the only way to help heal and guide these vulnerable women toward a path of recovery (Young & Reviere, 2006; Langan & Pelissier, 2001; Greene, Pranis & Frost, 2006). Ideally, these programs must actively foster and encourage the maintenance of healthy family relationships. By stabilizing a mother’s relationship with her children, we could provide hopeless women with a tangible motivation toward personal recovery. Providing incentive through the encouragement rather than restriction of family bonds, mothers would be given the opportunity to prove the love they have for their children and remorse for their illegal actions. My interviews, supplemented by available ethnographies illustrate how, “The only source of hope and motivation for many women during their involvement with the criminal justice system and their transition back into the community is a connection with their children.” (Travis and Waul, 2003, p.77) Therefore, helping to rebuild healthy family connections for criminal women, while simultaneously providing services that will better prepare them for an economically and emotionally functioning life, is not only humane but also rationally devised to better society as a whole.

In order to initiate substantial reform, academic and pop culture pursuits must begin to make the realities of female criminals visible, highlighting the inefficient financial and societal operation of the prison system. Adequate and popularized research must bring the economically backwards and morally corrupt reality of our criminal justice system to the forefront of public debate and education. In the way



environmental consciousness has become trendy and commonly supported in order to provide a better future for the children of this nation, prison reform must be framed as a logical, economically viable solution to wasted tax dollars and a progressively attuned attack on sexism.

The criminal justice system is held captive by the ways socially constructed stereotypes associated with gender and race, have lead to irresponsible and ill-informed policies that continue to unjustly punish deviant females. There is a difference between gender-neutral and gender privilege, yet both work against women. Therefore, to overcome gender discrimination, the law and the prison system must acknowledge gender differences, such as the role of primary caretaker and the implications gender specific circumstances have on the lives of women.

Now is the time to invoke academic and political rhetoric to address the intersectionality of sexism, racism and classism that facilitates gender specific punishment unto mothers. It is necessary to delegate appropriate resources, concern, and academic inquiry into the field of female criminality and incarceration, in order to properly assess what can be done to rehabilitate, rather than simply punish the fallen mothers of America.

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