Shifting Positionalities

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The Local and International Geo-Politics of Surveillance and Policing

Edited by

María Amelia Viteri and Aaron Tobler

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This book is dedicated to those who suffer at the hands of surveillance and policing.

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INTRODUCTION

MARÍA AMELIA VITERI AND AARON TOBLER

One might read state discourses regarding surveillance and policing practices through the myriad of ways such practices are unveiled, be they municipal automobile speed cameras passively taking pictures of speeders, or through the former-Homeland Security Secretary Tom Ridge asking the public to take an active role in monitoring others by reporting suspicious activity to the police. These practices are further complicated with the increased use of technology (i.e., bio-metric scans, proposed national-identification cards) as a means to police individuals and to disseminate and craft a particular knowledge about those individuals.

However, state agencies do not initiate all surveillance and policing practices. Individuals experience forms of surveillance by "private" individuals and organizations, as a way to intimidate or censor others or select activities. The authors experienced such surveillance on October 27, 2006, from the Executive Director of Accuracy in Academia (AIA), Malcolm Kline. This surveillance was in response to a workshop discussion we participated in October 2006 at American University's Department of Anthropology "Public Anthropology" workshop. Kline's online report on this workshop, and the topics we discussed in our presentations, illustrates his (and what would evidently be his audiences') concern with the extensive scope of anthropology as a discipline within the academy.

In the workshop, we discussed how anthropologists explore categories like race, gender and cultural citizenship and their intersection with sexuality. Such efforts to unpack issues of current anthropological interest appear to go against the mission of his non-profit organization located in Washington, D.C., which works to have "schools… return to their traditional mission—the quest for truth."[1] Its monthly newsletter, Campus Report, purports to report on "the use of classroom and/or university resources to indoctrinate students; discrimination against students, faculty or administrators based on political or academic beliefs; and campus

[1] Accuracy in Academic, "What is Accuracy in Academia."

violations of free speech."[2] In addition to the article cited here, Campus Report features articles titled "Girls Gone Wild Again,"[3] a play off the popular videos by Mantra Films, Inc., in which young women take off clothing for the camera. Kline asserts, "The federal government's Title IX regulations have led colleges to eliminate popular men's sports teams and add moribund women's athletic franchises in order to prove gender neutrality in athletics."[4] Furthermore, he cites Jessica Gavora, "who has monitored the impact of the federal rules for a good part of her career" in saying "Title IX feminist penis envy."[5] In another article, "Sex-Ed Favors Gays," Don Irvine, chairperson of Accuracy in Media and Accuracy in Academia, argues

> This class (through the University of Utah) is a perfect set up for the gay community which spends a lot of effort with children and youth getting them to question their sexuality and to draw them to its side. While many students may be comfortable being heterosexual, college is often a time of great experimentation and courses like this will only serve to expand such experimentation and lead to more confusion for those taking the class.[6]

An overview of the other current and archived articles in Campus Report reveals their conservative moral and political views in their effort to "document and publicize political bias in education."[7] In responding to our participation and the workshop, Kline wrote

> American University may find a link between anthropology and various state gay marriage bans that you probably never knew existed. Tomorrow (at the workshop), Master's and Ph.D. candidates will strut their stuff at AU's Public Anthropology Workshop.
>
> "Graduate students and faculty from the Department of Anthropology tackle these intriguing questions by examining how the discipline engages sexualities at the intersection of race, gender, policy making, and cultural citizenship," the program promises. If you haven't already, you can get a clarified idea of what direction this inquiry is going in by a look at the panelists' vita.[8]

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[2] Ibid.
[3] "Kline, Girls Gone Wild Again," 1.
[4] Ibid, 1.
[5] Ibid, 1.
[6] Irvine, "Sex-Ed Favors Gays."
[7] Campus Report, "About CRO."
[8] Kline, "AU Anthropologically."

Of particular importance to this project is the observation that Kline's report on the conference, the workshop and our participation, goes beyond simply a method of surveillance of us and our colleagues. The above quotation and Irvine's (2007) article both equate homosexuality with an active deviance (i.e., "strut" in Kline and "experimentation" and "confusion" in Irvine). It invokes insidious policing of our bodies as background information of each of us as panelists. As for Tobler and Viteri, Kline writes:

> Aaron Tobler: "His current research primarily focuses on homophobia and the police, with supplemental interests in state agency and mass news media," and
>
> Maria Amelia Viteri-Burbano "a PhD candidate at AU who holds an M.A. in Social Studies with a Concentration on Gender Studies from FLACSO, in Ecuador."
>
> This last young lady's "research interests include finding new ways to create and practice theory as a way to unmask how sexuality, race, ethnicity and gender have been constructed to perpetuate regimes of racism, sexism, homophobia and ethnocentrism," according to her official profile. "Her dissertation examines how meanings around queer and Latino are evoked, acted, recycled and constantly re-signified and how 'race' and 'sexuality' are translated in the Latino [Lesbian, Gay, Bisexual and Transgendered] LGBT Diaspora in the District of Columbia."[9]

For instance, Kline's reference to Viteri as "this young lady," followed by her gender and research interests, while informing the reader of her non-U.S. nationality, goes to discredit her position as an academic and researcher. Gender (i.e., "this young lady") is a feminine domain that—paired with the sexual deviance reported in the workshop—"goes wild" if usurped by feminists. Not qualifying Tobler's perceived gender, nationality or race assumes that he is not an "other"; like Kline and his assumed audience, Tobler's gender, citizenship or racial background are of no particular importance.

AIA is an illustrative example of what we hope to bring forward in this collection: the unexpected ways in which surveillance and policing converge into the diversity of particular bodies as marked by gender, race, class, ethnicity, age and legal status. The regulation of people encompasses the inter-relations between government policies, developers and varied understandings of space/place (as further documented by Lyon

[9] Ibid.

2006; Kline 2002; Schneider 1995). As discussed, these inter-relations produce particular shifting positionalities such as that of the "migrant," "refugee," "homeless," "displaced," "terrorist" or "alien." The original research brought forward by the scholars in this book invite the reader to analyze not only the techniques, but also the usually contradictory effects of surveillance and policing practices as facilitated by modern technology. This collection also addresses questions surrounding the definition of "public space" considering that the way in which social scientists have traditionally conceptualized space has dramatically changed in the past few decades. The technological revolution triggered the changes that accompany the current socio-economic global system. Some of the effects range from increased inequality to the way we experience time and space (Harvey 1990).

As current work on surveillance (i.e., Etzioni 1999; Lyon 2001 and 2003; Staples 2000; Webb 2007) tends to overlook the possibilities of using mechanisms of surveillance as possible practices of resistance, the chapters in this book look at the effects that these mechanisms have beyond discussions around "privacy" and "individual rights." By doing this, we are moving beyond the technologies used for surveillance (Parenti 2004; Greg 2004; Monahan 2006) and towards the multiple intersections manifested in its production and the responses conveyed.

Shifting Positionalities: The Local and International Geo-Politics of Surveillance and Policing represents an effort to encompass surveillance and policing as discussed throughout the two-day international, inter- and multidisciplinary conference the authors organized from March 23 to 24, 2007, "Interrogating Diversity: Understanding Issues of Contemporary Surveillance and Policing." The Department of Anthropology at American University, Washington, D.C., hosted this conference with the financial support by campus departments and a non-university affiliated organization. "Interrogating Diversity" problematized surveillance and policing as they intersect with race, ethnicity, class, sex and gender, within the understanding that tracking movements across geographic, linguistic and imaginary locations might provide additional lenses to question the multiple ways in which surveillance and policing practices become normalized.

Within a post-September 11, 2001, framework, the current conjunction between sexual, racial and ethnic identities and surveillance practices calls for a thorough examination of the multiple and usually unexpected meaning-making practices adapted by individuals. The latter—far from being predictable—speaks to the possibility of actively resisting, as opposed to passively embracing, techniques where people's daily lives are

policed. The chapters in this collection address surveillance and policing as a practice and a site that speaks to the multiple possibilities of re-signifying this regime. Some of the questions we aim to address include:

- How are forms of surveillance practiced by various agents? Why is surveillance conducted, as in publically stated versus actually practiced (and unknown reasons)? Who benefits and what are the costs?
- How do people, who state agencies police, interpret the very agencies that police them? How do state agents interpret their own positions as state agents? What is the aim or objective of policing?
- What are the intersections of personal liberty with the security of the state? How do discourses of security in the United States compare or contrast with other nation-states?
- How does sexuality amalgamate with notions of race, ethnicity, class and gender to normalize individuals? How does public policing frame and shape notions of gender?
- How do agents use knowledge to mark difference? How do discourses of national security police "difference"? How do public officials or government statements share and present this knowledge?
- How do discourses of surveillance, policing and security currently create and reinforce otherness?
- Is there a need for scholars to debate issues of surveillance and policing, when there is a real and present need for action now? If there is a need, then why is there such a need? What can the academy bring to a discussion at the grassroots level?
- How and why certain agents define security vis-à-vis public spaces (i.e., airports, subways, etc.) and private spaces (i.e., private-owned businesses, private universities)?

Shifting Positionalities has three main sections that problematize the various ways bio-power, displacement and resistance converge to constitute particular subjectivities as entangled in a framework of surveillance and policing. These sections encompass common themes discussed thoroughly by the diverse set of scholars who expose their groundbreaking research and knowledge to this book.

1) Bio-Politics: (Re)Viewing the Body

The concept of bio-politics, or bio-power, is particularly useful in analyzing the production of bodies. This concept understands surveillance

as a series of mechanisms of power that regulate people's lives. In addition, these technologies inform how people police themselves, and others. In this section, the chapter authors will engage the concept in an effort to analyze the construction of particular subjectivities in women, surveillance of United States citizens abroad and the politics around the use of the Washington, D.C., Metropolitan Transit Authority's subway system.

Using bioscience to analyze the gendered and racialized dimensions of biological security, Gwen D'Arcangelis illustrates how discourses of security reify groups as embodying risks, whether in the form of terrorists or diseased bodies. Related to these discourses of security is the analysis brought forward by Samuel Goldstein and Eric Pelosfsky as they examine—from a unique "insider" perspective—the rules governing the surveillance of U.S. citizens abroad by the United States government. State discourses translate these rules into specific policies that the administration of President George W. Bush promotes as necessary in this time. The concept of "terrorism" becomes a transcendental signifier when mobilized through "security" measures, as those implemented in the Washington, D.C., Metropolitan Transit Authority's subway system as illustrated by Jacob Stump.

2) Displacement: Deterritorialization and Reterritorialization

Different mechanisms of surveillance account for today's common practices of policing that normalize discourses and practices around displacement. Nevertheless, displacement implies a continuous conversation—a dialectic around a territory. Whether it is material or symbolic (or both), it becomes imperative to analyze the relationships within and between different discursive sites, various disciplines and spaces of knowledge production. This section analyzes the regulation of minority female populations in U.S. prisons and Arab/Muslim Americans, the various discourses around security in Northern Ireland and the United Kingdom, representations around Islam in U.S. discourses and the conflations of forced migration and national security discourses in Ecuador and Colombia.

These sites account for particular forms of deterritorialization and reterritorialization as subjects negotiate their subject positions and identities within a particular territory. Kolleen Duley offers a substantial critique of gender-responsive prisons and their implication in furthering segregation as these prisons become complicit in reifying poverty and

discrimination based on gender, race, class, ethnicity, sexuality and legal status among the most transcendental. Nazia Kazi's analysis of Muslim Americans shifts our attention to the production of Islamophobic knowledge about Muslims, where an idealized representation of a "good" Muslim inherently excludes subaltern Muslims. Efforts to exclude Arab/Muslim Americans is explored in Mysara Abu-Hashem's chapter, where he discusses the contribution of U.S. foreign and domestic policies in homogenizing "others"; "others" in this case being Arab/Muslim Americans. As such, he positions racism as a means to uncover the meanings of "the nation." Reminding us to research local-level spaces, Ben Chappell uses his ethnography in East Austin, Texas, on Mexican Americans to problematize the situation the United States is in at this time. By positioning actions and policies in an exceptional manner, the United States government can shift responsibility from itself to others. Mark Theodorson argues that "fear" is a cornerstone in the development of "otherness"; such fear led to the establishment and perpetuation of specific laws in the United Kingdom who stated aim was to maintain security in Northern Ireland. Finally, Fredy Rivera calls attention to the economic and natural factors that lead to migration—with special attention on Colombia and Ecuador—where warfare is a cause for concern and its affect on migrants.

3) Flipping the Camera: Surveillance as a Mechanism of Resistance

Within the understanding that various agencies enable particular practices of surveillance, this section analyzes the in-between spaces that turn surveillance into mechanisms of resistance for Pakistani Muslim immigrants living in the U.S. and Black lesbian strip events in the Washington, D.C. area.

Ahmed Afzal further exemplifies the creative ways in which communities negotiate their targeted identities by drawing on transnational resources. The author draws in ethnographic fieldwork among Pakistani Muslim immigrants in Houston, Texas, to challenge the public rhetoric associating Muslim ethno-religious environments in the U.S. with Islamic militancy, terrorism and anti-Americanism. Michelle Carnes' research on Black same-sex desiring women's erotic parties focuses on the often neglected or excluded in the dominant public sphere the media accounts of such parties, particularly insofar as participants seek to create spaces of same-sex sexual desire and expression. Agents in these spaces seek to

counteract surveillance by both non-Black persons (most often white persons) and other Black persons.

Afzal and Carnes' chapters map the various strategies of resistance employed by marginalized and alienated communities. Those that, according to Bhabha, have to live under the surveillance of a sign of identity and fantasy that denies their difference.[10]

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PART I:

BIO-POLITICS: (RE)VIEWING THE BODY

BUILDING OPPOSITIONAL PRAXIS AND BREAKING DOWN THE GENDER RESPONSIVE PRISON

KOLLEEN DULEY

> [T]he movement for reforming the prisons, for controlling their functioning is not a recent phenomenon. It does not even seem to have originated in a recognition of failure. Prison 'reform' is virtually contemporary with the prison itself: it constitutes, as it were, its programme. From the outset, the prison was caught up in a series of accompanying mechanisms, whose purpose was apparently to correct it, but which seem to form part of it's very functioning, so closely have they been bound up with its existence throughout its long history.[1]

In order to address gender-based inequalities in California women's prisons, feminist-identified scholars, women's advocates, and prison representatives have allied with the state to implement what they call "gender responsive" correctional policies. These efforts–put forth in order to better "manage and supervise the women offender" and to decrease the likelihood of litigation against the criminal justice system–bring forth new theoretical and practical questions for socio-legal analysis, for feminist praxis, and for the possibilities of prison activism and abolition.[2] Ostensibly, these "gender-specific" policies would create an environment in women's prisons "based on safety, respect, and dignity." At first glance, the logic of gender consciousness appears sound; activist and scholars demand recognition of gender difference in women's imprisonment and the state responds with reform. However, such efforts to put forth singularly gender-based reform rely on one-dimensional rather than

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[1] Michel Foucault, *Discipline and Punish: The Birth of the Prison* Trans. Alan Sheridan. (New York: Second Vintage Books, 1977,1995), 234.

[2] Barbara Bloom, Barbara Owen and Stephanie Covington, *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders*. United States Department of Justice National Institute of Corrections: June 2003), vii.

intersectional notions of gender and fail to substantively address the problems associated with women's [or anyone's] incarceration. For example, gender responsive prisons purport to offer the "typical female offender," primarily poor women of color with histories of substance abuse and interpersonal violence who commit crimes out of survival, prison-based services based on their "unique pathways to imprisonment."[3] However, the state, not women prisoners, benefits from gender responsive prison because the proposed legislation is bereft of a concrete plan for service delivery. Instead, the proposed legislation focuses on prison expansion, both though building new "gender responsive" prisons and by ensuring a steady supply of prisoners to fill them. Rather than investing monies into alternative sentencing strategies and the types of preventative community-based services, resources, and treatment that keep people out of prison, agencies channel funds directly into prisons. Not only do narrowly defined gender responsive strategies fail to address women's imprisonment preventatively, they actually *preclude* a nuanced analysis of the intersectional and structural inequalities that direct people to prison. Instead, one reads a repackaging of gender responsiveness in a neoliberal paradigm; efforts to remedy individual women's "criminal behavior," in turn, make invisible the systemic nature of mass incarceration.[4] The absent structural analysis includes the way in which institutionalized racism, wide spread poverty, homophobia, and gendered violence funnel millions of primarily poor people, people of color, undocumented people, sex workers, queers, violence survivors, mentally ill, transgendered people, gender non-conforming people, and women into United States prisons and jails.[5] Furthermore, when framed in context of the rampant expansion and consolidation of state power through the United States-led war[s] on poverty/crime/drugs/terror, gender responsive prisons reproduce

[3] Stephanie Covington and Barbara Bloom, "Gender Responsive Treatment and Services in Correctional Settings," in *Inside and Out: Women Prison and Therapy,* ed. Elaine Leeder (Binghamton, NY: The Hawthorne Press, 2006), 10.

[4] Stephanie Covington and Barbara Bloom, "Gender Responsive Treatment and Services in Correctional Settings," in *Inside and Out: Women Prison and Therapy,* ed. Elaine Leeder (Binghamton, NY: The Hawthorne Press, 2006), 61.

[5] Bureau of Justice Statistics, *Prisoners in 2000* (Washington, D.C.: United States Department of Justice. August 2001)

The Bureau of Justice does not collect information regarding trans-identified, gender variant, gender queer, and intersex prisoners. Information about the ways in which they are targeted by the criminal legal system and then subject to abuse, harassment, and discrimination once enmeshed in the system, are collected by organizations like the Transgender, Gender Variant and Intersex Justice Project. Please see *www.tgijp.org* for information and resources.

discourses and practices that perpetuate *rather than end* violence against prisoners and prevent effective abolition-based reforms.

I explore gender responsive reform in California's prisons for women by asking the following questions: How did the move to create gender responsive prisons come about? What types of reforms do they propose? What are the practical and ideological premises of "gender responsive" prison policy? How do such reforms perpetuate gendered violence against women? Finally, how might intersectional and prison abolitionist remedies eliminate the problems associated with mass incarceration?

Early Attempts at Gender Responsive Prisons: Gendered Violence

Various narratives describe the development of so-called Gender Responsiveness in the California Department of Corrections. Scholars Barbara Bloom, Barbara Owen, and Stephanie Covington suggest that the sudden increase of "women offenders" sparked a three-year state-run project called the "Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Prisoners." The National Institute of Corrections in 2000 put forth the project, which the scholars describe as a center for "correctional learning and experience… [that]…shapes effective correctional practice and public policy."[6] Soon after, the California Department of Corrections created a task force, the Gender Responsive Strategies Commission, to implement the recommendations of the former project. Largely, however, the move toward gender responsiveness was a response to the prolific scholarship on gender and criminality in the 1990's, which was itself a response to the exponential growth in the number of women imprisoned through the war on drugs in the 1980's.[7] Long-time activist and public intellectual Rose Braz, contend that the move toward "gender responsiveness" comes in a moment when the spotlight shines on California's prison crisis, where the largest women's prisons in the world sit in California's stifling hot Central Valley, directly across the street from each other.[8] The lack of attention into the human rights abuses documented at these facilities is especially embarrassing to

[6] Bloom, Owen, and Covington, iii.
[7] Bureau of Justice Statistics, Prisoners in 2000 (Washington, D.C.: United States Department of Justice, August 2001).
[8] Rose Braz, "Kindler, Gentler, Gender Responsive Cages: Prison Expansion is Not Prison Reform. *Women, Girls, and Criminal Justice: Special Issue on the California Prison Crisis* (October/November 2006), 91.

the state when activists in other countries are petitioning governments to close prisons–to pardon and release their wards and transfer correctional funding into community programs and treatment, as activists demand in Britain and Italy.[9] Indeed, the state's move toward gender responsiveness is also a reaction to demands of United States women prisoner's advocates who have put forth decades-long multi-pronged campaigns to end the injustices the surrounding mass incarceration.[10] Although most acknowledge that the living conditions inside United States prisons are detrimental to the health of *all* incarcerated peoples, some suggest that women are particularly vulnerable because they are treated "like men" under ostensibly gender-neutral prison standards; a position that fails to account for women's position as marginalized persons.[11] Here, save for limited provisions surrounding reproduction, treatment is the same for women as it is for men. [12]

For example, California Prison Focus (CPF) suggests that the Security Housing Units (the SHU) inside women's prisons makes visible the

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[9] Rose Braz, "Kindler, Gentler, Gender Responsive Cages: Prison Expansion is Not Prison Reform. *Women, Girls, and Criminal Justice: Special Issue on the California Prison Crisis* (October/November 2006), 91.

[10] Some of these organizations include, Legal Services for Prisoners with Children, Justice Now, and the California Coalition for Women Prisoners, each of whom have put forth legal, grassroots, and policy based campaigns to address the countless injustices surrounding the lack of health care in women's prisons. One example of a litigation strategy spearheaded by LSPC is Shumate v. Wilson. A year before the Prisoner Litigation Reform Act was passed, which severely limits prisoners ability to file class action law suits, women prisoners filed a class action lawsuit in 1995 on behalf of California state women prisoners at Central California Women's Facility (CCWF) and California Institute for Women (CIW) for lack of access to medical care. Although a settlement was reached three years later, rampant violations exist. See www.prisonerswithchildren.org, for more information about health care and women's prisons.

[11] Corey Weinstein. "Major Changes Required for CDoC Medical Services" Testimony presented at the California State Legislature's hearing on women in prison, Sacramento, CA, (October 10, 2000).

[12] Human Rights Watch. All Too Familiar: Sexual Abuse of Women in US State Prisons (1997).

Standards concerning women's health are extraordinarily invasive and if anything, women's reproductive autonomy is consistently violated in prison. Until recently, pregnant women in state facilities gave birth with both arms and legs shackled to a bed while under twenty-four hour surveillance of a corrections officer. Still worse, women have been sexually violated during superfluous gynecological exams, they are raped by guards, and they are often humiliated vis-à-vis their need for menstrual supplies. See citation.

dangerous effect treating women "like men." Here, mostly male guards guard women twenty-three hours per day in remote maximum-security isolation cells.[13] They suggest that women in the SHU are particularly susceptible to sexual, physical, and emotional abuse by corrections officers. They are subject to lewd, racialized, and gendered forms of harassment and to particularly pernicious forms of voyeurism. Corey Weinstein of CPF elaborates:

> Male custody staff serve all daily needs at the cell door including all meals, mail and administrative functions. They are on the tiers as women undress, use the toilet and take in-cell bird baths. The women must request toilet paper and sanitary napkins from male guards. It is against the rules for women to achieve privacy by temporarily covering the windows in the cell door and wall…. Women in the SHU report that male guards stand at the shower doors pretending to make small talk. Guards make blatant sexual remarks, comment on the women's bodies in lurid detail and verbally abuse them with derogatory comments and racial slurs. Guards coerce women to expose themselves in what are called "peep shows" buying such with petty favors like food, soap, toiletries or candy." [14]

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[13] In interviewing 400 women about their conditions of confinement at VSPW, Cassandra Shaylor noted that although control units like the SHU are ostensibly designed for prisoners with violent offences or behaviors, some women reported being placed in the SHU as a way to pressure them into being silent about sexual assault and abuse by male guards. They also reported being sent there for not having an abortion after being raped by male guards. Shaylor notes that the SU is also used to house women prisoners who do not "perform well" or who cannot adjust to living in the prison's general population. However understandable it might seem that incarcerated people never adjust to having their freedom revoked and their every activity controlled inside the prison, "maladjusted" prisoners are disproportionately women of color, women with psychiatric and physical disabilities who get little or no care within the prison, trans-identified and lesbian women who are consistently targets of sexualized violence by both male and female guards, and also politicized prisoners who organize against injustice inside. This information can found in: Cassandra Shaylor, "Its like Living in a Black Hole: Women of Color and Solitary Confinement in the Prison Industrial Complex" *New England Journal on Criminal and Civil Confinement* Vo. 24. No. 2. Boston, MA: Summer: (1998).

[14] Corey Weinstein. "Major Changes Required for CDoC Medical Services" Testimony presented at the California State Legislature's hearing on women in prison, Sacramento, CA, (October 10, 2000).

Through my informal interviews with women prisoners, I found that most of these human rights abuses are committed in an isolated setting where guards face little accountability. They go unchecked because there are so few mechanisms for

Community advocates, prisoner's family members, and other prison activists have fought contentious battles with the California Department of Corrections to repeal gender-neutral policies.[15] Though the goal of CPF's "Dignity for Women Prisoners" campaign is to remove all male guards from housing units, they were only successful in prohibiting male officers from performing invasive pat searches.[16] However, even though men are not supposed to perform the searches, women inside report that male officers still perform them and/or they are present when female officers search female inmates.[17] The limited success of this campaign begets a complex set of questions regarding the institutionalization of one-dimensional gender reform. For example, because male, queer, and transgendered prisoners are susceptible to *gendered* violence in the SHU and in the general population, should they be protected by gender responsive reform?[18] Similarly, are women guards less likely to commit

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community accountability both in the prison (including extremely limited or zero media access) and especially in the SHU, where almost all of a prisoner's activities and public interactions are monitored. Further, if prisoners complain about certain officers, for example, they face the possibility of retaliation by guards and other prison officials.

[15] The California Department of Corrections recently changed its name to the California Department of Corrections and Rehabilitation, even though monies for services have decreased while monies for security apparatuses have skyrocketed, including high-tech weaponry and other military-like resources for corrections officers. See Tara Herivel and Paul Wright. *Prison profiteers: who makes money from mass incarceration*. (New York: New Press, 2007).

One legal decision regarding male supervision of women prisoners include Jordan v. Gardner (986 F.2d 1521 (9th Cir.1992) which found male officers conducting of clothed body searches on female prisoners an Eighth Amendment violation.

[16] Corey Weinstein, "Men's Hands of Women Prisoners" (2007) Full text can be found at *http://www.prisons.org/dignity/menout.htm*.

[17] Amnesty International Report, "Not Part of my Sentence" (Amnesty International, 1995).

In an invasive pat search, prisoners are not simply patted down in search of contraband as occurs routinely inside the prison, but they are stripped naked for body-cavity searches each time they enter and exit their cells after visitation periods.

[18] The Transgender, Gender Variant, and Intersex Justice Project report that much gendered violence occurs inside women's and men's prisons. Although data are not collected by the Bureau of Justice, TGIJP collects this information and testimony is available on their website. The organization's mission is to "challenge and end the human rights abuses committed against transgender, gender variant, gender-queer, and people with intersex conditions in California's prisons and beyond." See *www.tgijp.org*.

abuses against prisoners under the coercive context of the prison environment?

Essentialism and Female Policing

Both the early and more recent efforts towards gender conscious reforms fail to challenge the systemic power dynamics that inform the daily practices inside the prison and that contribute to the repressive nature of policing institutions. Although removing male guards from housing units is not currently an issue "on the table" for the Gender Responsive Strategies Commission, this work forms the backdrop of the recent effort towards gender responsiveness discussed in this paper. The logic underlying gender responsive sex-segregated policing suggests that female law enforcement officials will be less abusive than males. In fact, international law explicitly prohibits male searching of women prisoners; Rule 53 of the United Nations *Standard Minimum Rules for the Treatment of Prisoners* states, "female prisoners should be attended and supervised only by woman officers."[19] This position assumes that women will act differently in positions of police power simply because they are women, regardless of the unequal power dynamic between prison guards and their "wards." Yet, Lynne Ford asks, "Are men and women inherently different, or is behavior conditioned purely by circumstances rather than by gender?"[20]

While there is evidence suggesting that male officers in the Los Angeles Police Department are involved in excessive force and misconduct lawsuits at rates substantially higher than their female counterparts, as reported by the National Center for Women and Policing, evidence suggests that women in positions of power are not less abusive simply because they are women.[21] Similarly, Dr. Phillip Zimbardo's now-infamous Stanford Prison Study, supports the idea that both men and women tend to abuse power in a prison setting–even if they know they are not really in one.[22] During this short-term 1971 study, one group of

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[19] Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in US State Prisons* (Human Rights Watch, 1997).

[20] Lynne Ford. Women and Politics: The Pursuit of Equality (Boston: Houghton Mufflin Company, 2006), 335.

[21] Feminist Daily News Wire. "Gender Differences in Police Brutality Lawsuits: Men Cost More" 18 September (2000). For more information about NCWP see: www.womenandpolicing.org/aboutus.asp.

[22] See Phillip Zimbardo. *A Quiet Rage: the Stanford prison Study*. (Stanford, Stanford University, 1987).

civilian people worked as prison guards in a simulated prison and another lived as prisoners; here, the former group internalized the power of a prison guard and committed numerous abuses against the "prisoners."[23]

Another example of the coercive context of policing might be women police stations in Brazil.[24] Here, in order to address the civilian and military police force's failure to address interpersonal violence against women, Brazilian feminists worked with the state to build specialized police stations run exclusively by women, ostensibly because women are more sensitive when treating violence survivors. Citing feminists Chandra Mohanty and Judith Butler, Brazil Studies scholar Sara Nelson deconstructs the presumed 'natural' solidarity between women. She questions efforts to "mobilize a unified, undifferentiated category of women" in the women's police stations.[25] In her interviews with women police officers, Nelson suggests

> reporting a rape or beating to a woman officer in a private office will not ensure that a female victim will receive better treatment at a women's police station than she would at an all-male one…. In the absence of training [about the gender politics inherent in violence against women]…. women are no more naturally compassionate and responsive to their 'sister's' needs than men.[26]

Calls to increase the number of women police signal a failure of isolated gender reform; simply switching the sex of police neither changes the institutional sexism of the state, nor does it effectively address the needs of multiply marginalized people who are subject to gendered police violence. The abusive nature of confinement is unchanged.

With the increased awareness about women torturers post-9/11, the relationship between feminism, essentialism, and violence has gained

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[23] See Zimbardo, 1987.

[24] In 2007, after researching the violence against women movements and the transition out of authoritarian power in Brazil, I conducted informal interviews with various police officers and movement activists on a course-related short-term field study with the UCLA Law School.

[25] Sara Nelson, "Constructing and Negotiating Gender in Women's Police Stations in Brazil" *Latin American Perspectives*. Issue 88, Vol. 23 No. 1 (1996): 131-148.

[26] Nelson, 142.

There is also evidence to support the notion that in some cases women are not sensitive to "women's issues" in order to maintain power in a masculinist policing environment. Nelson suggests that women police officers in São Paulo, Brazil reported that they were less inclined to prioritize women's concerns out of fear that the will lose their "hard won position with the police by appearing 'soft' or 'overly sensitive' in the eyes of their male colleagues. Nelson, 135.

much scholarly attention.[27] Some suggest that United States soldier Lynndie England's conviction for abusing male prisoners at Abu Ghraib prison attests to the fact there is nothing inherent to a woman's nature that keeps her from participating in abuse.[28] Furthermore, debates about how such events challenge the future of feminism flourish. For example, Zillah Eisenstein argues that the very presence of women military officers "allure us into thinking that this is what democracy looks like…creating confusion by [having women participate in sexual humiliation] that women are usually victim to."[29] However, she argues that such switching fails to disrupt masculinized and racialized gender because "masculinist depravity as political discourse and practice" can be adopted by women and men."[30] Eisenstein uses the term "sexual decoys" to explain this phenomenon; here, the state manipulates sexual fluidity (or more specifically, understandings of sex and gender as social constructs) and racial diversity to serve imperialist ends. She suggests that dominant discourses authoritatively position women's rights discourse, racial diversity rhetoric, and women and people of color "in drag" as such to provide an illusion of feminism and multiculturalism in empire building projects – at the expense of radical social justice.[31] Because women commit torture in this securitized politic, "Abu Ghraib looks like

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[27] Recent books on this subject include Zillah Eisenstein *Sexual Decoys: Gender, Race, and War in Imperial Democracy*; Jasbir Puar's *Terrorist Assemblages*: *Homonationalism in Queer Times* 2007; Susan Faludi's *Terror Dream: Myth and Misogyny in an Insecure America, 2008*; Tara McKlevy's anthology *One of the Guys: Women as Aggressors and Tortures*, 2007: Tara McKlevy's *Monstering: Inside America's Policy of Secret Interrogations and Torture in the Terror War*, 2007.

[28] Lynndie England was found guilty of one count of conspiracy, four counts of maltreating detainees and one count of committing an indecent act, as reported by the *USA Today*, 09/26/05.

[29] Zillah Eisenstein, *Sexual Decoys: Gender, Race, and War in Imperial Democracy* (New York: Zed Books, 2007), 37.

[30] Eisenstein, 38.

[31] Eisenstein, xiii. She provides many examples of the ways in which human rights and women rights discourse are used by neoliberal feminists to "mystify and rationalize misogynist and racialized aspects of global capitalism" (Eisenstein, 2). Bush's "CowGirls," for example, are females who represent militarized masculinity who support empire building, including the call to invade Afghanistan in the name of saving Muslim women (see Chapter 5). Another example includes the neoliberal feminists on the National Advisory Council on the Violence Against Women Act (VAWA) who have called for VAWA's demise and who have investments in private right wing groups who oppose VAWA (116).