

Big House: Women, Prison, and the Domestic

by

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Graduate Program in Literature
Duke University

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Graduate Program in
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ABSTRACT

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Abstract

Big House: Women, Prison, and the Domestic, addresses the development of the contemporary US carceral state, foregrounding the confinement and control of women and the evolving ideological frameworks and disciplinary techniques that guided women's incarceration beginning with the inception of state-run women's prisons in the nineteenth century. These new prisons for women reproduced and refined modes of capture intrinsic to the modern domestic home and, in turn, served as a laboratory for the further development of domestic forms of discipline, making up what I term "the carceral domestic." By focusing on the women's prison, and on women's confinement more generally as it relates to the home and housing, this project expands the critical archive that accompanies contemporary critiques of mass incarceration. The dissertation consists of three sections. The Birth of the Carceral Domestic, A Women's Prison in Three Acts, and Home Economics, covering the early period of the sex-segregated women's prison in the nineteenth century, the development of gendered forms of carceral control through practices of confinement and exclusion over the twentieth, and the contemporary women's prison in the age of mass incarceration and neoliberal privatization. I draw on a broad range of materials and genres, including personal narratives, domestic homemaking manuals, TV shows, judicial opinions, prison policy codes, and acts of Congress. Through these varied accounts of the intersecting spheres of prison and home, *Big House* contests the fixity of the boundaries between them, and writes gender into conversations about mass incarceration.

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Introduction: Big House: Women, Prison, and the Domestic

In April 2018 an Atlantic report on the state of prison education programs found deep inequity between programs offered to incarcerated men and women, declaring that the “women in prison take home economics, while men take carpentry.”¹ The report by Adam Harris includes a wealth of unequal and discriminatory treatment, but the central charge comes from the Mississippi Department of Corrections which offers only five programs for women but thirteen for men. The course noted by Harris, “Family Dynamics,” is advertised on the DOC website as “similar to a home economics class, but the curriculum is broader.”² The curriculum includes “cooking, sewing, value clarification, parenting skills, communicable disease awareness, nutrition, money management, and other general household duties” and is “designed to increase self-esteem, work ethics, domestic abilities, and emotional well-being for the inmate and her family.”³ This course, which Harris notes is not available to men, is less than subtle in its insinuations regarding the roles for which prison education rehabilitates women. The Mississippi DOC is not alone in this project of domestication and in fact is part of a proud lineage reaching back to the beginning of women’s segregated incarceration in the nineteenth century. But their seemingly old-fashioned family values are accompanied by

¹ Adam Harris, “Women in Prison Take Home Economics, While Men Take Carpentry.” (*The Atlantic*, 2018)

² “Vocational Opportunities for Female Inmates.” mdoc.ms.gov.

³ Ibid

(and not unrelated to) a new wave of prison reform taking place.

Four days before Christmas 2018, Donald Trump signed into law the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person or FIRST STEP Act. The act, heralded by many across the political spectrum as a necessary— if not expansive— piece of prison reform, purports to offer a starting point in “addressing the deep-rooted issues in our country’s criminal justice system,” as Gerald Robinson’s 2019 column in nonpartisan DC blog *The Hill* puts it.⁴ FIRST STEP does not include sentencing reform, but is aimed at reducing recidivism and providing alternatives to long term incarceration for some nonviolent offenders through increased time credit for good behavior and expanded use of home confinement via ankle monitors and other innovations in detention technology. Section 402 of the act, “Home Confinement for Low Risk Prisoners” instructs the Bureau of Prisons “to the extent practicable, [to] place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted.”⁵

This extension of home confinement has been particularly lauded as a humanitarian step towards addressing mass incarceration and reuniting incarcerated people with their families. Robinson celebrates the credit system which returns people to their communities and promises to “restore a sense of agency to people who feel that

⁴ Gerard Robinson “First Step Act’s Passage Represents a Starting Point to Address Issues in the Criminal Justice System.” (The Hill, 2019)

⁵ FIRST STEP Act.” H. R. 5682. (2018)

nothing in their life is under their control.”⁶ It is important to note that Robinson is the executive director of the Center for Advancing Opportunity (CAO), a Koch Foundation funded entity. In fact, the FIRST STEP Act is the brainchild of Right on Crime, a conservative criminal justice reform coalition launched in 2010 by the Texas Public Policy Foundation (TPPF), a partially Koch funded think tank and participant in the infamous American Legislation Exchange Council (ALEC), which pioneered, penned, and lobbied for mandatory minimums, three strikes laws, and “truth in sentencing” codes in the nineties.

So why are the Koch brothers and an infamous tough-on-crime conservative think tank refashioning themselves as pioneers of prison reform and home detention, and what does this have to do with the old-fashioned home economics courses offered by the Mississippi Department of Corrections? The answer is bound up in the home and housing. As the Center for Media and Democracy points out, the Kochs’ interest in reform is motivated by an interest in privatization and corresponding investments by private prison companies’ acquisitions of home confinement technology over the last decade.⁷ Decriminalization efforts expand the reach of the carceral regime and its private interests into the home via ankle monitors, tracking devices and other methods of electronic surveillance. Michelle Alexander, author of *The New Jim Crow: Mass Incarceration*

⁶ Robinson, “First Step Act”

⁷ Ralph Wilson. “Koch Criminal Justice Reform Trojan Horse: Special Report on Reentry and Following the Money.” (PR Watch, 2016)

in the Age of Colorblindness (2010) calls this form of “e-carceration” the “newest Jim Crow” in a 2018 *New York Times* editorial, warning that the expansion of carceral technologies reformulates rather than rejects mass criminalization.⁸ What I contend however is that the carceral expansion into the home does not represent a new frontier, but is rather part of a longstanding relationship between the domestic and carceral spheres—one which can be understood most clearly through the development of the women’s prison as an institution.

This project addresses the development of the contemporary US carceral state, foregrounding the confinement and control of women and the evolving ideological frameworks and disciplinary techniques that guided women’s incarceration from the inception of state-run women’s prisons in the nineteenth century to the current era of mass incarceration. These new prisons for women reproduced and refined modes of capture intrinsic to the modern domestic home and, in turn, served as a laboratory for further development of domestic forms of discipline making up what I term the *carceral domestic*. In excavating and reframing the institutional history of the women’s prison I aim to contribute to a body of work in Critical Prison Studies that initially took shape as a subfield of American Studies, drawing from History, English, Anthropology, Critical Legal Studies, Sociology, Criminology, and Critical Geography. This field emerged in response to a contemporary crisis of mass incarceration but also insists on historicizing the crisis by

⁸ Michelle Alexander. “The Newest Jim Crow.” (The New York Times, 2018)

drawing attention to legacies of slavery and racist policies introduced on both sides of the aisle.⁹ Scholars such as Angela Davis, Ruth Wilson Gilmore, Dylan Rodriguez, Loic Wacquant, Lisa Guenther, and Khalil Gibran Muhammad point to a long history of social, legal, and political attacks on poor and primarily black and brown subjects, arguing that the contemporary carceral state must be understood in terms of the material conditions and political will which created it. *Big House: Women, Prison, and the Domestic* follows this critical directive and demonstrates that attention to the female carceral subject opens up valuable avenues of inquiry into the preconditions of mass incarceration and a system of carceral domestic control and subject production.

The contemporary field of Critical Prison Studies has many inheritances, but no project that seeks to center the study of women and carcerality can proceed without establishing the twin imperatives for theoretical analysis and political activism that frame it. The first is the legacy of Michel Foucault, whose 1977 work *Discipline and Punish*, has set the terms for a critique of carcerality as an epochal shift in the formations of state power and its disciplinary techniques. Foucault's insights offer both inspiration and frustration, and I deal with his legacy most directly in chapter 1. The second critical foundation for the field is the prisoners' rights movement in the 1960s, which arose through black radical and anti-imperial critiques of capitalism and white supremacy writ large. In *If They Come in the Morning... Voices*

⁹ "The age of mass incarceration" as it is termed generally describes the boom in incarceration in the US in the wake of reactionary "tough on crime" policies. Since the 1970s the prison population has increased exponentially, and now stands at about 2.3 million including federal and state prisons, local jails, and immigrant detention—just over 1 percent of the population. (ACLU)

of Resistance (1971), a crucial edited collection on both her own incarceration and the broader black radical critique of the prison system, Angela Davis names the prison as “a key component of the state’s coercive apparatus, the overriding function of which is to ensure social control.”¹⁰ Davis links carceral enforcement to capitalist protection of private property and the creation of an exploited and criminalized underclass, asserting that as the fight for black liberation became more powerful “the judicial system and its extension, the penal system, consequently become key weapons in the state’s fight to preserve the existing conditions of class domination, therefore racism, poverty and war.”¹¹

Other contributors, like George Jackson, who was killed in San Quentin the same year, contend that “imprisonment is an aspect of class struggle from the outset” and call for a “massive collective struggle.”¹² Such an understanding of the wholly political character of imprisonment and its foundational importance to state power and discipline has become a central tenet of the field of Critical Prison Studies. In addition to providing crucial experiential and analytic understandings of the prison’s role in American society, the prisoners’ rights movement centers a political project of prison abolition. It is the political purchase, and the complex negotiation between theory and practice within Critical Prison Studies as an outgrowth of a black radical tradition that I ground my work. In the following

¹⁰ Angela Yvonne Davis and Bettina Aptheker, eds. *If They Come in the Morning: Voices of Resistance*. (Third Press, 1971), 66

¹¹ *Ibid*, 63

¹² George Jackson, “Towards the United Front” in *If They Come in the Morning*, 307, 318. Jackson elaborates this more thoroughly in *Blood in My Eye* (1971), which he completed just days before he was killed by prison guards at San Quentin.

chapters I take the theoretical insights and analyses of the prisoners' rights movement as a foundation, dealing most directly with its legacy in chapter 5: Black Liberation at Rikers Island.

The rise of Critical Prison Studies as an academic field and its urgency as both a scholarly and political project has taken shape in the context of increased public interest in the expanding role of prison in the US political landscape. Some of the most significant scholarship critiques incarceration as a key element of a racial caste system. Alexander's previously mentioned bestseller, *The New Jim Crow*, for instance, analyzes policing and incarceration as an extension of slavery's exploitation and racial control. *13th* (2016), the critically acclaimed Netflix documentary directed by Ava DuVernay, likewise draws on connections between the carceral state and the history of slavery by highlighting the much-discussed exception in the 13th amendment, which abolished slavery "except as a punishment for crime whereof the party shall have been duly convicted."¹³ Both texts have been massively successful in introducing audiences to juridical and political contemplations of prison and making clear the racial dimensions of mass incarceration today.

Popular support for prison and sentencing reform has followed these kinds of critiques, emphasizing the over-policing of minority populations, largely black, Latino and male, and their over-representation in prisons. This focus is not surprising given that black and Latino men were the key populations targeted by "tough on crime" initiatives in the

¹³ U.S. Const. amend. XIII. Sec. 1.

1970s-90s. But the policies and practices that led to the current situation also affected and explicitly targeted women. While women are a significantly smaller nominal prison population, their rate of incarceration has grown at a similar pace with that of men through the first decade of this century. Today, as the growth rate of men's incarceration has begun to ebb, the rate of women's incarceration has continued to rise.¹⁴ In this context, in which women are the fastest-growing segment of the incarcerated population, it is imperative to address the specificity of the carceral control and confinement of women as part of the broader public and scholarly conversation.

There is a small but growing conversation within Critical Prison Studies which seeks to establish the gendered and racial dimensions of this history. Recent work by Beth Richie, Kali N. Gross, Cheryl D. Hicks, and particularly Sarah Haley on the history of black women's incarceration and punishment has addressed this absence and further framed for me the necessity of attention to the form and history of the confinement and control of women in the current moment. Haley's *No Mercy Here* (2016) attends precisely to the exclusion of women from the institutions Freedman examines. In it she excavates a history of black women put to work in convict leasing programs and chain gangs in Jim Crow Georgia, arguing that black women were seen as ineligible for the forms of rehabilitation offered by reformatories. These new prisons for women promised to reform failed potential

¹⁴ See John Jay College's Center on Media, Crime and Justice's 2018 report "Women's Incarceration Rate Rises as Male Total Drops" Prison Policy Initiative's 2018 ["The Gender Divide: Tracking Women's State Prison Growth"](#)

candidates for middle-class domesticity, a category which, Haley demonstrates, was predicated on the exclusion of black women. For Haley, the punishment applied to black women “within Georgia’s punishment system constituted them as subjects outside of the protected category ‘woman.’”¹⁵ Haley’s analysis concerns the period of Jim Crow and she argues that “the maintenance of this racial-gendered order is vital to a nuanced understanding of the southern carceral regime and the history of Jim Crow modernity.”¹⁶ Haley is concerned with the state violence of the chain gang and the convict leasing systems, which did not represent a departure but “a reworking and extension of previous structures of captivity and abjection through gendered capitalism.”¹⁷ However, Haley’s argument is not that black women were simply treated as men, “in fact they specifically were forced to end their prison terms as domestic servants for white families.”¹⁸ Haley terms this form of servitude “domestic carceral servitude” and adds that “black women’s disproportionate presence in spheres of domestic carceral servitude did not place them closer to normative femininity, since the relation of servant to employer also served to expose black women’s difference from the white women for whom they worked.”¹⁹ This too reproduces the relationships of slavery in which black women were an intrinsic part of the domestic scene, both serving in it and marked by an absolute difference from the domestic ideal of the white

¹⁵ Sarah Haley. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. (UNC Press, 2016) 2-3

¹⁶ Ibid 3

¹⁷ Ibid 3

¹⁸ Ibid 9

¹⁹ Ibid 9

mother.

I am indebted to Haley's work and take from her analysis of "domestic carceral servitude" a foundation for my conception (and naming) of the carceral domestic as a disciplinary form produced through a complimentary and mutually constitutive relationship between the domestic home and the women's prison. I connect these sites to read their internal structures of discipline and the ways in which exclusion functions to produce and refuse certain subjects in both. The home is, I maintain, a necessary object of analysis, not because it is not an exclusionary site but precisely because it is one. Yet the domestic home is also a site of internal discipline and violence. Although I take direction and inspiration from the historical work of these scholars, my project does not produce a history. This dissertation's historical attention is episodic rather than continuous or comprehensive. I read specific conjunctures in which we can see moments of crystallization of a domestic carceral regime. My objects are distillations and engines of this carceral imaginary, and through a close reading of the discursive production of the women's prison, the home, their cross-pollinations and interstices I offer a close reading of the flashpoints in the public political culture of the burgeoning carceral state. Through these readings I construct an alternate narrative of women's confinement, in the home, the prison, and the interstices between.

In delving into a narrative of female carcerality and seeking to build a critical archive to think through it, this project is necessarily invested in feminist genealogies as well as carceral ones. *Big House: Women, Prison and the Domestic* seeks to recover and reconstruct a

body of feminist theory that attends to the violence and disciplinary functions of the home as well as the state, and to track the ways in which these are, and have been, intimately intertwined. In seeking to understand and critique the ways in which a classed and racialized form of domesticity is foundational to the disciplinary system of incarceration, and the ways in which incarceration informs notions of domestic life, I aim to reconfigure a well-established tradition of feminist work on the home and combine it with a body of women's prison writing.

Though the two are inextricably tied for the purposes of my dissertation, there are fault lines within these feminist lineages, particularly around race and feminist investments in state power. Charlotte Perkins Gilman, a major figure in chapter 2, was a eugenicist and her utopian vision of freedom from domestic confinement involves a radically empowered and radically white socialist state that replaces the white middle-class mother in policing social reproduction. Betty Friedan's famous "problem with no name," echoing Gilman's "familiar cell" 60 years later, is solved with a career outside the home, a vision that both valorizes waged labor and the market as the solution to social ills and offsets domestic care work onto poor women, often women of color.²⁰ bell hooks offers a scathing critique of Friedan along these lines in her 1984 *Feminist Theory: From Margin to Center*, alleging that she neglected to consider the women who "would be called in to take care of the children and maintain the home if more women like herself were freed from their house labor and given equal access

²⁰ Betty Friedan, *The Feminine Mystique (50th Anniversary Edition)*. W. W. Norton & Company, 2013.

with white men to the professions.”²¹ What, hooks asks, “of the needs of women without men, without children, without homes... of non-white women and poor white women?”²²

This critique is entirely fair, but in thinking with both hooks and Friedan, I submit that women who do not have men or children or homes are hardly unaffected by the particular structure and disciplinary modes of the domestic home whether trapped within, excluded, or impressed into labor between multiple domestic spaces.

It is certainly true that the subject of both Gilman and Friedan, among others, is the middle-class white home. But I argue that this is less a limit than a specification that my analysis of the domestic home allows for a lens through which to view the mutations of that form, its capaciousness, and its exclusions. If the white middle-class home is normative, then attending to its functions is absolutely critical and cannot be abandoned by feminist theory or Critical Prison Studies. It is precisely for this reason that a project of anticarceral feminist critique must return to and reconfigure work on the home in conjunction with work exclusively on the prison. In fact, because it is a site of normative subject production and power, the middle-class home is the ideal through *and* against which the (re)productive subject is produced, confined and policed. Moreover, as Friedan’s call for women to enter the market has been answered by huge numbers of formerly house-bound middle-class women who correspondingly employ largely poor women of color for domestic work and

²¹ bell hooks, *Feminist Theory from Margin to Center*. (South End Press, 1984), 1

²² *Ibid*, 2

childcare, the middle-class home remains an important site of racialized and gendered forms of labor, power, and intimacy: one at the juncture of major shifts in the global economy and state-formation.²³

In rethinking feminist investments in the home and the state, I engage contemporary critiques of what has been termed carceral feminism, particularly in the final chapter.²⁴

Carceral feminism refers to a strand of liberal feminism that understands its mission as eradicating violence against women through increased surveillance, policing, and incarceration of (male) perpetrators. This impulse is intimately connected to the history of feminist and female-dominated reformist projects, including the architects of the nineteenth-century women's prison *and* cultural critics of domesticity. In expanding its protection beyond the 'private' sphere of the home to the neighborhood, workplace, and college campus, the demands of carceral feminism implicitly entail increased surveillance, policing, and penetration of the state and its proxies into the lives of its subjects. Carceral feminism is heir to a history of feminist support for systems of colonialism and state intervention, the rhetorical force of which often draws on a familial domestic scene—either at the level of the nuclear family or the nation as family—in need of protection from the evils of a foreign

²³ A 2013 study by the Economic Policy Institute (EPI) found an increasing number of domestic “in home workers”—up to 2 million by 2012—to be disproportionately made up of immigrant women of color and severely underpaid and under supported. “In-home workers, who are mostly female and largely women of color and immigrants, are a critical and growing part of the economy, yet they are grievously underpaid and lack the benefits that similar workers receive in other sectors.” Shierholz, Heidi, “Low Wages and Scant Benefits Leave Many In-Home Workers Unable to Make Ends Meet Report” *Economic Policy Institute*, 2013

²⁴ The term was coined by Elizabeth Bernstein in a 2007 article in *differences*, “The Sexual Politics of the “New Abolitionism.”

outside. This form of political engagement invites and legitimizes state power while ignoring violence in precisely the sphere it seeks to protect. The prison, as Michel Foucault emphasizes, provides both the model for this system of control and the container for those who are seen to violate it. In shifting Foucault's terms, I argue that it is the specific cultivation of a docile and protected *domestic* subject in the women's prison that exemplifies the logic of the protective state. The idealized domestic space is at once the site of protection, punishment, moral reform, and reproduction.

This dissertation takes up the intertwined development of US ideals of domestic discipline and of gendered and racialized methods of policing, exclusion, and incarceration. In the US the domestic imaginary develops explicitly as a white middle-class ideal-with stark implications for the working class, immigrant, enslaved, and native populations of the Antebellum, Civil War, and Reconstruction eras. Contemporary discourses of the deviancy of the black family (the Moynihan report and "welfare queens"), the threat of immigrant populations ("anchor babies" and "unsecured borders"), and the abjection of the white working class ("rednecks" and "white trash") all revolve around perceived failures to attain a middle-class morality centered in the domestic home. All have roots in the nineteenth-century development of the home as an idealized and segregated institution. It is the domestic institution in all its valences that provides the foundation for conversations surrounding access to and restriction from American ideals of citizenship. More specifically, it is the domestic institution that grants both rhetorical and material structure to more legibly

carceral institutions for women, which take the failures of the former as their founding mission.

Any discussion of forms of domesticity in the US must reckon with the project of national formation that provides the backdrop for domestic ideology and lends the protection of these ideals such force and urgency. In thinking “domestically,” we must remember the origins of the domestic fantasy in need of buttressing and protection referred at once to the internal workings of the burgeoning American slave economy against the foreign outside of both European colonial powers from which the US had only recently wrested control and the swelling territories under its imperial rule. This period encompasses a massive project of territorial accumulation through the doctrine of Manifest Destiny in which the US border was violently expanded through the genocide and displacement of American Indians, marked in particular by the Indian Removal Act of 1830 and the ensuing Trail of Tears. Policies of enclosure, confinement, and exclusion mark the mid-nineteenth century and set the stage for the ensuing reorganizations of subjectivity and citizenship in the domestic sphere of the home and nation.

I mark the nineteenth century as the birth of the carceral domestic, not because women’s incarceration begins there, but because the particular forms of the state-run women’s prison and the private domestic home do, and with them a form of carceral control inextricable from the site and political import of that home. In a sense I track a development of the prison through what I call domestication (the production of a reproductive subject-

citizen) but I begin with the production of the domestic proper in the nineteenth century to explore how the modern domestic home is bound inextricably to the production of a separate private sphere. The public-private divide has been both a productive and frustrating framework for feminist analysis and it is both central and often entirely incoherent in thinking both the home and the prison. Notions of the private sphere (as opposed to the public sphere of work and politics), privacy (as opposed to surveillance), and private enterprise (as opposed to public or communal ownership of goods and spaces) often blur together. For example, the private domestic home connotes ideas of private property, the personal privacy of one's own home, and the comforting escape from the pressures of the workplace. Feminist theory has taken issue with all of these formulations, but the challenge persists: how do we disentangle these concepts when it is their relationship and the product of their intermingled construction which produce the American ideal of the home?

The prison poses its own problem in the nexus of private and public spheres. The state-run facility designed to remove people from both public and private life, in which subjects perform unpaid but “productive” labor, is a curious formulation, and the project of domestication in the women's prisons of the nineteenth century and after, further frustrate the borders between the private and the public spheres. Prison privatization adds another complication to this story—while private prisons are particularly notorious, the fact is that the vast majority of prisons in the US today are neither properly public nor private institutions, but rather a complex web of public and private investment that funds and

profits off the prison through subcontracted labor, food suppliers and services.

This is to say nothing of the legal demarcations that distinguish, under the state action doctrine, between private and public *rights*, or more to the point, between horizontal relations among private citizens and vertical ones between state actors and private citizens. Only the latter falls under the Constitutional protection of the 14th Amendment. Conflicts between Constitutional rights of equal protection and privacy further muddy the waters between public and private when it comes to the state's role in protecting its citizens (or protections of citizens from the reach of the state). Fault lines emerge, for example, when property rights conflict with civil rights, as in *Bell v. Maryland*, a 1964 Supreme Court case about a sit-in at a segregated Baltimore restaurant. The case pitted a private business' claimed right to refuse service (with the backing of state trespass laws) against black patrons' 14th amendment right to equal protection. The Supreme Court had already ruled state-enforced segregation in public accommodations to be unconstitutional. But the Court was sharply divided over whether state enforcement of trespass laws at the behest of private property owners triggered 14th Amendment protections. The Court avoided deciding the Constitutional question in *Bell*, and Congress soon resolved the issue legislatively in the Civil Rights Act, which prohibited private discrimination in public accommodations, employment, and housing. But the divisions within the Court were displayed in *Bell*'s concurring and dissenting opinions. The scope of the "right" to discriminate in private settings remains fractious, especially when the law reaches inside the private home. And the status of the

private home itself is up for debate—does a rented house constitute a “private home”? For example, small owner-occupied rooming houses and roommate selection do not fall under the Fair Housing Act. It is in the realms of the prison and the home that both the enduring importance and the fault lines in the public-private distinction emerge most starkly.

In framing the distinction between public and private as both crucial and ultimately impossible, I want to work with the categories in considering the private domestic home as central to our understanding of the (re)production and disciplining of political subjects. The significance of the home to social reproduction is evident but my project connects the domestic reproduction of subjects to that of the prison. Specifically, I insist that the home is the model, archetype, and partner of the women’s prison as it develops in the nineteenth century. In addressing the creation and development of women’s incarceration I necessarily trace the cultural production of domesticity, home-making, and housing in the US: from the late nineteenth-century invention of the middle-class domestic home to the twenty-first-century housing crisis, and from the women’s reformatory to mass incarceration’s housing of excess populations in the wake of the dismantling of the welfare state.

This dissertation is divided into three parts. Part I: The Birth of the Carceral Domestic, offers the theoretical and historical framework by first situating my project in relevant literature on the history of the prison as well as the nineteenth-century emergence of the sex-segregated women’s prison and a corresponding domestic ideology. Chapter 1: Women and Carcerality takes up a critical lineage of Critical Prison Studies and work on the

women's prison, primarily through the parallel (occasionally intersecting as well as diverging) theoretical traditions of Foucault's influential *Discipline and Punish* and a later body of work on the women's prison as a distinct form in the nineteenth century and its historical precursors. Both through and against these critical narratives I situate the 1873 establishment of the first state-sponsored sex-segregated women's prison: the Indiana Women's Prison, in the ideological framing of the reformers who lobbied for and ran it. The ideological and material construction of the "first" women's prison sets the scene and context for the women whom it was conceived to discipline, an example of which I examine in the second chapter.

Chapter 2: Order of Love explores the ways in which the domestic and the carceral emerged and operated as parallel and cooperative spaces of discipline and subject production in nineteenth-century America. The chapter begins with *The Female Prisoner: A Narrative of the Life and Singular Adventures Of Josephine Amelia Perkins* (1839) the first autobiographical account of an incarcerated woman in the US. I place the emergence of a women's prison reform movement in the context of a developing domestic ideology surrounding the white middle-class home, as exemplified by Catharine Beecher's 1841 handbook *A Treatise on Domestic Economy for the Use of Young Ladies at Home and at School* and Charlotte Perkins Gilman's scathing critique of the domestic home in *The Home: Its Work and Influence* (1903), which she derides as an outdated structure of confinement which takes a physiological and psychic toll on its inhabitants. The idealized white middle-class home of the mid-nineteenth century

constitutes a central ideological apparatus of American cultural life, one which fundamentally informs the mission and practices of the women's prison as another bulwark against social malfunction. The carceral domestic home thereby instantiates a racialized order of domestic discipline by which subjects are produced and controlled through segregated streams of punishment, confinement to, and exclusion from the idealized domestic sphere.

Part II: *A Women's Prison in Three Acts* follows the development and movement (temporal and geographical) of the principal correctional institution for women in New York City over the course of the twentieth century, from its first iteration as Blackwell's Island on what is now Roosevelt Island, to the nearly forgotten New York Women's House of Detention in Greenwich Village, to its current location on Rikers Island. I reanimate and reframe the history of Rikers through three women, each incarcerated in a different iteration. In chapter 3: *An Anarchist on Blackwell's Island*, I read Emma Goldman's memoir and political writings as an archive of a concentrated period of institution building for the capture and correction of wayward women. I read Goldman's anarchism and her writing on the moral panic of white slavery as particularly revealing of and threatening to these new institutions and the social institution of the home. Chapter 4: *The Spy in the House of Detention* engages the prison letters of Ethel Rosenberg to read the development of the women's prison in the Cold War era, posing the period as one marked by corresponding logics of containment of and exclusion from domestic citizenship. Rosenberg herself represents a new threat in the domestic spy and a form of refusal in her insistence on

violating the boundaries between public political provocation and private familial care.

Chapter 5: Black Liberation at Rikers Island explores the arrest and incarceration of Assata Shakur through her writing, as an index of the origins of mass incarceration. The year of Shakur's incarceration at Rikers Island Correctional Institute for Women (1973) marks the beginning of a rising rate of incarceration, the instantiation of the War on Drugs through the creation of the DEA, as well as one of the inaugurating neoliberal global restructuring projects in the US backed coup in Chile. Taken together, this section offers a portrait of the development of the women's prison from birth to boom. I particularly linger on the legacies of women's prison reform projects as having structurally informed the reproduction and expansion of carceral logics more broadly, as well as strategies and theories of resistance offered by Goldman, Rosenberg and Shakur.

Through these figures and the history of the carceral institutions they inhabited, I read the developments and disjunctures in the women's prison as it shifts in both population and ideological mission. Where Part I focuses on the production of a carceral domestic regime as figured in the disciplining of an ideal domestic subject in the nineteenth century, Part II addresses the shifting project of the women's prison as it expands to house increasing numbers of non-white populations as well as political prisoners. In forcefully recovering the often-forgotten history of Rikers I navigate the specificity of each historical era and the predominant anxieties the prison served to control, and the ways in which each "new" institution gains legitimacy through reformist reinventions of the women's prison. Each new

institution arises from the ashes of its predecessor, newly benevolent and committed to “rehabilitation” in comparison to the archaic methods of the former. Chapter 5 ends with a consideration of the present-day critiques of Rikers Island and the promises to shutter it, emphasizing the importance of past struggles and the difference between reformist and abolitionist demands.

Part III: Home Economics features two chapters and sets the rise of mass incarceration in the context of a systematic destruction of the welfare state and growing hegemony of a neoliberal logic of self-sufficiency and entrepreneurial production of the self. In chapter 6, *The Neoliberal Domestic*, I read the work and cultural mythos of formerly incarcerated domestic goddess Martha Stewart in order to track the transformation of the carceral domestic subject under neoliberalism. I pair Stewart’s 2005 business memoir of sorts, *The Martha Rules: 10 Essentials for Achieving Success as You Start, Build, or Manage a Business* with her more properly “domestic” cultural production, locating Stewart’s simultaneous blurring and reification of the division between the public and private spheres, and public and private selves. The always fuzzy delineation between public and private becomes all the more muddled in the neoliberal privatization of state welfare programs and the marketization of the home. In *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979* (2004), Foucault highlights the economization of social relations, particularly that of the family. Children become investments and the reproduction of human capital is laid bare. As the home becomes part of a market calculus, how does the position of women within it

shift? What does the neoliberal domestic sphere look like? I find an answer in Stewart's recasting of the home as marketable and the women's prison as a launching pad for budding entrepreneurs.

Chapter 7: Warehousing Women argues that the advent of mass incarceration signals a shift in the ideological mission of the women's prison from domestic correction to a form of warehousing of excess populations. I locate this shift in a reading of *Orange Is the New Black: My Year in a Women's Prison* (2010) and its televisual adaptation. I begin with the memoir by Piper Kerman, placing her experience in a women's prison in the context of the 1990s criminal justice and welfare policies, and end with explosively popular Netflix adaptation, particularly the third season arc of Litchfield's privatization and Piper's predatory entrepreneurship in the context of the 2008 housing crisis. By arguing for a reading of mass incarceration as something of a housing crisis, I note the parallel evisceration of public housing and rise of private prisons as a major component in the carceral (and housing) landscape. The private corrections company, CCA (Corrections Corporation of America, now CoreCivic) restructured in the mid-nineties as a Real Estate Investment Trust (REITs), allowing them to profit from the purchasing and leasing of property for the construction of prisons in addition to state contracts handed out for the housing and running of the prisons themselves. Private prisons therefore operate on a housing model on multiple levels—as a real estate trusts and private landlords—with money paid out per bed filled. Private prisons, while accounting for a relatively low percentage of the incarcerated population in the US

(except in the case of immigrant detention), have proven to be remarkably influential in shaping policy and engineering new carceral forms.

Big House: Women, Prison and the Domestic engages the limits of the liberal and neoliberal feminist imaginary, but also questions the scope of the abolitionist political project. In refusing the carceral state and demanding less not more policing and an end to prisons, it would seem that abolition is the answer to what Janet Halley calls “governance feminism” and abolitionists call “carceral feminism.”²⁵ But much of abolitionist work also fails to account for the slippages between systems of domesticity and carcerality, and thus fails to reckon with the ways in which the prison rests on and slips into the ‘private’ sphere. New forms of containment (for example, the increased call for home incarceration via ankle monitors), as well as containment that is not explicitly carceral (the disciplinary dimensions of the home, both public and private) may evade critiques of the “prison industrial complex.” Additionally, critiques of private prisons, which have become central to anti-incarceration discourse, often fail to account for the ways in which the prison’s status as a wholly public institution has always been a contested question.

In thinking through multiple contemporary political imaginaries, particularly liberal and neoliberal feminism and prison abolition, all premised on a utopic vision of an alternate world, the limits of these imaginaries can be understood and examined, providing a critical space for a critical political project that is both feminist and anti-carceral. Taken together, an

²⁵ Janet E. Halley, Prabha Kotiswaran, Rachel Rebouché, and Hila Shamir. *Governance Feminism: An Introduction*. (University of Minnesota Press, 2018); Victoria Law, “Against Carceral Feminism.” (*Jacobin*, 2014)

anticarceral feminist theory (as opposed to carceral feminism) provides scaffolding for a feminist critique of carcerality that illuminates the experiential and spatial nature of confinement, the interwoven histories of sites and practices of social reproduction, and the structuring discipline of the home in shaping and justifying women's confinement. From the disparate modes and discourses of incarcerating and containing women, I offer an account of the contemporary moment, one that not only speaks to the increasing population of incarcerated women in the US, but also sheds light on the distinctly gendered development of the modern carceral state.

Part I: The Birth of the Carceral Domestic

Chapter 1: Carceral Subjects

The prison and the home suffer from a similar historical problem— they seem to have no distinct history in the public imagination. Both are so deeply enmeshed in a cultural mythology of how society reproduces itself as an ordered and just community of citizens that their existence has become completely naturalized. Part of the work of both Critical Prison Studies and Feminist Studies has been to resituate these institutions in specific political and material histories in ways that reveal their centrality to social reproduction. In insisting, as this dissertation does, that domesticity and the incarceration of women are inextricably related and mutually constitutive, this chapter addresses the curious ways in which the ahistoricity of both domesticity and the incarceration of women amplify and alter each other in combination.

The women's prison in particular occupies a strange place within the critical and popular imaginary, in that it can appear both invisible and overdetermined in its representation. A certain air of perpetual (re)discovery appears throughout the nineteenth and twentieth century accounts of women's incarceration, offering breathless accounts of daring entrée into a heretofore-unexamined site.¹ Yet the incarcerated or institutionalized

¹ Regina Kunzel remarks in *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. (University of Chicago Press, 2010) on the "curious tendency on the part of people writing about sex in prison... to suggest the subject had never before been broached or even acknowledged." A similar operation occurs in many of the filmic, popular fictional and even critical approaches to the women's prison. Early Hollywood often represented the women's prison as a novel setting as with Cecil B Demille's 1922 *Manslaughter* or Howard Bretherton and William Keighley's, (1933) *Ladies They Talk About*. Pulp novels of the 1940s and 50s likewise promised an insider view to an unknown world as in Vincent Burns 1959 *Female Convict: The Inside Story of a Women's Prison*, which purported to be a true story of one women's sentence.

woman is an enduringly popular subject in mass culture, from the captivity narratives of the seventeenth century through the emergence of film and mass-market pulp fiction to the current popularity of the television series and memoir *Orange is the New Black* (2013). It is necessary to account for how mass incarceration is routinely forgotten or ignored while also understanding the ongoing centrality of the prison as a naturalized institution, all while engaging the ways that the particularities of the women's prison have been narrated (or not). This chapter thus moves in two directions in order to sketch the theoretical and historical frameworks that ground the dissertation as a whole, ending with an illustrative example in the first state-run sex segregated women's prison. I begin by reading and troubling Michel Foucault's genealogy of the prison, which is arguably the most influential work in the critical humanities on the prison as an institution of social control. But Foucault paid little attention to the specifically gendered practices of prison reform that he otherwise analyzed in his master work, *Discipline and Punish* (1977).

In dealing with the legacy of Foucault in Critical Prison Studies, and in particular as an interlocutor in the history and ideology of the women's prison, I do not seek to rehash the decades of critique levied at his work by feminist theorists. Rather in order to position myself as both an inheritor of and digresser from his work on the prison I here lay out some of his central insights, their significance to my work, and some necessary reframings. The first part of this chapter reads the female prisoner back into Foucault, pointing out where

Women in Prison films of the 1960s and 70s, many of which were based on pulp novels. Critical accounts too, often begin with the presumption that readers will have never thought about the women's prison, as Ann Goetting and Roy Michael Howsen's "Women in Prison: A Profile." (*The Prison Journal* 1983) which begins: "Because criminal behavior is associated predominantly with men, we are unaccustomed to viewing women as criminals or as prison inmates. But some women do in fact commit crimes, some are arrested, some are convicted, and some are sent to prison" (27).

she has disappeared or more crucially can be found flickering in and out of the margins of *Discipline and Punish* (1977). In doing so I extend and reorient the carceral archipelago, both in terms of a historical narrative of the carceral state and the institutions involved in constructing and developing it.

My overall aim is to unearth the repressed figure of the female carceral subject and the dislocated institution of the women's prison in the Foucauldian narrative. In traveling both with and then away from Foucault, I hope to establish the emergence of the nineteenth-century women's prison as a domestic institution as a contribution to emergent discussions of women's incarceration within Critical Prison Studies. In the second part of this chapter I attend to a more recent body of work on the women's prison as it took shape in the nineteenth century. The final section of the chapter moves to the ways in which the women's prison proper was constructed *explicitly* as an extension of domestic discipline, setting the nation's first sex-segregated state-run women's prison in the context of a longer trajectory of women's confinement and reformation. The women who lobbied for and ran the first women's prisons in the US argued that the women's prison would serve as a remedy for failures in the domestic sphere. They imagined the new institution in the image of the home, taking their cue from both existing institutions, like Magdalene laundries and reformatories, as well as the burgeoning cultural production of domestic guides. I elaborate this connection through the collected writings of Rhoda Coffin, who advocated for and eventually helped to run the Indiana Women's Prison. I read the origin story of the women's prison as narrated by Coffin, against the research of incarcerated scholars, Michelle Jones and Lori Record, who elucidate the connections between women's prison proper and earlier

institutions that operated in the interstices of church and state power, the public and private spheres, and the domestic and carceral.

In elaborating this complex and elongated genealogy of the women's prison, I intend in this project to refuse the trap of seeing the incarceration of women as either an outgrowth of or as wholly separate from that of men. Rather I demonstrate that the control of female sexuality and reproductive labor, as well as the spatial confinement of women, have been crucial aspects of the development of carceral logics more broadly. In these terms, we can recognize the domesticating forms of discipline—for women and men—that underwrite the prison by attending to the emergence of women's incarceration itself.

Foucault and the Female Prisoner

In *Discipline and Punish* Foucault first identifies a “series of institutions which, well beyond the frontiers of criminal law, constituted what one might call the carceral archipelago” through the example of the Mettray Penal Colony, established in France in 1840.² Mettray functioned as a site of carceral correction for young men sentenced in the court of law but also for “minors who had been charged, but acquitted” as well as “boarders held, as in the eighteenth century, as an alternative to paternal correction.”³ For Foucault, Mettray exemplifies the extension of carceral logics beyond the strictly penal “because Mettray was a prison, but not entirely; a prison in that it contained young delinquents condemned by the courts; and yet something else, too.”⁴ It is in the establishment of a

² Michel Foucault, *Discipline and Punish: The Birth of the Prison*. (Vintage Books, 1977), 297

³ Ibid, 297

⁴ Ibid, 297

correctional system which extended beyond the walls of the prison that Foucault sees the modern penitentiary reorganizing not only punishment but the production of a large scale social order. The techniques of this form of power are replicated throughout the institutions that form the carceral archipelago: “We have seen that, in penal justice, the prison transformed the punitive procedure into a penitentiary technique; the carceral archipelago transported this technique from the penal institution to the entire social body.”⁵ It is in this transportation of techniques outward from the penitentiary that we get Foucault’s famous observation: “is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?”⁶ These disciplinary institutions all work together, extending “well beyond the frontiers of criminal law” to create the modern carceral state.⁷

This is a crucial insight for the field of Critical Prison Studies and my own project: that the carceral reach extends beyond the walls of the prison, not just in the expansion of the prison system or the power of police but in the replication and utilization of the *techniques* of control throughout society and its institutions of subject production (the school, the military, the factory, the hospital). Missing, however, in this list is a primary site of subject (re)production: the domestic home. In positioning the domestic home as a disciplinary site, and one which is crucial to the development of the women’s prison, I seek both to add to the significant body of institutional critique in Critical Prison Studies and center forms of carcerality that, while produced and adapted to confine and control women, have ramifications for our understanding of mass incarceration more broadly. In order to frame

⁵ Ibid, 298

⁶ Ibid, 228

⁷ Ibid, 297

my project as, in part, a reconsideration of the inherited genealogy of the penitentiary, I want to offer both a gloss on that narrative and one scholarly reconsideration of it.

Foucault identifies a shift that began in the late eighteenth century from a sovereign power marked by the spectacle of public torture toward “better” punishment, which focused on deterrence and correction. Under a monarchical system, any crime, according to Foucault, is understood as a trespass on the sovereignty of the king and therefore the public demonstration renders visible the absolute power of the monarch over the body of the criminal. With the advent of the modern political economy, the trespass is no longer against a sovereign power but against society, and both the means and ends of punishment are adjusted to accommodate this shift. The disciplinary system that emerges in the eighteenth century seeks to produce not the spectacle of the tortured body but particular subjects.

Foucault’s famous symbol of the latter system is Jeremy Bentham’s architectural design of the Panopticon, which was conceived as “a new mode of obtaining power of mind over mind, in a quantity hitherto without example.”⁸ Bentham developed his design over the last decade of the eighteenth century, offering it up in a 1798 paper as a “Proposal for a New and Less Expensive mode of Employing and Reforming Convicts.”⁹ For Bentham, his system offered something of a cure-all for all the social and economic ills of his time: “Morals reformed—health preserved—industry invigorated—instruction diffused—public burthens lightened—Economy seated, as it were, upon a rock—the Gordian Knot of the poor-law not cut, but untied—all by a

⁸ Jeremy Bentham, *The Works*. (Tait, 1843), 39

⁹ *Ibid*, 39

simple idea in Architecture.”¹⁰ In this ecstatic elaboration of the promise of the penitentiary, Bentham offers an architectural form for the disciplining and, crucially, moral reformation of subjects. Though Bentham’s panopticon was never built, it serves for Foucault as an elaboration a disciplinary apparatus which encapsulates the modern carceral project.

Foucault argues that the modern penitentiary formed the emblematic and central node of the broad carceral archipelago of disciplinary institutions that aim to produce from within “bodies that were both docile and capable.”¹¹ For Foucault, “a body is docile that may be subjected, used, transformed and improved.”¹² The malleability of this docile body and its ability to be used—to be transformed into a laboring but passive subject of the state—is the central aim of the broad mechanics of power that Foucault identifies as an invention of the eighteenth century. The production of docile bodies involved some form of spatial confinement—barracks, factory floor, schoolhouse—which allowed for surveillance and individuation of subjects as in the Panopticon, but also included spaces for explicit isolation.

The architectural form of the cellular prison perfected and exemplified this spatial discipline for Foucault. Furthermore, the form of mechanized labor in the new penitentiaries of the late eighteenth century provided a model for the other loci of the carceral archipelago in the production of a docile but productive subject. This holistic system was fully realized, for Foucault, in the British Penitentiary act of 1779 which

¹⁰ Ibid, 39

¹¹ Foucault, *Discipline*, 297, 294

¹² Ibid, 136

introduced “imprisonment, with the purpose of transforming the soul and conduct” into civil law.¹³ In the preamble to the act, two of its authors, reformer John Howard and High Court judge William Blackstone, outlined the “triple function” of individual imprisonment: deterrence, conversion, and habituation through labor. Through “isolated detention, regular work and the influence of religious instruction,” those incarcerated in the new penal system would in addition to providing an example to other potential criminals, “correct themselves and... acquire the habit of work.”¹⁴ The new penal system, with its transformational aims was dubbed a “reformatory” by English reformer Jonas Hanway. This, for Foucault, introduces incarceration as the central form of punishment and moral reformation in European canon law.

Foucault notes earlier uses of imprisonment for women in passing, though he considers this use of incarceration a deviation from the development of the prison rather than an insight into it. In arguing that imprisonment was not central to the system of punishment prior to the penitentiary, he notes some exceptions: “although imprisonment sometimes served as a penalty, even in important cases, it did so essentially as a substitute: it replaced the galleys for those—women, children, invalids—who could not serve there.”¹⁵ The hard labor of the galleys was exclusively sentenced to able-bodied men for obvious reasons and women did not tend to serve in galleys. But the “exceptional” practice of incarceration points to a carceral punishment for women outside and prior to the trajectory laid out by Foucault. These women, who could not serve in galleys had been imprisoned

¹³ Foucault, *Discipline*, 123

¹⁴ Penitentiary Act, 1779 (19 Geo. III, c.74), Preamble

¹⁵ Foucault, *Discipline*, 118

prior to the instantiation of the penitentiary as the primary form of punishment, according to Foucault's own timeline. Foucault points to the rise of "factory-convents" where "girl workers entered about the age of thirteen, lived confined for years and were allowed out only under surveillance, received instead of wages pledged payment, could be increased by bonuses for zeal and good behavior."¹⁶ Despite Foucault's insistence that this form was far flung from the form of penalty he examines, it more closely resembles the modern prison than many of his eighteenth-century examples and, in fact, fulfills the triple function (deterrence, conversion, and habituation through labor) laid out in the 1779 Penitentiary Act which Foucault offers as the scaffolding for the ideological function of the penitentiary.

Foucault's only other explicit reference to convents is in a brief aside, although one which he claims perfectly encapsulates the adapted form of prison labor: "The perfect image of prison labour was the women's workshop at Clairvaux; the silent precision of the human machinery is reminiscent of the regulated rigour of the convent."¹⁷ Despite this apparent understanding that the form of the prison remarkably resembled the form of the convent, a form adapted largely to regulate women's sexual and reproductive capability, he does not cite the convent as a significant influence in the penitentiary. Rather the convent and its subject—the (non)reproductive woman—are repressed in the text. Foucault continually acknowledges the carceral confinement of women as a common occurrence, while such confinement was not the norm for men.

I turn now to a significantly less read scholarship on the long history of women's confinement, which, as with the broader scope of my project, demonstrates that attention to

¹⁶ Ibid, 298

¹⁷ Ibid, 243

the subject of women's incarceration—both the form and the subject herself—not only rearranges the narrative of women's incarceration, but that of the penitentiary and its disciplinary techniques altogether. In *The Evolution of Women's Asylums Since 1500* (1992) Sherill Cohen argues that the modern penitentiary was based in large part on a catholic model of containment and penitence applied *first* to the moral disciplining of aberrant women.¹⁸ In particular, the combination of confinement, moral training and a reliance on labor as both betterment and punishment, which Foucault cites as key components of the modern penitentiary as elaborated in the act of 1779, were developed through church institutions like the Magdalene Laundries, which operated throughout Europe beginning around the mid-eighteenth century and spread to the US and Australia in the nineteenth century. These in turn were modeled on early modern convents and houses for the reformation of prostitutes, and laid the groundwork for the development of the sex-segregated women's prisons of the nineteenth century.

The penitent prostitute was, according to Cohen, an iconic figure in British culture culminating with the 1758 opening of a London branch of Ireland's Magdalene House which thrust the project of reformation of fallen women into the center of popular and political discourse. She argues that this figure of the penitent prostitute and the mode of their incarceration, including demands for penance and rehabilitation, were instrumental in justifying and explaining the new form of prison inaugurated by the 1779 Act and central in pre-figuring the penitentiary. Cohen cites nineteenth century Italian reformer Serafino Biffi who in his history of the reformatory noted the "curious" fact that the earliest reformatories

¹⁸ Cohen is an independent scholar who works for Planned Parenthood. *The Evolution of Women's Asylums* has been scarcely cited, mostly within early modern history.

“in those days were only for the female sex.”¹⁹ Though he remarks upon this curious fact, Biffi, much like those who will follow him, including Foucault, does not consider institutions for women such as convents or houses of convertite, to be significant antecedents of the reformatory of the eighteenth century. The prehistory of women’s confinement and reform is compulsively revealed and immediately disregarded.

In fact, religious institutions for women which called for the combination of individual imprisonment, isolation from society (primarily men), and reformation of its subjects appear throughout the seventeenth century. As Cohen contends, these early modern reformatories for prostitutes were constructed through a recognizably carceral model: individual imprisonment with periods of isolation and demands for penitence with the goal of rehabilitation. According to Cohen this institutional model developed for female prisoners was then extended to men—not the other way around. The institutions, which Cohen groups as “asylums” emerged through both Catholic and Protestant traditions, united in the aim of reforming deviant women:

The significant characteristic of the asylums was not their differing religious affiliations, but rather their commonality in being institutions designed to cope with deviant women. It was the female sex that first inspired the institutional response of confinement and spurred the creation of techniques to control and guide an enclosed population. The mission of the ex-prostitutes’ refuges was to inspire sentiments of penitence in prostitutes and wayward girls.²⁰

The “sentiments of penitence” are particularly significant here as a precursor to the penitentiary, which as Cohen contends, relied on a catholic tradition. Penitence has the dual connotation of *feeling* regret for sins and *enacting* penance in order to “expiate the sin” and

¹⁹ Biffi Qtd in Sherrill Cohen, *The Evolution of Women’s Asylums Since 1500: From Refuges for Ex-Prostitutes to Shelters for Battered Women*. (Oxford University Press, 1992), 81

²⁰ Cohen, *The Evolution*, 143

decrease the likelihood of future sin. Cohen argues that penitence promises a form of “conversion to a purified status” which later came to be called “rehabilitation” as developed in early modern convents. This conversion inculcated an internal moral reformation in order to produce subjects who could then enact their proper role. In Foucault’s terms, this is precisely the discursive underpinning of the modern penitentiary and more broadly the carceral archipelago. While Foucault’s “carceral archipelago” generally refers to an interrelated chain of institutions that monitor and discipline public spaces in service of the nation state, the sites illuminated by Cohen hint at a different form of discipline which addressed women through the guardianship of their sexual virtue and reproductive labor.

Cohen cites a particularly early example in the Spanish Casa Pía de la Aprobación (The House of Pious Approval). Founded and presided over by Spanish nun Magdalena de San Geronimo in 1588, the institution was modeled on but did not officially serve as a convent. The Casa Pía was built explicitly for the housing and reformation of ex-prostitutes. Casa Pía ran into financial difficulties between 1604 and 1605 and San Geronimo petitioned King Felipe III (Phillip the Pious) for assistance. The assistance was provided through a portion of the taxes collected in the city of Valladolid.²¹ In return the City Council and Justices of Valladolid took over day to day running of the institution. This transfer of power and use of tax funds marks the Casa de Pía de la Aprobación as an early state-run reformatory and a precursor to the long and complicated history of church and state cooperation and conflict over the control and moral reformation of subjects. It also significantly alters the historical narrative Foucault sets out for the development of a carceral

²¹ Luis Fernández Martín, *La Asistencia Social En Valladolid: Siglos XVI-XVIII*. (Secretariado de publicaciones e intercambio científico, 1999)

state and centers the reformation of sexually aberrant women as a primary locus of state discipline. Though Cohen notes the work of Magdalena de San Geronimo, she does not specifically mark the takeover of the reformatory by the city council as a crucial anticipation of much later arrangements of penal reform.

The history Cohen offers forces a reconsideration of the eighteenth-century development of carceral forms of punishment as well as the nineteenth-century women's prison. Cohen traces the long history of moral disciplining of women and highlights the ways in which different forms of punishment were gendered. While men in early modern Europe (as Foucault emphasizes) tended to be punished through public shaming, fines, or corporeal punishment, women were, Cohen argues, much more likely to be incarcerated. This served a dual function: incarceration both protected a woman's most valuable asset—her chastity—and removed her from the public sphere, so that she could not threaten the social order. Women who were sexually aberrant necessarily threatened a patriarchal ownership of the means of reproduction; confinement both punished and disappeared this threat. Foucault's relative disinterest in the female carceral subject leads him to a narrowed and ironically confining historical narrative which, as Cohen points out, ignores the crucial influence of institutions for women on the modern penitentiary. This alternative history, however, haunts *Discipline and Punish* in digressions, parentheticals, and unexamined examples. In the context of the longer history of women's incarceration that Cohen lays out, the nineteenth-century emergence of the women's prison is not merely an adaptation of the men's prison, but part of a longer history of confinement, penitence, and rehabilitative reproductive labor concocted to control women and adapted broadly to produce a docile laboring citizen subject—one that implicates the church, the state, and the home. In this

reformulation, we can begin to see the production of this carceral subject as itself a form of domestication produced through the prison; furthermore, such a carceral-domestic subject can be seen as an outgrowth of forms of control adapted for (re)productive female carceral correction.

The institutions of confinement which Cohen highlights as crucial antecedents to the modern penitentiary offer insight into the structural significance of legacies of sexual and reproductive control. This constitutive element in the development of carceral techniques lingers in the structure of the prisons which inherited techniques of power developed to control women. This narrative reframing has clear implications for the way we understand the creation of women's prisons in the nineteenth century, but it also offers a lens into the legacy of sexual control and sexual violence in the men's prison. Foucault's analysis crucially does not engage sexual violence as a constitutive element of the punishment and subjectification of women, and its migration into the prison as both a technique of control and justification for segregated facilities for women. Nor then can he see the migration of this form of violence as technique of carceral control into the men's prison.

To take a recent example of the complex interplay between men's and women's prisons, the role of sexual violence in the production of sexed subjects, the reactions to Chelsea Manning's transition while on trial and her request for support and sentencing to a female prison are particularly instructive. In a 2013 edition of *Newsroom*, CNN legal commentator and criminal defense attorney scoffed at the idea of providing medical care, and particularly hormones to a transwoman in prison. He instead submitted, using male pronouns that: "if he wants to be Chelsea, he can practice all he wants at Fort Leavenworth, because those guys are there for a long time. So he can get good practice and when he gets

out, he can have the operation or whatever, and he can pay for it.”²² The implication is clear. If Chelsea wants to “practice” being a woman, she can do so by being raped in prison by incarcerated men. This statement at once unintentionally accepts that gender is a practice, inscribing the act of “being woman” as being a rapeable subject, while also marking rape as an inherent part of the punishment of the men’s prison. It is precisely in tracing the development of systems of control specific to the women’s prison that allows a view of the ways gendered practices of discipline developed for women emerge and are adapted. It is for this reason I move now to a consideration of the women’s prison in its narrative construction through a body of critical work.

Women in Prison

A sexually specific form of carceral control—as applied to the discipline of women—enters the dominant narrative of the prison only once the nineteenth-century segregation of prisons by gender produces the “women’s prison” as a distinct category. It was in the nineteenth century that US enters the scene as the prison innovator par excellence. In the early decades of the century a US reform movement produced two competing models in the Pennsylvania and Auburn systems.²³ The Pennsylvania system was based entirely upon solitary confinement and was alternately known as the “separate system” for its complete isolation of individual prisoners. Taking inspiration from the ideal of penitence proffered by the new penitentiaries of the previous century—a model which

²² Maza, Carlos. “CNN Guest Jokes That Chelsea Manning Will Get ‘Good Practice’ Being A Woman In Prison.” (Media Matters for America, 2013)

²³ Jen Manion, *Liberty’s Prisoners: Carceral Culture in Early America*. (University of Pennsylvania Press, 2015); Adam Jay Hirsch, *The Rise of the Penitentiary: Prisons and Punishment in Early America* (Yale University Press, 1992)

Cohen asserts was highly influenced by convents and asylums for women—the Pennsylvania system required solitary cells in which prisoners could silently contemplate their sins, expiating them through penance and disrupting the potential for communal bonding of prisoners.

This required an architectural design which drew heavily from monastic orders and, in opposition to the panoptic model, cut off communication and even visual contact between prisoners and guards or other inmates with individuated and enclosed cells. The first such designed prison was the Walnut Street Jail, established in 1790 by the Philadelphia Society for Alleviating the Miseries of Public Prisons, a group of Quakers, which included Benjamin Franklin. The system was expanded across the state, most significantly in the Eastern State Penitentiary in Philadelphia in 1829.²⁴ The Auburn system (or New York system) was developed in Auburn, New York in 1818 as an adaptation of the Pennsylvania system, keeping the silence and solitary confinement at night but introducing group labor during the day in order to inculcate discipline and rehabilitate criminals through work. The Auburn system also pioneered profitable prison labor. Partly as a result of its potential profitability, the Auburn system prevailed and formed the major model for American and European prisons throughout the nineteenth century.²⁵ Though the solitary confinement and silent penitence were borrowed from Catholic traditions the major architects of both the Pennsylvania and Auburn model were protestant reformers, particularly Quakers, who lobbied for and ran many of the first prisons in the US. There is, however a lingering

²⁴ Michael Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835* (University of North Carolina Press, 1996)

²⁵ For more on the development and differences between the two systems see Scott Christianson, *With Liberty for Some: 500 Years of Imprisonment in America*. (UPNE, 2000)

convention of catholic quasi-state and state-sanctioned institutions, like the Magdalene Laundries and the institutions discussed by Cohen, which existed parallel to and in conversation with these protestant and state-sponsored facilities throughout the nineteenth and into the twentieth century.

In the Auburn prison no cells were designated for women, and the women who resided there were put in a sealed off attic and were for the most part neglected, though cases of pregnancy suggest ongoing sexual abuse.²⁶ The prison chaplain at Auburn famously declared, “to be a male convict in this prison would be quite tolerable; but to be a female convict, for any protracted period would be worse than death.”²⁷ This statement both provides justification for reformist projects demanding new and separate prisons for women and naturalizes the men’s prison as “quite tolerable.” The prison here is paradoxically humane and the site of unbearable violence. In light of this pattern of abuse and neglect, a women’s prison reform movement emerged in the 1840s, with roots in the Quaker tradition and especially the work of Elizabeth Fry, an English Quaker who visited London’s Newgate Gaol in 1827 and wrote of the conditions of female prisoners. The movement in the US picked up steam in the 1860s, spearheaded in part by American Quakers like Rhoda Coffin, who would eventually succeed in advocating for the sex segregation of prisoners. The 1873 opening of the Indiana Women’s Prison by Coffin and Sarah Smith, which I will return to in the final part of this chapter, took as its mission the elevated treatment and reform of female prisoners.

²⁶ Estelle B. Freedman, *Their Sisters’ Keepers: Women’s Prison Reform in America, 1830-1930* (University of Michigan Press, 1984)

²⁷ General Biographical Catalogue of Auburn Theological Seminary; (DS, 56th Session, 1833)

When it comes to narrating the history of the women's prison, the above forms the prevalent and commonly espoused origin story. In this story the women's prison emerges out of longstanding neutral (men's) prisons to deal with the relatively small population of female prisoners kept in these previously ungendered spaces. Origin stories are important, particularly in the case of prisons, because they naturalize and situate an institution in a cultural mythology that is then exceedingly difficult to dislodge. The above is, in most respects, a true story. However, its narrative arc—from abject suffering to heroic rescue—performs a lot of ideological work. First, it reifies the “prison” as a men's prison and thereby casts the women's prison a gendered extension of it. Second, it designates this newly gendered women's prison as a benign reaction to the problem of female prisoners in the nineteenth century. Third, it positions the (men's) prison as a violent place (though tolerable for the men) from which women were rescued by benevolent reformers, thus positing women's prisons as inherently “gentle.” In this framing, a longer history of the incarceration of women disappears, as do the antecedents of the women's prison not recognized as carceral spaces proper. As the history of the women's prison has become canonically part of the broad history of the prison, some of these originary myths have remained inscribed in these narratives.

In the only entry in the 1995 *Oxford History of the Prison* dealing with women's prisons, “Wayward Sisters: The Prison for Women,” Lucia Zedner argues that the new women's reformatories had to adjust (if not totally reimagine) the existing prison. The European Prison system, which she explains was set up in the Dutch model of “incessant labor intended to both punish and to instill habits of discipline,” had to account for the female

prisoner, whose proper sphere was the domestic.²⁸ The female prisoner was expected to take up domestic tasks such as cleaning, cooking and clothes-making. As with men's prisons, the newly opened women's prisons of the mid-nineteenth century instilled social codes of conduct on the prisoners. However, these codes differed from their masculine counterpart, which espoused a laboring subject as the ideal citizen. Victorian women, as "angels of the house" and the mothers of future laborers, had to be trained in reproductive, rather than productive labor. Zedner stresses the extent to which female prisoners were held "in many respects, to more intrusive surveillance" being expected to live up to "notions of appropriate feminine behavior in every aspect of their carriage, conduct and conversation."²⁹ This maps on to Foucault's genealogy wherein the modern prison takes as its canvas the subject rather than the body, though for Zedner the surveillance of women is amplified by the need to perform femininity in every aspect of their being. Zedner marks this as a distinction of the women's prison but in light of Cohen's work on the penitent prostitute, we can read it instead as an indication that women's incarceration again represented a laboratory for inculcating deep moral reform.

Estelle Freedman's field forming 1981 *Their Sisters Keepers*, traces the development of sexually segregated prisons in the mid-nineteenth century through the women's prison reform movement. Freedman begins her study with an account of the "problem of the women prisoner" and the widespread concern over the mixing of female and male criminals. Though reformers took advantage of this concern, and characterized it as a danger to the

²⁸ Lucia Zedner, "Wayward Sisters: The Prison for Women." In *The Oxford History of the Prison: The Practice of Punishment in Western Society*, (Oxford University Press, 1998), 295

²⁹ *Ibid*, 306

women, much of the original worry was that the female criminal, believed to be “more depraved than her male counterpart” would corrupt the men they mixed with.³⁰ Reformers like Elizabeth Fry claimed, both through this discourse and against it, that women criminals “constituted a special category of prisoners” and furthermore, that women had “a responsibility to come to their aid.”³¹ These reformers were explicitly interested in improvement, both of the circumstances of prison and of the individuals through prison. Freedman, like Foucault, reminds us that the reformer has always had a complex relation to the prison, as both invested in its project and critical of its methods. The reformers that Freedman discusses were responsible in large part for assuring a certain kind of protection—one that by no means made women in prison entirely safe from sexual assault or abuses of authority—through segregated prisons. In doing so they also created the circumstances for a vastly enlarged prison industrial complex specifically engineered to capture and discipline women along gendered lines.

Partly taking up a history of the prison that Foucault ignores, Freedman explores the challenges of constructing a prison that purports in its gendered specificity to reform the ‘fallen women’ and otherwise non-normative or unacceptable women through penitentiary labor. Since women were imagined to perform entirely different labor, the daily labor and functioning of the newly constructed women’s prisons had to contend with a different kind of failed subject—that of the reproductive rather than productive citizen. The shifting economic structures of the US and Europe in the nineteenth century were deeply unsettling for traditional institutions and understandings of family dynamics. Increasing growth and

³⁰ Freedman, *Their Sisters*, 17

³¹ *Ibid*, 17

movement of populations meant more visible economic strife, with poor women seeking labor outside the home, including through prostitution, which I will address in more depth in chapter 3.

The nineteenth-century women's prison, as Freedman and Zedner stress, offers a form of carceral control as an antidote to sexual deviance in accordance to Victorian ideals of white middle-class femininity. Cesare Lombroso's *La Donna Delinquente* or *The Criminal Woman*, published in 1893, was one of the first books to treat specifically female criminality and remained incredibly influential, even after much of his 1876 work in *L'uomo Delinquente* (*The Criminal Man*) was rejected as improperly scientific. Lombroso's thesis was that the "born female criminal, or prostitute" was the most fearful and deviant criminal type. Lombroso, believed women to be naturally more benevolent, a trait he ascribed to the maternal instinct. Those who lacked this instinct, and therefore a sense of feminine gentility, were for him the most dangerous criminals and he considered them impossible to reform or rehabilitate. In accordance with this theory, women in prisons were not only in need of different methods of justice, but they were also a danger to the men who were in the process of moral reformation; men could be tempted to fall by the pure licentiousness of deviant women.

The discourse of deviant women was widespread, and many of the wardens of mixed prisons firmly believed that the women endangered their rehabilitative mission. Like Lombroso, reformers throughout the US and Europe understood female criminals as "fallen women" a popular Victorian trope, referring to women who, having sacrificed their most precious commodity (chastity) then fell from the grace of god and society, usually ending up destitute or dead. However, unlike Lombroso, reformers believed in the possibility of

reformation for these women through Christian moral guidance and domestic labor, both of which would serve to educate women in the necessary attributes of a good wife and mother upon release. Advocacy groups emerged in the US to tackle this issue. The earliest of these, the Women's Prison Association (WPA), was founded 1845 and still exists to this day as a prominent voice in women's prison reform.

The mission of the new reformatories— to instantiate a (re)productive domestic subject— required women who could viably conform to this ideal, even as their presence in these reformatories signaled a failure to live up to it. However, these new prisons for women were not for all women, and in fact served to delineate reformable subjects along explicitly racial lines. Freedman emphasizes that these new reformatories targeted a select population:

One of the prerequisites set by reformers for successful women's prisons were inmates who seemed open to reformatory treatment. Only a small minority of all women criminals could be accommodated by the new institutions (most would remain in jails, houses of correction, or state prisons). Those who were young, who were relatively unhardened, who had committed misdemeanors, or who had been the victims of difficult circumstances were the most desirable prisoners.³²

Freedman does not explicitly name this as a racial project but in her study of the reform movement which led to the creation of the new sex-segregated women's prisons, in the 1870s she indicates the borders of the reformatory. Freedman examines three new reformatories in particular: the Massachusetts Reformatory Prison for Women at Framingham, the New York houses of refuge for women at Hudson and Albion, and the Indiana Women's Prison. Freedman offers a snapshot of this disparity in a breakdown of the characteristics of female prisoners in the general population and in her three example sites,

³² Freedman, *Their Sisters*, 78

finding that the offenses, ages, national origins, races and ages of incarcerated women in the new reformatories departed drastically from the general population.

The women in these three sites, by contrast to the general population of incarcerated women in the US, were younger, whiter, and served shorter sentences. In the Massachusetts Reformatory Prison for Women at Framingham in 1890, the population was 97 percent white in comparison to the population of incarcerated women as a whole which was only 62.4 percent white. However, 57 of the women at Farmington were foreign born in comparison to 36 percent of the incarcerated women nationwide, suggesting that the reformatory drew on a population of white immigrants as an assimilatory project with particular racial borders.³³

Kali Nicole Gross notes the connection to the new field of criminology in assessing the relative reformability of women, and indeed who fit that category altogether:

Criminal anthropologists assessed female deviance, in part, by subjects' proximity to, or distance from, Western ideals of femininity, morality, and virtue—standards against which black women failed to measure up. Proponents such as Cesare Lombroso and Guglielmo Ferrero masculinized black women, claiming that their physical “correspondence with the male is very strong”—an aberration reputedly indicative of congenital criminality.³⁴

The new penal theory, even as it advocated for reform, predicated these recommendations on an a priori categorization of the human which was centrally concerned with protecting and policing a form of white femininity. Gross' archival research reveals that black women were comparatively more overrepresented in prisons in the late nineteenth century than black men. For example “in Tennessee in 1868, 60 percent of male prisoners were black as

³³ Ibid, 80

³⁴ Kali Nicole Gross, “African American Women, Mass Incarceration, and the Politics of Protection.” (*Journal of American History*, 2015), 28

opposed to 100 percent of the women prisoners.”³⁵ Yet despite this overrepresentation, black women, as a rule, were not sent to the new women’s prisons.

As Gross points out, and Freeman’s numbers illustrate, “young white women and girls found themselves shipped off to newly constructed reformatories in the early twentieth century—institutions built with a cottage design and staffed by white matrons aiming to restore white womanhood.” Meanwhile, “blacks typically served their sentences at custodial institutions” alongside men.³⁶ When black women were sent to reformatories, Gross remarks “they often languished in segregated units.”³⁷ Sarah Haley’s *No Mercy Here* (2016) depicts the consequences of this foundational racial logic of discipline in Reconstruction and Jim Crow era punishment, tracing a forgotten history of black women’s sentences as part of convict leasing and chain gangs. As Haley demonstrates, rehabilitation and the forms it has taken were from the onset of the women’s prison a racially segregated construct. As she points out “from 1908 until 1936 black women were virtually the only female prisoners on the chain gang.”³⁸ This segregation of female incarceration, she argues, reinforced an ideal of white femininity through the ways in which black women were excluded even from violent systems meant to inculcate such an ideal.

This penal legislation reinforced prevailing cultural ideas about gender roles and social positions, and in exposing black women to extreme violence the singular status of white womanhood—indeed the racially specific definition of womanhood—was reasserted. The carceral system exposed and enforced the radical otherness of the black female subject, thereby solidifying white women’s particular gender formation.³⁹

³⁵ Ibid, 29

³⁶ Ibid, 29

³⁷ Ibid, 29

³⁸ Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. (UNC Press, 2016), 5

³⁹ Ibid, 5

In sum, white women who failed to uphold an idealized form of domestic femininity were subject to forms of incarceration meant to reform them while black women were imagined to be wholly unsuitable for reformation altogether. The new reformatories served to reproduce these domestic ideals both in who they selected for reformation and who they excluded.

The Indiana Women's Prison

So what then were these newly appointed reformatories and how did they serve to discipline those within their walls—as well as those excluded from them? In order to understand the import of the founding mythology of the women's prison, it is particularly instructive to consider the Indiana Women's Prison which claims to be the first women's prison in the US (1873). In 2015 a group of incarcerated women launched a research project as part of the Indiana Women's Prison Higher Education Program to investigate the first years of the prison. In looking into the origins of Indiana Women's Prison, they fully expected to flesh out the above narrative of benevolent reformers rescuing women from the horrific conditions of nineteenth century prison. The women in the Indiana Women's Prison Higher Education Program professed no desire to challenge this narrative with their project and in fact undertook this project with a great deal of interest in the lives of reformer Rhoda Coffin and the prison's first, reform-minded, superintendent, Sarah Smith. The project's leader and teacher of the course in which it originated, Kelsey Kauffman, recalled in an interview with *Slate* that the group initially admired Smith and hoped to add to her renown as

a reformer. The early literature the class read held Smith in such high esteem that Kauffman notes “we referred to Sarah Smith as ‘Saint Sarah.’”⁴⁰ What the Indiana Women’s Prison research project found was far less flattering, including Smith’s multiple abuses of women who failed to live up to the principles of the institution and the likely use of incarcerated women as medical test subjects. They also discovered an entire parallel history of women’s reformatories that cast a different light on the women’s prison.

In a 2014 paper published in the *Journal of the Indiana Academy of the Social Sciences*, two of the students in the Indiana Women’s Prison Higher Education Program, Michelle Jones and Lori Record, argue that the Indiana Women’s Prison was far from the first carceral institution for women in the state, and in fact emerged after and in correspondence with the Magdalene Laundries imported to the US from Europe in the mid-nineteenth-century. Jones and Record recall that, while conducting research into the prison’s early records of its inmates, “we stumbled upon a glaring omission... not until October 27, 1897—24 years after the prison’s founding—[was] any woman sent there for prostitution or other sexual offense.”⁴¹ Jones and Record recall their shock—surely there were women arrested for sex work or crimes of a sexual nature in the mid-nineteenth century, the height of Victorian moral panic. The prevalence of prostitution was, as far as they could tell, widespread and well-documented, even within the unsegregated prisons (one of the reasons given for gender segregated prisons). After combing additional records, with help from outside the prison, they came upon a short article from the *Terre Haute Tribune* in 1967 which “mentioned that

⁴⁰ Rebecca Onion, “A Revisionist History of America’s Oldest Women’s Prison—Written by Current Prisoners.” (*Slate Magazine*, 2015)

⁴¹ Michelle Jones and Lori Record. “Magdalene Laundries: The First Prisons for Women in the United States.” (*Journal of the Indiana Academy of Social Sciences*, 2014), 168

the Sisters of the Good Shepherd had come to Indianapolis in ‘1873 to operate a correctional institution for women prisoners,’” the same year as the opening of the IWP.⁴²

Curious about this parallel institutional narrative, Jones and Record delved into the history of the Catholic reformatories in the US, only to find a much longer history than they had accounted for. According to census data uncovered by Jones and Record:

The Sisters of the Good Shepherd... came to the United States and opened what we believe is the first Magdalene Laundry in this country, in Louisville, Kentucky, in 1843. Fourteen more followed before the Indiana Reformatory for Women and Girls opened in 1873, including the Indianapolis House of the Good Shepherd and its Magdalene Laundry. We have identified another 23 or 24 that were opened after the Indianapolis laundry but before the end of the century.⁴³

These particular institutions were imported by The Order of Our Lady of Charity, a French order of Nuns lead by Saint Mary Euphrasia, who devoted her life to “caring for girls and women in difficulty” including those who “had turned to prostitution in order to survive.”⁴⁴

The Sisters “provided shelter, food, vocational training and an opportunity for these girls and women to turn their lives around.”⁴⁵ These homes, like the Magdalene Laundries in Ireland and the lineage of institutions Cohen documents, billed themselves as houses of correction for “fallen,” “wayward,” or “erring” women and operated with little to no oversight.⁴⁶ New York’s House of Mercy was founded in 1863 by the Sisters of Saint Mary, as part of the Magdalene Society, to receive “destitute and fallen women upon their own

⁴² Ibid, 170

⁴³ Ibid, 170

⁴⁴ “Our History: Good Shepherd Sisters.” (sistersofthegoodshepherd.com)

⁴⁵ Ibid

⁴⁶ Jones and Record document the specific language of the mission statement of each of the homes. These three are the most common descriptors of their object of concern. Jones and Record. “Magdalene Laundries,” 172.

application, or committed by the city magistrates.”⁴⁷ The Home was rebranded in 1917 as Inwood House and remains so to this day. Inwood House, a 501c3 charity, advertises itself today as a respite for unwed teen mothers, which “helps young people take charge of their lives and achieve healthy adulthood and self-reliance by encouraging responsible sexual choices.”⁴⁸ Like the Sisters of the Good Shepherd, the House of Mercy espoused an explicit project of reforming degenerate women into properly feminine subjects through domestic labor and training in proper roles.

The fact that this training was harsh and violent, even deadly, has been unearthed only recently. The last of the Magdalene Laundries in Ireland only closed in 1996, after the chance discovery of a mass grave of 155 women led to the revelation of horrific abuses lasting well into the twentieth century.⁴⁹ There has been a subsequent demand for recognition and remuneration from the state, for the harm caused by collusion between the state and the Catholic Church to hold and punish unwed mothers and otherwise errant women over centuries. Jones and Record point out Ireland’s recent grappling with the implications of this history of abuse, something the US has not experienced in any meaningful way. Despite the concurrent history of Magdalene institutions in the US there is almost no recognition of these institutions.⁵⁰ It is in part due to this relative invisibility that, many Magdalene homes like Inwood House, rather than shuttering, have simply morphed into NGOs.

⁴⁷ New York Dept. of Social Welfare Report. (1920), 254

⁴⁸ “About Us” (inwoodhouse.com)

⁴⁹ See: Carol Ryan, “Irish Church’s Forgotten Victims Take Case to U.N.” (*The New York Times*, 2011)

⁵⁰ Though they have received almost no attention there are online support groups for American women who were subject to Magdalene Laundries like this Facebook group for Survivors: “Survivors of Good Shepherd/Magdalene Laundries in North America,” (facebook.com).

Following in the footsteps of the Magdalene laundries, the reformers of the Indiana Women's Prison described its project in an 1876 report to the state of Indiana as in part preparing inmates "to occupy the position assigned to them by God, viz., wives, mothers, and educators of children."⁵¹ The framing of the aim of the women's prison as a custodial and pedagogic tool to instill domestic ideals points to a legacy of women's confinement that prefigures the nineteenth century and is influential in that period's production of women's prisons in the US. Women have been held in prisons since their inception and have been punished, reformed, and confined in institutional spaces—namely convents and custodial asylums for prostitutes—for far longer. However, the mid-nineteenth century is a crucially important period in that it saw the convergence of political, ideological, and religious grounds for the implementation of sexually and racially segregated women's prisons.

In building on Jones and Record's groundbreaking research on the origins of the Indiana Women's Prison, it is helpful to consult the recollections of one of the architects of the institution, Rhoda Coffin. Coffin was part of a prominent Indiana family of Quakers and became interested in the plight of incarcerated women through her and her husband's practice of preaching the gospel in prisons throughout the state. On one of these visits Coffin was stopped by one of the incarcerated men who implored her to help the women of the prison: "I thank you, you are so welcome, we are all glad to hear you and your husband, you do us good, but do, for God's sake, do something for those poor women, their condition is terrible, it is perfectly awful."⁵² This recollection serves as the introduction to

⁵¹ "Annual Reports of the Officers of State of the State of Indiana," (Indiana Public Records, 1876), 27

⁵² Rhoda Moorman Coffin, *Rhoda M. Coffin: Her Reminiscences, Addresses, Papers and Ancestry*. (Grafton Press, 1910), 151

her “Account of the Origin and Conduct of the Women's Prison and Girls' Reformatory at Indianapolis, Indiana” framing the mission of the women’s prison as one of protection rather than punishment.

In her account, Coffin recalls one particularly instructive example of her methods in the case of Sally Hubbard, the first woman to move from the general population to Coffin’s newly minted Women’s Prison. Hubbard was “a murderess” who had proved to be a “terror in the prison and exceedingly difficult to manage” in her seventeen years at Jeffersonville State Prison.⁵³ Upon receipt of their first charge, Smith orders the guards to unshackle Hubbard: “she is my prisoner, not yours.”⁵⁴ The guards dubiously obey, at which point Smith “kissed her on her forehead and said, ‘I receive thee as my child, and will be a mother, and I know thou wilt be a good daughter, let us pray, and ask Heaven to help us.’”⁵⁵ Here Coffin affirms the relationship of prison matron to prisoner as one of mother to child, with all the Christian moral education that entails in nineteenth-century domestic doctrine. Having re-written the carceral relation as a familial one that relied on maternal discipline and Christian instruction, Coffin invited Hubbard to see her new “home:”

“Come with me, dear, I have the loveliest little room for thee,” and opening the door showed her home for the remainder of her life. It was neatly furnished, with an iron bedstead, good husk mattress, a chair, small square table with a white muslin cover, a Bible and Hymn Book on it, a small looking-glass, the bed clothed in white, white curtain over the window, a locker for her use, and a pot of flowers in the window. All of the cells were similarly furnished.⁵⁶

⁵³ Ibid, 156

⁵⁴ Ibid, 156

⁵⁵ Ibid, 156

⁵⁶ Ibid, 156

Coffin asserts the connection between the architecture of the domestic sphere and the moral subject it inculcates. The inclusion of the Bible is clearly meant to explicitly impart Christian morality, but so seemingly is the “good looking” décor of the room. The sturdy furniture, adorned in pure white, and the fresh flowers, reinforce an idealized femininity. This is the cottage style reformatory that Kali Gross emphasizes as the disciplinary model for white femininity. Coffin describes a prison transformed by a kinder, gentler discipline that took the form of motherly love and teaching—and one that approximated the spatial feel of the home as well as its authority figures.

The Sally Hubbard account serves for Coffin to demonstrate both the kindness of Coffin and Smith’s methods and the successful culmination of the new and improved project of female incarceration. According to Coffin, “it was but a short time, until the prayer was answered” and “the prisoner became a new creature in Christ, Jesus, old things passed away and a steady growth in grace was witnessed.”⁵⁷ In documenting the change in attitude, Coffin notes specifically that Hubbard becomes “quiet, gentle, unobtrusive, faithful in service” and from that point on “led a meek and humble life.”⁵⁸ The transformation of a “terror” into a subservient model of domestic femininity proves for Coffin that, despite prevailing beliefs in the utter unsalvageability of “fallen women,” even “the worst prisoner could be reformed.”⁵⁹ Moreover, the reformation of female prisoners takes place for Coffin through a disciplinary apparatus that approximates the familial relations, spatial confinement, and moral instruction of the domestic home.

⁵⁷ Ibid, 157

⁵⁸ Ibid, 157

⁵⁹ Ibid, 156

Coffin confirms this even more bluntly in an 1875 address at the Annual Meeting of *The National Prison Congress*, in which she affirms the ways in which the women's prison must differ from the men's prison in its goals and methods. Coffin asserts the primary goal of the women's prison to be the reformation of the inmate "so that when she leaves the prison, she may come forth fitted to take a position of usefulness."⁶⁰ In order to accomplish this goal, Coffin sets out a vision of the women's prison as familial guardianship:

If reformation be the object, then all the means should be used that will tend to elevate, mould the character, and strengthen her better nature and her womanly powers... [T]he protection of society is more thoroughly effected by reformation than it can possibly be by the severity of punishment. But in order to effect this, punishment becomes more or less an adjunct, for the prisoner must be deprived of liberty and placed under subjection. The State takes the place of a parent, and whilst administering punishment for past offenses or crimes, should seek to subdue and remould the character by throwing around her those influences which will awaken a new life, new thoughts, new aspirations.⁶¹

In explicitly naming the role of the prison as one of parental discipline and tying the success of reformation with the protection of society, Coffin links the subject formation of the women's prison—that is, the production of viable reproductive domestic subjects—with that of the home. She explicitly calls for a replacement of the familial discipline with that of the prison. In the failure of the domestic home to inculcate a particular subject, the state takes the place of the parent in doling out care and punishment. She also acknowledges that while punishment is not the object, it is part and parcel of domestic discipline. Coffin reiterates this fusing of the domestic and the carceral yet again, stating that "the prison

⁶⁰ Ibid, 165

⁶¹ Ibid, 165

should be as nearly as possible a well-regulated household, each member receiving such discipline and training as may be peculiarly needful to her.”⁶²

The well-regulated household is one invented by nineteenth-century domestic ideology, which I will return to in chapter 2, and subsequently both amplified and refined through the women’s prison. Nineteenth-century prison reformers were explicitly interested in improvement, both of the circumstances of prison and of the individuals through prison. The nineteenth-century women’s prison reformers were responsible in large part for assuring a dual protection and punishment through segregated prisons. This form of capture was one closely intertwined with the development of a domestic economy and the social and cultural practices that came with it.

Conclusion: Setting the Terms

The way we talk about women’s incarceration matters both in its specificity and its indication of broader cultural narratives of punishment, reform, and confinement. Angela Davis makes this clear in *Are Prisons Obsolete* (2003) which includes a chapter on “How Gender Structures the Prison.” Davis asserts that beyond the importance of highlighting issues specific to women’s prison, an analysis of the gendered formations undergirding the power and disciplinary techniques of the prison open up avenues of inquiry for both men and women’s institutions, and for the carceral state more broadly.

Addressing issues that are specific to women's prisons is of vital importance, but it is equally important to shift the way we think about the prison system as a whole. Certainly women's prison practices are gendered, but so, too, are men's prison

⁶² Ibid, 168

practices. To assume that men's institutions constitute the norm and women's institutions are marginal is, in a sense, to participate in the very normalization of prisons that an abolitionist approach seeks to contest.⁶³

I insist, along with Davis, that an attention to the gendered practices of the prison grants insight into the carceral state as a whole. However I also believe that attention to the *specificity* of the women's prison and its connection to domesticity has deep implications for the development of the carceral state as well as the capacity of feminist theory to imagine alternative futures.

As the conversation about prison reform becomes a mainstay of the political mainstream, and even a bipartisan issue, abolitionist critique must continue to track the ways in which reform and reduction of mass incarceration calls into being alternate forms of discipline and confinement. Foucault's critique of the prison prefigures the massive growth of the prison industrial complex in the US, and significantly engages the ways in which the prison allows for and produces techniques that become part of the social fabric of the modern state. Institutions such as the army, the school, and the workplace thus operate, in his view, as training grounds for the production of the docile laboring citizen-subject. The women's prison, however, marks a different node of subject production (that is the production of a private reproductive subject rather than a citizen and participant in the public sphere) and thus a different model of discipline in the production of the carceral domestic. In centering the site of the women's prison and the female carceral subject, this history emerges as a coeval and in some ways constitutive element of the development of the carceral state beyond the specific site of the prison.

⁶³ Angela Y Davis, *Are Prisons Obsolete?* (Seven Stories Press, 2011), 61

In consolidating the development of these forms of capture, confinement, and control over the course of almost two centuries under the moniker of the *carceral domestic* I deliberately frame this project through the full meaning of these two terms and their relation. I recognize and call on the history of domesticity not only in the domestic sphere but in a practice of domestication which refers to the taming of animals and human subjects and the act of civilizing or accustoming them to a controlled life as well as the making familiar and homelike. I am also staking a claim to the carceral as more capacious and adaptive than the prison. In part this is in keeping with Foucault's concept of the carceral archipelago and resistance to the narrowness of the criminal justice system as a purveyor of the forms of power I engage. However, in marking this distinction, it is important to retain the spatial and experiential connotations which the term carries with it. Carceral as a term has come to mean simply of or relating to prison but its roots are distinctly more spacious. While prison, inherited from Old French imprisonment with a Latin root of pris (prize), connotes seizure or capture (as in a prisoner of war), carceral comes from the proto italic *karkos* meaning enclosure and the Latin *carcer* meaning barrier. Specifically the carcer often referred to the barrier at the beginning of a horse race which kept the animal at bay until it was needed.⁶⁴ It is this meaning and its spatial sense that I want to recapture in this study, with full recognition of the irony of my metaphor).

While I employ Foucault's conception of power, which he asserts in *History of Sexuality* (1976), is not simply restrictive but productive, I want to emphasize the restrictive capacity of power. The carceral is about a certain form of power, and while I take up

⁶⁴ "carcer" in Charlton T. Lewis and Charles Short *A Latin Dictionary*, Oxford: Clarendon Press (1879)

Foucault's invocation of its subject producing capacity there is a form of enclosure, diminishment, and limiting of human potential which is not addressed fully by Foucauldian analysis but is central to feminist theoretical work on the home. The barrier at the horse race serves to harness the energy of the horse for the purposes desired by its master, but the permanent enclosure extends that harnessing and creates a form of spatial confinement which not only produces a subject but renders her small and contained. In the next chapter I offer a critical account of the birth of the carceral domestic, centering on a horse thief, whose boundless need for escape and her narrativizing of her own confinement, both domestic and carceral, offer insight into the ways in which the two spheres must be conceptualized and studied as mutually constitutive. In seeking the foundations of the modern carceral state and the preconditions of mass incarceration, my project begins in the nineteenth century with the rise of the women's prison as a state sponsored institution alongside a culture industry of domesticity. By locating the origins of the current system there I aim specifically to capture the ideological and material production of the modern state-run women's prison, even as I hold onto Cohen's reminder that women were confined in carceral institutions long before the nineteenth-century women's reformatory.

Chapter 2: Order of Love

Alexis de Tocqueville and Gustave de Beaumont were sent to the United States in 1831 with a commission from King Louis Philippe to study the renowned prisons of the young nation. De Tocqueville, a diplomat, and de Beaumont, a magistrate with an interest in prison reform, were to report back to France on the workings of the US prison system, widely admired at the time for its advanced disciplinary methods. De Tocqueville had been determined from the start to use the French dictate as pretense to allow him to survey more broadly the social, political and cultural habits of American democracy, but in his travels, he became captivated by the particular position of American women. He noted that the American woman, and by extension the American home, held a uniquely important position in the social fabric of the new nation. The second volume of *Democracy in America*, published in 1840, concerned the “social influence of democracy” and addressed in part “American manners” and the condition and standing of women therein.¹ In marking the difference between the European and American woman, de Tocqueville described a peculiar combination of extreme spatial confinement and elevated moral standing. “I do not hesitate to avow that although the women of the United States are confined within the narrow circle of domestic life, and their situation is in some respects one of extreme dependence, I have nowhere seen women occupying a loftier position.”² De Tocqueville is often credited as one of the earliest critics to identify what would later be termed the ideology of separate spheres,

¹ The first volume of *Democracy in America* was published in 1835 and translated into English in 1839, but by the time of the second volume’s publication in 1840 the work had received so much attention in both Europe and the US that it was translated and released in English in the same year.

² Alexis de Tocqueville, *Democracy in America, Volume II*. (Sever and Francis, 1862), 214

which combined domestic confinement with a moral promotion of the homemaker to domestic goddess, elevating society through her position in the home.

De Tocqueville understood the domestic sphere's correlation to the outside social and political world as a particularly American phenomenon. "Whilst the European endeavors to forget his domestic troubles by agitating society, the American derives from his own home that love of order which he afterwards carries with him into public affairs."³ De Tocqueville asserts not only an inseparable connection between home life and public systems of domination and discipline, but explicitly routes the latter through the former. If we take de Tocqueville's seemingly offhand remark seriously, we should ask what it means to name the home as foundational to the production of an ordered society, particularly in the US as it flexed its national muscle and adapted to internal and external crises. Moreover, why might it be that de Tocqueville, sent to the US to deliver an account of the burgeoning prison system, found himself near-obsessed with the American woman, her place in the home, and that institution's outward reach? I would suggest that, pushing de Tocqueville's point a little further, we might consider the nineteenth century American's "love of order" to be also an *order of love*, that is, a form of domestic discipline that takes the guise of care, protection, intimacy and even reverence. This form of discipline structured a gendered logic of punishment in the carceral and domestic realms.

This chapter argues that the institution of the bourgeois home as it developed in the nineteenth century proved centrally important in structuring modes of discipline and control throughout American society. Those within the white middle-class home were subject to

³ de Tocqueville, *Democracy*, 303

new domestic forms of discipline, while those outside it were evaluated through and punished for their failure to embody its ideals. At the same time, the mechanisms of control produced within the laboratory of the home were exported to the newly appointed women's prisons of the 1870s, in part through a longer trajectory of women's reformatories, which developed alongside and against the middle-class domestic project. As with the domestic home, these sites of subject (re)formation allowed for highly segregated and differentiated modes of social control. The relationship of forms of punishment to the production and management of subjects and populations is clear in Michel Foucault's *Discipline and Punish* (1977), though as I noted in chapter 1, the specificity of domestic subjects is lacking. In attending to both the primary sites of domestic discipline and its apportionment or denial to particular subjects, I offer an origin story of the carceral domestic which has wide reaching consequences for the cultural, juridical and political development of the home, housing, and prison thereafter.

This chapter elucidates the internal functions of the home through both cultural and juridical means in the mid-nineteenth century. I explore both the rise of a cottage industry of homemaking guides and literary celebrations of the domestic ideal as well as the corresponding legal buttressing of the domestic space as protected site. I begin with the first autobiographical account of a woman in prison in the US, a popular 1839 pamphlet by Josephine Amelia Perkins. Capitalizing on her minor fame after a short-lived career as a horse-thief landed her in a Kentucky jail, Perkins ostensibly aims to steer other young women away from a life of crime. She bookends her narrative with testaments to the importance of moral training—beginning with her father's failure to domesticate her and ending with prison reformers doing the job that her family home could not. Perkins' account

simultaneously chafes against the confines of the home and valorizes those same confines as potential salvation from immorality and prison. This prefigures emerging discourses of the home as an ideal—though occasionally failing—site of moral training and subsequent reformers' efforts to inject those same domestic virtues into new sex-segregated women's prisons.

The second part of the chapter explores the nineteenth-century construction and critique of the domestic home. It juxtaposes an iconic example of mid-nineteenth century cultural production of the domestic—Catharine Beecher's *Treatise on Domestic Economy* (1841)—with the equally iconic turn-of-the-century critique of the by-then hegemonic mythology of the home by Charlotte Perkins Gilman. The fact that Gilman happens to be the great-niece of Catharine Beecher is not only ironic, it also highlights the outsized influence of the still relatively small middle-class in shaping social mores.⁴ In framing the project as genealogical, I refer both to its form and to its content. I seek to unearth a familial relation between domesticity and female confinement that is deeply enmeshed in the problem of the family itself.

The period in question (the 1830s through the 1870s) is a tendentious one, both internally in its constant social and political upheaval and externally in its subsequent categorization as a period at all. Generally speaking, Americanist work tends to divide the nineteenth century into pre and post-Civil War periods. This chapter, however, shifts the focus from the formal historical event to the domestic and the everyday, which necessitates not an erasure of the historical dividing line, but a crossing of it. This reframing allows me to

⁴ Gilman's paternal grandmother Mary was the sister of Catharine and Harriet Beecher Stowe.

read a genealogy of female confinement and subject production beginning in the 1830s with an explosion of middle-class women's writing on domesticity and ending with the construction of women's prisons across the country in the 1870s after the first statutory provision for separate male and female prison institutions was passed in 1869. Estelle Freedman characterizes the period of the 1820s-1870s in prison reform as one marked by the "problem of the woman prisoner."

I take from her guiding work this demarcation, adding that the period is more broadly marked by the problem of the woman altogether. That is to say, the production of a domestic subject entailed a delineation of who counted as woman and who was disciplined within and against the category. Sarah Haley argues compellingly that the very forms of punishment meted out served themselves to demarcate gendered and racial boundaries. Haley refers in particular to the hard labor and "masculine" forms of punishment that incarcerated black women were subject in the reconstruction era as new reformatories and penitentiaries emerged and began diverting primarily white women from sentences in institutions with men. While Haley attends to these streams of punishment, from convict leasing to chain gangs, on which black women often served, I take up the domestic home and reformatories as sites of normative subject production attempting to understand the internal logics and formations.

It is with this in mind that I take 1831 and de Tocqueville's observation of the domestic scene of American Democracy as my periodic entry point, and the thorough critique of domesticity in Charlotte Perkins Gilman's 1903 *The Home* as its periodic end, with the development of the women's prison as an institution marking its center. In doing so, this chapter aims to track a domestic lineage of the women's prison. This neither begins nor ends

in the nineteenth century, but the period in question forms the foundation, development and spread of the political and religious basis for implementing sex-segregated women's prisons. Furthermore, there is a crucial context of a growing domestic economy that structures the women's prison as a site of training in properly feminine and domestic ideals. These prisons were lobbied for, built and staffed by a group of women deeply enmeshed in a Victorian middle-class domestic ideology, one which was forged out of the need to ameliorate pressures caused by shifting social and economic realities in the US in the mid-nineteenth century—the rise of industrial capitalism, urbanization, the defense and collapse of the institution of chattel slavery, massive westward expansion, contact with and genocidal removal of native populations and imperial interventions and annexations. In juxtaposing the rise of domestic ideology and state-sponsored women's prisons, this chapter identifies a gendered and racialized form of discipline that has been integral to the functioning of both the home and prison as sites of carceral control.

Domesticating Women

Josephine Amelia Perkins has the dubious honor of being the first known or recorded female horse thief to serve time in an American prison.⁵ She details the events leading up to her eventual capture and 1839 incarceration in a confessional pamphlet: *The*

⁵ Perkins appears in scattered almanacs and encyclopedias of American history and women's autobiography. Perhaps most interestingly the story of "America's first lady horsethief" appears in an ad for Rheingold Beer providing supplementary readings in American History in the Columbia Daily Spectator April 25, 1966 under a full page photographic reenactment featuring a beautiful woman being arrested.

*Female Prisoner: A Narrative of the Life and Singular Adventures of Josephine Amelia Perkins.*⁶ As the title suggests, the pamphlet provides a chronicle of the author's life and crimes, alongside a moralizing warning. As with many true-crime confessionals, *The Female Prisoner* straddles the line between a salacious portrait of deviance and the moralizing parable. The pamphlet trades on Perkins' already extant reputation from a flurry of press coverage surrounding her capture; the shocking story of a female horse thief was apparently successful enough to merit a sequel years later. Even as she capitalizes on the prurient interests of readers, she expresses the fervent wish that "one of my female readers (who are, or ever was in the practice of dishonesty) for a moment sensible how much I suffered in mind from the conviction... certainly would no more indulge in an unlawful propensity."⁷ The pamphlet, while popular at the time, is not much more than a footnote in histories of women's confessional writing and curiosities of Americana.⁸ But it serves as a point of entry to the intertwined histories of domesticity and female carcerality told here.

Perkins was born in 1818 to parents "esteemed as not only wealthy, but peaceable and well-disposed inhabitants of Devonshire, (Eng.)."⁹ According to Perkins, her life was fairly unremarkable, as one of relative privilege but no aristocratic ties, until the early loss of her mother. Her mother's death is presented as the first of several momentous events that

⁶ In true nineteenth-century style the full title of the pamphlet provides a rough summary of its contents: *The female prisoner: a narrative of the life and singular adventures of Josephine Amelia Perkins, a young woman, who for the three years last past has been unhappily addicted to a criminal propensity, more singular and surprising in its nature (for one of her sex,) than can be found on record; in the commission of which she has been four several times detected, twice pardoned on account of her sex, once for reason of supposed insanity, and the fourth and last time, convicted and sentenced to two years' imprisonment in Madison County jail, Kentucky.*

⁷ Josephine Amelia Perkins, *The Female Prisoner*, (C. Harrison 1839), 20

⁸ See *The Tradition of Women's Autobiography, Encyclopedia of Life Writing: Autobiographical and Biographical Forms, Bibliotheca Americana: A Dictionary of Books Relating to America, Catalogue of Books and Pamphlets Principally Relating to America*

⁹ Perkins, *The Female Prisoner*, 5

brought about her future fall. The lack of mother's love is remarked upon as a twofold tragedy, for the loss leaves her with a father who, while affectionate, is faulted for "being too indulgent to an only child, and yielding too often and willingly to many of her unreasonable desires; in which, no doubt, it would have been better for me had I in some instances been denied."¹⁰ This overindulgence of Perkins manifests in a surfeit of freedom to indulge her passions, one of which she discovers at age thirteen in horseback riding.

I became so extremely fond, that in no situation could I then so well enjoy myself as when in full gallop on the back of a quick and high-spirited horse. Indeed, at that period there were few animals for which I felt a greater degree of attachment... I continued to improve in the art in the three months succeeding as I had done in the three that were past, I should become so perfected as to be able to bear off the palm from every other pupil, male or female—and, furnished with a good horse, to ride with that speed as not to be easily overtaken either by himself or any other pursuer.¹¹

Perkins' discovery of this passion suggests the dual nature of the illicit pleasures of horseback riding, particularly for women. First, Perkins' depiction of riding a spirited animal at full gallop as the utmost pleasure in her life cannot help but conjure up the erotic possibilities of horseback riding as a possible sexual outlet otherwise foreclosed by her age and status.¹² Potentially more threatening, Perkins notes the freedom of movement and ability to evade capture offered by her riding skills, unmatched by her peers of either sex. She

¹⁰ Perkins, *The Female Prisoner*, 5

¹¹ *Ibid*, 5-6

¹² Examples of the erotic experience of horseback riding abound in message boards and websites devoted to the sport, with many women seeking assurance that such a thing is common and not a wholly illicit suggestion. In one such post on quora.com, a webforum for crowdsourcing answers to questions, a user asks if it is possible to achieve orgasm through horseback riding and then, if so, how she might accomplish the task: "Do Women Get Sexual Pleasure from Grinding against a Horse's Saddle and If Yes, Does It Happen Automatically or Does a Female Rider Need to Take Deliberate Action for It to Grind in the Right Location?" (*Quora*, 2013)

is able to leave the realm of the domestic and even imagine the possibility of escaping it altogether.

Even as she enjoys the unusual freedom of horseback riding, Perkins becomes something of a social butterfly. “I was not only the darling of my father, but very highly esteemed and beloved by a large circle of young acquaintances... It was rare that I did not receive an invitation to be one of almost every fashionable party in our neighborhood, as well as of innumerable levees, balls, operas.”¹³ It is at one of those events that Perkins encounters a more pedestrian threat to her social and sexual standing than that of horseback riding—she meets and promptly falls in love with a naval officer. Perkins quickly decides to elope with the officer, despite her father’s disapproval due to his lesser social status and agrees to abscond with him on a ship to the Americas. She steals her first horse in order to travel to Portsmouth where she is to meet her lover aboard a ship bound for his post in North America. In an unfortunate turn, she misses the departure of the ship, though this does not stop her from finding passage on another ship destined for Canada. Perkins makes her way from there to Wilmington, North Carolina, where her American adventures begin. In the meantime, the erstwhile lover is unmentioned until the final pages, in which Perkins asserts that had she been allowed to marry him, she might have avoided prison in favor of marital bliss. Perkins does not remark upon the fact that this marital bliss would inevitably include a spatial confinement against which she chafed in her childhood home. This crucial and central contradiction of the home as both haven and cage either escapes her notice or is elided in favor of a more pleasing redemption narrative.

¹³ Perkins, *The Female Prisoner*, 4

Beginning with her arrival in America, Perkins relocates the means of freedom from the potential husband back to the figure of the horse, which offers a more transformative escape from the familial home than would a husband. Finding herself destitute and alone, Perkins resorts to “a repetition of the crime of which I had been once guilty” and steals a horse. She is caught immediately, though the “neighboring justice” to whom she pleads her case chalks the crime up to “a whimsical motion to enjoy a morning's ride,” remarking that “an instance of the prosecution of a female for the crime of horse-stealing, was both novel and without a precedent.”¹⁴ Perkins’ ability to evade punishment is reliant on her invisibility as a criminal type. Her appearance, as a “well-disposed” white woman marks her as non-threatening and in need of protection. As Perkins makes her way down the coast, she is once again overcome by both desire and necessity and steals a horse. She appears before a jury, which, unable to imagine this woman being guilty of a crime “so unnatural as that of horse-stealing,” sets her free once again.¹⁵ Perkins at this point has become “notorious in that section of the country as a ‘female horse thief’ and having been so denominated in several of the newspapers published in that and other parts of the country.”¹⁶ Upon her fourth theft of a horse in Kentucky, Perkins is finally sentenced to two years in prison.

Throughout the narrative, Perkins emphasizes the ways in which her flouting of conventional gender roles both enable her crimes and allow her to evade capture by a state unable to comprehend or categorize her criminality. Once captured and imprisoned, Perkins receives visits and counsel by “Three or four kind and religiously disposed ladies who not

¹⁴ Ibid, 14

¹⁵ Perkins, *The Female Prisoner*, 16

¹⁶ Ibid, 16

only presented me with many valuable Christian tracts, but endeavoured to console and comfort me, by imparting to me that good advice, which I doubt not has had its intended good effect, and will prove of the most inestimable value to me, even to my dying day!”¹⁷ These religiously disposed ladies foreshadow the women’s reform movement that advocates for the women’s prison in the subsequent decades, and may indeed have been already involved in the reform movement. The narrative ends with the lessons imparted by these kindly moral guides, who offer the training in proper Christian femininity Perkins did not receive from her absent mother. Perkins professes the beneficent effect of her time in prison and pedagogic visits, which have had “the desired effect to reform me, and to teach me the error of my ways.”¹⁸ Having benefited from these lessons and the time to reflect on them, Perkins offers her own narrative as a form of moral pedagogy.

As regards myself, it will not be denied that what knowledge I possess of the unhappy effects of a disobedience to parents, I have acquired by dear-bought experience. Had I not confided more in my own opinion than in that of my father, the probability is that instead of being as I now am, immured in the walls of a prison, I should have been basking in the sunshine of domestic happiness, beloved and respected.¹⁹

Here the pedagogic and disciplinary spaces of the home and the prison are made parallel and mutually reinforcing. The failures of domestic discipline and training must be remedied by the women’s prison, even in its nascent form of benevolent religiously disposed female visitors offering counsel to the few women incarcerated in the county jail. Though the correct trajectory of the narrator’s life—toward the sunshine of “domestic happiness”—has

¹⁷ Ibid, 18

¹⁸ Ibid, 5

¹⁹ Ibid, 19

been foreclosed, the lessons of her story might reinforce this path and the necessity of adhering to parental domestic discipline for others.

This domestic mandate underlines the strange dissonance of the message within. Even as Perkins professes a desire for nothing more than the “sunshine of domestic happiness,” she recognizes the familial home as necessarily a site of harsh discipline, from which she fled in her days “of greatest happiness.”²⁰ Likewise it is the severe lessons of the prison that taught her the necessary conduct for life in this domestic bliss. This dual depiction of domestic labor as both punitive discipline and promised reward for obeying its own internal regulations remains unresolved. It is mirrored in the paradoxical logic of the new women’s prison, in which domestic labor is both rehabilitative and punitive. The combination of moral guidance and scandalous confession of her criminal desires proved popular, and Perkins published a second pamphlet, “A Demon in Female Apparel” in which she revealed that the first narrative was produced first and foremost to “excite the pity of the most sympathizing of my own sex.”²¹ In this aim, Perkins had been successful. Her original sentence was halved, and she was released after a year, at which point she resumed her career as a horse thief. Perkins was eventually arrested and sentenced again, this time for life, after which she published the second pamphlet. The sequel takes a more breathless tone, including several chase-scenes and many more thefts. In one episode Perkins characterizes herself as an unremitting criminal in the guise of a good woman in order to convince a farming family to take her in. Perkins herself then becomes a jailor of sorts, describing the

²⁰ Ibid, 19

²¹ Josephine Amelia Perkins, *A Demon in Female Apparel: Narrative of Josephine Amelia Perkins, the Notorious Female Horse-thief Again in Prison--and for Life*. (W. Root & C. Brown, proprietors, 1842), 5

“unsuspecting inmates of the family.”²² Despite abandoning the guise of the reformed subject, Perkins retains a reverence for the family even as she compulsively represents it as a sort of prison.

The family home, which Perkins both resents and desires in equal measure in her narrative, was at the center of a complex and politicized cultural battle in the 1830s, one that encompassed but spilled beyond the conflict over slavery. Perkins reached the US and made her way to the heart of the slave holding south in 1835, the year de Tocqueville published *Democracy in America*, and two years after the abolition of slavery throughout the British Empire.²³ The US observed by de Tocqueville and Perkins was a deeply divided nation in the midst of the rise of industrial capitalism and urbanization, the corresponding defense of the southern agricultural economy and its reliance on chattel slavery, massive westward expansion, contact with and genocidal removal of native populations, and imperial interventions and annexations. But those grand historical movements were interwoven with quieter changes on the domestic front. Amy Kaplan notes in her influential essay, “Manifest Domesticity,” that the period of 1830-1850 saw a huge upsurge in middle-class women’s writing on domesticity at precisely the moment at which “national boundaries were in violent flux” and the doctrine of manifest destiny had taken hold of the national imagination.²⁴ Kaplan portrays a symbiotic relationship between domestic and national imaginaries. The domestic was particularly resonant in the complex web of moral duty, paternalism, private property, and national belonging that characterized discussions about

²² Ibid, 19

²³ The slave trade had been outlawed in England in 1808 but not the ownership itself.

²⁴ Amy Kaplan, “Manifest Domesticity.” (*American Literature*, 1998), 584

slavery. Ann Douglas likewise ties the production of a new mass culture in popular literary and instructive texts written by women. In *The Feminization of American Culture* (1998) Douglas notes that this cultural production comes at a time when women find their roles severely curtailed to the home, paradoxically bucking and idealizing this confinement to a private sphere.²⁵

De Tocqueville noted this deep connection between the political order of the new republic with the social fabric of the home and the role of the wife and mother within. He remarked that in the US, even more so than his native France, "the independence of woman is irrecoverably lost in the bonds of matrimony," thrusting her into an exceedingly narrow sphere of residence if not influence.²⁶ He asserted, "In no country has such constant care been taken as in America to trace two clearly distinct lines of action for the two sexes and to make them keep pace one with the other, but in two pathways that are always different."²⁷ While industrial capitalism produced similar material effects in Perkins' home nation and across Europe, de Tocqueville argued that the particularly American separation of spheres was both necessary to and an outgrowth of its democratic system:

It is not thus that the Americans understand the species of democratic equality, which may be established between the sexes. They admit, that, as Nature has appointed such wide differences between the physical and moral constitutions of man and woman, her manifest design was, to give a distinct employment to their various faculties; and they hold, that improvement does not consist in making beings so dissimilar do pretty nearly the same things, but in getting each of them to fulfil their respective tasks, in the best possible manner. The Americans have applied to the sexes the great principle of political economy, which governs the manufactories

²⁵ Ann Douglas, *The Feminization of American Culture*. (Macmillan, 1998)

²⁶ de Tocqueville, *Democracy*, 201

²⁷ *Ibid*, 259

of our age, by carefully dividing the duties of man from those of woman, in order that the great work of society may be the better carried on.²⁸

The sphere of the domestic was not a foreign concept to de Tocqueville, but he recognized an American innovation in the degree to which it formed the basis of the social world outside the home. The ideology of separate spheres has been central to analyses of the Victorian period in British literary and cultural studies. It was de Tocqueville's identification of America's egalitarian separation that is often credited with its conceptual foundation: "In the United States the inexorable opinion of the public carefully circumscribes woman within the narrow circle of domestic interests and duties and forbids her to step beyond it."²⁹ Thus circumscribed, the domestic sphere takes on the recognizable cast of what we today understand as "the home."

Though a gender ideology that posited a separation of roles and spaces for men and women predates the period, the industrial revolution ushered in a starker separation of spheres. The invention of a wholly private space, unmoored from the production of goods, occurred in the wake of industrialization in the late eighteenth century with the shift from subsistence to waged labor. As the home became detached from production proper it was situated as a purely *re*productive site. Secured as the protected sphere of private, domestic life, the home takes on the dual status as an essential site of reproduction, thus serving the labor market, and a protected site of respite from its influence.

In the world outside, the combination of industrial exploitation and colonial expropriation that marked nineteenth-century liberal capitalism created an underclass

²⁸ Ibid, 259

²⁹ Ibid, 245

relegated to forms of labor—both “free” wage labor contract labor and slave labor—that eroded pre-industrial familial and communal structures of kinship. Nancy Fraser argues that this erosion resulted in a “crisis on at least two levels”:

On the one hand, a crisis of social reproduction among the poor and working classes, whose capacities for sustenance and replenishment were stretched to breaking point; on the other, a moral panic among the middle-classes, who were scandalized by what they understood as the ‘destruction of the family’ and the ‘de-sexing’ of proletarian women.³⁰

The delineation of the border between the protected realm of the home and the public sphere thus generated anxiety about the penetrability of the border between the two. In the ensuing moral panic to which Fraser refers, the policing of this border necessitated increasing regulation of the public sphere, especially of women who violated moral and particularly sexual codes. The nineteenth-century rise of a bourgeois middle-class morality served to discipline both subjects within its purview and those who were refused entry to its strictly policed (and racialized) inner sanctum. Even as the home projects the aura of an idyllic refuge from the hardships of the workplace and the corruption of the political realm, this status is constantly threatened by precisely the industrialization that created it, as urbanization, migration and the entrance of women into the workplace threaten to infiltrate the home as refuge.³¹

If we read Perkins' narrative within this wider historical context, we can see the ways

³⁰ Nancy Fraser, “Contradictions of Capital and Care.” (New Left Review, II, no. 100, 2016), 105

³¹ Fraser conceives of capitalism's attempt to manage the crisis of social reproduction through three historical stages: the Victorian separate spheres ideology, the family wage of twentieth century state managed capitalism, and the “modern ordeal of the two-earner family” (104). The second two phases are central to understanding the contemporary shifts in the function and a political import of domesticity and familial organizations in the twentieth and twenty-first centuries -- as reactions to Fordist and financial forms of capitalism and globalization's effect of the state-market relationship. The first phase, however, is the bedrock on which domestic discipline is developed and shaped.

in which her experience, and the narrative she espouses mirror the emerging logic of separate spheres ideology and its carceral functions. Returning to Perkins' imagined "sunshine of domestic happiness," it is significant that the vision is opposed to her current state "immured in the walls of a prison" Though she proclaims a desire for the domestic it is precisely that which would wall her in according to the logic of separate spheres.³² Even as she celebrates her moral reform, Perkins tacitly desires the freedom of the outdoors (sunshine) and despairs of walled confinement. In her ambivalence toward the home, Perkins inadvertently demonstrates a contradiction at the heart of domestic ideology: the home is simultaneously a promise and a threat which disciplines those inside it *and* those that either escape it or are denied it.

But Perkins is similarly ambivalent about the prison—lamenting its confining walls but celebrating the moral discipline she learns within them. It would be 30 more years before the women's prison would explicitly take up the mantle of this project of domestic correction, though women would continue to be incarcerated in prisons and other houses of correction. When the new sex-segregated prisons were built by women like the kindly visitors that Perkins praises, it was women like Perkins who were re-routed to the new institutions, as subjects that were, according to a racial logic, capable of reform. Before turning to the evolution of these carceral institutions more fully in the next chapters, it is important to understand the disciplinary mechanisms of the home that had come to ascendancy, and which would be adopted, if somewhat unevenly by the burgeoning women's prison.

³² Perkins, *The Female Prisoner*, 19

Domesticity and its Discontents

The home's privileged status is inextricable from the production of the ideal domestic woman, to whom the home and social reproduction are entrusted. In Barbara Welter's now canonical 1966 piece "The Cult of True Womanhood: 1820 – 1860," she uncovers, through a survey of nineteenth-century women's magazines, memoirs, religious tracts, sermons and novels, a broad swathe of work addressing, preaching and modeling "True Womanhood." The phrase comes up so often in her research that she comments in a footnote, "authors who addressed themselves to the subject of women in the mid-nineteenth century used this phrase as frequently as writers on religion mentioned God."³³ In endeavoring to define this seemingly hegemonic yet indeterminate ideal, Welter writes: "The attributes of True Womanhood, by which a woman judged herself and was judged by her husband, her neighbors and society could be divided into four cardinal virtues--piety, purity, submissiveness and domesticity."³⁴ These attributes are seen to be naturally occurring but in need of constant work to maintain. The domestic woman is a product of both nature and a ruthless disciplinary mechanisms and cultural expectations regarding her behavior.³⁵

The rules to which Welter's "true woman" was expected to adhere were elaborated particularly in conduct books for women—a genre of educational texts that took as their subject domestic comportment, manners, and housekeeping. These conduct books emerged

³³ Barbara Welter, "The Cult of True Womanhood: 1820-1860." (*American Quarterly* 18, no. 2, 1966), 151

³⁴ *Ibid*, 152

³⁵ See also Nancy F. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835*. (Yale University Press, 1997); Mary P. Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865*. (Cambridge University Press, 1983)

as a popular genre of women's writing—both for and by women—in the eighteenth century.³⁶ Nancy Armstrong, in *Desire and Domestic Fiction* (1987), argues that these feminine conduct books began to appear in the eighteenth century, as opposed to conduct guides for aristocratic men, which predate them by at least a century, in order to inculcate a middle-class female subject, who importantly did not yet exist as such: “it is more accurate to say such writing as the conduct books helped to generate the belief that there was such a thing as the middle class with clearly established affiliations before it actually existed.”³⁷ These eighteenth-century conduct books differed in their domestic advice from earlier texts in that they maintained a strict separation between the duties of the household and those of the public sphere. In the burgeoning urban middle class for which these books provided a template, the running of the home no longer included tasks like care of livestock or maintaining an aristocratic household staff. In fact, as Armstrong points out, this nascent middle-class morality explicitly marked itself in opposition to both the idle and ornamental aristocratic woman and the physicality of the laboring woman:

Conduct books attacked these two traditional notions of the female body in order to suggest that the female had depths far more valuable than her surface. By implying that the essence of the woman lay inside or underneath her surface, the invention of depths in the self, entailed making the material body of the woman appear superficial. The invention of depth also provided the rationale for an educational program designed specifically for women, for these programs strove to subordinate the body to a set of mental processes that guaranteed domesticity.³⁸

³⁶ For example, Mary Wollstonecraft's first published work was titled *Thoughts on the Education of Daughters: With Reflections on Female Conduct, in the More Important Duties of Life* (J. Johnson, 1787).

³⁷ Nancy Armstrong, *Desire and Domestic Fiction: A Political History of the Novel*. (Oxford University Press, 1987), 66.

³⁸ Armstrong, *Desire*, 114

The invocation of depth of character produces for Armstrong a new private and internal female subject, one that is bound to the house but not the body. Through this production of depth, and its alignment with the internal logic of the private sphere, woman became both spiritually elevated, and more definitively bound to the earthly locale of the home.

The middle-class domestic subject imagined by eighteenth century conduct books materialized in the nineteenth century and the genre correspondingly ballooned. As Kaplan notes, middle class women's writing exploded in the 1830s, and with it the conduct guide for women.³⁹ Arguably the most famous of these was Catharine Beecher's 1842 *A Treatise on Domestic Economy, for the use of Young Ladies at Home, and at School*. The book, as indicated by its full title, was intended as a pedagogical resource in vocational training as well as an on-hand guide for homemakers, straddling the delicate line observed by Armstrong between inculcating a subject through ideological training while insisting on the natural and intrinsic character of that subjectivity. Beecher's guide, published three years after Perkins' account of her capture and incarceration, elaborated its mission in almost identical terms. Perkins lamented her inability to achieve "the sunshine of domestic happiness," attributing it to the "unhappy effects of a disobedience to parents" due in part to insufficient discipline in her childhood home.⁴⁰ Just after this invocation of domestic happiness lost, Perkins recalls a biblical invocation of parental discipline:

Solomon wisely observes that "children must be trained up in the way they are to go. because when they are old they will not depart from it ;"—whence it may be inferred that the foundation of a good and virtuous conduct.—of a prudent and

³⁹ Kaplan, "Manifest Domesticity"

⁴⁰ Perkins, *The Female Prisoner*, 19

discreet behaviour. In every future station of life, must be laid in childhood—as the happiness of parents depends in a great measure on the conduct of their children.⁴¹

Beecher observes a remarkably similar problem, while holding herself as the moral exemplar—unlike Perkin’s cautionary tale. Beecher claims, in her introduction, that the book was prompted by the discovery of “the deplorable sufferings of multitudes of young wives and mothers, from the combined influence of poor health, poor domestics, and a defective domestic education” and the conviction that this suffering was symptomatic of a lack of “training for their profession.”⁴² Like Perkins, Beecher neatly displays and then conceals a fundamental schism in the discourse of the domestic: imagined to be a space of comfort, joy, and love, the home was often the site of violence and suffering. For Beecher, this is symptomatic of lack of adequate training. Beecher’s guide was written to provide this training and was even “examined... by the Massachusetts Board of Education” who “deemed [it] worthy” of admission to the Massachusetts school library as a textbook.⁴³ This official legitimation of Beecher’s text allowed her to position herself as not only a domestic guide but a state-sanctioned domestic pedagogue.

Beecher’s *Treatise* cites de Tocqueville as identifying the national, and even global ramifications of the role of the US housewife as the moral steward of the family, both nuclear and national. For Beecher, de Tocqueville understands the unique position of the American woman and allows her to demonstrate her project’s world-historical significance. In her biography of Beecher, Katherine Kish Sklar argues that Beecher’s cultural production

⁴¹ Ibid, 19

⁴² Catharine Beecher, *A Treatise on Domestic Economy: For the Use of Young Ladies at Home, and at School*. (T.H. Webb., 1843), 4

⁴³ Ibid, 4

represents an effort “to innovate, to seek new channels of cultural influence, and to design an ideology that gave women a central place in national life” even as “her political assumptions lead her to oppose the women’s rights movement.”⁴⁴ Sklar notes the central place of the home in this elevating of the role of women on a national stage: “The home and family, she believed, could be redefined as the social unit which harmonized various national interests and synchronized different individual psyches.”⁴⁵ For Beecher then, the place of the women in the home, while physically constraining, actually represents a far more expansive role than her entry into public political discourse would.

The first three chapters, which set up the necessity of her project, take up “Peculiar Responsibilities of American Women,” “Difficulties Peculiar to American Women,” and “Remedies for the Preceding Difficulties.”⁴⁶ Beecher explains the debt owed to Tocqueville in the first chapter, reading his pronouncement of the elevated role of American women as a supreme achievement of democracy:

The tendencies of democratic institutions, in reference to the rights and interests of the female sex, have been fully developed in the United States; and it is in this aspect, that the subject is one of peculiar interest to American women. In this Country, it is established, both by opinion and by practice, that woman has an equal interest in all social and civil concerns; and that no domestic, civil, or political, institution, is right, which sacrifices her interest to promote that of the other sex. But in order to secure her the more firmly in all these privileges, it is decided, that, in the domestic relation, she take a subordinate station, and that, in civil and political concerns, her interests be entrusted to the other sex, without her taking any part in voting, or in making and administering laws.⁴⁷

⁴⁴ Kathryn Kish Sklar, *Catharine Beecher: A Study in American Domesticity*. (Norton, 1976), xiii

⁴⁵ *Ibid*, xiii

⁴⁶ *Ibid*, 11-12

⁴⁷ Beecher, *A Treatise*, 28

In explaining womankind's "peculiar responsibility," Beecher doubles down on the assertion that the domestic woman is formidable in her political power even as she is restrained from entering the public sphere, where those politics are understood to happen. She likewise approves of de Tocqueville's dismissive attitude toward suffrage, which she deems unnecessary and potentially even damaging. Both de Tocqueville's concern as to what shape that damage might take, and Beecher's later citation of de Tocqueville, of it are instructive:

The result of this order of things has been fairly tested, and is thus portrayed by M. De Tocqueville, a writer, who, for intelligence, fidelity, and ability, ranks second to none. "There are people in Europe, who, confounding together the different characteristics of the sexes, would make of man and woman, beings not only equal, but alike. They would give to both the same functions, impose on both the same duties, and grant to both the same rights. They would mix them in all things, — their business, their occupations, their pleasures. It may readily be conceived, that, by thus attempting to make one sex equal to the other, both are degraded; and, from so preposterous a medley of the works of Nature, nothing could ever result, but weak men and *disorderly women*."⁴⁸

The gendered divide provides an ordered world in which women have a *proper*, though no less important role. It is the "disorderly woman" that provokes anxiety. The veneration of the orderly woman, and her orderly household, which Coffin called upon the Indiana Women's Prison to embody in the 1870s, as detailed in chapter 1, is further elaborated in the section on "Habits of System and Order" which deems "duties a woman is called to perform more difficult than those of the queen of a great nation" and dependent on orderly habits.⁴⁹ For Beecher, and Tocqueville, the carefully structured order of the nation rests on the ordered subject of the domestic woman. Take her away and the entire edifice could collapse.

⁴⁸ Ibid, 28

⁴⁹ Ibid, 158

For Beecher's great-niece Charlotte Perkins Gilman, writing years later, these anxieties and fears that Beecher sought to remedy were endemic to the structure of the home that Beecher devoted herself to buttressing. I do not aim here to assert a familial or pop-psychological explanation for the attitudes of Catharine Beecher or Charlotte Perkins Gilman, but rather to highlight the incredible political reach of a relatively small group, and simultaneously the internal contradictions that wracked the family. The Beecher family's influence spanned generations, the continent and crossed deep ideological divides. In following the genealogical thread from Catharine to Charlotte the fissures in the ideology of the family emerge in the fault lines of a singular family.⁵⁰ The familial relationship between Beecher and Gilman merits a brief digression—the family embodied the New England moral universe that played such an outsized role in shaping nineteenth century American culture and politics.

Lyman Beecher, father of Catharine and great-grandfather of Charlotte, was a Presbyterian minister and a cofounder of the American Temperance Society. He fathered thirteen children, many of whom became prominent in New England religious and political circles. Henry Ward Beecher, Charles Beecher, Edward Beecher and Thomas K. Beecher all gained recognition for theological work and a strong opposition to slavery. Harriet Beecher Stowe, of course, became world-famous after her publication of *Uncle Tom's Cabin* in 1852. Isabella Beecher Hooker was a prominent suffragette who, along with Victoria Woodhull,

⁵⁰ See Jeanne Boydston, *The Limits of Sisterhood: The Beecher Sisters on Women's Rights and Woman's Sphere*. (UNC Press Books, 1988)

organized the 1871 Washington convention on suffrage.⁵¹ Their sister Catharine Beecher became a prominent writer and educator. Unlike Isabella, Catherine opposed women's suffrage, arguing that women's influence would be best used in the home as mothers and wives. Her comprehensive guide to all aspects of domestic self-management represented an effort to create a female domain from which cultural power could be exercised.

Beecher published several homemaking guides, the most successful of which offered an entire section dealing with the cultural importance of the American housewife—her elevated moral standing and influence in the wider political sphere, even as she was confined to the home.⁵² Catherine herself never married. It was her sister Mary, the least politically active of the siblings, who appeared to live the life that Catherine idealized. She married a lawyer, had four children and lived quietly out of the spotlight. But her son Frederick took a different path, abandoning his family shortly after the birth of his daughter, Charlotte.⁵³ Charlotte and her mother and brother were left destitute and relied heavily on the guidance and support of Frederick's three well-known aunts Harriet Beecher Stowe, Isabella Beecher Hooker, and Catharine Beecher.

⁵¹ Interestingly, Isabella's close friend and colleague Victoria Woodhull became embroiled in a public conflict with her brother Henry Ward Beecher. Beecher had condemned Woodhull's advocacy of free love only to become involved in an adultery case after Elizabeth Tilton, wife of Beecher's close friend Theodore Tilton, confessed to a relationship with Beecher. Tilton relayed his wife's confession to his friend Elizabeth Cady Stanton, who passed it on to Victoria Woodhull. Woodhull then promptly documented what she considered to be Beecher's outright hypocrisy in a short story, "The Beecher-Tilton Scandal Case" published in her widely circulated weekly paper, in which she accused Beecher of practicing the free love he publicly denounced behind closed doors. The article became the subject of national news and Beecher's had Woodhull arrested for distributing obscene material through the mail, causing a rift in the family (with Isabella publicly supporting Woodhull and the rest of the siblings taking Beecher's side). For more on this case see Barry Werth, *Banquet at Delmonico's: The Gilded Age and the Triumph of Evolution in America* (University of Chicago Press, 2011).

⁵² Curiously, Catharine Beecher herself never married. She was engaged to a Yale professor who died tragically in a shipwreck. She devoted herself entirely to education after his death.

⁵³ Gilman's father only resumed contact after her writing career took off, at which point Frederick, a writer himself, sent her a list of recommended readings.

Charlotte Perkins Gilman eventually rose to prominence as an organizer and speaker within feminist and socialist circles. She became widely known for her story “The Yellow Wallpaper,” which was published in 1890 and quickly became a bestseller. The story remains canonical in feminist literary studies for its depiction of the physical and psychic toll of a new mother’s domestic prison.⁵⁴ The protagonist of “The Yellow Wallpaper” seeks to physically claw her way through the walls as she goes mad from confinement. Gilman based the story on her own experiences of post-partum depression, and it remains a poignant early critique of the cult of domesticity.⁵⁵

While “The Yellow Wallpaper” remains in circulation, Gilman’s critical work has not received the same consistent attention. This is due in part to Gilman’s troubling interest in “reform Darwinism,” which touted eugenics as social evolutionary development. Gilman’s interest in the elevation of a *particular*—white, middle-class—woman is not something to be brushed aside. It is central to her political ideals and provides a link between the conduct guides of her great-aunt and her own critique of that domestic economy. Both authors seek to remake and redeem a particular kind of female subject. It is precisely because Gilman highlights the disciplinary functions of the specific idealized middle-class and white home that her work must be read, both with and against the social order she critiques, in order to understand the hegemonic status of the middle-class domestic home.

⁵⁴ For a discussion of the text’s canonization in Feminist literary criticism see Lanser, Susan, “Feminist Criticism ‘The Yellow Wallpaper’, and the Politics of Color in America.” *Feminist Studies* Vol. 15, No. 3, (Autumn, 1989).

⁵⁵ Gilman discusses the similarities between the elements of her story and her experiences in her autobiography: Charlotte Perkins Gilman, *The Living of Charlotte Perkins Gilman: An Autobiography* (D. Appleton-Century Company, incorporated, 1935).

Gilman's first successful nonfiction book, *Women and Economics: A Study of the Economic Relation Between Men and Women as a Factor in Social Evolution* (1896), offered a materialist account of marriage and its effect on the economic position of women in society. Gilman's brand of materialist feminism rejected of the possibility of egalitarian social relations within the family and advocated the "break up [of] that relic of the patriarchal age, the family as an economic unit."⁵⁶ As a follow up to *Women and Economics*, Gilman published *The Home: Its Work and Influence* in 1903 to critical and popular acclaim. Gilman's examination of the home as an institution, and its massive ideological purchase on US culture, has faded into relative obscurity in comparison with her fiction, and even with her influential study *Women and Economics*. Though *Women and Economics* is an important analysis of the economic dependence of women as a class, it is in *The Home* that Gilman mounts a critique of the home as a spatial, material, and ideological force with its own history, functions, and institutional constructions. For Gilman, the home is a "human institution," and therefore not immune from critique. Moreover, for Gilman, the home represents a microcosm of social relations, setting the standard for familial, communal, and national affairs.

This is something she shares with Catharine Beecher, who elaborated the "peculiar responsibilities of American Women" as the standard-bearers of a moral and political ethos to be spread throughout the world.⁵⁷ As Kaplan and others have argued, the national and the domestic are intimately tied. The use of domestic to refer to anything not-foreign is in itself significant in that the intra-national as domestic only gains legibility when juxtaposed to a

⁵⁶ Charlotte Perkins Gilman, *Women and Economics: A Study of the Economic Relation Between Men and Women as a Factor in Social Evolution*. (Small, Maynard, 1898), 9

⁵⁷ Charlotte Perkins Gilman, *The Home: Its Work and Influence*. (Charlton Company, 1903), 25

foreign outside. As Kaplan notes, “uncoupled from the foreign, national issues are never labeled domestic.”⁵⁸ In a doubled operation, the nation takes on the valence of the familiar and the home-like as it reinforces the foreign as both spatially and communally other and outside. The synechdocal relationship of the home and nation is a familiar one and important in the operations of imperialism. In *Black Skin, White Masks* (1952) Franz Fanon describes the white family as a colonial “institution that prefigures a broader institution: the social or the national group” and the “workshop in which one is shaped and trained for life in society.”⁵⁹ The home too is an institution, which both bears the meaning and does the work of framing the nation even as it atomizes the national into individual families. The home is the home front that must be protected, the domestic in opposition to the foreign. This dichotomous relation of protected inside which feeds of and breeds a growing terror of a foreign other poses the home as the focal point of a host of anxieties from the neighborhood to the national.

Paradoxically, the more secure and comfortable the image of the home becomes, the more it appears to require protection. While the home is figured as a safe space of shelter it is always vulnerable to invasion and attack, and relies upon this constant threat to reassert its necessity. Gilman highlights the circular nature of this concept. “The home, in its very nature, is intended to shield from danger; it is in origin a hiding place, a shelter for the defenseless.”⁶⁰ For Gilman, this “constant shelter, protection, and defense... must breed

⁵⁸ Kaplan, *Manifest Domesticity*, 581

⁵⁹ Fanon, Frantz. *Black Skin, White Masks*. (Grove Press, 2008), 115

⁶⁰ Gilman, *The Home*, 168

cowardice.”⁶¹ As the figurehead and captive of the home the wife is positioned as needing protection. “She must be guarded in the only place of safety, the home. Guarded from what? From men. From the womanless men who may be prowling about while all women stay at home.”⁶² This leads to the curious construction in which “the home is safe because women are there. Out of doors is unsafe because women are not there.”⁶³ The figure of the woman simultaneously bears the meaning of complete safety and utter terror, both providing security and always in danger. Gilman pushes this logic to its logical extreme: “If women were there, everywhere, in the world which belongs to them as much as to men, then everywhere would be safe.”⁶⁴ Finally she reverses the equation completely: “We try to make the women safe in the home, and keep them there; to make the world safe for women and children has not occurred to us.”⁶⁵ The family, with the wife centrally posed as guardian and guarded force of moral rightness, was mobilized to justify the protective and aggressive impulses of the nation as a whole, though not to make that nation a liberatory or egalitarian space.

De Tocqueville remarks in *American Democracy* that while “all other nations seem to have nearly reached their national limits, and have only to maintain their power; these alone are proceeding—along a path to which no limit can be perceived.”⁶⁶ His assessment comes five years after Andrew Jackson’s 1830 “Indian Removal Act” and the ensuing Trail of Tears—the name for the forced migration that left an estimated 4000 Chickasaw, Choctaw,

⁶¹ Ibid, 168

⁶² Ibid, 254

⁶³ Ibid, 254

⁶⁴ Ibid, 254

⁶⁵ Ibid, 254

⁶⁶ de Tocqueville, *American Democracy*, 224

Creek, Seminole, and Cherokee people dead. This seemingly permanent expansion, and the moral underpinnings of manifest destiny and American exceptionalism, posed the nation as immanent even as it was constantly in flux. The link between the domestic of the nation and the domestic of the household both marks and elides the ways in which these concomitant sites are unstable and in need of constant buttressing through a logic of protection. The home and the homeland are united as symbols of safety and virtue that are perpetually in danger.

To complicate the operations of “domestic” as a descriptor, the convoluted federalism of the newly “united” states meant that domestic issues in the antebellum US referred both to the national project as a whole and the purview of individual states within it—specifically to the competing interests of northern industrial capitalism and the southern agrarian slave economy. While many in the south referred to slavery as “our peculiar institution”—peculiar meaning particular rather than strange—Jefferson Davis referred to the “domestic institution” in need of protection from incursions by the federal government and northern interests.⁶⁷ Davis thereby aligned the domestic sphere, in need of paternalist protection, with the domestic functions of the nation and moreover the interior workings of states. This elision aligns with the mythologizing of southern plantation slavery as operating according to genteel paternalism. Eugene Genovese has characterized the antebellum south as a hegemonic form of exploitation determined and justified by a paternalist order, which

⁶⁷ A proposed amendment to the constitution in 1861 used similar language. The Corwin Amendment, which did not pass, proposed that “no amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.” 12 United States Statutes at Large, 36th (Congress, 2nd Session, 1861), 251.

imagined the plantation as a household with the benevolent master at its head. In contesting this fantasy, many abolitionists asserted the inverse: that slavery posed an incontrovertible threat to the family.

Catharine's sister Harriet Beecher Stowe's wildly successful and influential *Uncle Tom's Cabin* (1852) located the immorality of slavery in its subversion of familial love. Although the plot hinges on the breakup of the enslaved Topsy's family— it is the threatened sale of her son that drives her to run away— the sentimental attachment of the novel is undeniably to the white family. The novel's villain, Simon Legree, abandons his sickly mother and preys on enslaved women—marking the slave owning 'patriarch' as himself a sickly form of white masculinity absent the guiding moral compass of white womanhood. The feminine moral mentor that Legree lacks is represented by the saintly Eva, whose death after teaching both slaves and slaveholders the error of their ways cements her status as the martyred hero and moral center of the novel. In this shift—from Topsy's active resistance against the breakup of her family to Eva's pedagogic but passive death and the evil Legree's failings as a son and father—Stowe highlights slavery's injury to the ideal of the white family. Though done for altogether different purposes, the ideological force of her work parallels Jefferson Davis and other confederate calls to protect and even sanctify the white family—and particularly the white woman at its center—in order to protect the nation.

For Stowe's sister Catharine, white femininity is similarly sacrosanct, though unmarked in its whiteness. Slavery receives passing mention but no moral judgment either way in Beecher's guide to homemaking. However Beecher does reserve some suspicion for domestic service performed by “the substitution of ignorant foreigners, or shiftless slaves,

which would be of little account to one who had never enjoyed any better service.”⁶⁸ Like her sister, Beecher sees slavery as a threat to the proper and moral functioning of a household, but she goes further to emphasize the racial superiority of (certain) white women. Beyond the brief mention of slavery and ‘foreign labor,’ Beecher asserts the importance of the genetic stock of American women. “Now, the larger portion of American women are the descendants of English progenitors, who, as a nation, are distinguished for systematic housekeeping, and for a great love of order, cleanliness, and comfort.”⁶⁹ This valorization of a Protestant (domestic) ethic combines a racial caste system with a middle-class morality. The self-sufficient bourgeois household is superior for Beecher to either hired on servant labor or the indolence of the aristocratic classes who hire them. This vision neatly sidesteps the racial underclass that both makes possible and deeply undermines the vision of bourgeois domestic bliss imagined in Beecher’s guide.

The racialized subject of the domestic imaginary is further encoded in Beecher’s discussion of cleanliness. The discourse of cleanliness suffused the logic of colonialism.⁷⁰ The famous advertising campaign for Pears soap in the 1899 promises to “Lighten the White Man’s Burden” and positions its product as “a potent factor in brightening the dark corners of the earth as civilization advances while amongst the cultured of all nations it holds the highest place.”⁷¹ For Beecher, the duty of the American woman is to instill a system of rituals and habits within the household, which will further cement the home as civilized and civilizing. Beecher’s admonition regarding poor habits serves both to establish the benefit of

⁶⁸ Beecher, *A Treatise*, 39

⁶⁹ *Ibid*, 39

⁷⁰ See Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (Routledge, 1995).

⁷¹ “Lightening the White Man’s Burden.” (Pears Soap Company, 1899) Courtesy of the Library of Congress.

US imperial projects abroad and to raise the specter of the uncivilized outskirts to discipline those within the nation who do not uphold the standards of the civilizing project at home.

Beecher asserts in the preface the beneficial consequences of an understanding of the healthy functioning of bodies, stressing a bodily discipline which manifests a moral improvement through habit. In a fairly technical explication of healthcare regimes and their medical necessity, including “healthful food,” “healthful drinks,” “cleanliness,” “early rising,” and “domestic exercise” Beecher finds the American household to be substandard owing to a lack of education of wives and mothers in the science of healthy habits.⁷² Again the ‘civilizing properties’ of soap make clear the global reach and imperial. While “In European countries, this practice [of bathing] is very prevalent” Beecher sadly finds that “there is no civilized nation which pays so little regard to the rules of health, on this subject, as our own.”⁷³ The responsibility for meeting this standard falls squarely on the woman, who must maintain the health of herself and her family. This comes from a place of genuine concern for Beecher—her preface cites the suffering caused by the poor health of many homemakers. These chapters make up, for her, an attempt to mitigate a deficiency in the education of American women and the deleterious effects of that deficiency.

Gilman observes the same suffering and ill-effects noted by Beecher, though her diagnosis radically departs from her great aunt’s project, framing the problem as not an insufficient attention to the ordering of a household, but rather as an effect of that ordering. The comforts of home are, for Gilman, an accumulation of inherited custom, contemporary mores, and technological advancements, stacked over and on top of each other, demanding

⁷² Beecher, *A Treatise*

⁷³ *Ibid*, 120

more and more maintenance and adjustment.

The more advanced the home and its inhabitants, the more we find complexity and difficulty, with elements of discomfort and potential disease, involved in the integral—supposedly integral—processes of the place. The more lining and stuffing there are, the more waste matter fills the air and settles continually as dust; the more elaborate the home, the more labour is required to keep it fit for a healthy animal to live in... the greater the wear and tear on both the heads of the family.⁷⁴

In a critique that prefigures Betty Friedan's "problem with no name," Gilman argues that advances in the domestic technologies and creature comforts designed to further insulate the home and its occupants from the outside world simply add to the endless duties of upkeep, either placed on the mother as guardian of the domestic or outsourced women who enter the home "to perform the offensive processes" produced and repudiated by the occupants of the home.⁷⁵ For Gilman, the home is a chaotically conceived and ill-managed collection of duties and meaningless tasks that are either mindlessly completed by the proprietress of the home or shoved off on a servant class.

To a certain extent, Beecher puts forward a similar argument, though again her concerns are with the perfection of the home as form rather than its radical re-imagination. Beecher acknowledges that a poorly designed home has an injurious effect on the home's occupants and particularly those who are tasked with its upkeep. "There is no point of domestic economy, which more seriously involves the health and daily comfort of American women, than the proper construction of houses."⁷⁶ There are five particulars, to which attention should be given, in building a house: "economy of labor," "economy of money,"

⁷⁴ Gilman, *The Home*, 67

⁷⁵ *Ibid*, 67

⁷⁶ Beecher, *A Treatise*, 258

“economy of health,” “economy of comfort,” and “good taste.”⁷⁷ From the beginning of the preface, Beecher stresses the importance of educating young women in the proper construction of houses, stating, “had this part of domestic economy been taught in schools, our land would not be so defaced with awkward, misshapen, inconvenient, and, at the same time, needlessly expensive houses, as it now is.”⁷⁸ Here Beecher represents aesthetic and architectural failings as a blight on “our land” once again uniting a domestic practice with the health of the nation.

For Gilman, the blight is a rot at the center of the home, and those who are confined within it suffer the most. Whereas men move between spheres, and male children age out of domestic confinement, women are permanently held captive to the domestic private sphere. Gilman sees this confinement as injurious not only to the social and economic opportunities of women but to their health and spirit.

The effect of the house upon women is as important as might be expected of one continuous environment upon any living creature. The house varies with the varying power and preference of the owner; but to a house of some sort the woman has been confined for a period as long as history. This confinement is not to be considered as an arbitrary imprisonment under personal cruelty, but as a position demanded by public opinion, sanctioned by religion, and enforced by law. That harmony, peace, and love which we attribute to home life is not as common as our fond belief would maintain.⁷⁹

Here Gilman explicitly names the spatial confinement to the home as a type of carceral capture representative of a broad system of control of women. This permanent state of capture has a deleterious effect on its occupants. While “The husband, as we have seen, finds his chief base outside, and bears up with greater or less success against the demands

⁷⁷ Ibid, 21

⁷⁸ Ibid, 8

⁷⁹ Gilman, *The Home*, 206

and anxieties of the home,” the wife is caught and “more closely bound, breaks down in health with increasing frequency.”⁸⁰ The spatial confinement manifests for Gilman in a material bodily consequences. Trapped within the home and lacking outlets of sociality (the café, the bar, the workplace even), she adapts to the confines of her environment. Again anticipating the mid-twentieth century critiques of the housewife’s dilemma by Friedan, Gilman constructs the home as essentially toxic, conferring a weakened disposition on those within, increasing in effect the longer the exposure.

Yet the home remains in its idealized form a realm of peace and comfort. The home becomes an internal world from which women have no outlet. Within the ordered world of the home, things operate according to an internal logic that appears to be apart from that of the public world even as it makes that world possible, through the literal reproduction of labor and the social training in the home. The entrenchment of women in this more and more circumscribed sphere of the home produces—as Catharine Beecher and Amelia Josephine Perkins demonstrate despite themselves—a dual feeling of security and entrapment. Gilman likens the home in this way to the prison: “Even old prisoners, at last released, have been known to come back to the familiar cell because it seemed like ‘home’ to them.”⁸¹ For Gilman, the familiar cell provides both an example and an overarching metaphor of how the home becomes insinuated into social life as it begins to structure it from within.

Indeed, the space of the home itself was undergoing a radical shift in the industrial age. Philippe Aries argues in *Centuries of Childhood: A Social History of Family Life*. (1962), that

⁸⁰ Ibid, 74

⁸¹ Gilman, *The Home*, 15

the concept of home as a private space with domestic functions to be performed away from the public sphere altered the physical construction of the home. Pre-industrial housing tended, according to Aries, toward either base utility or multi-purpose functionality. While “ordinary folk” lived in one-room or two-room apartments—sometimes a married couple but also siblings or un-related lodgers—the ‘big houses’ of the nobility in pre-industrial France served “not as refuges from the invasion of the world but... the focal points of a crowded social life.”⁸² The functionality of these houses shifted according to needs: “People lived in general-purpose rooms. They ate in them, but not at special tables; the 'dining-table' did not exist, and at mealtimes people set up folding trestle-tables, covering them with a cloth.”⁸³ Cooking was alternately done at the central hearth of the biggest room or in cook-shops or taverns where servants were sent.

This portrait of pre-industrial homes serves, for Aries, to illuminate the stark shift brought on by the nineteenth-century development of the home as a domestic refuge. Jeanne Boydston makes a similar point about the labor performed in the home in colonial America. In this period women were, according to Boydston “recognized as workers, and the value of [their] labor - both to their households and to their communities - was openly and repeatedly acknowledged.”⁸⁴ Yet in the late eighteenth and early nineteenth century, even as women performed many of the same tasks, that work was disaggregated from the economic sphere. As the home came to be symbolically rendered as a separate sphere apart from waged labor, women’s work within it came to be seen “less as purposeful activities

⁸² Philippe Ariès, *Centuries of Childhood: A Social History of Family Life*. (Vintage Books, 1962), 395

⁸³ *Ibid*, 394

⁸⁴ Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic*. (Oxford University Press, 1990), 5

required and ordered by the welfare of their individual families than as emanations of an abstract but shared Womanhood.”⁸⁵ The delinking of the bourgeois home from both the center of production and sociality beyond the nuclear family foregrounded a shift in the *meaning* of the home; no longer part of a continuum of commercial and social life, the home became fully private and self-contained.

Gilman narrates the home’s position as the seat of familial belonging as reliant on the development of private property and inheritance:

This development of the home feeling of course hinges upon the theory of private property rights and on another of our peculiar specialties, the exaltation of blood-relationships. Our whole social structure, together with social progress and social action, rests in reality on social relationship—that is, on the interchange of special services between individuals.⁸⁶

This connection between familial relationships and private property is one Gilman elaborated in *Women and Economics*, and she was not the only or the first to do so. Friedrich Engels framed marriage as a relation of inheritance in *The Origin of the Family, Private Property, and the State* (1884).⁸⁷ Gilman is clearly influenced by Engels, though her portrait of the house operating as a system of control differs from the account in *The Origin of the Family*, in which Engels claims that “the modern individual family is founded on the open or concealed domestic slavery of the wife, and modern society is a mass composed of these individual

⁸⁵ Ibid, 145

⁸⁶ Gilman, *The Home*, 21

⁸⁷ Forty years earlier, Margaret Fuller’s *Woman in the Nineteenth Century* (Greeley & McElrath, 1845) argued for equality of men and women within marriage, arguing that the then current form of marriage as “household partnerships” created a relation of dependence rather than “intellectual companionship” (35-36). Victoria Woodhull, close friend of Isabella Beecher Hooker also advocated free love outside of the constraint of marriage in the 1860s and 70s: Victoria Clafin Woodhull, *The Scare-Crows of Sexual Slavery: An Oration Delivered Before Fifteen Thousand People, at Silver Lake, Mass, Camp Meeting, on Sunday, Aug. 17, 1873* (Woodhull & Clafin, 1874).

families as its molecules.”⁸⁸ According to Gilman, the home as a power structure operates along several axes. The home is not just an engine of private property but in fact a holdover of previous forms of life. Gilman unites a critique of private property and inheritance with an analysis of the physical space of the home and the relationships forged within it. While the home is clearly part of capitalist patriarchal systems, it is not simply a reflection of the larger order but operates with its own system of rules in which the spatial organization and expected roles of its occupants work to insure its internal order.

Where Engels sees the household as a microcosm of capitalism—with the material interests of inheritance driving a system of exploitation, Gilman sees the way it not only reflects a current system of exploitation but retains and accumulates habits and customs:

The sum of the criticism in the following study is this: the home has not developed in proportion to our other institutions, and by its rudimentary condition it arrests development in other lines. Further, that the two main errors in the right adjustment of the home to our present life are these: the maintenance of primitive industries in a modern industrial community, and the confinement of women to those industries and their limited area of expression. No word is said against the real home, the true family life; but it is claimed that much we consider essential to that home and family life is not only unnecessary, but positively injurious.⁸⁹

Like Frankenstein’s monster, the accumulated parts gain a life of their own and begin to exert their own influence. In Gilman’s invocation of private property and the domination of the home as a private sphere, we begin to see the complex web of the notions of the private, which exist in combination and often in conflict with each other in the nineteenth century.

The “private” as a sphere, the function of private property, and the notion of individual rights to privacy exist in a complex relation, which do not neatly overlap. Taking

⁸⁸ Friedrich. Engels, *The Origin of the Family, Private Property and the State*. (C. H. Kerr, 1902), 200

⁸⁹ Gilman, *The Home*, 10

up the latter, Gilman points out the utter lack of privacy in the home. She demolishes the “especially dominant domestic myth, that fondly cherished popular idea—the privacy of the home” and in fact derides the idea of privacy existing in any aspect of the home:

In the home who has any privacy? Privacy means the decent seclusion of the individual, the right to do what one likes unwatched, uncriticised, unhindered. Neither father, mother, nor child has this right at home... The mother—poor invaded soul—finds even the bathroom door no bar to hammering little hands. From parlour to kitchen, from cellar to garret, she is at the mercy of children, servants, tradesmen, and callers ... The children, if possible, have less even than the mother. Under the close, hot focus of loving eyes, every act magnified out of all natural proportion by the close range, the child's soul begins to grow. Noticed, studied, commented on, and incessantly interfered with; forced into miserable self-consciousness by this unremitting glare; our little ones grow up permanently injured in character by this lack of one of humanity's most precious rights—privacy.⁹⁰

The home both atomizes and mechanizes the members of the family as both watcher and watched, perpetually on guard against objectionable behavior on their own part and that of each other.

In refuting the myth of privacy in the home, Gilman sees in its place a permanent state of surveillance in which the family is both perpetrator and victim. The surveillance approximates the self-disciplining of the prisoners Michel Foucault depicts under Bentham's imagined panoptic prison in which, unable to see the eyes of the guards but deeply aware of their possible presence at all times, the inmates must act as if perpetually surveilled. As elaborated chapter 1, Foucault's depiction of the Panopticon draws out the production of docile laboring subject who internalizes the gaze of the unseen guard and adjust their bodily movements accordingly. In Gilman's depiction of the home the role of the guard is diffused into the roles of each subject in the household. The importance of maintaining the moral

⁹⁰ Gilman, *The Home*, 39-40

functioning of the home becomes a weight on each household member, with the mother positioned as both primary guardian and captive of the ordered system.

If the middle-class white family described by Gilman was structured for internal surveillance and self-discipline so as to guarantee internal order, the state surveilled other families more explicitly and externally. In *Scenes of Subjection* (1997), Saidiya Hartman recalls the forms of discipline that emerged directly post-emancipation to attend to the domestic structure of formerly enslaved black families, apparent in the home visitor, a product of the social reformist “betterment” projects:

The home-visitor was the predecessor of the social worker; she dispensed household advice and assessed the character and development of the freed... the evaluation of progress, the inspection of order, an examination of proper domestic hygiene, and the dispensation of advice were the purposes of the visit. The domestic was the ultimate scene of surveillance; a fence in need of white-washing, a dusty house, or a nonobedient child thus invited punitive judgments. The description of the good life, although purportedly about the pleasures afforded by a well-managed domestic sphere, actually authorized the normalizing gaze, which, by detailed observation of all areas of life, judged the suitedness of the formerly enslaved to freedom and their conformity to the rules of household management.⁹¹

Post-emancipation, the management of black families—formerly contained and delineated through the disciplinary mechanisms of slavery and a paternalist domestic sphere—fell under the purview of the state and its proxies.⁹² The household became a site of surveillance through which the simultaneous enforcement and withholding of the trappings of middle-class domesticity was a tool of punishment.

⁹¹ Hartman, Saidiya V. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*. (Oxford University Press, 1997), 160

⁹² Hartman argues that conceptions of freedom were wrapped up in liberal notions of the contract. Amy Dru Stanley makes a similar argument, linking abolitionist, feminist, and legal arguments regarding freedom of contract with marriage in a market economy. See Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation*. (Cambridge University Press, 1998)

As Gilman and Hartman point out, the home is hardly a guarantor of individual privacy. However, the home itself was often *granted* the rights denied to its occupants according to nineteenth century caselaw. Gilman's claims prefigure the dominance model of feminist jurisprudence pioneered by Catharine MacKinnon in the 1980s, which argued that patriarchal domination is embedded in the legal system. In fact, the legal approach to domestic violence was undergoing a significant shift in the late-nineteenth century, providing a crucial backdrop to Gilman's critique of the home.⁹³ One of the most infamous and cases in the history of US domestic violence law, *State v. Rhodes* (North Carolina 1868) is often cited contemporarily as an example of retrograde attitudes towards marital violence. However the decision is more instructive in its signaling of the shifting legal terrain of the home. The case involves a white man—marked here, though not in the case itself—accused of assault and battery of his wife within their marital home. The decision finds the husband not guilty despite the fact that “The violence complained of would without question have constituted a battery if the subject of it had not been the defendant's wife.”⁹⁴ Yet the legal grounds for the opinion rest not on the inalienable right of a husband to beat his wife but on the right to privacy in the domestic sphere:

It will be observed that the ground upon which we have put this decision is not that the husband has the right to whip his wife much or little; but that we will not interfere with family government in trifling cases. We will no more interfere where the husband whips the wife than where the wife whips the husband; and yet we would hardly be supposed to hold that a wife has a right to whip her husband. We will not inflict upon society the greater evil of raising the curtain upon domestic

⁹³ The term “domestic violence” doesn't enter common legal parlance until the 1970s, though early usage that deviates from the normal meaning of intra-national disputes can be found beginning in the nineteenth century. It is also interesting to note that the first legal usage outside case law identified in OED is this quote from the *New York Times* “We must begin to view domestic violence as a ‘public issue’ rather than a ‘private problem’.” Del Martin, “Beating Her, Slamming Her, Making Her Cry,” (*The New York Times*, 1975)

⁹⁴ *State v. Rhodes*. 61 N.C. 453, 1868

privacy, to punish the lesser evil of trifling violence.⁹⁵

The decision in fact does not uphold the supreme right of the husband to instill order and discipline over his household. *State v. Rhodes* does not confer the *right* to whip one's wife—the court is simply uninterested in the “trifling” squabbles of the family—he goes on to compare the case to a petty fight between brothers. Instead the decision resituates the right of domestic privacy as the supreme right. This has the curious effect of shifting the site of disciplinary violence from the individual (the husband) to the spatial realm of the domestic. The “curtain of domestic privacy” trumps “trifling violence” situating the domestic as a site of permissible violence despite not explicitly granting the husband the right to commit that violence. The harm is likewise shifted—rather than the potential harm to the victim of a beating or the sentencing of a perpetrator, the harm is measured by potential damage to the home as a private site.

Reva Siegal notes the significance of this legal turn towards privacy as a central concern in “‘The Rule of Love’: Wife Beating as Prerogative and Privacy” (1996). Siegal identifies an evolution of the legal regime in which “chastisement law was supplanted by a new body of marital violence policies that were premised on a variety of gender-, race-, and class based assumptions”⁹⁶ This legal discourse, promoted at the time as—and still largely considered—a beneficial modernizing of outdated marital rights and privileges, had the perverse effect of reifying a category of law even as it “evolved in rule structure and rationale

⁹⁵ Ibid

⁹⁶ Reva B. Siegal, “‘The Rule of Love’: Wife Beating as Prerogative and Privacy.” (The Yale Law Journal 105, no. 8, 1996), 2120

from a law of marital prerogative to a law of marital privacy.”⁹⁷ Siegel characterizes this rhetorical shift as “preservation through transformation.” This preservation offered a reform of old mores which “breath[ed] new life into a body of status law” that addressed itself to protecting the privileged status of the home.⁹⁸ The main shift was in couching that status in the language of marital privacy—a form of privacy that accumulated to the household itself if not the subjects within it.

This new body of common law differed from chastisement doctrine, both in rule structure and rhetoric. Judges no longer insisted that a husband had the legal prerogative to beat his wife; instead, they often asserted that *the legal system should not interfere in cases of wife beating, in order to protect the privacy of the marriage relationship and to promote domestic harmony*. Judges most often invoked considerations of marital privacy when contemplating the prosecution of middle- and upper-class men for wife beating. Thus... the body of formal and informal immunity rules that sprang up in criminal and tort law during the Reconstruction Era... functioned to preserve authority relations between husband and wife, and among men of different social classes as well.⁹⁹

Siegel presents as an example of the racial and classed rulings of this body of law, another case of domestic abuse, *Fulgham v. State* (Alabama, 1871). In this case “an emancipated slave chastising one of his children was interrupted by his wife (also an emancipated slave)... the husband then struck his wife twice on the back with a board.”¹⁰⁰ As in *State v. Rhodes*, the court refused to uphold the right to beat one’s wife, however in this decision the court does find the husband guilty, despite the aforementioned “curtain of domestic privacy.”¹⁰¹ The opinion at once upholds the right of the victim of domestic assault to the protection of the law—surely a moral good—and declines to uphold the right of privacy of the home in this

⁹⁷ Ibid, 2119

⁹⁸ Ibid, 2119

⁹⁹ Ibid, 2119

¹⁰⁰ *Fulgham v. State* 46 Ala. 143, 1871

¹⁰¹ *State v. Rhodes* 61 N.C. 453, 1868,

case, signaling that this seeming primary right and the privileged status of the home is accessible only along certain classed and racial lines. This complicates both the idealized image of the home drawn by Gilman and her critique of it. The idealized home must be read as both a privileged site strategically denied to certain subjects and simultaneously an amiable guise for violence and confinement.

Conclusion: The Carceral Domestic, Continued

The privileged status of (certain) homes in these cases emphasizes the ways in which the white middle-class home had become an institution to be legally protected, ideologically enforced, and strategically refused. As Gilman suggests, the home had taken on an internal logic and ideological force that exerted a central influence on the social and political organization of life in the US. In the preface to *The Home*, Gilman introduces the subject with an original poem, which emphasizes this connection: “The voice says ‘Love!’ and all those ages dim / Stand glorified and justified in him, /I bow— I kneel— the woman soul is willing— / ‘Love is the law! Be still! Obey! Adore!’”¹⁰² For Gilman, the guise of loving care that covers the control, or what she terms “affectionate dominance” of the home is truly pernicious.¹⁰³ It is this affectionate dominance that would become the hallmark of the women’s prison as it emerged in the 1870s. And as with the home, the carceral would emerge as an explicitly segregated project. In the following chapters I examine the interconnected paths of the home and the women’s prison through three iterations of the

¹⁰² Gilman, *The Home*, vii

¹⁰³ Ibid, 41

central detention facility for women, which now resides on Rikers Island. The discourse of “affectionate dominance” or the “order of love” remains influential in prison reform projects which fought for each iteration, even as the forms of idealized domesticity I examined in this chapter were expressly denied many of the women confined within these institutions.

Part II: A Women's Prison in Three Acts

Chapter 3: An Anarchist at Blackwell's Island

On March 31, 2017 Mayor Bill De Blasio announced the closure of Rikers Island, New York City's infamous jail complex. The institution's life was rife with reports of overcrowding, brutality, and corruption. Khalief Browder's 2015 suicide, after three years in Rikers without conviction, drove efforts to shutter the complex. The plan proposed by DeBlasio and an independent commission outlines a ten-year process for the closure and repurposing of the island. The closure plan includes the Riker's women's facility, which currently houses roughly 2,000 women. The women incarcerated in Rikers Island have received less coverage than their counterparts in the men's facilities, but recent investigations have similarly alleged widespread abuse and inhumane conditions, particularly highlighting rampant sexual abuse. A 2015 class action lawsuit settled by the City of New York cited a "pervasive culture of rape and other sexual abuse."¹ In addition to the proposed closure, DeBlasio has announced a six-million-dollar plan "intended to rehabilitate female inmates, and lessen the chance that they return."² The project, overseen by DeBlasio's wife Chirlane McCray, is an extension of ThriveNYC, a mental health initiative she launched through the

¹ Benjamin Weiser, "\$1.2 Million City Settlement With Rikers Inmates Who Accused Guard of Rape." (*The New York Times*, 2017)

² Jeffery C. Mays, "Chirlane McCray to Lead Effort to Help Female Inmates at Rikers." (*The New York Times*, 2018)

NYC Department of Health and Mental Hygiene.³ In press coverage, McCray has expressed hope “that the women’s initiative would help reduce the number of women on Rikers” by shifting the emphasis to borough jails and rehabilitation: “When we have jails in the boroughs,” McCray has said, “we don’t want to go back to the old model of how we care for people.”⁴

McCray’s vision of care is intimately bound up in a proliferation of jails, even as it seeks to evacuate Rikers as an “old” form of care. This future does not upend carceral logics; it extends them by imagining a more comprehensive and diffuse jail system. In *Are Prisons Obsolete?* (2003), Angela Davis cautions that, while prison reforms are important—particularly those aimed at preventing sexual abuse—they must work against “the stultifying idea that nothing lies beyond the prison.”⁵ In this moment of an increasingly public conversation about the future of Rikers, we must resist visions of reform that extend and entrench the prison further into New York City’s landscape.

Although Part II of this dissertation takes New York City as its locus, Rikers Island as a symbol and application of carcerality extends beyond the city. Rikers is one of the largest and most infamous prisons in the world. As a concentrated and highly visible prison colony in the urban center of NYC, Rikers often stands, in popular and public political culture as a signifier of mass incarceration. The future of Rikers may be in question, but its present manifests a carceral project of mass incarceration and brutality. With the island’s past,

³ The name of the department itself conjures up the social hygiene movement, and in fact “mental hygiene” is inherited from a movement closely aligned and often intersecting with eugenics. See: Mary Ziegler, “Eugenic Feminism: Mental Hygiene, the Women’s Movement, and the Campaign for Eugenic Legal Reform, 1900-1935.” (*Harvard Journal of Law and Gender*, 2008)

⁴ Mays, “Chirlane McCray to Lead Effort”

⁵ Davis, Angela Y. *Are Prisons Obsolete?* (Seven Stories Press, 2011), 20

present, and future in mind, I return to the foundations of New York's contemporary carceral regime. In re-animating Rikers' past lives, I seek to illustrate the transformations of the carceral domestic. At the same time, I identify the consistent utilization of prison reform as a structural feature of prison expansion intimately related to the incarceration of women.

In Part I, I offered an overview and critical analysis of the birth of the carceral domestic. Chapter 1 proposed a historical framework for grounding the establishment of the first state-run women's prisons, while chapter 2 addressed the ideological construction and ideal subject desired and produced by a regime of domesticity adopted by these new prisons. Taken together, these first two chapters illustrate the carceral domestic as a disciplinary form born and refined through the domestic home and the newly appointed prisons for women. If Part I can be understood to take up the birth of the women's prison, then Part II: *A Women's Prison in Three Acts* considers its growing pains. Mid-nineteenth-century reformers had long lobbied for the establishment of women's prisons, and in the 1870s, their efforts paid off. During this decade, the domestic rehabilitative logic of the reformatory movement constructed the earliest women's prisons and exerted immense influence on other institutions confining women.

In what follows I track the large-scale institutional building and development of the women's prison in three distinct—though not necessarily discrete—eras. Organized into three chapters, Part II locates both the theoretical framework and much of the description of the prison in the experiential narratives of women confined to them: Emma Goldman's 1893 stay on Blackwell's Island Penitentiary, Ethel Rosenberg's incarceration at the Women's House of Detention in Greenwich Village for a year during her trial in 1951, and Assata Shakur's pre-trial detention in the Correctional Institute for Women on Rikers Island in

1973. I focus on these women's experiential narratives for two reasons. First, my methodology challenges a tendency within institutional histories, particularly of the prison, which imagine philosophical and ideological production to correspond perfectly with implementation. Michel Foucault's *Discipline and Punish* (1975), occasionally falls into this tendency in addressing penological texts as representative of the actual operation of prisons. The prisons I examine in this section often fail to live up to the stated aims of their creators for a number of reasons, including a lack of funding and support, competing ideological and political projects, and practical incompatibilities between theory and the day-to-day operations. I place reformist foundations against the experiential and theoretical contributions of Goldman, Rosenberg and Shakur.

This section is organized chronologically in three acts. I mimic the three-act structure in order to highlight the ways in which the women's prison adopts a narrative arc of resolution in order to justify its constant remaking. The three-act model demands set-up, conflict, and resolution. In addition, this arc plays out internally within each act: a prison is born, a prison encounters controversy, the bad prison is shuttered—and, at last, a new and better prison is born. Seen as composite, each act merely reproduces the prior act. I do not mean to suggest that there is no specificity to the historical context to each of the prison's iterations. Rather, I want to take note of the usefulness of these particular narrative arcs to the prisons' reproduction and expansion. In this episodic history, I attend to both this repetition and to the specificity of the periods in which each prison emerged to capture and discipline particular subjects. These three women's stories offer an entry point into crucial moments in the life of the women's prison in New York City and a refusal of the carceral logic of reform and resolution.

Emma Goldman, Ethel Rosenberg, and Assata Shakur were all political prisoners, monitored, arrested, and incarcerated explicitly for their threat to and refusals of state power. This makes their narratives simultaneously ideal and complicated objects for analyzing the function of the women's prison. In an important sense, these women are not at all representative of most women in prison, the majority of whom are incarcerated for such crimes of poverty as sex work, petty theft, and drug addiction. However, the voices of explicitly political prisoners are typically elevated in discussions of prison reform and abolition, in part because they tend to be the ones writing publicly about their experiences. Political prisoners often have access to radical publications and distribution; they also understand themselves as public political subjects. The three women I focus on in particular represent explicit transgressions of containment to the domestic sphere both in their political projects and in their experiential writing.

In this chapter, I read Emma Goldman's feminist refusal as a theoretical framework and point of entry into the early years of Blackwell's Island Penitentiary, New York's preeminent detention center for women (and men). My naming of this "feminist" refusal has a dual valence—even as I read Goldman's project as crucial to an anticarceral feminist theory, I do not elide her rejection of the label feminist and the political attachments she associated with the term. Clare Hemmings argues in her 2018 monograph *Considering Emma Goldman* that the eponymous heroine is complicated for feminists, who tend to treat her as either a failed feminist or retrofit her into contemporary models of feminist thought. The feminist reclamation of Goldman in the 1970s, which saw reprintings of her autobiography (*Living My Life*, 1970) and a collection of her writings and speeches (*Red Emma Speaks*, 1972) occasioned a revision of her legacy as part of a feminist archive. However, as Hemmings

notes, “the feminist archive tends to domesticate Goldman’s brightest political insights, precisely through the desire to resolve her ambivalence about sexual politics, an ambivalence that is, however, the main strength of her contributions to that political history.”⁶ Heeding Hemmings’s warning, I read Goldman precisely to *undomesticate* her: it is Goldman’s analysis and refusal of the confines of domestic carcerality that I find valuable. As a complicated and undomesticated thinker, Goldman offers deep insight into the complicated relationships between feminism, women’s prison reform, carceral expansion, and the logics of protection and confinement that guided discourses of women’s rights, policing, and the domestic home.

Goldman also grants me entry into Blackwell’s Island, where she was incarcerated for a year in 1893. Goldman arrived on New York’s first carceral island at a crucial moment in the development of the modern Department of Corrections. Originally named the Department of Public Charity and Corrections in 1860, the organization was handed the reins to a massive carceral conglomerate as its base of operations on Blackwell’s, consisting of a workhouse, almshouse, penitentiary, and asylum. The department split shortly after Goldman’s stay on Blackwell’s, inaugurating the New York City Department of Corrections, and indicating a shifting conception of the role of policing and incarceration. The DOC would eventually leave the operations of Blackwell’s to their erstwhile sister Department of Public Charities as the construction of Rikers Island and the New York Women’s House of Detention allowed for expansion and reform.⁷ This chapter addresses this period—which

⁶ Clare Hemmings, *Considering Emma Goldman: Feminist Political Ambivalence and the Imaginative Archive*. (Duke University Press, 2017), 57

⁷ The Department of Public Charities was renamed the Department of Public Welfare in 1920, which was simplified to the Department of Welfare in 1938. In 1966 it was folded into the new Human Resources Administration which remains today in partnership with the Department of Social Services. See: Rebecca

straddles the Gilded Age, WWI and Progressive Era New York—as an era characterized of institution building.

The first section of this chapter tracks the development and contexts of the carceral bureaucracy that emerges in this period. Moving from Goldman’s depiction of Blackwell’s and its context I begin the second section with the trial of Emma Goldman, posing her vision of anarchism as a direct refutation of the institution building (and domestic institutions) of the period and reflective of the threats those institutions were built to contain. I connect this threat to contemporary criminological and economic analyses of the figure of the prostitute, including Goldman’s 1910 essay “The Traffic in Women,” in which she relates the exploitation of women through prostitution to marriage and domestic forms of confinement. The third section expands on Goldman’s readings of domestic captivity and domination, which she describes as a literal prison. I read her recollections of her own home alongside essays on “Marriage and Love” (1911) and her radical critique of the suffrage movement in “The Tragedy of Women’s Emancipation” (1906). I end by addressing the first female Commissioner of the New York Department of Corrections Katherine Davis and her project of sanitizing Blackwell’s Island, in both its rebirth as “welfare Island” and her own eugenicist project. This section collects the threads of the institution building, anti-vice policies, prison reform and troubled feminist legacies in order to argue that the logic of eugenics provides the backbone of the women’s prison reform project across the twentieth

Rankin, “Department of Public Welfare of the City of New York.” (NYC Department of Records & Information Services, 2018)

century, and a roadmap for the carceral state, which chapter 4 will more fully explore.

Historian Nicole Hahn Rafter refers to the period of 1870-1935 as the birth of the reformatory model of the women's prison and the second stage of women's prison reform.⁸ The first stage of women's prison reform took place in 1830-1870, and, in the words of Estelle Freedman, was characterized by the "problem of the female prisoner."⁹ As covered in the previous chapters, I read this first stage more broadly as the birth of the carceral domestic. In this chapter I turn not only to another geographic and temporal location but also to a facility which, despite taking cues from the burgeoning women's reform movement, is neither sexually segregated nor a reformatory in the sense proposed by reformers like those running the Indiana Women's Prison from chapter 1. I follow the middle-class women's prison reform project into a large correctional facility that mainly traffics in short sentences of petty "moral" crimes in a rapidly growing urban center. Emma Goldman witnesses and documents a wave of anti-corruption and vice raids which took down Tammany Hall and ushered in the progressive era, all while crowding Blackwell's Island with more and more women arrested on prostitution charges. Through the figure and theoretical framing of Goldman, and the institutional history of Blackwell's, I offer in this chapter a portrait of the women's prison in its developmental years, an archetypal figure of the threat it sought to contain, and a model of refusal.

Sex and the City and Blackwell's

Emma Goldman first encounters Blackwell's Island as an outsider, considering the

⁸ Nicole Hahn Rafter, "Prisons for Women, 1790-1980." (*Crime and Justice* 5, 1983), 129

⁹ Estelle B. Freedman, *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930*. (University of Michigan Press, 1984), 7

island not in terms of her own incarceration, but in regard to her comrade and mentor Johan Most. Goldman describes an outing on a riverboat in 1887, passing by “a beautiful green island...with large stately trees shading grey stone buildings” which seemed “pleasing after the endless tenement-houses.”¹⁰ The island’s natural beauty and greenery is deceptively pleasant in contrast to the dreariness of the tenements which had been hastily built in the 1840s to house a wave of immigrants to New York City. However, when Goldman asks what the island holds she recalls that “his face was ashy, his fist clenched” as he responded, “that is Blackwell’s Island Penitentiary, the Spanish Inquisition transferred to the United States... soon it will again hold me within its walls.”¹¹ The whiplash depiction captures the duality of Blackwell’s Island, a state-of-the-art nineteenth-century prison which nevertheless recalled the early modern brutality of the Spanish Inquisition. By the 1890s Blackwell’s had already outlasted its era despite living on for another 40 years. Positioned on a riverboat in the East River, Goldman would have passed the lower east side, where the majority of the poor immigrants of New York lived, tightly packed in tenement houses. She then would have traveled north along the river, following in the footsteps of a mid-century migration of middle-class residents uptown. It was just after leaving behind the architecture of poverty of the lower east side that Goldman would have looked to the east and seen Blackwell’s Island: a clearing house of institutions putatively built for the eighteenth-century reform and restoration of the criminal and socially undesirable.

For the purposes of Goldman’s memoirs, this detour serves to foreshadow her own future occupancy of Blackwell’s Island Penitentiary, but I take the occasion to return to

¹⁰ Emma Goldman, *Living My Life*. (Courier Corporation, 2012), 63

¹¹ *Ibid*, 63

Blackwell's past before returning to Goldman's encounter with it. When New York City acquired Blackwell's Island in 1828, the population was 250,000 and the city was in the midst of a cholera epidemic that would kill 3,500 before its end. The island, used by early Dutch colonists as a pig pasture, was to replace the penitentiary facility at Bellevue and grew to include a hospital, almshouse, asylum, and workhouse—all built with prison labor. The penitentiary, which was constructed in 1831, was modeled on Auburn Prison, which it almost perfectly replicated architecturally, with its fortress-like face and cellular stratification, meant to prohibit any visual or verbal contact between prisoners in their cells. The Auburn system, as discussed in chapter 1, promoted a regime of absolute solitary confinement at night and regimented labor during the day, both completely silent. Though initial plans of Blackwell's Penitentiary had imagined a split island with a canal dividing male and female prisoners, the ambitious plan was reduced to a separate wing for female prisoners.¹² In 1860 the running of Blackwell's was consolidated under the newly minted Department of Public Charities and Corrections, which was to oversee the functions of the assorted asylums, workhouses, penitentiaries, and hospitals of the city.

Blackwell's was the central node in the system of carceral correction in the city, now overseen by a centralized bureaucracy. Taken together, these institutions represented the holistic carceral approach of early nineteenth-century New York City, as state institutions expanded to capture, contain, and correct the burgeoning population of New York City, which had soared in population from 202,589 in 1830 to 813,669 in 1860. This boom was driven in large part by immigration—the foreign-born population, just 17,773 in 1830,

¹² Christopher Gray, "Streetscapes-The Penitentiary on Roosevelt Island." (*The New York Times*, February 9, 2012)

reached 383,717 in 1860. Blackwell's Island formed a bulwark against the perceived introduction of vice and crime that this population boom occasioned. James Dabney McCabe, a prolific journalist, playwright, and historian, offers a comprehensive guide to the criminal underworld of New York City and the social and carceral institutions of Blackwell's Island in *The Secrets of the Great City: a Work Descriptive of the Virtues and the Vices, the Mysteries, Miseries and Crimes of New York* (1868).¹³ McCabe catalogues the various social strata, criminal types, and institutions of the city, but his depiction of the social production of criminality also gives insight into some of the swirling anxieties of the newly major metropolitan city.

A short detour through McCabe's musings highlights the connection he draws between forms of housing, domestic life, and criminality. McCabe emphasizes throughout the volumes the importance of a good home. In a section on the evils of prostitution he ends with an advisory to parents:

O, parents, look well to your children. Guard them as you have never guarded them before. Make home happy and bright to them. Encircle them with love and tenderness. Weigh well your every act and word, for you may learn some day, when it is too late, that your criminal carelessness has been the cause of your child entering the path which leads inevitably down to hell.¹⁴

The domestic home, which encircles and guards, is for McCabe the best defense against sin and criminality. However, some homes are not guarantors of virtue: McCabe refers to the apparently common saying, "it has been remarked that New York is a vast boarding-house,"

¹³ McCabe was a Virginia clergyman and served as a chaplain to a Confederate regiment during the Civil War. He wrote hundreds of essays, short stories and local histories in the 1860s and 70s. He is the most cited contemporary chronicler of the early prisons of New York, including by the Department of Corrections' own historical archives. See *Appleton's Encyclopedia of American Biography*, ed: James Grant Wilson, John Fiske, Stanley L. Klos. (Appleton and Company, 1887-1889)

¹⁴ James Dabney McCabe, *The Secrets of the Great City*. (Jones Brothers & Company, 1868), 317

admitting that “a really desirable house is a rarity here, as elsewhere, and very hard to find.”¹⁵ “He who is so lucky as to be domesticated in one of these is wise if he remains there.”¹⁶ The children reared in the boarding houses and tenements, or “perfect pest houses,” as McCabe calls them, are not subject to a fall from grace as described above, but rather slide inevitable into criminality.¹⁷ There is a notable shift in terminology from the happy home to the pest-house in that the home is imagined as an idealized site for the social reproduction of a middle-class family, whereas the tenements merely provide “housing” while breeding a criminal class. McCabe offers the aside that the “majority of persons living in these houses are foreigners.”¹⁸ The connection of foreignness to “pests” through their housing is a crucial rhetorical twist which poses the immigrant inhabitants of these homes as both the tragic victims of a pestilent home life and themselves the pests that must be treated.

McCabe raises the specter of the criminal immigrant again when he tours the women’s wing of the penitentiary on Blackwell’s Island, offering commentary on the particularities of female criminality. McCabe notes with curiosity “another fact which appears in these statistics of crime, one highly suggestive to the housekeeper.”¹⁹ McCabe claims that of the “four hundred and eleven female prisoners committed during the past year, no less than three hundred and two were domestic servants.”²⁰ Moreover, according to McCabe, 241 of these “were Irish girls and women.”²¹ Much like his diagnosis of the tenement houses and their “foreign” occupants, McCabe offers this as an aside with no

¹⁵ Ibid, 211

¹⁶ Ibid, 211

¹⁷ Ibid, 246

¹⁸ Ibid, 246

¹⁹ Ibid, 107

²⁰ Ibid, 107

²¹ Ibid, 108

context or explication. In this case, the association of foreignness is explicitly linked to a particular immigrant population and their occupation as domestic workers. The domestic home becomes synecdochally representative of the national domestic, with the Irish as the invading threat. Immigrant women working as housekeepers were both necessary for the social reproduction of the US middle-class domestic sphere and a threat to its consolidation as outsiders in both class and national origin. This threat to the domestic home is itself resolved through the institutional re-housing of immigrant women on Blackwell's Island.

McCabe fleshes out his support for institutionalization in a section on the "House of Refuge for Children on Randall's Island," where he recalls a report by the Commissioners of Public Charities and Correction which "made the startling announcement that there are no less than thirty-nine thousand children in the City of New York, growing up in ignorance and idleness."²² McCabe refers to the home life of these children with pitying condescension when he asks, "And their homes, what are they?" and insists that these children brought up in "neglect of the common decencies of life, this unblushing effrontery of reckless vice and crime" have no conceivable route to "becoming decent members of society."²³ McCabe's depiction of these children stands in stark relief to the warning to more well-heeled parents to guard against seduction from outside the home. Like the autobiographical narrative of Josephine Amelia Perkins in Chapter 2, which explains the author's descent into crime as a result of an overly indulgent father, the potential criminality is here marked by a threat to the sanctity of the home (generally seduction by men, or, in Perkins's case, horses) and insufficiently disciplinary parents.

²² Ibid, 109

²³ Ibid, 109

The children of the poor, who McCabe describes as “sickly from the want of proper nourishment, vicious from example,” are also characterized as “ignorant because they do not care to learn, and their parents take no trouble to compel them to do so.”²⁴ McCabe depicts these children as a threat to civil society, and declares they “must inevitably grow up only to swell the already fearful sum total of our criminal population. At ten the boys are thieves, at fifteen the girls are all prostitutes.”²⁵ Despairing of the tragic inevitability of these children’s criminal futures, McCabe concludes: “A system of State reformatories and State apprenticeships on an extensive scale is the only way of grappling with this terrible state of things.”²⁶ McCabe’s diagnosis of criminality boils down to an assertion that good homes make good subjects, even as parents must always be on guard and instill internal discipline. On the other hand, McCabe suggests the poor do not have domestic lives at all (“their homes, what are they?”) and prescribes the judicious rehousing of these children in state institutions. In sum, he suggests a replacement of public state discipline for private domestic discipline. The period in which McCabe wrote was one of intense debate surrounding the role and responsibility of the state in alleviating poverty, a problem intimately related to the role of the prison and heavily influenced by prevailing attitudes toward immigrants and the “undeserving” poor.

The home and the institution are here posed as distinct if mutually constitutive. In Part I, I argued for rethinking the domestic home as itself an institution crucial to the formation of a disciplinary mode of the carceral domestic. Erving Goffman offers a

²⁴ Ibid, 110

²⁵ Ibid, 110

²⁶ Ibid, 110

distinction in the formation of what he calls “total institutions” as distinct from “a basic social arrangement in modern society” in which “the individual tends to sleep, play, and work in different places.”²⁷ A total institution breaks down this barrier as “a place of residence and work where a large number of like-situated individuals cut off from the wider society for an appreciable period of time together lead an enclosed formally administered round of life.”²⁸ The end of the nineteenth century saw a proliferation of such institutions, explicitly aimed at addressing perceived failures in the social reproduction of subjects within the domestic home. In McCabe’s illustration we see the ideological foundation for institutionalization as a form of domestication for populations deemed socially deficient.

Sociologist Michael Katz finds in his historical study of welfare in the US that the 1880s registered the effect of the attack on relief that began in the preceding decades. Outdoor relief had dropped; the almshouse population had increased; and the cost of relief, especially indoor relief, had gone down.²⁹ The decline of outdoor relief—that is the providing of relief without requiring institutionalization of any kind—was accompanied by a renewed faith in institutions – asylums, almshouses, workhouses, and, of course, penitentiaries. By the 1870s women’s reformers were effectively lobbying for separate institutions for women and gender specific treatment.

In the period following the establishment of the Indiana Women’s Prison (1873) as covered in chapters 1 and 2, three reformatories opened in New York State: The New York House of Refuge at Hudson in 1887, the Western House of Refuge at Albion in 1893, and

²⁷ Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. (Doubleday, 1961), 4

²⁸ *Ibid*, xiii

²⁹ Michael B. Katz, *In the Shadow Of the Poorhouse: A Social History Of Welfare In America, Tenth Anniversary Edition*. (Basic Books, 1996), 39

the Bedford Hills Reformatory in 1901.³⁰ While Blackwell's Island was the main facility in the city of New York, some women were re-routed to these new institutions. While Blackwell's did not have a separate women's facility, the influence of the reformers could be seen in a later work of McCabe's *Lights and Shadows of New York Life* (1872) in which he notes that "the women [of Blackwell's] are made to do the housework and cleaning of the various institutions on the island, and are employed in washing, mending, sewing, knitting, etc. All the inmates are obliged to labor."³¹ As McCabe emphasizes, domestic work was both an important ideological aspect of the mission of the penitentiary and a crucial to the social reproduction of the prison. However, the pretense of rehabilitative reforms did not disguise the fact that by the end of the nineteenth century Blackwell's was, as Goldman relates, "old and damp, the cells small, without light or water."³²

While the reformatories which opened in the late nineteenth and early twentieth centuries were influential on the non-segregated facilities they also emerged in contrast to these older and mixed institutions. In a footnote on the New York reformatories, Freedman acknowledges that "most New York City prostitutes and drunkards continued to serve at Blackwell's Island. The separate women's institutions never served the majority of female criminals, who remained in mixed jails and prisons."³³ New York was, moreover, a hub of anti-prostitution legislation and enforcement. The New York Society for the Suppression of Vice, an organization founded by postal worker Anthony Comstock in 1873, successfully

³⁰ Freedman, *Their Sisters' Keepers*, 144

³¹ James Dabney McCabe, *Lights and Shadows of New York Life: Or, The Sights and Sensations of the Great City. A Work Descriptive of the City of New York in All Its Various Phases*. (National Publishing Company, 1872), 640

³² Goldman, *Living*, 133

³³ *Ibid*, 199

lobbied congress to pass the Comstock Laws. Under these federal acts, the delivery or transport of “obscene, lewd, or lascivious” materials—including birth control and information about it—was made illegal. Goldman herself was charged under Comstock Laws for distributing birth control information in 1915.

The enforcement of these laws was part of a larger movement against “vice” in New York in the late nineteenth century. Goldman observed the effect of these campaigns at Blackwell’s:

In March 1894 we received a large influx of women prisoners. They were nearly all prostitutes rounded up during recent raids. The city had been blessed by a new vice crusade... The men found in the public houses were allowed to go free, but the women were arrested and sentenced to Blackwell’s Island.³⁴

As Goldman notes, the vice crusades of the period were concerned primarily with the corrupting influence of the women involved rather than the system itself. In her 1910 essay “The Traffic in Women,” Goldman argues that the vice raids and the public stoking of fears surrounding “white slavery” were mere cover for advancing the political careers of those involved. But these fears around sex trafficking were also explicitly racial. As Goldman begins the essay “Our reformers have suddenly made a great discovery—the white slave traffic.”³⁵

The term “white slavery” was attached first to the nineteenth-century enslavement of Christians in North Africa as coined by Charles Sumner in 1847. Sumner was a Republican Senator from Massachusetts and an abolitionist. In his famous 1856 speech “The Crime Against Kansas” he branded the imposition of slavery on the new state as “rape of virgin

³⁴ Goldman, *Living*, 141

³⁵ Emma Goldman. *Anarchism and Other Essays*. (Mother Earth, 1910), 183

territory,” connecting slavery to moral and sexual degeneracy and an affront to Christianity.³⁶ Sumner connected the “white slavery in the Barbary States” to the slave states of the union, calling them the “Barbary States of America,” posing the South as uncivilized through the comparison North Africa.³⁷

The indexing of anti-slavery campaigns to Christian morality and specifically sexual imagery stood in direct opposition to Jefferson Davis’ depiction of slavery as the “domestic institution which must be protected from the incursion of the federal government. But Sumner’s figuring of white slavery retains the elevation of the white family as in need of protection. The term and its moral connotations leant itself to the progressive anti-vice campaigns of the nineteenth century, which adapted the term to sex trafficking. The term was taken up to refer to conspiratorial theories surrounding the kidnapping and coercing of white women into prostitution in new metropolitan areas of the early twentieth century. Suffragettes and women’s reform movements were central to the campaigns that emerged in response to the new panic over “white slavery.” Charlotte Perkins Gilman was active in anti-trafficking campaigns and endorsed the 1913 “white slave picture” *The Inside of the White Slave Traffic*, which purported to be an educational film warning young women away from the “actual locations where the traffickers operate.”³⁸

The whiteness of white slavery both differentiated the traffic in women from African chattel slavery and played on racist fantasies of the pure white womanhood under attack.³⁹

³⁶ Charles Sumner, “The Crime Against Kansas.” presented at the United States Senate, 1856.

³⁷ Charles Sumner, *White Slavery in the Barbary States: A Lecture Before the Boston Mercantile Library Association, Feb. 17, 1847.* (W. D. Ticknor, 1847)

³⁸ Beal, Frank. *The Inside of the White Slave Traffic.* (Moral Feature Film Co., 1913)

³⁹ See: Leslie J. Harris, “Rhetorical Mobilities and the City: The White Slavery Controversy and Racialized Protection of Women in the U.S.” (*Quarterly Journal of Speech*, 2018); Janet Beer and Katherine Joslin. “Diseases

As Brian Donovan notes in *White Slave Crusades: Race, Gender, and Anti-vice Activism, 1887-1917* (2007), “In New York City, the African American population nearly tripled between 1890 and 1910. The Great Migration heightened the availability of intimate contact between whites and blacks, prompting a variety of racist responses.”⁴⁰ The specter of white slavery was both raised in contrast to black slavery and in “protection” of white womanhood, in response to an increasingly non-white city. While the women who were forced into prostitution were by no means all white, as Goldman points out, the political rhetoric surrounding the vice crusades trumpeted the national shame of white slavery and gave rise to the 1910 Mann Act, also called the “White Slave Traffic Act,” which still governs trafficking today.

As these waves of anti-vice campaigns swept up women on charges of prostitution, Blackwell’s Island absorbed the influx of women prisoners, far in excess of the 200 or so cells designated for women in the penitentiary. In connecting Goldman’s political writing on prostitution with her own recollections of her time at Blackwell’s, I seek to highlight the multiple imbrications of sexual labor, domesticity, and forms of spatial and psychic confinement. Goldman underscores the economic structures which drive women into prostitution, citing William Sanger’s 1858 study *The History of Prostitution*, which was written while he was serving as a resident physician on Blackwell’s Island. Sanger noted that “vice...

of the Body Politic: White Slavery in Jane Addams’ ‘A New Conscience and an Ancient Evil’ and Selected Short Stories by Charlotte Perkins Gilman.” (*Journal of American Studies*, 1999);

⁴⁰ Brian Donovan, *White Slave Crusades: Race, Gender, and Anti-Vice Activism, 1887-1917*. (University of Illinois Press, 2006), 89

is the direct result, in many cases, of insufficient compensation of honest labor” which Goldman cites as emphatic proof that capitalist exploitation first produces the conditions forcing women into prostitution and then punishes them for it.⁴¹ In reading Sanger’s history of prostitution, written about the women’s penitentiary at Blackwell’s, Goldman underscores the fact that of 2000 women observed, “few came from the middle classes, from well-ordered conditions, or pleasant homes.”⁴² For Goldman this observation does not offer a moral lesson about the protective circle of marriage and the domestic family; rather it illustrates that the root causes of prostitution lie in economic inequality.

As in McCabe’s portrayal, the happy home is a signifier of a class position, and Goldman understands this as part of a political project rather than as tragic circumstance. Goldman underscores the point that the home is a marker of class rather than inherent moral goodness: “It will do the maintainers of purity and morality good to learn that out of two thousand cases, 490 were married women, women who lived with their husbands. Evidently there was not much of a guaranty for their ‘safety and purity’ in the sanctity of marriage.”⁴³ Highlighting the home life of these women performs double duty here. First Goldman maintains that the women surveyed were not granted the luxury of a protected domestic upbringing. But she also demonstrates that domestic life itself is no guarantor of purity and can also be a vehicle of exploitation and immiseration. Goldman goes even further, arguing that marriage exists not in a dichotomous separation from prostitution but on a spectrum with it. Citing Dutch criminologist W.A. Bonger, Goldman argues that the

⁴¹ William W Sanger, *The History of Prostitution: Its Extent, Causes, and Effects Throughout the World. Being an Official Report to the Board of Alms-House Governors of the City of New York.* (Harper, 1858), 33

⁴² Goldman, *Anarchism*, 186

⁴³ *Ibid*, 186

marriage contract is a form of prostitution in which “woman is being reared as a sex commodity” to be traded on the market.⁴⁴

Goldman further compounds this analysis with a reference to sexologist Havelock Ellis, who argues that the wife “who married for money, compared with the prostitute is the true scab. She is paid less, gives much more in return in labor and care, and is absolutely bound to her master.”⁴⁵ This pointed, and rather glib comparison poses both wife and prostitute as engaged in a form of sexual barter, with the wife offering a more comprehensive package for a less defined price. Goldman again emphasizes the effect of commodification on women, and its mystification when women are kept ignorant of sexuality. She characterizes commodification as a form of physical suppression: “It is due to this ignorance that the entire life and nature of the girl is thwarted and crippled.”⁴⁶ The image of the woman as physically suppressed is mirrored and compounded in the physical effects of incarceration, which awaits the women swept up in the anti-vice crusades. These crusades and the prominence of debates over “white slavery” are, as Goldman notes, a political invention of the nineteenth century. She quotes a German study of prostitution in the nineteenth century by Alfred Blaschko to emphasize this point:

Although prostitution has existed in all ages, it was left to the nineteenth century to develop it into a gigantic social institution. The development of industry with vast masses of people in the competitive market, the growth and congestion of large cities, the insecurity and uncertainty of employment, has given prostitution an impetus never dreamed of at any period in human history.⁴⁷

Blaschko connects the increase in incidence of prostitution as a market to the industrial

⁴⁴ Ibid, 190

⁴⁵ Havelock Ellis, *Sex in Relation to Society*. (F. A. Davis Company, 1910), 364

⁴⁶ Goldman, *Anarchism*, 190

⁴⁷ Blaschko qtd in Goldman, *Anarchism*, 187

urbanization of the nineteenth century. Specifically, in New York City the immense population growth had produced precisely these economic conditions for the increasing numbers of poor and precarious women.⁴⁸

This materialist explanation provides an insight into the economic factors in the rise of both the practice and punishment of prostitution. However, as Melissa Gira Grant argues in *Playing the Whore* (2014), “It’s the nineteenth century that brings us the person of the prostitute,” which had not, as Blaschko claimed, “existed in all ages.”⁴⁹ Grant likens this to the nineteenth century invention of the homosexual as a criminal type and identity category “for parallel purposes: to produce a person by transforming a behavior (however occasional) into an identity. From there a class was marked that could now be more easily imagined, located, treated, and controlled by law.”⁵⁰ Foucault characterizes this subject production in *History of Sexuality Volume 1*: “The nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology.”⁵¹ In this era, a proliferation of *scientia sexualis* produced a “psychological, psychiatric, medical category of homosexuality.”⁵² The prostitute in Grant’s analysis likewise emerged as a medicalized and criminalized subject, producing a far more capacious and pernicious understanding of this particular form of female criminality. This project of criminalization was expanded in the progressive era.

⁴⁸ See Janet Beer and Katherine Joslin. “Diseases of the Body Politic: White Slavery in Jane Addams’ ‘A New Conscience and an Ancient Evil’ and Selected Short Stories by Charlotte Perkins Gilman.” (*Journal of American Studies*, 1999); David J. Pivar, *Purity and Hygiene: Women, Prostitution, and the “American Plan,” 1900-1930*. (Greenwood Press, 2002); Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State*. (Cambridge University Press, 1982)

⁴⁹ Melissa Gira Grant, *Playing the Whore: The Work of Sex Work*. (Verso Books, 2014), 14

⁵⁰ *Ibid*, 14-15

⁵¹ Michel Foucault, *The History of Sexuality: An Introduction*. (Knopf Doubleday Publishing Group, 2012), 43

⁵² *Ibid*, 43

Women's prison reformers, alongside suffragettes and other women's groups, were at the forefront of producing—perhaps inadvertently—the medicalized and criminalized subject of the prostitute.⁵³ Kristin Luker writes in “Sex, Social Hygiene, and the State” that these reformers envisioned “a single standard of sex behavior, where equality between the sexes reigned” and sought a moral reformation that would govern all equally (if ruthlessly).⁵⁴ However, as Luker notes, the practical application of “new judicial and penal apparatus of the expanded, more efficient regulatory state fell most heavily on prostitutes themselves.”⁵⁵ As Goldman dryly reports, “The men found in the public houses were allowed to go free, but the women were arrested and sentenced to Blackwell's Island.”⁵⁶ Luker reads this as a failure of the suffragette's attempt at equitable moral reformation. However, the success or failure of the project is dependent on the aims of reform and the institutionalization of women deemed socially unfit was central to the reforms which produced the women's prison. Forms of “care” which entail a harsh disciplining of the subject in need are hardly anathema to progressive feminist projects of the period.

Now firmly ensconced as the primary carrier of social disease, the figure of the prostitute was encoded into legal structures of capture and confinement. The onset of WWI prompted another wave of panic surrounding the spread of venereal disease, this time centering on the military's wellbeing. Federal legislation permitting the draft included

⁵³ See Elizabeth Jane Clapp, *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America*. (Penn State Press, 2010)

⁵⁴ Kristin Luker, “Sex, Social Hygiene, and the State: The Double-Edged Sword of Social Reform.” (*Theory and Society*, 1998), 617

⁵⁵ *Ibid*, 617

⁵⁶ Goldman, *Living*, 141

provisions which “outlawed prostitution within five miles of any cantonment.”⁵⁷ This inclusion had the effect of making prostitution a federal crime for the first time in US history. This was buoyed by the Chamberlain-Kahn Act of July 1918, which “created the bureaucratic wherewithal to enforce the law, creating a federal structure of social hygiene, complete with enforcement powers.”⁵⁸ In accordance with this new federal enforcement structure, President Wilson earmarked funds and called for the creation of new reformatories and houses of detention to be built specifically for women. “In the end, over a half-million dollars were spent, according to social hygienists, on the creation or maintenance of 43 detention homes to hold women charged under federal laws.”⁵⁹ In New York, which saw a number of reformatories built outside of the city, Blackwell’s Island housed a growing number of women caught up in anti-vice crusades in the urban center.

The Anarchist and the Prostitute

In *Living My Life*, Goldman recalls a scene from a later period of incarceration (in 1918 for “Conspiracy to Violate the Draft Act”) in which she meets a teenage anarchist named Ella, who had been charged with an unnamed federal charge. Goldman is overjoyed to receive the young Ella, who “brought to me what I had been missing so much — intellectual companionship with a kindred spirit.”⁶⁰ Ella proves popular with the other women who “reached out for her hungrily, though she was an enigma to them.”⁶¹ The

⁵⁷ Luker, “Sex, Social Hygiene, and the State,” 617

⁵⁸ *Ibid*, 617

⁵⁹ *Ibid*, 622

⁶⁰ Goldman, *Living*, 672

⁶¹ *Ibid*, 672

women probe Ella for details about her charges:

“What are you here for,” one inmate asked Ella — “picking pockets?” “No.” “Soliciting men?” “No.” “Selling Dope?” “No,” laughed Ella, “for none of these things.” “Well, what else could you have done to have got eighteen months?” “I am an anarchist,” Ella replied. The girls thought it funny to go to prison for “just being something.”⁶²

This scene offers at once a clear portrait of the typical “criminal types” of the women’s prison: the petty thief, the prostitute, and the addict or dealer and an inadvertent insight into the criminological morphology which produces subjects precisely as *being* rather than *doing* something and then jails them for that state of being. Though the women draw a distinction, this insight illustrates the parallel production of the prostitute and anarchist as criminal subjects.

Italian criminologist Cesare Lombroso offered the most succinct and influential version of this framing in his 1893 *La Donna Delinquente: La Prostituta e la Donna Normale* (*The Criminal Woman: The Prostitute and the Normal Woman*) co-written with Guglielmo Ferrero. As indicated in the title, Lombroso and Ferrero grouped female criminality under the umbrella of the category of “the prostitute.” Within this category, Lombroso and Ferrero identified a “casual prostitute” and a “born prostitute.”⁶³ These subcategories mapped on to Lombroso’s earlier analysis of the male criminal which he also divided into those with inborn criminal traits and those who were casually criminal. The casual female criminal was however, more capable of reform than her male counterpart, according to Lombroso and Ferrero, due to her feminine traits of submissiveness, maternal instinct, and piety. The born criminal or

⁶² Ibid, 672

⁶³ Cesare Lombroso and Guglielmo Ferrero, *Criminal Woman, the Prostitute, and the Normal Woman*. (Duke University Press, 2004), 286

“born prostitute,” was on the other hand far more dangerous than her male counterpart for the absence of those same inherent feminine characteristics. Lombroso and Ferrero characterized these women as a “doubly exceptional, first as a woman and then as a criminal because criminals are exceptions among civilized people, and women are exceptions among criminals.”⁶⁴ The born prostitute was therefore “a true monster.”⁶⁵ For this reason the born prostitute was, for Lombroso and Ferrero, necessarily the archetype of criminality for which the prison was needed to contain.

A particular feature of this form of female criminality for Lombroso and many of his contemporaries was a structuring metaphor of “infectiousness” or contamination. Lombroso worried that the presence of the “born prostitute” in both society and prisons would serve to infect others and spread criminality and depravity. The logic of sexual segregation of prisoners therefore offered a form of protection not only to the women who were subject to the abuse of male guards and incarcerated men, but the men who would be saved from the infectious and seductive depravity of the female criminal. This fear mirrors the sexual transmission of disease, manifest outwards as a fear of infectious morality. It also mirrors, if more obliquely, the threat posed by the anarchist. The figure of the prostitute as a threat to the family from the outside, who carries with her the more material threat of venereal disease then spread to the home, represents an anarchic threat to public order.⁶⁶

If Lombroso’s work on female criminality extends the category of the prostitute, his

⁶⁴ Ibid, 183

⁶⁵ Ibid, 185

⁶⁶ For more on the significance of the prostitute in the cultural imaginary of the nineteenth century see: Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York*. (Vintage Books, 1999); Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition*. (University of Chicago Press, 1990)

writings on male criminality betrays an obsession with the figure of the anarchist. He acknowledges the existence of female anarchists but dismisses them as anomaly. Lombroso returns throughout his work to the study of anarchists as criminal types. In “Anarchy and its Heroes” (1897) Lombroso offers a portrait of French anarchist Auguste Vaillant, who was executed in 1894 after throwing a bomb at the French Chamber of Deputies. He conceives of Vaillant as a hysteric born to “degenerate parents:” an infantryman and a “seduced... young domestic.”⁶⁷ The diagnosis of the anarchist is, like the prostitute, a combination of inherited and environmental factors leading to a constitutional inclination towards violations of the moral order.

Just as we see cholera strike the poorest and most filthy quarters, anarchy strikes in all places the least well governed. Its presence can thus serve as an indicator that all is not for the best in the countries that suffer from it, just as wherever it appears cholera indicates that there are improvements to be made in the domain of hygiene.⁶⁸

The representation of anarchism as a disease that infects the body public, aligns it with prostitutions as infectious external threat, like that of the “pest houses” McCabe disparaged decades earlier. The domain of hygiene extends here from the physiological to the moral, carrying the connotations of social Darwinism.

As the vice raids had brought widespread public attention to and fear of prostitution, the Haymarket Riots and the subsequent trial and execution of anarchists thrust anarchists and anarchism into the spotlight as a preeminent threat to US civil society. The Haymarket Riot was a reaction to the killing of several workers at May Day protests calling for an eight-hour workday. In the aftermath of the riots, in which a bomb was thrown at police officers,

⁶⁷ Cesare Lombroso, “Anarchy and Its Heroes by Cesare Lombroso.” Excerpted from Alexandre Bérard’s, *Les mystiques de l’anarchie*. (Lyon, A.-H. Storck, 1897), translated by Mitch Abidor for marxists.org

⁶⁸ *Ibid*

killing seven police and four civilians, eight anarchists were accused of conspiracy and four were executed. The trial and execution of the anarchists was a lightning rod for both anti-communists and radicals and has been cited as one of the most significant events in US labor history.⁶⁹ The execution of men believed to be innocent was a formative moment for many young radicals, including Emma Goldman.

Goldman emigrated to the US in 1885 and quickly became involved in anarchist political circles. She was first arrested in 1893 at a speech to unemployed workers—the first of many arrests, ending with her eventual deportation in 1919 to Russia. By 1893 Goldman had already gained a reputation as a fiery and effective speaker. The contents of her speech on the day of her arrest concerned unemployment. The “Panic of 1893” had thrust the US into a depression and the streets of New York City were filled with out of work, desperate laborers.⁷⁰ The demonstration was broken up as an unlawful assembly and Goldman was arrested and charged with incitement to riot.

Goldman’s trial was a spectacle which drew crowds of both supporters and detractors as well as spectators and media coverage. In her memoir, Goldman recalls the closing speech of the prosecution in the same trial, calling attention to the rhetorical framing of the threat she posed. “MacIntyre waxed eloquent over what would happen if ‘this dangerous woman’ were allowed to go free. Property would be destroyed, the children of the rich would be exterminated, the streets of New York would stream with blood.”⁷¹ The

⁶⁹ Timothy Messer-Kruse, *The Trial of the Haymarket Anarchists: Terrorism and Justice in the Gilded Age*. (Springer, 2011)

⁷⁰ In her speech Goldman derided electoral means of securing gains for workers: “Well then, demonstrate before the palaces of the rich; demand work. If they do not give you work, demand bread. If they deny you both, take bread.” Goldman, *Living*, 123

⁷¹ Goldman, *Living*, 130

danger posed by Goldman, as hinted at here is that of an external threat to institutions. Significantly, property comes before people in the order of protection. But more importantly, this figures the anarchist as an overarching external threat to institutions of public order. This threat is intimately tangled up in conceptions of the domestic (as home and as nation), the protection of the middle-class white family, and the exclusion of others from the sphere of domestic tranquility. While this threat is materially manifest in Goldman's opposition to these institutions (and her non-opposition to political assassination as a tactic), the anarchist's symbolic purchase extends beyond Goldman.

As reported in *New York World*, Judge Martine asserted, "Your language was such as to incite disorder, to incite to riot, and the language as interpreted by those who heard it was such that a riot might have ensued," adding that he believed Goldman to be a "a woman beyond the average in intelligence" who clearly understood the "effect of language such as you uttered on that occasion."⁷² Judge Martine ended the proceedings by directly addressing Goldman's anarchist beliefs:

Now you have testified in your own behalf, and you told us you did not believe in our institutions; that you did not believe in our laws, and that you have no respect for them. Such a person cannot be tolerated in this community by those who believe in law... you and those who entertain the same ideas should be met at the portal of our country to the end that they should not be allowed to enter here... We are proud of our institutions, and much money and much blood have been spent to build them up, and we do not propose that any person, man or woman, shall undertake to tear them down. We do not propose to allow you to bid defiance to our institutions without showing you that the strong arm of the law will take hold of you and that the law cannot be defied. I look upon you as a dangerous woman in your doctrine... I have no hope of doing any good for you. I am satisfied that you are depraved, and have no respect for law. The sentence of the Court is that you be confined for the full term allowed by law, which is one year in the penitentiary.⁷³

⁷² "The Law's Limit," (*The New York World*, 1893)

⁷³ *Ibid*

This oration on the dangers of anarchism offers deep insight into the role of the penitentiary as both a crucial part of and a form of protection *for* “our institutions.” Judge Martine proclaims that those who don’t respect these institutions, presumably the state institutions of the courts and legislature, should be barred at the borders and should not be tolerated within them. The invocation of the national border as an ideological barrier recalls Gilman’s framing of the home as synecdochal of the homeland and the separation of public and private entailing a permanent state of defense from a foreign outside. Goldman is figured here as central to that attack both in her foreign “doctrine” and her opposition to domestic institutions.

Goldman closes her reminiscence of the trial with a dismissive reference to Judge Martine’s extensive monologue: “The Judge enlarged on law and order, the sanctity of property, and the need of protecting free American institutions.”⁷⁴ Money comes, of course, before blood, confirming Goldman’s own beliefs about American democracy valuing capital more than human life and potential. Finally, Judge Martine admits a crucial point, that the penitentiary has no hope of “doing any good” in rehabilitating Goldman. At this crux of the reform movement the prison is held up as an ideal in its potential to do good, but also reified as a form of confinement and quarantine of dangerous subjects and deterrence with little regard for rehabilitation. The simultaneity of these positions speaks both to the period in which Goldman was incarcerated and to the inherent contradictions in a philosophy which takes both deterrence (presuming prison to be a brutal enough place to discourage crimes of poverty and desperation) and rehabilitation (which presumes prison to be a place

⁷⁴ Ibid, 130

of education and rejuvenation) as complimentary functions of the prison rather than fundamental contradictions. In admitting that the prison sentence is purely punitive and connecting his ruling to protection of institutions paid for in money and blood, Judge Martine skirts perilously close to Goldman's own analysis of the prison, an institution which she later called a "social crime and a failure" in her 1910 essay of the same name.⁷⁵ Goldman argues that the prison operates primarily to protect capital, punish property crimes, and provide cheap labor, the first two of which Martine essentially offers as justification for her sentence.

The institutions that Martine refers to are presumably those of the legislative and judicial branches of state power. However, Goldman's institutional critique encompass a far broader definition, one which hews more closely to Foucault's later diagnosis of the carceral archipelago but crucially extends to the home. In a 1907 speech to the second Anarchist Congress, in Amsterdam, Goldman elaborated her definition of anarchism as a form of organization. Critics of anarchism, according to Goldman, "confound our present social institutions with organization; hence they fail to understand how we can oppose the former, and yet favor the latter."⁷⁶ Goldman brands the state, industry, and the army as institutions. But the paradigmatic institution, for Goldman, is the school, which "more than any other institution, is a veritable barrack, where the human mind is drilled and manipulated into submission to various social and moral spooks, and thus fitted to continue our system of exploitation and oppression."⁷⁷ This image is strikingly similar to Foucault's assertion that

⁷⁵ Emma Goldman, "Prisons: A Social Crime and a Failure." Mother Earth Press, *Anarchism and Other Essays* (1910)

⁷⁶ Goldman, *Anarchism*, 38

⁷⁷ *Ibid*, 39

“prisons resemble factories, schools, barracks, hospitals, which all resemble prisons.”⁷⁸ In contrast to the uniformity and oppressive form of the institution, anarchist organization is for Goldman “must be composed of self-conscious, intelligent individualities. Indeed, the total of the possibilities and activities of an organization is represented in the expression of individual energies.”⁷⁹ Goldman’s emphasis on energies here is important. Her absolute faith in organization as an expression of human potential energy and cooperative flourishing is matched by her absolute disdain for those institutions which immiserate and confine.

Against Confinement

Goldman narrates her entree into anarchism as itself motivated by a desire to escape her family home. In *Living My Life*, Goldman describes a fight with her father as characteristic of the violence and confinement of her home: “The experience made my home more unbearable, the need of escape more compelling.”⁸⁰ Goldman literalizes the confines of the home as a prison shortly thereafter: “My home had become a prison. Every time I tried to escape, I was caught and put back in the chains forged for me by Father. From St. Petersburg to America, from Rochester to my marriage, there were repeated attempts to escape.”⁸¹ Goldman here depicts the home as a form of spatial capture and confinement from which she seeks to escape both physically and spiritually. She portrays herself as an escaped convict with her father serving as the warden whose authority she seeks to escape.

⁷⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. (Knopf Doubleday, 2012), 228

⁷⁹ Goldman, *Anarchism*, 40

⁸⁰ Goldman, *Living*, 22

⁸¹ *Ibid*, 60

Goldman soon discovers the systemic reach of the carceral domestic when she attempts to escape the family home in the traditional manner: she marries a man named Jacob Kushner. The marriage fails and Goldman becomes convinced that it is the form of marriage which produces misery rather than the character of those within it.

I had seen enough of the horrors of married life in my own home. Father's harsh treatment of Mother, the constant wrangles and bitter scenes that ended in Mother's fainting spells... Together with my own marital experiences they had convinced me that binding people for life was wrong. The constant proximity in the same house, the same room, the same bed, revolted me.⁸²

Goldman's depiction of bounded and binding confinement to the family home, both in her parents' home and married life, approximates Charlotte Perkins Gilman's analysis of the ill-effects suffered by domestically-bound women in their physical and mental well-being.

As I recounted in chapter 2, Gilman describes women as suffering psychic and physiological damage due to their confinement in the home. While "the husband, as we have seen, finds his chief base outside, and bears up with greater or less success against the demands and anxieties of the home," the wife is caught and "more closely bound, breaks down in health with increasing frequency."⁸³ The physiological effect of spatial confinement on the body is one that Goldman echoes in *Living My Life*.

My home life was anything but harmonious, though externally all seemed smooth.... I developed strange nervous attacks. Without preliminary warning I would fall to the ground as if knocked down by a heavy blow. I did not lose consciousness, being able to see and understand what was going on around me, but I was not able to utter a word. My chest felt convulsed, my throat compressed; I had an agonizing pain in my legs as if the muscles were being pulled asunder. This condition would last from ten minutes to an hour and leave me utterly exhausted.⁸⁴

⁸² Ibid, 36

⁸³ Charlotte Perkins Gilman, *The Home, Its Work and Influence*. (Charlton Company, 1910), 74

⁸⁴ Goldman, *Living*, 187

Goldman becomes convinced that the cause of her condition is “an inverted womb” after being diagnosed by multiple doctors with different conditions including hysteria.⁸⁵

Goldman’s home life, in addition to producing these deleterious effects, also conceals these effects from the outside world as a function of their occurrence in the private sphere. Her description of her nervous attacks—being knocked to the ground, silenced, compressed—sound, absent any context, like domestic abuse. But here the domestic life itself is the culprit, rather than her partner.

The spatial confinement is mirrored in the physiological symptoms that Goldman describes. Compare this to her description of her first night in Blackwell’s Island:

I knew from what Most had related to me about Blackwell’s Island that the prison was old and damp, the cells small, without light or water. I was therefore prepared for what was awaiting me. But the moment the door was locked on me, I began to experience a feeling of suffocation. In the dark I groped for something to sit on and found a narrow iron cot. Sudden exhaustion overpowered me and I fell asleep.⁸⁶

It is not the cold damp cells that provoke a physiological response—which she knew to expect—but the door closing and locking her. Once totally confined, Goldman describes a feeling of suffocation. The word choice here is deeply suggestive. Suffocation conveys both internal and external forms of bodily constriction. It can either connote the feeling of being trapped in a too small space or the inability to fill one’s lungs with air. The Latin root *suffocare* means “to be stifled,” but its components *sub* (below) and *fauces* (throat) locate that stifling as internal to the body—in the cavity beneath the throat. Suffocation unites the external spatial experience of being trapped, confined and made small *and* the bodily sensation of airlessness

⁸⁵ It was a diagnosis of hysteria which had prompted Charlotte Perkins Gilman’s doctor to prescribe her a rest cure, confining her to the home and inspiring her short story “The Yellow Wallpaper” (1892) .

⁸⁶ Ibid, 133

and the inability to breath.

In a later passage Goldman recalls the effect of the silent regimented labor the women performed throughout the day in the prison, again locating a form of external discipline in a bodily sensation:

The procedure of forming lines — “Forward, march!” — was repeated three times a day, seven days a week. After each meal ten minutes were allowed for talk. A torrent of words would then break forth from the pent-up beings. Each precious second increased the roar of sounds; and then sudden silence.⁸⁷

Even the voices of the women here are represented as physically pent-up. Once released, they burst forth like animals held in captivity and suddenly set free. Recall the origin of the carceral here—the bars that kept horses at bay prior to a race. Here the energy and even life-force of the incarcerated women are held at bay. The physical captivity and the regimented discipline produce psychic and physiological feelings of suffocation. The connotation of pent-up voices recalls Goldman’s nervous attacks and her inability to speak. But for Goldman, the release of these voices in brief moments of “freedom” only serve to recapitulate the total bodily confinement of the women once they return to sudden silence. Goldman makes precisely this point in recalling a “picnic” the women at Blackwell’s were allowed. Though the majority of the women at Blackwell’s celebrate the excursion, Goldman and her fellow political prisoners consider it “a farce and an insult to human dignity” in its brief pretense of freedom.⁸⁸

As is clear for Goldman, confinement has devastating effects—both physiological and psychic. As Hemmings points out in *Considering Emma Goldman* (2018), physical

⁸⁷ Ibid, 134

⁸⁸ Ibid, 679

confinement “shapes a woman’s *very being* through subservience and passivity as she takes on the affects required to represent this ideal.”⁸⁹ Hemmings adds, “men do not fare well in Goldman’s descriptions of marriage either, it should be noted,” citing Goldman’s claim that marriage “stunts his growth, poisons his body, keeps him in ignorance.”⁹⁰ However while “men are driven from their homes in search of unfettered comfort... for women there is no escape route.”⁹¹ Goldman describes her home as stifling and terrifying, lacking in the support and nourishment she found in her chosen political community.

In some of the most moving passages of her memoir, Goldman describes her relationship with her sister Helena and explicitly mourns the loss of her potential in the confined life of motherhood. Early in the text, Goldman recalls that the only joy she found in her childhood was in her relationship Helena: “Since my earliest recollection, home had been stifling, my father’s presence terrifying. My mother, while less violent with the children, never showed much warmth. It was always Helena who gave me affection, who filled my childhood with whatever joy it had.”⁹² The joy of human affection is here spatialized – the home which seeks to confine and reduce is filled and expanded by the affection of her sister. Helena, who “filled” her childhood with joy had joined Emma in her political interests but soon found herself confined in her own marital home. Moreover, her life, once concerned with the political goings on in the world at large is now limited to a sphere of influence and interests confined to her neighborhood.

Almost the entire neighborhood brought their troubles to her. While my precious

⁸⁹ Hemmings, *Considering Emma*, 46

⁹⁰ *Ibid*, 46

⁹¹ *Ibid*, 46

⁹² Goldman, *Living*, 11

sister would lend an attentive ear to everybody's tale of woe, she herself never complained, never lamented her own unfulfilled hopes, the dreams and aspirations of her youth. I realized keenly what a force was lost in the rare creature; hers was a large nature compressed in too limited a space.⁹³

For Goldman, the spatial confinement of Helena's life to her home—even the outside world of her neighbor's petty disputes is brought to her door—mirrors the spatial compression of her 'large nature' in a 'limited space.' The bondage Goldman describes is not simply an impediment to movement or expansion, but an active compression of possibility into a smaller and smaller world. For Goldman the violence of the family home is not limited to the physical violence doled out by husbands and fathers—though she was intimately aware of its prevalence. The oppressive stunting of the life of the mind, and the subjects at once produced and despised in this petty world—the nagging wife, the neighborhood gossip—are for Goldman in their own way a violence done to human potential.

The paralysis and entrapment of marriage is, for Goldman, central to the exploitation of women and a chief factor in constricting their potential. In "Marriage and Love," Goldman declares: "the institution of marriage makes a parasite of woman, an absolute dependent."⁹⁴ In addition to rendering a woman economically dependent on men, marriage "incapacitates her for life's struggle, annihilates her social consciousness, paralyzes her imagination, and then imposes its gracious protection, which is in reality a snare, a travesty on human character."⁹⁵ Goldman emphasizes this point in "The Tragedy of Women's Emancipation" (1906), in which she brands the home as the third node in the oppressive

⁹³ Ibid, 208

⁹⁴ Goldman, *Anarchism*, 241

⁹⁵ Ibid, 241

tripartite structure to which women pay an “awful toll... the Church, State, and the home.”⁹⁶ Goldman derides suffrage as a tool of freedom, arguing that it rather further entrenches women as citizens of the state and is premised on an ideal of women as godly homemakers. Thus suffrage offers a mode of freedom which serves to entrap women in the same systems which bind them in the first place. As with the false promise of freedom in the prison excursion, Goldman refuses absolutely this form of “freedom” which she sees as a trap.

Goldman reserves her harshest critique of the institution of the home which is, for her, a false freedom. Goldman does not mince words when it comes to the carceral nature of the home, literally naming it as a prison:

Then there is the home. What a terrible fetich it is! How it saps the very life-energy of woman, — this modern prison with golden bars. Its shining aspect blinds woman to the price she would have to pay as wife, mother, and housekeeper. Yet woman clings tenaciously to the home, to the power that holds her in bondage.⁹⁷

Here again we see Goldman assert a deadening of energy as a result of spatial and spiritual confinement. Goldman figures the home as a prison disguised by its “golden bars” which seduce women into desiring its captivity even as it spiritually and physically drains them. Goldman ends with an exhortation to her fellow women to resist this repressive force. In her final appeal to dispense with the bondage of matrimony and domestic life, Goldman urges women not just to evade capture, but to expand physically, to be larger than the confines of the home allow.

Let us be broad and big. Let us not overlook vital things because of the bulk of trifles confronting us. A true conception of the relation of the sexes will not admit of conqueror and conquered; it knows of but one great thing: to give of one’s self boundlessly, in order to find one’s self richer, deeper, better. That alone can fill the

⁹⁶ Ibid, 203

⁹⁷ Ibid, 203

emptiness, and transform the tragedy of woman's emancipation into joy, limitless joy.⁹⁸

The tragedy of emancipation is for Goldman that the institutions which promise freedom offer a paltry and spare version and constrain the human potential for joy. This call to arms encapsulates her refusal of these institutions, the political institutions which grant legal rights as well as the social institutions of marriage and the home. Together they comprise a constraining force in the lives of women, and Goldman repeatedly describes them as a literal prison.

In a complimentary inverse to her framing of the home as carceral, Goldman often refers to the prison as a home. In *Living my Life* Goldman shifts from her early description of the prison of her childhood home to introducing Blackwell's Island prison as her new home: "When we reached the island, I... followed the Deputy Sheriff along the broad, tree-lined gravel walk to the prison entrance. There I turned towards the river, took a last deep breath of the free air, and stepped across the threshold of my new home."⁹⁹ This rhetorical flip is not simply incidental and is a move that Goldman employed in her trial offering at least twice in response to the question of where she lives "Why, in the Tombs," referring to her pre-trial confinement to the infamous municipal jail.¹⁰⁰ Goldman's experience at her "new home" is revelatory. In her depiction of prison Goldman both connects the oppressive nature of state discipline to domestic forms of discipline and grants insight into the particularity of disciplinary mechanisms within the growing women's prison.

⁹⁸ Ibid, 231

⁹⁹ Ibid, 132

¹⁰⁰ "The Law's Limits"

Welfare Island

Goldman's temporary home on Blackwell's Island in 1893 had undergone some significant changes. By the time she was writing diatribes against the home and the prison in the 1910s the first generation of reformers had been replaced with a new crop. In 1914 Katherine Bement Davis was named the commissioner of the New York City Department of Corrections, making her the first woman to hold that office and the first to head any major municipal office in the city. Davis had graduated from Vassar and gone on to receive a PhD in Political Economy from the University of Chicago. Prior to her tenure as the commissioner of the NYCDOC, Davis had served for 13 years as the first superintendent of the Bedford Hills Reformatory, where she introduced home economics courses among other rehabilitative programs.

Once appointed the position of commissioner Davis immediately set her sights on Blackwell's Island, which had been the subject of controversy for years. Davis issued a report which branded the island's penitentiary "vile and inhuman... wet, slimy, dark, foul."¹⁰¹ The problems with Blackwell's were hardly new—Davis mentions reports of 1864 and 1865 in which "the penitentiary is called a 'school of vice,' and penitentiary methods are termed 'unwise and inefficient treatment.'"¹⁰² Davis notes a particular concern with the treatment of women at Blackwell's, particularly in regard to overcrowding. While men's incarceration had dipped in the 1860s, due in large part to the choice of conscription in lieu of a prison

¹⁰¹ "Blackwell's Island A Prison Terrible; Treatment of Convicts There Is Vile and Inhuman, Commissioner Davis Reports." (*The New York Times*, 1914)

¹⁰² Katharine Bement Davis, "The Department of Correction." (*Proceedings of the Academy of Political Science in the City of New York* 5, 1915), 88

sentence, “the number of women committed increased.”¹⁰³ By Davis’ tenure, “as many as 730 women have occupied quarters designed for 150.” This increase in the numbers of women was central to the need for a revitalization of the institution. In the report Davis registers her recommendation to remove the penitentiary and workhouses from the island entirely, “giving over the entire island to our sister department [the Department of Public Charities] which would welcome our department’s departure.”¹⁰⁴

Davis’ reformist project mirrors almost identically that of the reformers of the 1870s in their desire for separate women’s institutions. Her complaints are the same—overcrowding, inhumane conditions, and the inefficiency of the rehabilitative mission—and her solution, which would not be implemented until after her departure, was similarly a removal of the women to an expanded sex-segregated facility with dedicated female staff. Though Davis would not see these changes implemented (nor would she see the next generation of women’s prison reformers allege almost identical issues and push for yet more expansive prisons for women), her influence was enormous. Davis’ selection for municipal office was celebrated by suffragettes and she became a public face of the movement in New York, speaking at meetings and rallies in support of the women’s vote. She was featured glowingly in *The New York Times* and made speaking appearances with Jane Jacobs, among other bright lights of Progressive Era New York City. In fact, Davis was a third-generation suffragette—her grandmother Rhoda Denison Bement was present at the 1848 Seneca Falls Convention and was a noted abolitionist. Carrie Chapman Catt, the national president of the

¹⁰³ Ibid, 88

¹⁰⁴ Ibid, 88

Woman Suffrage Party, called Davis “a superwoman.”¹⁰⁵ A 1916 issue of *The Woman Voter*, a suffragette periodical featured a piece by a prominent editor and writer Lawrence Abbot, titled “How I Became Converted to Woman Suffrage.”¹⁰⁶ Abbot cites Davis’ position as crucial to his conversion: “Who was the individual chosen as the best trained and most competent for the difficult job of taking care of the unhappy criminal and the social derelicts on Blackwell’s Island? A woman! Katherine Bement Davis.”¹⁰⁷ Davis’ role as overseer to the carceral regime of New York City serves for Abbot to justify the entire project of women’s suffrage. Women’s supposed innate capacity for care is weaponized here to reify the reproductive role of women as part of a state disciplinary project.

I highlight Davis’ role in the development of the carceral system of New York and the support of the suffrage movement in order to attend to a complicated history of feminism’s relationship to the carceral state. Feminists of the progressive era were some of the most dedicated prison reformers and in their campaigns to improve the lives of the “unhappy” female criminal they forged alliances with judicial and correctional authorities, expanding the role and reach of criminal justice in the lives of working-class women. Feminists were not uniformly in favor of these projects. Margaret Sanger said of Davis in 1914 “Katharine Davis is the woman of the past... a staunch defender of the present society, despite her experiences among ‘the fallen’ and her knowledge that poverty and

¹⁰⁵ Thomas C. McCarthy, *New York City’s Suffragist Commissioner: Correction’s Katharine Bement Davis, A Mini-History About the First Woman to Head A Major NYC Municipal Agency*. (Department of Correction, 1997), 5

¹⁰⁶ Lawrence Abbot, who was also a close friend and occasional secretary to Theodor Roosevelt, was the son of Lyman Abbot who co-edited *The Christian Union* with his friend Henry Ward Beecher, the brother of Catharine and Harriet and the grand-uncle of Charlotte Perkins Gilman. The connection once again emphasizes the relatively small network of families wielding overwhelming cultural influence.

¹⁰⁷ Lawrence Abbott, “How I Became Converted to Woman Suffrage.” (*The Woman Voter* 7–8, 1916), 14

destitution has driven them to prostitution.”¹⁰⁸ Sanger’s sometimes compatriot Emma Goldman took an even more hardline position towards feminist reformers, proclaiming her disdain for the suffrage movement and its institutional aims as anathema to true freedom.

The project of the carceral domestic necessarily produced a bounded sphere. Like the domestic home, the women’s reformatory as imagined by the reformers of the nineteenth century disciplined subjects through internal mechanisms and exclusion of certain subjects. Charlotte Perkins Gilman reminds us that the protected interior of the home— itself masking the violence within—only gains legibility through a permanently threatening outside. The domestic ideal gains legibility *through* its exclusions of certain subjects not in spite of them. While the domestic prisons imagined by the nineteenth-century reformers did not uniformly produce good domestic subjects, the work of women’s prison reform was successful in that it produced an ideological project which demanded more protection and more prisons. The period of 1870-1930 represent the reproduction and expansion of the carceral domestic into carceral logics broadly conceived. This entailed projecting the fantasy of the domestic subject onto a prison which housed a population never imagined to conform to that ideal.

I recall my reading of Charlotte Perkins Gilman in part because of her trenchant analysis of the form of confining protection of the domestic sphere. However, Gilman’s project is also relevant to this chapter because it is guided, in part, by an underlying belief in a eugenicist form of social engineering. The end of the period I examine in this chapter is marked by the rise of a state-sponsored project of eugenics. This project found a home in

¹⁰⁸ Margaret Sanger, “The Old and the New.” (*The Woman Rebel*, 1914), 48

prisons through sterilization programs, but it also guided the architects of the prison in more structural ways. In 1914 when Katharine Bement Davis was named the commissioner of the Department of Corrections, she inherited responsibility for Blackwell's Island. Davis was celebrated as a suffragette and a major figure in the battle over women's rights. She is hailed by the DOC as "New York City's Suffragist Commissioner." She was also a dedicated eugenicist.

After leaving the position of commissioner, Davis eventually found a home as the head of the Bureau of Social Hygiene, a nonprofit founded by John D. Rockefeller following his appointment to a grand jury investigation of the "white slave trade" in 1910—the coverage of which prompted Emma Goldman to write "The Traffic in Women." Rockefeller was a leading proponent of the Social Hygiene movement, an offshoot of eugenics which focused on the roots of vice and venereal disease. The Bureau was tasked with "the study, amelioration, and prevention of those social conditions, crimes, and diseases which adversely affect the well-being of society."¹⁰⁹ This included studies on connections between feeble-mindedness and crime as well as research into sterilization programs. The editor of the *Canadian Public Health Journal* describes the project of the progressive era social hygiene movement in a 1925 radio lecture titled "What Social Hygiene Means":

The aim of social hygiene is to create a finer, happier, nobler race... Sir Francis Galton, the founder of the much-misunderstood science of eugenics, said somewhere that eugenics would not succeed until people embraced it as they would a religion. Social Hygiene, considered as a science, includes eugenics, but the same statement is applicable to it... Social hygiene deals with the physical fitness of the individual and the race.

¹⁰⁹ "The Bureau of Social Hygiene Project and Research File, 1913-1940." (The Rockefeller Archive Center)

The racial implications and the connection to explicit programs of sterilization are clear. The Rockefeller Foundation was instrumental in funding and disseminating eugenics research in the US and internationally. The Rockefeller Foundation's support for eugenics programs globally extended to the nascent movement in Germany, where it helped found the German eugenics program. Among the projects funded was the program where a young Joseph Mengele worked before his infamous position at Auschwitz.¹¹⁰

Though Davis took over the Bureau in 1918, she had been an integral part of its work from the outset. Rockefeller wrote a colleague in 1912, praising Davis as a “woman of rare mental endowment” and “deep human sympathy” for her plan to establish a “Criminalistic Institute” in which women convicted in New York City courts would be held for a brief period before sentencing.¹¹¹ A 1978 piece on the papers of the Bureau published by the Institute for the Study of Academic Racism describes the aims of the program and Rockefeller's interest:

During their residency in the Institute they would be carefully studied by a trained corps of experts to determine their mental and physical capacities as well as their social and educational background. The Institute would then return the woman to the committing judge with the report of its findings, stating whether, if mentally and physically sound, she would be fit for reformatory treatment, or if, on account of “mental and physical defects,” she was a candidate for special institutionalization which would make it possible to keep a woman, “mentally deficient and incapable of reform,” from “perpetuating her kind.” Rockefeller noted that “this plan seems to me an immensely important one. It points out a scientific way of escape from the evils which our courts are intended to correct but in reality only increase. If applicable to women it would be applicable to men. I should very greatly like to have

¹¹⁰ Edwin Black, “The Horrifying American Roots of Nazi Eugenics.” (*History News Network*, 2003)

¹¹¹ Rockefeller Letters, Qtd in Ellen Fitzpatrick, *Endless Crusade: Women Social Scientists and Progressive Reform*. (Oxford University Press, 1994), 109

your opinion of the plan,” he concluded, “of its importance and of the desirability of testing it.”¹¹² (6)

There are two points of particular interest here with regard to the role of the women’s prison and women’s prison reform. The sorting of reformable subjects from the “mentally deficient and incapable of reform” makes clear the restricted project of reform as applicable only to a select few. Kali N. Gross emphasizes that this sorting took place along explicitly racial lines: “Criminal anthropologists assessed female deviance, in part, by subjects’ proximity to, or distance from, Western ideals of femininity, morality, and virtue—standards against which black women failed to measure up.”¹¹³

These assessments had material consequences as elaborated in Davis’ project. Those women judged reformable were sent to new women’s reformatories, like the Bedford Hills Reformatory, under the care of Davis herself. Those judged unfit for such rehabilitation were to be channeled into “special institutionalization” which would stop such women from “perpetuating her kind.” The eugenic logic is precisely the mechanism which underpins the segregated project of the new women’s prison project. Women were either candidates for domestic rehabilitation or undesirable mothers and refused the trappings of the domestic and reproductive sphere through institutionalization. Finally, it is significant that Rockefeller notes the potential for broader applications of Davis’ project. Rockefeller’s assertion that if applicable to women this form of incarceration as social planning could be equally applied to

¹¹² Barry Mehler, “Sources in the Study of Eugenics: Bureau of Social Hygiene Papers.” (*Institute for the Study of Academic Racism*, 1978)

¹¹³ Kali Nicole Gross, “African American Women, Mass Incarceration, and the Politics of Protection.” (*Journal of American History*, 2015), 28

men points to the importance of women's prison reformers at the cutting edge of carceral expansion.

By the early twentieth century the penitentiary which had followed the model institution of its era (Auburn) and incorporated the logics of women's prison reforms was universally considered an archaic and barbaric site. Blackwell's Island was rebranded in 1921 as "Welfare Island" after the Department of Public Charities was renamed the Department of Public Welfare. The women's facility of the penitentiary was moved to the former site of the island's workhouse which was reborn as the "Correction Hospital on Welfare Island."¹¹⁴ Initially the site included male and female prisoners but by the 1920s it was held primarily women. Mae West was briefly incarcerated at the Correction Hospital on the newly named Welfare Island. After her 1927 arrest on obscenity charges for her play *Sex*, West discussed her experience there in a piece for *Liberty Magazine* in 1927. The warden of the facility appointed her the task of dusting his personal library along with several other women assigned to domestic tasks at the warden's home. She noted in the article that a majority of the women she saw were in prison either on trumped up charges or for crimes of poverty, underscoring Goldman's argument: "These girls are willing to work, but how can they when the law is always ready to pounce upon them and send them back to the Workhouse?"¹¹⁵ West was paid one thousand dollars for the article, which she donated to the prison for a new library.

Three years later, and only a year before prisoners were moved off the island for good, a young Billie Holiday was arrested on prostitution charges. Holiday explains in her

¹¹⁴ "Welfare Island Correction Hospital 1931." (correctionhistory.org)

¹¹⁵ West qtd in Jill Watts, *Mae West: An Icon in Black and White*. (Oxford University Press, 2003), 95

1956 autobiography *Lady Sings the Blues* that such charges were a common racket of corrupt police capitalizing on the precarity of young black women:

Women like Mom who worked as maids, cleaned office buildings, were picked up on the street on their way home from work and charged with prostitution. If they could pay, they got off. If they couldn't they went to court, where it was the word of some dirty grafting cop against theirs.¹¹⁶

Holiday highlights the peculiarly alienating experience of women like her mother who travelled between work and home, performing domestic labor at both, and policed between. Holiday's experience at Welfare Island underscored the blight of the prison. She remarked in particular on the overcrowding and unsanitary conditions: "That place was filthy. Fifty girls were packed together in one awful ward, and some of them with T.B."¹¹⁷ Holiday did not receive the treatment of Mae West of being re-routed within the prison to domestic service for the warden. As a young black woman and not yet famous, she experienced Welfare Island in its final years, when plans for a new prison were already in place and the founding mission had been totally abandoned and displaced onto a new site.

Holiday also underlined the ritualistic performance of functional programming that occurred for the benefit of visiting social workers: "Every once in a while we'd all get put to work cleaning up the joint. That meant a bunch of social workers would come trooping through making an inspection. But after they'd leave, the rats would come out again and everything would slide back to filthy-dirty normal."¹¹⁸ These attempts to perform respectability for the social workers who were inspecting the prison were necessary to maintain any claim to rehabilitation which the prison had billed itself as fulfilling but their

¹¹⁶ Billie Holiday, *Lady Sings the Blues*. (Broadway Books, 1956), 25

¹¹⁷ *Ibid*, 27

¹¹⁸ *Ibid*, 27

patent inauthenticity were obvious to all those incarcerated as well as the social workers themselves. The “filthy-dirty normal” represented the every-day of the prison even as the performance of respectability served to continually reproduce the need for reform and the need for new prisons. It was those same social workers who would finally condemn it for precisely the conditions Holiday named.

Conclusion: The Death and Rebirth of Blackwell’s Island

The final decade of Blackwell’s Island Penitentiary saw the post-WWI immigration act of 1924 which set quotas on immigration from Southern and Eastern European nations and entirely barred immigration from Asia, as well as the infamous 1927 supreme court case of *Buck V. Bell* which upheld the right of states to impose compulsory sterilization programs for the “feeble-minded” and “promiscuous.” The majority opinion by celebrated jurist Oliver Wendell Holmes includes the infamous line “Three generations of imbeciles are enough.”¹¹⁹ The justification for this decision was tied directly to social hygiene, arguing that the same dictates that granted the state the right to vaccinate gave it the right to sterilize. The project of eugenics was state-sanctioned and privately funded. The Carnegie Foundation funded Eugenics Record Office (ERO), which opened in New York in 1910 pronounced its mission “to improve the natural, physical, mental, and temperamental qualities of the human family.”¹²⁰ The logic of eugenics, intimately tied to both the domestic family as a national project and the social engineering of populations through institutionalization and

¹¹⁹ *Buck v. Bell*, 274 U.S. 200 (1927)

¹²⁰ “Brochure: ‘Eugenics Seeks to Improve the Natural, Physical, Mental and Temperamental Qualities of the Human Family,’” (Carnegie Institute of Washington, Department of Genetics, 1910)

sterilization centering on the racialized and criminalized bodies of women, cannot be disaggregated from women's prison reform projects of the late nineteenth and early twentieth centuries. In fact, the eugenics project forms a vanishing mediator which sets the stage for the shift in the 1930s to a model of containment and expulsion in which the threat is seen as internal to the family rather than coming from outside. This shift marks the divide between the institution-building era of the women's prison as seen in Blackwell's island and a model of containment as represented by the New York Women's House of Detention, which my next chapter addresses.

The conditions at Welfare (formerly Blackwell's) Island were the subject of public scrutiny for several years and in 1928 the city announced plans for a new facility at Rikers as well as a Women's House of Detention. The *New York Times* covered the transformation of three islands in the East River (Wards Island, Randall's Island and Blackwell / Welfare Island), noting that the city planned to convert all three into parks and recreation areas. Not incidentally, the population boom of New York had shifted the real estate market and raised property values on premium waterfront property, including downtown Manhattan locales directly across from the blighted Welfare Island and the island itself. The same article comments, "today Blackwell's Island is very close to the exact centre of the population of the city. Space there and on the near-by islands is much too valuable to devote to the uses now being made of it."¹²¹ This proved prophetic and today Roosevelt Island is home to the Franklin D. Roosevelt Four Freedoms Park (where Hillary Clinton launched her 2016

¹²¹ "East River Islands Wanted for Parks; Transformation of Randall's, Ward's and Welfare Is Urged by City Club. Termed Ideal for Play. Central Locations Too Valuable for Present Uses by City, Bulletin Declares." (*The New York Times*, 1929)

presidential run) as well as a residential community. Most notably, the infamous asylum of Blackwell's Island, with its octagonal central edifice, has been transformed into a 500-unit luxury apartment complex called simply "The Octagon." This is the last remaining building of the Blackwell's Island correctional compound.

Chapter 4: The Spy in the House of Detention

In April 1930, New York City Mayor James John Walker laid the cornerstone for the New York Women's House of Detention, the replacement for the blighted Blackwell's Island Penitentiary women's wing. Walker "thanked the various organizations which had agitated for many years for a building in which women held for detention could be segregated from confirmed criminals, who often lead minor offenders to serious crimes."¹ To these gathered representatives, Walker "voiced regret that such institutions were necessary and declared that in the new building the women would receive the best of treatment so that upon their release they would be better equipped to become good citizens."² Walker's emphasis on citizenship indicates both the political implications of women's suffrage, gained a decade earlier, and the shifting concerns of the prison as a site of subject production to include this new role. The significance of the mother as a civilizing subject, highlighted by de Tocqueville, was now doubly important as she took on the role of citizen-subject. Beyond the carceral nature of the institution, which was "regretfully" necessary, Walker claimed that the edifice (not yet completed) was "the most humane building ever constructed in the city."³ Walker's assertion that the architectural form of the prison itself was not only inherently humane, but the *most* humane, contextualizes the construction and ideological mission of the House of Detention. The House of Detention,

¹ "Mayor Lays Stone Of Women's Prison; Terms New House of Detention the Most Humane Building Ever Erected in City. Lauds Patterson's Work, Correction Commissioner Asserts Each Prisoner Will Receive Individual Study." (*The New York Times*, 1930)

² Ibid

³ Ibid

which critics and supporters alike noted looked like a “high-class apartment building.” This description indexes an emergent maelstrom of social anxieties circling around internal threats to the domestic sphere, both national and familial.

In this chapter, I follow the central detention facility for women in New York City as it migrates from Blackwell’s Island to the New York House of Detention in order to track the era’s reframing of the carceral domestic project in the period of 1932-1971. I focus particularly on one of the House of Detention’s most infamous prisoners, Ethel Rosenberg. If the anarchist as figured by Emma Goldman represented a threat from outside, in this period the spy as figured by Ethel Rosenberg represents an *internal* threat to home and nation. I begin by reading the Rosenberg trial as public spectacle and symptomatic of a national ethos of containment centering on the domestic home. I argue that the failed strategy of the defense—namely, proving Ethel’s innocence through highlighting her position as a typical housewife—refigures female criminality as a form of domestic concealment. My second section contextualizes the House of Detention, considering its founding mission of reform and rehabilitation of “citizens” in contrast to the outmoded and, by now, infamous Blackwell’s Island penitentiary. I read Rosenberg’s experience of the prison in 1951 in the context of the House of Detention’s own quick slide into infamy. The third section poses the prison correspondence of Ethel Rosenberg as a provocative violation of the boundaries between the intimate familial and the political and considers the final years of the House of Detention along the domestic fault lines revealed by her letters and their reception.

While I center the trial, incarceration, and execution of Ethel Rosenberg and its aftermath, this chapter nonetheless begins in 1932, with the opening of the Women’s House

of Detention. This period, in the life of the women's prison, constitutes a mid-point between the institution building era of the women's prison reformers from 1870-1930 and the early stages of mass incarceration with the tough-on-crime policies of the 1970s. This period is certainly one of containment, but necessarily also one of exclusion. The period of 1932-1970 overlaps with first era of public housing inaugurated in the 1934 Housing Act, followed in New York by the creation of the New York City Housing Authority in the same year. In its inception, public housing was imagined to solve many of the ills related in the last chapter (tenements, disease, prostitution etc.), but it was apportioned out on deeply exclusionary premises. The period in question also follows on the heels of WWI, a conflict that brought with it intense post-war isolationism and xenophobia that prompted the Immigration Act of 1924, the quotas on immigrants from Eastern Europe, refusal of Asian immigrants altogether and a ramping up of enforcement and funding for previous restrictions. As the U.S Department of State Office of the Historian notes in its official summary: "In all of its parts, the most basic purpose of the 1924 Immigration Act was to preserve the ideal of US homogeneity."⁴ The combination of exclusionary domestic housing policy and the national policy of refusal of entry based on national origin offers a crucial context to the ethos of containment, in that it was premised on a corresponding policy of exclusion, a policy that formed along explicitly racial and ethnic lines.

Model Homes

In 1950, Julius and Ethel Rosenberg were convicted of conspiracy to commit

⁴ "Milestones: 1921–1936 - Office of the Historian." (history.state.gov)

espionage. Two years later, they became the first and only US citizens to be executed for espionage during the Cold War. This moment, told thus, is a flashpoint in American history. But it is not in fact a single moment, and the usual telling of it smooths over an important middle stage. The spectacular nature of the Rosenberg trial and execution overshadow the two years between these events, and indeed the elide the specificity of her experience. As such, close attention to these two years lend new meaning to the Rosenberg affair. When Ethel Rosenberg took the stand, she was not defending herself from the same charge as Julius. In fact, the prosecution believed her to be relatively uninvolved in espionage and were hoping to use the charges against her to wrangle a confession out of her husband. Shortly before his death in 2001, Attorney General William Rogers gave an interview about the case. In response to a question about how he felt about the execution Roberts recalls his response: “No, he replied, the goal wasn’t to kill the couple. The strategy was to leverage the death sentence imposed on Ethel to wring a full confession from Julius — in hopes that Ethel’s motherly instincts would trump unconditional loyalty to a noble but discredited cause.”⁵ But rather than cooperate with this strategic weaponization of Ethel’s “motherly instincts,” Rogers said, “she called our bluff.”⁶

The terrain and stakes of Ethel’s trial were fundamentally distinct from that of Julius— she was on trial primarily as a wife and mother. Both the defense and the prosecution rested their cases on the relative authenticity of Ethel’s status as a typical suburban housewife. As Maggie Burton notes in “Martyred Motherhood”: “If the prosecution could prove that Ethel didn’t perform her own household chores, a stipulation

⁵ Sam Roberts, “Spies and Secrecy.” (NYT.com, 2008)

⁶ Ibid

of good American housewives and mothers, then it would be easier to condemn her in the eyes of the public.”⁷ Burton specifically refers to the examination of Ethel’s alibi in the federal trial involving a period of illness. This questioning took the form of a lengthy interrogation of Ethel’s household duties:

A. Bloch: Where are your children now?
Ethel Rosenberg: They are at a temporary shelter in the Bronx.
A. Bloch: Have you seen them since you were arrested?
Ethel Rosenberg: No, I have not.
A. Bloch: Did you do all the chores of a housewife?
Ethel Rosenberg: Yes, I did.
A. Bloch: Cooking, washing, cleaning, darning, scrubbing?
Ethel Rosenberg: Yes, I did.⁸

The questioning continued until Rosenberg admitted to employing a maid during periods of illness to do some household chores. Rosenberg’s defense likewise attempted to emphasize her motherhood in order to gin up sympathy and re-establish her as a prototypical American mother whose primary concern was her family, but this tactic largely backfired, provoking yet more outrage for her seeming violation of her sacred duties of motherhood.

The messiness of the Rosenberg family—both the obvious failure of containment to a family unit, and the larger and more abstract failure to contain the soviet threat and protect the sanctity of the domestic family—was the nail in the coffin of the Rosenberg case. The schism of Ethel’s family, represented by her brother and sister-in-law’s testimony for the prosecution, further undermined the defense of the Rosenbergs as an ideal family. The testimony of David and Ruth Greenglass is itself revelatory and worth lingering on. David,

⁷ Maggie Burton, “Martyred Motherhood: Ethel Rosenberg and the Gendered Critique of Propaganda in the McCarthy Era.”(Masters Thesis: College of Charleston, 2015), 48

⁸ “Testimony of Ethel Rosenberg” (Department of Justice. Office of the U.S. Attorney for the Southern Judicial District of New York, 1950)

Ethel's brother, had initially stated that he passed documents to Julius on a street corner, with Ethel presumably safely ensconced at home and nowhere near any espionage. However, both David and his wife were "re-interviewed" and offered a deal to drop all charges against Ruth Greenglass. In his second testimony, David described a distinctly different scene. According to Curt Gentry, a biographer of J. Edgar Hoover, the re-interview introduced the only evidence tying Ethel to espionage:

Now he stated that he'd given this information to Julius in the living room of the Rosenbergs' New York apartment and that Ethel, at Julius's request, had taken his notes and "typed them up." In her reinterview Ruth expanded on her husband's version: "Julius then took the info into the bathroom and read it and when he came out he called Ethel and told her she had to type this info immediately... Ethel then sat down at the typewriter which she placed on a bridge table in the living room and proceeded to type the info which David had given to Julius."⁹

The move from the street to the living room is deeply suggestive. In addition to indicting Ethel as a knowing and active participant in espionage, David locates the actual scene of the crime in the domestic space. Ethel could no longer be portrayed as the loving wife performing domestic duties while her husband carried out his own agenda, and even more damning, she had defiled the sanctity of the private domestic home. In bringing the public political world into the privacy of the home for the purposes of undermining the state. Ethel had violated her role as a domestic subject on two fronts.

Ethel's second brother, Sam Greenglass, similarly castigated her for an ambiguous betrayal of home and homeland. A 1950 letter Greenglass sent his sister while she was incarcerated illustrates the incredible anger that this betrayal provoked within her own family:

⁹ Curt Gentry, *J. Edgar Hoover: The Man and the Secrets*. (W. W. Norton & Company, 2001), 423

What kind of metal are you made of? Why don't you chuck this whole crazy idea of yours and expose all the information you can so that possibly your mother and your two children can look forward to seeing you in your proper role—as a mother to your children. I still implore you again—for this inhuman idea of yours—you want to sacrifice your entire role in life—to society and to your children to play the martyr—a martyr to whom—to a foreign ideology that will eventually be barred from all corners of the earth... For these I ask again—give up this wild ideology—come down to earth, give yourself a fighting chance (I may be able to help you) so that someday you may possibly be a mother to your two children—and not a number in some jail—rotting away for years—I mention again that may be able to help you but I must have your co-operation. Your brother Sam.¹⁰

Ethel, so figured, represents both a foreign contaminant and a betrayal of “innate”

characteristics of American womanhood. There is an elided shift from Ethel's duty to her children to her duty to her nation here, located in the word ideology. Ethel has sacrificed, according to her brother, the highest duty to the motherland to this foreign ideology. Her domestic failure is doubled, as she is both un-domestic as a bad mother and as a spy. The danger that she poses is precisely because of her location at the heart of the US domestic ideal which her activities undermine.

Elaine Tyler May argues in *Homeward Bound: American Families in the Cold War Era* that Cold War fears and an overriding ethos of the threat of “containment” drove a re-formulation and reinvestment in the domestic home and the family and a narrowing containment of that sphere. She writes:

The family was at the center of these concerns, and the domestic ideology that was taking shape provided a major response to them. The legendary white middle-class family of the 1950s, located in the suburbs, complete with appliances, station wagons, backyard barbecues, and tricycles scattered on the side-walks, represented something new. It was not, as common wisdom tells us, the last gasp of “traditional” family life with roots deep in the past. Rather, it was the first wholehearted effort to create a home that would fulfill virtually all its members' personal needs through an

¹⁰ Michael Meeropol, Ed. *The Rosenberg Letters: A Complete Edition of the Prison Correspondence of Julius and Ethel Rosenberg*. (Routledge, 2013), 26

energized and expressive personal life.¹¹

May argues that the reframing of the mythologized idyllic suburbia of the 1950s represented an active discursive production in the present rather than a nostalgic desire for a receding past. For May, this production demonstrates the rhetorical and political significance of the “modern” home as a capitalist innovation and bulwark against socialism. Of course, this form of self-mythologizing is not exactly new—the home that Gilman critiqued in 1901 was also touted as new and modern, simultaneously traditional and ever-present. But the mid-century reinvention of the “traditional” home retrenched the housewife even further in a technologically advanced and hermetically sealed compartment. The mythology that May describes takes on a particular spatial dimension in its promise to be all-encompassing and therefore self-contained: the home as bomb shelter.¹²

To enforce this point, May notes the overdetermined symbolism of the infamous “Kitchen Debate” between then Vice-President Richard Nixon and Soviet Leader Nikita Khrushchev in 1959. Six years after the Rosenberg trial, the two toured a model American suburban home, part of the American National Exhibition in Moscow as part of a cultural exchange meant to “promote understanding between the two countries.”¹³ The tour took an antagonistic turn as Nixon attempted to demonstrate the superior domestic technology of the dishwasher, and a debate on the comparative merits of capitalism and communism ensued. The infamous episode offered a rare literal manifestation of an ideological debate,

¹¹ Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era*. (Basic Books, 1988), 14

¹² May calls attention to the 1950s market for “home bomb shelters” which offered all the amenities of the home with the added benefit of shielding your family from nuclear devastation. I read this trend reversed as the reconstruction of the home as bomb shelter. See May, *Homeward Bound*.

¹³ Harrison E. Salisbury “Nixon And Khrushchev Argue In Public As U.S. Exhibit Opens; Accuse Each Other Of Threats; No Tempers Lost Both Express Hopes For Agreement In Geneva Talks Nixon In Wrangle With Khrushchev.” (*The New York Times*, 1959)

and the fact that it took place in the kitchen of a model home is hardly incidental. The official CIA transcript of the debate begins thus:

[Both men enter kitchen in the American exhibit.] Nixon: I want to show you this kitchen. It is like those of our houses in California. [Nixon points to dishwasher.] Khrushchev: We have such things. Nixon: This is our newest model. This is the kind which is built in thousands of units for direct installations in the houses. In America, we like to make life easier for women... Khrushchev: Your capitalistic attitude toward women does not occur under Communism. Nixon: I think that this attitude towards women is universal. What we want to do, is make life more easy for our housewives...¹⁴

Nixon points to the dishwasher, indicating its newness, its mass production, and how it makes life easier for women, for our housewives. Of course, as Betty Friedan would remark four years later in *The Feminine Mystique* (1963), the proliferation of advancements in domestic technology served more to bind women further to an endless stream of housework than to lighten the load. Khrushchev's blunt response dismisses the US ideal of the suburban housewife, which Nixon immediately seeks to universalize.¹⁵ From there the debate moves to the price of the home and its affordability for working class families and then broadly to the efficacy of capitalist and communist modes of production and distribution of resources. As with Tocqueville's assertion that the particularity and insularity of the American domestic home is key to its cultural life, the Kitchen Debate is similarly enlightening. And as with Tocqueville, I want to take this domestic scene seriously as a political and cultural touchstone. Why does the decked-out kitchen of a model suburban home provoke this

¹⁴ Richard Nixon and Nikita Khrushchev. "The Kitchen Debate – Transcript." (Central Intelligence Agency, 1959)

¹⁵ Kate Baldwin argues that Nixon's elevation of the American kitchen as an exceptional site of freedom negates histories of slavery, colonialism, and the subordination of women (along classed and racial lines) all of which are indexed in the American kitchen. Baldwin reads the kitchen as particularly symptomatic of the Cold War anxieties concerning racial and ethnic difference. See Kate A Baldwin, *The Racial Imaginary of the Cold War Kitchen: From Sokol'niki Park to Chicago's South Side*. (Dartmouth College Press, 2015)

ideological battle?

May underscores the fact that “the ‘kitchen debate’ was one of the major skirmishes in the Cold War, which was at its core an ideological struggle fought on a cultural battleground.”¹⁶ She argues that “For Nixon, American superiority rested on the ideal of the suburban home, complete with modern appliances and distinct gender roles for family members.”¹⁷ This is for Nixon the premiere point of evidence in capitalism’s favor: US housewives and the homes they inhabit are “universal” constants. They perform superior domestic labor with the product of industry all while living a life of leisure in the domestic space.¹⁸ Khrushchev’s refusal to recognize this as a clear sign of superiority—“Your capitalist attitude toward women does not occur under communism”—clearly flusters Nixon and sets off the broader debate in which Khrushchev derides the home as a fiction and one that the typical American worker could likely never afford. A further irony here is that the model of perfection so patently meant to demonstrate the beating heart of American ingenuity and domestic life was in fact a cold, artificial model, devoid of a living family and bisected down the middle to show off its interior to the visiting tours. It is in essence, a model of a model. According to *Time Magazine*: “Khrushchev smiled and, underscoring the weird aspect of the whole performance, turned toward the American guide who had been standing in the model kitchen and said: “Thank the housewife for letting us use her kitchen for our argument”

¹⁶ May, *Homeward Bound*, 19

¹⁷ *Ibid*, 19

¹⁸ Greg Castillo and Beatriz Colomina both argue that home design and architecture formed a front in cold-war culture wars. Castillo crucially figures domesticity as a “weapon” in his analysis of Midcentury design, while Colomina examines the adaptation of military technologies and materials for domestic use. See Greg Castillo, *Cold War on the Home Front: The Soft Power of Midcentury Design*. (U of Minnesota Press, 2010); Beatriz Colomina, *Domesticity at War*. (MIT Press, 2007)

thereby underscoring the utter inauthenticity of the performance altogether.¹⁹

Ethel Rosenberg's trial hinged precisely *on* authenticity: both the authenticity of Ethel and the authenticity of her domestic sphere. Maggie Burton compares the Rosenberg case, and the vitriol levied against Ethel with other contemporary trials against women for charges of espionage, finding that women like Elizabeth Bentley, Judith Coplon, Ruth Greenglass, and Miriam Moskowitz (all accused of similar crimes in the same five-year period) conformed to a particular kind of femininity that Ethel did not or could not embody. They were—or were represented as—seductresses or hapless dupes. Judith Coplon in particular was described as “a 90-pound bundle of quivering sex, trim and petite with a pinched baby face and big, brown sultry eyes” in *Spies Confidential* (1960) while Miriam Moskowitz portrayed herself as an innocent naïf, and benefited from being an attractive blonde.²⁰ These women thus more closely aligned with western white standards of feminine beauty than did Ethel, who was more recognizably and more explicitly depicted as a Jewish woman of eastern European origin, underlining both her otherness and her alignment with the eastern bloc, despite being born in the US.²¹ While the seductress represented a certain threat—one commonly represented in wartime propaganda warning men to beware beautiful women—the danger they represented was not as existential as the danger of the potential contamination of the US domestic home by a housewife.

In noting the particularity of Ethel Rosenberg, I also want to note the ways in which

¹⁹ “Foreign Relations: Better to See Once.” (Time, 1959)

²⁰ “SPIES Confidential No. 1.” (H.S. Publishing, 1960)

²¹ Joe Litvak's *The Un-Americans: Jews, the Blacklist, and Stool Pigeon Culture* (Duke University Press, 2009) argues that House Un-American Activities Committee's (HUAC) conflated Jewishness with “comic cosmopolitanism” as opposed to the ideal of citizen as “informer.”

she indexes a cultural shift in mid-twentieth century understandings of the home and prison, and specifically how the latter sought to adjudicate predominant threats to the former. Like David Greenglass' testimony, I indicate a shift of the crime scene from the street to the home. In chapter 3 I read the nineteenth-century figures of the anarchist and the criminological production of the prostitute as suggestive of a threat to domestic institutions from outside. Their threat came quite literally from the street, whether in the spread of venereal disease from "streetwalkers" or actual bombs thrown at captains of industry.

In the mid-twentieth century, many of the concerns surrounding women's criminality remained, but the form of the anxiety shifted to one of internal threat to those domestic institutions. In *"Whores and Thieves of the Worst Kind": A Study of Women, Crime, and Prisons, 1835-2000* (2009), L. Mara Dodge examines the criminological literature on female criminality from the early to mid-twentieth century, finding a lingering influence of Lombroso and Ferrero's nineteenth-century account of the criminal woman as exceptionally dangerous. Dodge highlights *The Criminal and his Allies* (1928) by Chicago judge Marcus Kavanaugh. In a chapter titled "The Bad Woman," Kavanaugh claims:

The number of crimes could easily be cut in two, but for the evil influence of evil women. The evil power of women reaches further, presses harder and lasts longer than the power of a wicked man. Her influence is more insidious. Her poison is as pervasive in the veins of a man's heart as that of a snake.²²

Kavanaugh portrays the woman here as the source of all social ills, implicitly calling up the biblical Eve with the reference to the snake, as well as relying heavily on nineteenth century

²² Marcus Kavanaugh, *The Criminal and His Allies*. (The Bobbs Merrill Company, 1928), 149

imagery of the fallen woman as the most dangerous of all criminal figures.²³ Kavanaugh explains the relative danger of the criminal woman with a clever metaphor—whereas a “fallen man drops from a first story window” a fallen woman “tumbles from the roof.”²⁴ Thus, the harm done to the moral compass was far greater to the woman. The fallen woman and her biblical ancestor clearly represent a threat of sin transferred from woman to man through the danger of seduction. The fallen woman’s Victorian image is that of the prostitute—fallen into a life of sin on the street and generally dying there as a lesson to other women.

The mid-century female criminal takes on a different façade. While Dodge connects this fallen woman ideology to even later criminological studies, I see in her example a fundamental shift. Dodge cites Otto Pollak’s 1951 work:

In his 1951 study *The Criminality of Women*, Otto Pollak, one of the few male scholars since Lombroso to focus on female offenders, argued that women were as criminal as men but that they were far more successful at hiding their crimes. Like Lombroso, Pollak rooted female criminality in women’s biology: he offered the absurd hypothesis that women were more skilled at covering their crimes because they had long experience concealing their monthly periods and hiding their orgasms.²⁵

For Dodge, this claim demonstrates a through-line of nineteenth-century criminological theories rooted in the fallen or wicked woman. However, there is a crucial difference here. Whereas the fallen woman is dangerous because, having lost her virtue, she goes on to seduce men into the path of evil, Pollak’s exemplar criminal is not a seductress who used her wiles to sway men. Rather, his 1951 study marks a particularly twentieth century twist to this

²³ See Estelle Freedman’s *Their Sisters’ Keepers* (1981) for a discussion of this phenomenon in nineteenth-century prison reform as well as Cesare Lombroso’s *Criminal Woman* (1893) as discussed in chapter three.

²⁴ Kavanaugh, *The Criminal*, 148

²⁵ L. Mara Dodge, *Whores and Thieves of the Worst Kind: A Study of Women, Crime, and Prisons, 1835-2000* (Northern Illinois University Press, 2006), 19

feminized fear. While this claim clearly draws on much older ideas of the wickedness and bodily uncleanliness of women, Pollak frames the danger of the criminal woman in terms of “hiding” and “concealing.” There is an obvious joke to be made about a man who thinks all women are concealing their orgasms from him, but it is the fear of deception rooted in concealment that is particularly resonant here. The female criminal is not only wicked because she does bad deeds but because she is able to conceal them from unsuspecting men. And these concealed periods and orgasms that teach women to hide their crimes are happening right under men’s noses, *within the home*. Likewise, Ethel Rosenberg’s espionage was dangerous not because she sold secrets to the soviets, but because she existed as a spy within the protected confines of the American home, concealing her true criminality and exposing the home to its contagion.

The overriding symbol of female criminality of the mid-twentieth century is that of the domestic spy. The logic of infection—of threats to institutions from outside (the anarchist) that suffused Lombroso’s nineteenth-century framework, and the vice raids of the early twentieth century had shifted to a fear of contamination from within. The call is coming from inside the house. This fear manifests both literally (McCarthyism) and figuratively in the cultural representations of this geopolitical threat. The rise of the *femme fatale* as the signature female villain of 1940s and 50s Hollywood signals the power of this anxiety. Mary Ann Doane, in her 1991 *Femmes Fatales*, characterizes this rise: “the *femme fatale* is the figure of a certain discursive unease... her most striking characteristic is the fact that she is never what she seems to be.”²⁶ This figurative duplicity and concealment is

²⁶ Mary Ann Doane, *Femmes Fatales*. (Routledge, 2013), 1

resonant of Pollak's bodily fears about women's ability to hide their true nature. While the femme fatale is sometimes attached to literal spying, as in the 1931 Greta Garbo vehicle *Mata Hari*, she often represents a more domestic form of duplicity. In the classic 1944 noir *Double Indemnity* (itself based on a 1936 book), Barbara Stanwyck plays a housewife who conspires to arrange for the death of her husband and an insurance payout for herself and her lover, the claims adjuster. The plot and the affair take shape in the living room of the home she shares with her husband. The seduction and its murderous frisson are pegged to her ability to both occupy and violate the domestic sphere. In *The Manchurian Candidate* (1962), the internal threat is doubled as Raymond Shaw, the unsuspecting sleeper agent, is both a foreign contaminant and himself contaminated by the brainwashing of his duplicitous mother. Raymond's mother, played by Angela Lansbury, issues the command to her son to shoot the presidential nominee in the living room wearing a dressing gown, before gently kissing him on the forehead. The threat is pinned to the demure-seeming mother as the cold-hearted political operator offering up her own son for political gain. The film crucially hits its climax in the literal hearth of the domestic home. The new geopolitical significance of the housewife—her ideological use (as in the Kitchen Debate) and her potential danger as spy required a reimagined prison.

Model Prisons

Now a historical footnote, and the site of the Jefferson Market Garden, the

Women's House of Detention was a modern and architecturally innovative replacement for the controversy ridden "Welfare Island." The prison was designed in an art deco style by the architectural firm Sloan and Robertson, the same firm which designed the Rikers Island complex in 1928. Hailed as a "model" prison upon its completion in 1932, the House of Detention billed itself as "the most modern and best-equipped penal institution for women in the world" in an article titled "Modern Skyscraper Prison Will Be School For Women" (1932).²⁷ The article is accompanied by a portrait of the superintendent Ruth Collins, America's outstanding prison administrator, who promises that the House of Detention will serve as a school for citizenship" where "domestic work [is] encouraged."²⁸ The emphasis on citizenship as the role for which the women are being rehabilitated is a new development in the women's prison. Collins points to the architecture of the prison which is "perfect" as it allows for the segregation of various types of offenders" and offers each woman "a room of her own."²⁹ Not quite what Virginia Woolf had in mind, this total segregation of criminal types, rather than just individual "offenders," hints at the logic of contagion that suffused the prison.

Another 1932 *New York Times* article marvels that the "those who it is designed to shelter will be known as inmates not prisoners."³⁰ While the word "inmates" is used almost exclusively in the context of prison today, it once referred primarily to referred to occupants or tenants of shared housing, occasionally an institution but often just a rented-out room.

²⁷ Blanshard, Julia. "Modern Skyscraper Prison Will Be School For Women." (*The Meridian Daily Journal*, 1932)

²⁸ Ibid

²⁹ Ibid

³⁰ "Luxury' Jail Here For Women Ready; Prison Without Bars, Costing \$2,000,000, to Have Official 'Housewarming' Today. Windows Casement Type But Door Panels Are Bullet-Proof Glass -- Residents to Be Known as Inmates, Not Prisoners." (*The New York Times*, 1932)

The modern marvel of the House of Detention was in its amenities and its ability to serve its population as a self-contained unit of residence and education in citizenship. Collins adds that the new prison would “get away as much as possible from regimentation” with such innovations as “pleasing costumes” and “psychiatric examinations... of every individual... to discover just what influences have produced just what problems and to correct everything possible.”³¹ Those who do not demonstrate “abnormalities” “can and should be made useful citizens.”³² In the period that the House of Detention housed its “inmates” (the interwar period through the height of the Cold War), the education of citizens takes on a new significance.

In the period between Emma Goldman’s stay at Blackwell’s Island and the establishment of the Women’s House of Detention, the political condition of women had undeniably shifted with the passage of the nineteenth amendment in 1920. The entry of women into the political scene had a paradoxical effect of both further entrenching the domestic responsibilities of women, now re-imbued with the mandate of civic responsibility, and provoking a crisis of political subjectivity. One of the central arguments for the inclusion of women in civic life was their vital role in the political education of the youth of the nation and the increasing role of the state in matters of welfare. The matter of women’s citizenship as separable from her husband’s was fraught and, in fact, until 1922 women who married foreign men lost their citizenship. This law was revised with the passage of the Cable Act, which granted independent citizenship to women who married an “alien eligible to

³¹ Ibid

³² Ibid

naturalization.”³³ The citizen mother was a fragile and troubled figure, both undeniably central to the reproduction of nation and potential threat. The House of Detention served as a reminder, adjudicator, and corrector of this potential threat.

The House of Detention was designed and staffed at the tail end of a period of massive expansion of the women’s reformatory. While the ideological foundations had been laid for these institutions in the late nineteenth century, L. Mara Dodge notes in her study of women, crime, and prisons that “most women’s reformatories were not established until after 1910, and slightly over half did not open until the 1920s.”³⁴ Dodge further argues that “the majority were established in response to women’s groups’ World War I-era campaigns against prostitution, promiscuity, and venereal disease.”³⁵ The boom in growth of these institutions ended with the Great Depression, which simultaneously expanded the “criminal” population of out-of-work poor in New York City. The depression era marked the first major spike in the prison population of women in the US. The 1923 census recorded a prison (federal, state and jail) population of 5207, while the 1939 census recorded an astonishing 15,293 women. A large part of this spike was due to an increase in the number of women in jails (from 1970 to 8932 women).³⁶ The New York Women’s House of Detention followed discursively and ideologically in the footsteps of the women’s reform movement, but it captured the jail population of Depression-era New York.

The House of Detention, like Blackwell’s before it, remained a major intake center

³³ The Cable Act, ch. 411, 42 Stat. 1021, "Married Women's Independent Nationality Act," (67th United States Congress, 1922)

³⁴ Dodge, *Whores and Thieves*, 19

³⁵ *Ibid*, 19

³⁶ "Population Publications," (US Census Bureau, 1923)

for women in New York City and most of the women were not there under charges of espionage, but for prostitution and drug crimes. By the 1950s when Ethel Rosenberg arrived, the institution was no longer viewed as a “model penal institution.” As Dodge notes, the depression ended the institution building era of the women’s reformatory, and the house of detention, built on its model but for a burgeoning population in New York, suffered similar funding issues. The House of Detention was almost immediately overcrowded and understaffed. A 1942 investigation by the Women’s City Club found that the prison was massively overcrowded, “antiquated,” despite being less than a decade old, and lacking “educational, vocational activities” and “rehabilitative facilities.”³⁷

Ethel’s own descriptions of her incarceration allow a window into the day-to-day workings of the House of Detention. In a 1950 letter, she recounts her day to her husband: “It’s 7:15 and I’m in the Recreation Room. I’ve showered and washed my things and hung them to dry. At 7:30 I’ll be heading to my “house” (that’s what the girls call their cells), and at 8:00 they’ll lock each of us in for the night. Lights out by 9:00 and up the next morning at 6:30.”³⁸ The routine—domestic chores, followed by solitary confinement—is relatively similar to the experience of Emma Goldman and others at Blackwell’s Island, though certain details indicate the “new” penal forms espoused by Ruth Collins. The “girls” calling their cells their house reveal some success in inculcating a particular kind of domestic “inmate.” The fact that grown women call themselves girls in itself reifies the prison as a site of domestic training, granting lessons that would otherwise be learned by young women in the

³⁷ Sara Harris, *Hellhole: The Shocking Story of the Inmates and Life in the New York City House of Detention for Women*. (Dutton, 1967), 4

³⁸ Ethel Rosenberg in *The Rosenberg Letters: A Complete Edition of the Prison Correspondence of Julius and Ethel Rosenberg*. Michael Meeropol, ed., (Routledge, 2013), 4

home. In the listing of her routine, Rosenberg once again establishes the daily structure of life in the House of Detention as routinized and domestic.

Letters between Ethel and Julius play off the performance of domestic training, demonstrating a desire to firm up Ethel's motherly capacity through the women's prison itself. On September 21, 1951, Julius wrote to Ethel at the House of Detention regarding their children and the wonderful strides they had made due to her care. He opens the letter "Hello Proud Mommie" and congratulates her for "the two swell children you have" before moving to the business of their trial.³⁹ He reminds her that he is "as we had decided" sending all of her letters to their lawyer after reading them and reminds her to do the same.⁴⁰ He then directs her attention to a particular testimony from the trial. He ends the letter with a paean to Ethel's character.

It gave me a wonderful feeling to hear the report Manny gave as to how high regard for you the people at the Women's House of Detention had as told to him by a friend of yours... In such a short time you have impressed them with the calibre of your character and the decency of your person. It gives me a good feeling to see you carry yourself with humble dignity in the best tradition of womanhood. No matter how heavy your burden or how foul the deeds of those who are trying to legally murder us, you will rise above all this because your made of pure goodness.... For you dearest I am very happy and can only think of the day you will be spared of all this pain and heartaches and will again your place as mother of our precious children and partner in our sweet relationship.... I love you very much sweet wife and I believe we'll be able to share our love again together in our own home surrounded by our family.⁴¹

Julius connects Ethel's virtues as a wife and mother to a defense of her impeachable character directly after recalling that they are sending all correspondence to their lawyer—presumably so that he can vet and potentially make use of it in their defense. The shift from

³⁹ Ibid, 225

⁴⁰ Ibid, 225

⁴¹ Ibid, 225

the business of the trial to the deeply personal and sentimental register is somewhat eerie for the reader of these letters, but the connections drawn by Julius are important. It is, after all, his wife's character, which is primarily on trial.

Julius deeply understands that character to be connected to her ability to convincingly perform a version of white middle-class domesticity. Like Josephine Amelia Perkins, he professes an absolute desire for domestic tranquility on both their parts, knowing that readers would identify and sympathize with this desire. And how does he begin this protestation of her "pure goodness" and "womanhood"? He begins with a description of her good behavior as remarked upon by the administrators at the Women's House of Detention. This good behavior is, for him, not just evidence of her accommodation to prison life, but to her status as a paragon of moral womanhood, as seen by the matrons at the "school for womanhood" that the institution imagined as itself. The House of Detention's self-mythologizing serves for Julius, to buttress Ethel's own maternal role, even as she serves in it as a result of an apparent failure to uphold the dictates of that role within the home.

However, Julius' celebration of Ethel's womanhood harkens back to an older model of the prison and misses the dimension of "citizenship" on which the House of Detention was founded and which it continued to promote during and beyond Ethel's own tenure there. The failure of the women's prisons to offer their "inmates" a new life as reformed domestic subjects mirrors the failure of Ethel Rosenberg to successfully inhabit that ideal. For Rosenberg that failure proved deadly. For the majority of women at the House of Detention it relegated them to a life permanently on the outside of the domestic ideal, despite their supposed indoctrination into precisely that ideal.

A speech by Eleanor Roosevelt at the House of Detention demonstrates the fragility and awkwardness of trying to square the contradictions in producing domestic citizen subjects even as they were largely refused the opportunities and social support necessary for such a role. On March 17, 1957, New York's public radio station WNYC broadcast a recording of Roosevelt speaking to an audience of incarcerated women at the House of Detention. The program was introduced by Anna Moskovitz Kross, the commissioner of the NYC DOC from 1954-1966, the second woman after Katherine Bement Davis to hold that office.⁴² In her introduction, Kross explains her purpose in inviting Roosevelt to speak at the House of Detention. These women, Kross reminds the listener, "are part of the world we live in and when they go out they have a part to play."⁴³ While she understands that the women may "feel they individually have been subjected to an injustice" she hopes to "reduc[e] their resistance and their tension and their sense of injustice at being confined here by making them understand the full value of American citizenship."⁴⁴ Kross emphasizes her role and the role of the prison as an explicitly nationalist project: "what we're trying to do is to live up to the traditions of our American way of life and I know of no person that can present the fullest concept of the real American way of life than Mrs. Roosevelt."⁴⁵ This framing of the supreme importance of citizenship and the American way of life is embedded with Cold War era messaging. If the implication that the role of the American woman has a

⁴² Kross was born to a Jewish family in Nyasvizh in the Russian Empire in what is now Belarus and emigrated to New York in 1893, the year Emma Goldman was arrested. The early lives Kross and Goldman, only a decade apart in age and both immigrating to the New York from Russia, bear many similarities, but where Goldman's experience drew her to anarchism, Kross became a suffragette and progressive judge. See: Anna Moscovitz Kross, "Anna Moscovitz Kross Papers, 1905-1974" (Sophia Smith Collection, Smith College)

⁴³ "Eleanor Roosevelt at the Women's House of Detention." (*WNYC*, 1957)

⁴⁴ *Ibid*

⁴⁵ *Ibid*

renewed global significance is too subtle in Kross' introduction, Eleanor Roosevelt's remarks drive the message home.

Roosevelt does not speak to the importance of rehabilitation to the women, despite Kross' insistence that she will give them some insight into its importance. Instead she addresses the women on the topic of two matters of international relations. She begins by welcoming a "new independent country into the family of nations," explaining that Ghana's independence is bolstered by the fact that many of its new government were educated in the US.⁴⁶ Having established that a US Education is the foundation of democratic success in Africa (a dubious claim made all the more so in retrospect), Roosevelt moves to the meat of her discussion: the status of women in Israel, which she cites as an example of the importance of women's education and the importation of American ideals. Israel, she explains, is "very like the US" in that it has "people coming from all the countries of Europe" which it must "make... into one nation in spite of their differences in customs and habits."⁴⁷ This stands in opposition to what Roosevelt describes as the "Arab custom" of selling women, covering their faces, and engaging in polygamy. The colonial narrative—that Israel is a beacon of American democracy and women's rights in the middle east—is clear. The situation in Israel is, for Roosevelt "a meeting of East and West" with the east represented here by "Arab custom" and west by democracy and education.⁴⁸

If the Cold War resonance of East vs West is not clear enough, Roosevelt ends her

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ The recent uproar about Ilhan Omar's comments about the American Israel Public Affairs Committee (AIPAC) and the right-wing and centrist rallying to the defense of Israel as a crucial US ally in the middle east demonstrates the extent to which this messaging—of the fundamentally "free" and "democratic" Israel as a bulwark against the unfree and "savage" Middle East— remains central to US-Israeli relations and the discursive utility of Israel.

analysis with a developmental narrative of the Israeli approach to private property, beginning with the “first people who came from Russia” who “lived a communal life” because “they wanted safety.”⁴⁹ However, Roosevelt explains, “as they grew richer” this form of communal living was tempered and now “each person has their own house... and that makes it better for all of them, and they have their school and their children taken care of for a certain number of hours a day but they all go home toward the end of the day to their own homes.”⁵⁰ This meandering celebration of the importance of the private domestic home, by way of Zionism, emphasizes the geopolitical import of American domesticity. The housewife had become an important domestic front in the Cold War. Roosevelt’s message to the women confined in the House of Detention was to trumpet the value of the home and the role of the properly educated American woman in protecting and promoting this ideal.

The stakes of this domestic mandate are clearly illustrated in the trial, incarceration, and execution of Ethel Rosenberg, the Housewife cum communist spy, who had herself been held at the House of Detention just four years earlier and for whom the question of domestic citizenship was paramount in her trial, confinement, and execution. But Roosevelt’s somewhat clumsy parable of the paramount importance of the role of the liberated American woman and the private home is ironic when you consider that the great majority of her audience would have been strategically and explicitly denied access to private property as well as new forms of public housing. As it turns out both the American dream that Roosevelt peddled, and the audience she imagined to be receiving it, were empty projections. The vast majority of the women at the House of Detention had no interest in

⁴⁹ “Eleanor Roosevelt at the Women’s House of Detention.”

⁵⁰ *Ibid*

Roosevelt's visits—she was invited multiple times by Commissioner Kross—and had to be bribed to attend when she appeared. Judith Malina, who was incarcerated in the House of Detention for a month for refusing to take part in an air-raid drill, recalled Roosevelt's visit: "In order to fill the chapel all those who go to hear Mrs. Roosevelt are given a portion of ice cream and may stay up an extra half hour after lights out."⁵¹ Anna Kross, who had invited the former first lady and trumpeted her civilizing effect on the women of the House of Detention, planned all along to scrap the facility and demand funds for a new women's prison. "Eleanor's visits gave Kross chances to drum support in the media for replacing what she called in her 1957 annual report "this Skyscraper Alcatraz." She had the satisfaction of announcing in a 1965 report plans for the Correctional Institutions for Women on Rikers Island."⁵²

The prison lived on in contradiction of its professed mission of educating a domestic citizenry while duplicating the other overcrowded and underfunded institutions that women faded in and out of over the course of a life in poverty. So who were the majority of the women at the House of Detention in the mid-twentieth century? This is before what we consider to be the boom of mass incarceration and precedes the war on drugs and tough-on-crime policies of the 60s and 70s. The women's prison population in the US had fluctuated but remained relatively steady throughout the first decades of the twentieth century with the numbers of women in state and federal prisons or jails hovering around 6000, according to

⁵¹ Malina was the co-founder of the radical political theater company, The Living Theater. Judith Malina, *The Diaries of Judith Malina, 1947-1957*. (Grove Press, 1984), 460

⁵² "Three First Ladies: KBD, AMK & Mrs. FDR." (correctionhistory.org)

census records.⁵³ From 1933 to 1940 that number jumps to just over 15,000 before dipping in 1950 to 13,000 remaining around 12,000-17,000 until the 1970s, when incarceration rates began to grow before sharply spiking in the 1980s and 90s. At the House of Detention, the population had increased steadily since its opening and faced reports of overcrowding in 1942 when its population was 487, with the population reaching 596 in 1966. In that year Sara Harris released her expose *Hellhole*, which branded the House of detention one of the most infamous women's prisons in the country.

Harris, who had conducted research on prostitution in the city and briefly worked as a social worker, gained access to tour the facility and interview women incarcerated there. In her study, she highlights four women. The first, Joyce Kranjewski, a white woman, was the daughter of a unionized mineworker who lost his job when the mine closed down, and who subsequently lost the family home when they defaulted on the mortgage.⁵⁴ From there Joyce describes going on relief, losing her mother to childbirth, becoming sexually active (though not for money), and being sent to the New York State Training Schools for Delinquent Girls. Harris points out that this institution might better be termed the "New York State Training Schools for Poor Promiscuous Girls," as juveniles from middle class or wealthy families were sent to therapy programs and not generally institutionalized.⁵⁵ The Training School was for Joyce a feeder program for the House of Detention, as it was apparently for around 30 percent of the women Harris spoke to. In the next four years Joyce moved in and

⁵³ Margaret Werner Cahalan, "Historical Corrections: Statistics in the United States, 1850- 1984" U.S. Department of Justice Bureau of Justice Statistics (1986)

⁵⁴ Harris changed names for the sake of anonymity but based on the chosen alias Joyce Kranjewski, and description "blue eyes and straight blonde hair" Joyce is a white woman from a Polish immigrant family. Harris, *Hellhole*, 77

⁵⁵ Harris, *Hellhole*, 91

out of the House of Detention on prostitution and narcotics charges and by the time she was twenty, when Harris interviewed her, she had been sentenced five times. For Joyce, it was the loss of the family home and her family's subsequent exclusion from a middle-class domestic life that brought her into contact with the carceral state.

But Joyce's story also has to do with access to relief programs, which in New York—and in the rest of the country—were deeply segregated in access by race and class. The New York City Housing Authority, which had been created in 1934 under the auspices of the National Housing Act, “effectively barred lower-income residents from public housing.”⁵⁶ NYCHA “excluded most residents on welfare by screening applicants using a list of moral factors, including alcoholism, irregular work history, single motherhood and lack of furniture.”⁵⁷ While the demographics of public housing in New York City began to shift after 1968, Joyce and many other young poor women were shuffled between institutions, had no public housing options.

Harris also speaks with a woman named Bertha, a 45-year-old black woman, who had also been in and out of the House of Detention for years. Bertha's daughter had been incarcerated almost as many times, and as Harris was interviewing her Bertha's sixteen-year-old granddaughter was also serving a short sentence for drug possession. Harris notes that Bertha “thinks of the House of Detention as a second home” and remarks that because her family was there it was “a literal home.”⁵⁸ Harris describes Bertha's entry into prostitution as representative of many of the women incarcerated: “there are other House of Detention

⁵⁶ Luis Ferré-Sadurní, “The Rise and Fall of New York Public Housing: An Oral History.” (*The New York Times*, 2018)

⁵⁷ *Ibid*

⁵⁸ Harris, *Hellhole*, 117

repeaters like Bertha Green who claim that they first turned to prostitution for the same reason that they were prevented from seeking out domestic jobs.”⁵⁹ Bertha recalls trying to get domestic work through an employment agency and failing that, ending up at the “Bronx Slave Market.” The Bronx Slave Market was the name given to the few-block area of the city where black women would stand outside seeking employment as domestics.

Labor activist Marvel Cooke and civil rights leader Ella Baker had covered the emergence of Slave Markets in the wake of the Great Depression in the NAACP publication, *The Crisis*. Cooke released a second expose in 1950, in which she joined the “paper bag brigade... waiting patiently in front of Woolworth’s on 170th St., between Jerome and Walton Aves., for someone to ‘buy’ me for an hour or two, or, if I were lucky, for a day.”⁶⁰ Cooke described the conditions by which the market got its name: “That is the Bronx Slave Market, where Negro women wait, in rain or shine, in bitter cold or under broiling sun, to be hired by local housewives looking for bargains in human labor.”⁶¹

Bertha’s experiences as part of the Bronx Slave Market illustrate even further the resonances of chattel slavery: “The son of a bitch boss woman, the motherens, look around at everybody and they feel you muscles.”⁶² The auction block was only the beginning. For Bertha and many others “the literal straw that broke their backs” and prompted them to choose sex work over domestic work “was the attitudes their employers took toward them.”⁶³ For Bertha, domesticity served as a vestige of slavery: a space which confined and

⁵⁹ Ibid, 123

⁶⁰ Marvel Cooke, “The Bronx Slave Market.” (The Daily Compass, 1950)

⁶¹ Ibid

⁶² Harris, *Hellhole*, 123

⁶³ Ibid, 123

disciplined her in a very different way than those who were supposed models of domestic femininity. In fleeing from this form of domestic carcerality she was captured and disciplined by the House of Detention, which becomes her “second home.”

These women model the ambivalent and structurally uneven purchase of the domestic ideal in the mid-century. Unlike the women sent to reformatories to be produced as properly domestic subjects, they are systematically dispossessed of that ideal through the material refusal of property rights—mortgage defaults, redlining, and lack of access to public housing. In keeping with May’s conception of containment as the structuring logic of the Cold War era domestic sphere, the working class and largely black population of women incarcerated at the House of Detention were refused the trappings of domestic life even as they often served in domestic spaces.⁶⁴ The House of Detention co-opted the language and moral imperatives of the new reformatories for women that could not be attached to the subjects it confined. Whereas Blackwell’s Island represented an “antiquated” model of penitentiary, the House of Detention mobilized reformist ideals to make space for itself and, when it was publicly disgraced for a failure to live up to that promise, it made room for new “reforms.”

By the 1950s the population of the House of Detention consisted overwhelmingly of black women serving charges relating to narcotics or prostitution. As New York City’s major women’s prison, the House of Detention housed a variety of women both awaiting trial and

⁶⁴ See: Enobong Branch, *Opportunity Denied: Limiting Black Women to Devalued Work*. (Rutgers University Press, 2011); Rebecca Sharpless, *Cooking in Other Women’s Kitchens: Domestic Workers in the South, 1865-1960*. (University of North Carolina Press, 2010)

serving longer sentences making a coherent project of reform and rehabilitation practically impossible as well as ideologically inconsistent. The constant issues of overcrowding and lack of support for the programming that advocates of the House of Detention celebrated in its opening exacerbated this problem. Ethel Rosenberg, alongside Miriam Moskowitz who was also briefly held at the House of Detention, were to some degree outliers to the population of the House of Detention as accused spies. But Ethel's espionage was, as her cross-examination indicated, closely related to her success or failure at inhabiting the domestic citizenship set forth by US culture writ large and mobilized in her defense. In her letters to her husband, children and lawyer, Rosenberg offered her own vision of her domesticity and its relation to a political project.

Intimate Publics

The canon of prison writing is overwhelmingly male-authored. Judith Scheffer suggests that women's prison writing has formed a minoritized and marginalized genre within the already minor genre of prison literature. Scheffer has edited two editions of a compendium of global women's prison writing dating back to the 18th century titled *Wall Tappings* (2002) in reference to the "most ancient form of all systems of prison communication. All three of the women I read in Part II—Emma Godman, Ethel Rosenberg, and Assata Shakur are included in the collection.⁶⁵ The development of a canon of women's prison literature has been an important project, not just in recognizing and

⁶⁵ Judith A. Scheffler, *Wall Tappings: An International Anthology of Women's Prison Writings, 200 to the Present*. (Feminist Press at CUNY, 2002), xxxiv

representing women's incarceration, but in considerations of the formal elements of prison writing. Scheffler notes in an earlier piece "Women's Prison Writing: An Unexplored Tradition in Literature" (1984), that "classics of men's prison literature emphasize transcendence and heroism" while women writing on the prison often relate in great detail the "dull routine" of their circumstances and the women with whom they experience incarceration.⁶⁶

In a 1991 piece on Ethel Rosenberg, Scheffler characterizes the Rosenberg letters as marking a "transitional point" in women's prison writing, incorporating "elements of traditional and contemporary women's prison literature."⁶⁷ The early traditions of women's prison writing, according to Scheffler, tend towards confession and memoir, with the authors justifying or explaining their crimes through personal narrative. Josephine Amelia Perkins, the horse thief from chapter 2, conforms to this genre's conventions in her evocation of a sympathetic reader and her dual confession and explication of her crimes. In the 1960s, a decade after Rosenberg was executed, women prison writing begins to be associated with "texts that assert the writer's pride and challenge the penal system and society."⁶⁸ Scheffler concedes that she cannot offer a full portrait of Rosenberg's letters, since many were, at the time, still held by Robert and Michael Meerpol, the Rosenbergs' sons. The brothers published the current extended collection of letters in 1993.⁶⁹ Building on

⁶⁶ Judith A. Scheffler, "Women's Prison Writing: An Unexplored Tradition in Literature." (*The Prison Journal*, 1984), 57-58

⁶⁷ Judith A. Scheffler, "Ethel Rosenberg's Prison Letters: An Example of Women's Prison Literature in Transition." (*Women & Criminal Justice*, 1991), 19

⁶⁸ *Ibid*, 19

⁶⁹ The youngest son of the Rosenbergs, Robert Meerpol, has also published a memoir rethinking the legacy of his parents. In both the republished letters and the memoir, Meerpol derides the justice system which put the

Scheffler's contention that Rosenberg's letters offer a glimpse at a transitional moment, I want to emphasize the particular provocation of the Rosenberg's letters as private (and intimate) correspondence and public political protest.

While the Rosenbergs did not explicitly publish their thoughts on their incarceration, as did Emma Goldman, they were aware that their correspondence was being scrutinized by censors and indeed intended much of it to be read publicly. In a review of the 1994 release of the complete letters, David Thornberg emphasizes the peculiar political standing of the letters, which are both deeply personal correspondence and intentionally public display: "they knew at an early point in their imprisonment that their letters might be published, and they understood also that every line they wrote to each other, their children, and their lawyer Emanuel Bloch would be closely read by prison authorities and the government."⁷⁰ As noted earlier, the couple discusses in their letters the fact that they have agreed to send their lawyer their correspondence, and offer glowing illustrations of one another's personal character and their love for each other. In 1953 the couple agreed to the publication of a selection of letters by the National Committee to Secure Justice in the Rosenberg Case. Scheffler recalls "The objectives of publication were to encourage a public demand for clemency and to raise funds for the Rosenberg children."⁷¹ The letters obviously did not effect any leniency on the part of the court, but they did provoke a curious amount of anger on the part of readers, most of which was directed at Ethel. According to Scheffler, "many commentators on the

Rosenbergs to death and maintains their innocence of the specific crime for which they were convicted. Robert Meeropol, *We Are Your Sons: The Legacy of Ethel and Julius Rosenberg*. (Houghton, Mifflin, 1970)

⁷⁰ David Thornburn, "The Rosenberg Letters." (*The Boston Review*, 1995)

⁷¹ Scheffler, "Ethel Rosenberg's Prison Letters" 21

case have found the letters false, and have attacked the use of political rhetoric in personal correspondence.”⁷² Scheffler cites critics of the Rosenbergs who accused them of inauthenticity and martyrdom. These critics refer to Ethel as alternately cold and angry for her seamless shifts between political statements and familial sentiment, often within a single letter, and her seemingly calculated use of her family for political point scoring.

In a letter to Julius, Ethel expressed her own evocation of her motherly duties, shaming those who refused her them, and explicitly addressing herself to an American public. The letter begins as most do with a sweet address to “darling Julie,” asking “did ever a girl have a husband such as you?”⁷³ She then recalls receiving his and other correspondence through their lawyer, including a class photograph of their son Michael. The photo provokes in Ethel “a stab of motherly longing” and rage at the loss of her children and the people who have taken them from her:

How dare they, the low vile creatures lay unclean hands upon our sacred family? And tell me, oh, my sister Americans, how long shall any of your own husbands and children be safe if you permit by your silence, the inertia of this foul deed to go unchallenged!⁷⁴

Here Ethel calls on her “sister Americans” and seeks to connect the violence done to her family to a larger threat posed to families by state violence and repression. Of course, neither Julius nor Ethel recognized the danger of this tactic and the extent to which Ethel’s failure to successfully inhabit a domestic ideal would doom her. But her exhortation also demands a public and political form of motherhood which extends outward to her sister Americans, one that paradoxically both upholds and flouts the “sacred” privacy of the domestic home.

⁷² Ibid, 28

⁷³ Rosenberg, *Letters*, 184

⁷⁴ Ibid, 184

Ethel Rosenberg did not seek escape from the bonds of the family like Emma Goldman did. The family for Rosenberg was sacred—not as the contained private bomb shelter described by Elaine May, but as a shared communal ideal.

In another letter Rosenberg recounts her day to her children, wondering if they might be eating breakfast “since it isn’t even 8 o’clock” and again listing her own routine.

I have already showered, dressed and had mine, swept my room and made my bed. Soon we will order newspapers for the weekend and buy candy and cake and apples and oranges and stamps and toothpaste from a lady who sells these things to us from a little stand on wheels we call the commissary... On Friday two ladies come with a rolling library... stocked with books of all kinds from which we may choose four at a time, if we like. I have already read several good ones, but the one I liked most was about a Mommy who discovered a substance known as Radium, which has been most helpful in curing disease. This Mommy’s name was Marie Curie and her husband who worked with her and was partly responsible for this discovery was Pierre Curie, the great French Scientist.⁷⁵

The traveling library cart is not quite the holistic school for citizens promised by the prison’s architects, but it nonetheless implies some sense of available educational material. Rosenberg takes full advantage of the meager resource and intriguingly highlights a story about a “mommy” with an abiding dedication to a cause and a partner in her husband, offering a vision of a family that both inhabits the domestic roles of parent and refuses the narrowness of that category.

The particular choice of Marie Curie and the discovery of radium is noteworthy for a woman in prison for her suspected part in passing nuclear secrets to the Soviets. Marie Curie was responsible for identifying the source of radioactivity in the splitting of the atomic nuclei and recognizing the amount of energy produced. As Steve Voynick points out in a 2009 essay “From Radium to the A-Bomb,” there is a straight and short line between Curie’s

⁷⁵ Ibid, 47

discoveries and the development of the atomic bomb.⁷⁶ Even as Ethel Rosenberg strove to make connections between herself and another “mommy” and relate to her children the mundane details of her day, she provocatively connects her domesticity to that of a nuclear physicist.

What Rosenberg does not relate to her children is the fact that Marie Curie had died in 1934, due to complications arising from long term exposure to the radioactive elements that were her life’s work. Curie’s papers are still too radioactive to be handled. Since Curie had developed the habit of carrying radioactive isotopes in her pockets her home was also radioactive. Curie’s furniture and her cookbooks are held today at the Biblioteche Nationale in lead-lined boxes which can only be handled while wearing protective clothing. The remainders of Curie’s home are themselves radioactive and deadly, and will remain so for at least a thousand years, the half-life of the most common isotope of Radium. The “mommy” who Rosenberg identifies to her children, a clear proxy for herself and her husband, contaminated herself and her home. Marie Curie brought her work home and it killed her. But it was precisely with her inability to delineate between the two—a mommy who discovered radium—that Rosenberg identifies. Ethel Rosenberg too violated the protected private sphere of the home, both bringing her politics into the living room and projecting her domestic love into the world as a political demand, and the combination proved radioactive.

Ethel Rosenberg was executed on June 19, 1953 along with her husband. Hours

⁷⁶ Steve Voynick, “From Radium to the A-Bomb: Steve Voynick Recounts How Radioactivity Changed the World in Just 50 Years.” (*History Magazine*, 2009) 26-29

earlier she had written one final letter to their sons. Arguably more cognizant than ever of the double message she was sending— to her children and to the American public— the letter is both love letter and a political provocation. I reproduce it here in full, as its power comes from its absolutism:

Dearest Sweethearts, my most precious children, Only this morning it looked like we might be together again after all. Now that his cannot be, I want so much for you to know all that I have come to know. Unfortunately, I may write only a few simple words; the rest your own lives must teach you, even as mine taught me. At first, of course, you will grieve bitterly for us, but you will not grieve alone. That is our consolation and it must eventually be yours. Eventually, too you must come to believe that life is worth the living. Be comforted that even now, with the end of ours slowly approaching, that we know this with a conviction that defeats the executioner! Your lives must teach you, too, that good cannot really flourish in the midst of evil; that freedom and all the things that go to make up a truly satisfying and worthwhile life, must sometimes be purchased very dearly. Be comforted then that we were serene and understood with the deepest kind of understanding, that civilization had not as yet progressed to the point where life did not have to be lost for the sake of life; and that we were comforted in the sure knowledge that others would carry on after us. We wish we might have had the tremendous joy and gratification of living our lives out with you. Your Daddy who is with me in these last momentous hours, sends his heart and all the love that is in it for his dearest boys. Always remember that we were innocent and could not wrong our conscience. We press you close and kiss you with all our strength. Lovingly, Daddy and Mommy / Julie, Ethel⁷⁷

The letter is both heartbreaking and serene. Rosenberg holds on to her love for her children and her political convictions and her absolute belief in the rightness of mingling the two. This final letter offers solace to her children, but it does not offer any regret. Rosenberg reminds her children that their lives were worth living and that they must embrace this knowledge and the knowledge that there are potentially deadly consequences for refusing the organization of state power. The letter ends by doubly condemning the legal system that

⁷⁷ Rosenberg, *Letters*, 703

found them guilty and hinting at a more holistic form of innocence which actively opposes moral wrongs. This letter and the body of letters as a whole represent an absolute refusal to remain generically confined in her writing or her life. She was both housewife and dedicated communist. She loved her children, but not privately. Rosenberg relates a far more expansive form of care which includes a demand to imagine and enact a better world as part of her love for her children.

Judge Kaufman, in a statement addressed to both the Rosenbergs and the “citizens of this country” upon his pronouncement of a death sentence, condemned the couple precisely for their violation of private familial belonging. Calling their crime “worse than murder” for the betrayal of their country, Kaufman ends with an attack on the Rosenbergs’ loyalties to their own family:

Indeed, the defendants Julius and Ethel Rosenberg placed their devotion to their cause above their own personal safety and were conscious that they were sacrificing their own children, should their misdeeds be detected--all of which did not deter them from pursuing their course. Love for their cause dominated their lives--it was even greater than their love for their children.⁷⁸

Kaufman here parrots one of the common attacks of the Rosenbergs, and particularly Ethel, but his elaboration of it clearly illustrates the true crime for which she was condemned. Kaufman presumes that love for cause and love for children are wholly separable and that, in choosing the first over the second, the Rosenbergs violated the sanctity of their family. But this too reveals a contradiction: the domestic mother as citizen and protector of democracy and the absolute division of the domestic from the political realm do not neatly coincide.

The cultural memory of Ethel Rosenberg in the American mythos is largely confined

⁷⁸ “Kaufman Statement Upon Sentencing” in Scott Patrick Johnson, *Trials of the Century: An Encyclopedia of Popular Culture and the Law*. (ABC-CLIO, 2011), 377

to her status as a Cold War curiosity as one of only two US citizens executed for espionage in the Cold War along with her husband and continued questions over her involvement in espionage. But Adrienne Rich's 1981 poem, "For Ethel Rosenberg" explicitly connects Rosenberg's legacy to the status of the family and Rich's own desire to escape a carceral domestic. Rich recalls Rosenberg's execution and seeing graffiti "scratched on walls, on pavements / painted over railway arches / Liberez les Rosenberg!"⁷⁹ The execution fell on the same week as her wedding to a man she would later leave, refusing "compulsory heterosexuality." Having left the house to wander the streets: "Escaping from home I found / home everywhere: / the Jewish question, Communism / marriage itself / a question of loyalty / or punishment."⁸⁰ Connecting Ethel Rosenberg's loyalty to her husband and the state's punishment of that loyalty, Rich draws an implicit connection between the home, marriage, and punishment whether by the state, a father, or husband. For Rich this is a deeply personal connection: "I gave myself in marriage / then slowly severing drifting apart / a separate death a life unto itself / no longer the Rosenbergs / no longer the chosen scapegoat / the family monster."⁸¹ Rich connects Rosenberg's execution and her family's abandonment (her mother and brother testified against her) to her own experience as "the family monster" and her escape from the home and from heterosexuality.

Ethel Rosenberg becomes for Rich a submerged figure in her subconscious "first / as part of that dead couple... till I hear how she sang / a prostitute to sleep / in the

⁷⁹ Adrienne Rich, "For Ethel Rosenberg." (*The Iowa Review* 1981), 286–90

⁸⁰ *Ibid*

⁸¹ *Ibid*

Women's House of Detention."⁸² This fact, the hint of sisterhood and solidarity with the women confined with her, provokes a question for Rich of what could have been. "Ethel Greenglass Rosenberg would you / have marched to take back the night collected signatures / for battered women who kill / What would you have to tell us / would you have burst the net."⁸³ Like Emma Goldman's call to be "broad and big," Rich's evocation of Ethel Rosenberg imagines her bursting the net that confines women within heteropatriarchal marriage and the domestic home. Ethel Rosenberg remains an ambivalent figure in this way, and in the final lines of the poem Rich chides herself with asking this of Ethel Rosenberg, a woman whose politics were a matter of public record but did not actually refuse the constraints of the home and, in fact, fought to be allowed them. The link for Rich between the Ethel Rosenberg that died with her husband and the Ethel Rosenberg that could have been a contemporary feminist was the moment of solidarity represented by her singing to a prostitute in the House of Detention, something Rosenberg recalled gave her joy even in the depths of her despair.

With Adrienne Rich, I read Rosenberg's forms of solidarity and intimacy as a source of political provocation, but I read her insistence on including her family within the circle of political commitments and vice versa as a central aspect of this provocation. Rosenberg's refusal to delineate between love as a private familial affect and a public political project is central to her sense of self, as we see in her final letter to her children. Rosenberg brought the struggle home, and as with Marie Curie it killed her. She also brought her home to the political sphere despite the axioms of domesticity which demanded that the two remain

⁸² Ibid

⁸³ Ibid

divided. Her form of political intimacy—both making intimate the political and political the intimate, mirrors feminist struggles to politicize the household and make visible domestic forms of violence, even as she approaches her home and family through valorization rather than critique. Her residence at the House of Detention placed the contradictions of the domestic as a sphere to be both contained and exported at center stage.

Conclusion: Another New Beginning's End

The House of Detention, like Blackwell's before it, served to contain the masses of women brought in on charges of prostitution, drunkenness, and drug use, rather than to "rehabilitate" them. As I noted in chapter 1, young white women often found themselves shipped to reformatories as opposed to segregated units in male institutions or other forms of carceral punishment like convict leasing and chain gangs. The House of Detention had reframed the incarceration of women along the lines of these reformatories, trumpeting rehabilitation and education, but it was not built for the population that the reformatories hoped to produce as proper domestic subjects.

Sara Harris' expose was one in a series of scandals that rocked the House of Detention in the 1960s. Harris quotes "a United States Commissioner who labeled it 'a house of ill repute'" and an assemblyman who "called it 'a blight, a reflection on our civilization.'"⁸⁴ Harris begins the book by recalling two young feminists who were held at the House of Detention in 1965 after their arrest for a peaceful protest of the Vietnam War. One of those two young feminists was 18-year-old Andrea Dworkin, who related her

⁸⁴ Harris, *Hellhole*, 8

experience at the House of Detention to a New York Post columnist. Dworkin describes in detail the violent and intrusive vaginal and rectal exams she was forced to endure while being processed. Recalling the experience in her 1995 autobiography *My Life as a Writer*, Dworkin characterizes the exam as “rapelike trauma,” connecting the sexual violence of the prison and her own internalizing of the blame for the assault to her experience of domestic violence.⁸⁵ The arrest and brutal treatment of the young white college educated Dworkin proved wildly unpopular. In his New York Post column, James A. Wechsler sympathetically praised Dworkin’s poise and bravery in telling her story (a distinctly different tone than later press coverage of Dworkin would take) and branded the House of Detention “the notorious local Bastille.”⁸⁶ Just thirty years after it was called a school for citizens and the best institution of its kind in the nation, if not the world, the New York Women’s House of Detention was widely considered one of the worst.

Angela Davis has written about the racial and sexual abuse she experienced and witnessed when she was incarcerated there. In a 1998 interview with the *Contra Costa Times*, she recalls “It was nasty. It was a dirty place.”⁸⁷ Beyond the filth was a mind-numbing regime that treated full-grown women like children, she said. “I’ve always found it so astonishing that people could assume that prisons can actually be rehabilitative when in prison you have no control over your life. You’re told when and how to do absolutely everything.”⁸⁸ The form of arrested development—the treatment of grown women as

⁸⁵ Andrea Dworkin, *Last Days at Hot Slit: The Radical Feminism of Andrea Dworkin*. Edited by Johanna Fateman and Amy Scholder. (MIT Press, 2019), 318

⁸⁶ Harris, *Hellhole*, 15

⁸⁷ Michelle Locke, “Angela Davis Taps Past For Passion.” (*Contra Costa Times*, 1998)

⁸⁸ *Ibid*

children, even as they have been held accountable by the law as adults, foreshadows Assata Shakur's later experience in Rikers Island, where the women of the House of Detention would be moved in 1971.

The House of Detention was demolished in 1973. The plot on which it stood was transferred to the ownership of the Parks Department and, as mentioned, is now the site of the Jefferson Market Garden. The Garden offers a remembrance of the Women's House of Detention on its website and a plaque celebrating the "humane" prison. The website also cites the historical House of Detention in a brief history of the site. Today the Garden is a popular location for weddings and the website insists that the garden's "natural beauty makes for a gorgeous setting for your ceremony in the heart of one of the most romantic neighborhoods in New York City—Greenwich Village."⁸⁹ If that is not enough to tempt, "Perhaps you recall Miranda's wedding on "Sex in the City," which was filmed right here in the Jefferson Market Garden!"⁹⁰ So the House of Detention fell, making room for *Sex and the City* and yet another newer, better prison. The space is still dedicated to a domestic imaginary, both reaching back to sanitize the memory of the House of Detention and providing the scene for production of future domestic bliss as a wedding location.

⁸⁹ "Plan a Wedding." (jeffersonmarketgarden.org)

⁹⁰ Ibid.

Chapter 5: Black Liberation on Rikers Island

In 2013, Assata Shakur had the dubious honor of becoming the first woman named to the FBI's 'Most Wanted Terrorists' list, with a million-dollar reward listed for "information leading to her capture."¹ The addition of Shakur to the list was prompted by the fortieth anniversary of the death of a New Jersey State Trooper, for which she was convicted. It was far from the first time Shakur was portrayed as exceptional by either her critics or her supporters. In making an example of Shakur as a "domestic terrorist," the FBI succeeded primarily in sealing her legacy as a revolutionary icon whose radical politics of black liberation played out in a very public sphere. Shakur's words are today a rallying cry for black liberation and the phrase "Assata taught me" is omnipresent at Black Lives Matter and prison abolition protests.

In this chapter I take advantage of the multiple resonances of the term "domestic terrorist" to read the double threat Shakur posed to the state and to the conception of the white domestic family. Shakur is not traditionally read as a critic of the family or domesticity and her status as a revolutionary figure is generally understood solely as a critique of the violent domestic *state*. I argue that Shakur incisively reads the significance of particularly domestic forms of discipline enacted on black families by the state in relation to "smaller" forms of familial violence and "larger" forms of global hegemony. She makes explicit connections between legacies of slavery and racial capitalism and refers to her current status as that of a maroon or fugitive slave. Shakur documents her experience and analysis of the

¹ "Most Wanted Terrorists: Joanne Deborah Chesimard," (FBI, 2013)

role played by the women's prison and its relationship to "the tenements, the shooting galleries, and the welfare hotels" in "Women in Prison: How We Are," published in *The Black Scholar* in 1978, the year before she escaped from Clinton Correctional Facility for Women in New Jersey.² This essay by Shakur forms the central theoretical framework of this chapter. In it I continue the work of chapters 3 and 4, foregrounding a central figure of female criminality to analyze the forms of discipline levied against her and explore the political and theoretical mode of refusal she provides. Through Shakur's analysis I read the reimagined women's prison on Rikers Island as a descendant of and departure from previous iterations in the House of Detention and Blackwell's Island.

The Rikers Island Correctional Institution for Women was dedicated in 1971 with even more fanfare than the Women's House of Detention it replaced, if such a thing is possible. Correction Commissioner George F. McGrath claimed, "this is the first time we have had a physical facility to match what has been our philosophy for decades," as Mayor John Lindsey looked on in approval.³ The same *New York Times* article in which McGrath's optimistic quote appeared wholeheartedly condemned the House of Detention: "The old house of detention, built in 1932, was overcrowded almost from its opening. It came in for frequent criticism and calls for its replacement, and a new one first appeared in the 1955 capital budget."⁴ The irony of this is almost unbearable given that forty years earlier the same paper had breathlessly covered the same ceremony for the House of Detention, heralding its incredible strides in rehabilitation. Now it noted that the new Correctional Institution for

² Assata Shakur, "Women in Prison: How We Are." (*The Black Scholar*, 1978), 13

³ Paul Montgomery, "Jail for Women Dedicated Here," (*The New York Times*, 1971)

⁴ Ibid

Women “reflects the change from punitive incarceration to rehabilitation.”⁵ The improvement over the old overcrowded facility naturally included an expanded holding capacity with 750 cells to replace the 500 at the House of Detention.

In its expanded capacity, the new facility offered “private rooms,” another promised innovation of the House of Detention which was quickly undermined by overcrowding. However, where the House of Detention was heralded as “the most modern and best-equipped penal institution for women in the world” and a “school for citizenship,” Commissioner McGrath opened the dedication ceremonies for the Correctional Institution for Women “Welcome to New York’s newest and perhaps best hotel.”⁶ No longer just a model and pedagogic penal institution, the new facility was a temporary housing complex, and better than many New York City had to offer, perhaps a more damning picture of the city than had been intended. Although many of these trumpeted reforms could have been plucked from the same paper’s description of the previous maligned institution, McGrath’s triumphant likening of the prison to a hotel signals a shift. The Correctional Institute for Women offered temporary housing rather than the moral training of the domestic home, more akin to the welfare hotel or the tenement than a “school for citizenship.”

This temporary housing model marks a point of departure for the women’s prison and one which Assata Shakur illustrates in her writing about her own experience. Shakur stayed at “hotel” Rikers for just over 8 months during her trial in 1973. If the previous era marked strategic containment to and exclusion from an idealized home, this period marks the beginning of a strategy of warehousing excess populations. Whereas I argued that the

⁵ Ibid

⁶ Ibid

anarchist (and the prostitute) represented the threat of foreign contamination in the late nineteenth century, and the spy figured a fear of contamination from within the contain and exclusionary domestic in the mid-twentieth century, then the predominant threat of the late twentieth century, and the foundation for our current system of mass incarceration is figured by the black radical as/and black mother. These figures and the periods they index do not replace or stack on top of each other. Rather, the historical forms adapt to contemporary political economic concerns and cultural anxieties. To say the black radical forms a primary locus of state discipline is not to say that the anarchist as symbolic threat has disappeared or that the spy as internal problem has disappeared. Nor do I suggest that black liberation has not posed a threat to US white supremacist state power since the state was founded on an economic and social system of chattel slavery. But I do argue that Assata Shakur's arrest, incarceration, and her analysis of both, mark a significant shift in the logic of the carceral state.

In focusing on Assata Shakur's experience and analysis, this chapter addresses mass incarceration at the moment of its birth and the preconditions and precepts that laid its foundations. 1973 is an important year in the history of the prison. It is the year President Nixon declared war on drugs and the beginning of a steep rise in incarceration. According to a report by the National Academies of Sciences, Engineering, and Medicine, "in 1973, after 50 years of stability, the rate of incarceration in the United States began a sustained period of growth."⁷ From 1973-1974, the year identified by the Consensus Study Report as the beginning of a period of sustained growth the population of men in state and federal

⁷ "The Growth of Incarceration in the United States: Exploring Causes and Consequences." (The National Academies of Sciences, Engineering, and Medicine, 2014), 33

institutions increased from 204,211 to 218,466 incarcerated (a 7 percent rise) while that of women grew from 6004 to 7309 (a 22 percent rise) according to a Bureau of Justice Statistics report from 1982. While it is the massive nominal growth of men's incarceration that is usually studied as an effect of Nixon's War on Drugs, these policies would have an immediate and sharp effect on women, effecting a growing women's prison population. That growth would accelerate sharply in the early eighties, as policies and programs initiated in the early seventies took full effect. The Drug Enforcement Agency was created in 1973, institutionalizing the War on Drugs, which would justify the massive increases in policing and sentencing in the coming decades.⁸

1973 also saw one of the major instigating events of a global project of privatization and neoliberalism: the American backed coup in Chile, which toppled democratically elected Salvador Allende and installed the brutal dictator Augusto Pinochet. In locating the origins of a massive expansion of policing and state intervention as inextricable from a project of privatization and government retreat from welfare, I follow Shakur who connects intimate forms of violence to structural state projects as well as global colonial ones. In her autobiography Shakur asserts that "prisons are part of this government's genocidal war against Black and Third World people."⁹ Through Shakur's work, I offer a framework for analyzing and resisting the nascent structure of mass incarceration and the new women's

⁸ See Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics*. (Oxford University Press, 2000); Elizabeth Kai Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, (Harvard University Press, 2016); Julilly Kohler-Hausmann, "The Attila the Hun Law: New York's Rockefeller Drug Laws and the Making of a Putative State." (*Journal of Social History* 44, 2010); Doris Marie Provine, *Unequal under Law: Race in the War on Drugs*. (University of Chicago Press, 2007)

prison which Shakur experiences.

Black Liberation and the Origins of Mass Incarceration

Assata Shakur's trial and incarceration were, from the start, political flashpoints. Her arrest was and continues to be understood as part a wholesale attack on black radicals by the state. One of these attacks was the 1969 murder of Fred Hampton, the 21-year-old leader of the Illinois chapter of the Black Panther Party. The Chicago Police Department, under orders of the FBI assassinated Hampton in his bed where he slept beside his pregnant girlfriend. He was shot twice in the head at point-black range. Hampton's assassination represented a targeted murder designed to undermine the operations of the Chicago Panther Party. Hampton in particular had been a remarkably effective young organizer who prioritized solidarity and social welfare programs, introducing the Panthers' free breakfast program to Chicago, successfully creating a multiracial "rainbow coalition," and arranging for a ceasefire between local gangs. It was Hampton's demonstrated aim and ability to foment and develop networks of community and kinship that proved so dangerous.¹⁰

The murder of Hampton was the culmination of a COINTELPRO project of infiltration of the Chicago Panther Party. The FBI had directed informant William O'Neale to insinuate himself into the inner circle of the Party and he eventually secured a position as Hampton's bodyguard.¹¹ O'Neale then provided the FBI with complete floorplans of Hampton's apartment. A post-mortem toxicology report suggests that he also drugged

¹⁰ See Jakobi Williams, *From the Bullet to the Ballot: The Illinois Chapter of the Black Panther Party and Racial Coalition Politics in Chicago*. (UNC Press Books, 2013)

¹¹ See Jeffrey Haas, *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*. (Chicago Review Press, 2011)

Hampton by dosing his Kool-Aid with secobarbital so that he could not defend himself.¹²

Where sixteen years earlier the US government had put Ethel Rosenberg to death for her infiltration of the domestic home, the FBI in 1969 had taken up the role of the domestic spy, seeking not to contain or protect the domestic sphere but to fracture it. Two years after Hampton was shot in his home, his death was ruled a justified homicide. The investigations of the lawsuits associated with Hampton's murder uncovered the involvement of the FBI's COINTELPRO operations (the counter intelligence program tasked with surveilling, infiltrating, and undermining political dissidents in the US), the targets of which included Martin Luther King Jr., Malcolm X, Angela Davis, George Jackson, and Assata Shakur among many others.¹³

The full breadth and scope of COINTELPRO was revealed in 1971 after a leftist group, the Citizens' Commission to Investigate the FBI, broke into the Pennsylvania office of the FBI, stole over a thousand classified documents relating to the program, and anonymously sent them to the press. COINTELPRO launched officially in 1956 to surveil and disrupt "subversive" groups in operating within the US. The first program targeted The Communist Party. Prior to 1957 any form of organizing with the "intent to overthrow the US Government" was illegal under the Smith Act. The Act, which passed in 1940, allowed for a broad interpretation and membership in the Communist Party USA was grounds for prosecution under the act. The Smith Act was ruled unconstitutional in 1957 with

¹² O'Neale reportedly walked into traffic in Chicago in 1990. His death was ruled a suicide and Fred Hampton's brother speculates that he could not live with his actions during his years as an FBI informant. See: Robert Blau, "Panther Informant Death Ruled Suicide." (*Chicago Tribune*, 1990)

¹³ See Betty Medsger, *The Burglary: The Discovery of J. Edgar Hoover's Secret FBI*. (Knopf Doubleday Publishing Group, 2014)

COINTELPRO appearing just as its legality was being debated. In the late 1950s and 1960s the scope of COINTELPRO grew and shifted to focus on Vietnam War Protesters, various groups of the New Left, and the growing Civil Rights and Black Power movements.

Sociologists David Cunningham and John Noakes combed through available

COINTELPRO files in 2008 and identified the primary directives of COINTELPRO

handed down to agents involved:

1. Create a negative public image for target groups by surveilling activists and then releasing negative personal information to the public.
2. Break down internal organization by creating conflicts by having agents exacerbate racial tensions, or send anonymous letters to try to create conflicts.
3. Create dissension between groups by spreading rumors that other groups were stealing money.
4. Restrict access to public resources by pressuring non-profit organizations to cut off funding or material support.
5. Restrict the ability to organize protest.
6. Restrict the ability of individuals to participate in group activities by character assassinations, false arrests, surveillance.¹⁴ (184-185)

This multipronged attack represents an explicit attempt to fracture communities, separating “dangerous” subjects from networks of support and removing them entirely from society.

Where the Smith Act attempted to register, publicly recognize and punish sedition, COINTELPRO was a secretive campaign to divide and conquer, meant to atomize individuals and unsettle forms of solidarity and belonging unhitched to the nuclear family and the state. The program also represented a far more intimate and personal form of attack, seeking to disperse negative personal information of targets (like Martin Luther King’s affair) in order to undermine the trust of their community.

I am explicitly disinterested in the innocence or guilt of the three women (Emma

¹⁴ David Cunningham and John Noakes. “What If She’s from the FBI? The Effects of Covert Forms of Social Control on Social Movements.” (Emerald Group Publishing Limited, 2008), 184-185

Goldman, Ethel Rosenberg, and Assata Shakur) I read in Part II, and in fact, all three call into question the usefulness of a clear distinction between innocence and guilt. As political dissidents explicitly targeted for incarceration, deportation, and death, the actions of these women in service of their resistance to a violent state cannot be stacked up equally to the power of the state that was levied against them. In Shakur's own words in a 1987 interview in Cuba where she resides to this day:

In reality, armed struggle historically has been used by people to liberate themselves. But the question lies in when do people use armed struggle . . . There were people [in the BLA] who absolutely took the position that it was just time to resist, and if black people didn't start to fight back against police brutality and didn't start to wage armed resistance, we would be annihilated.¹⁵

Given the murder of Fred Hampton and many more, COINTELPRO represented a traumatic loss of a generation of black political leaders throughout the 1960s and 70s. Shakur's answer reroutes the question to the violence of the state, which is where her analysis lies. Shakur had been the subject of several investigations by the NYPD and FBI in 1971 and 1972. In 1973, Shakur, along with Zayd Malik Shakur and Sundiata Acoli, were pulled over on the Jersey Turnpike by a New Jersey State Trooper for driving with a broken tail-light, a common justification for search and seizure used by police. Shakur was arrested as a result of this encounter and accused of the murder of a state trooper, for which she was convicted and incarcerated.

Shakur herself had been targeted by COINTELPRO for her work with both the Black Panther Party and the Black Liberation Army and, as with Ethel Rosenberg, the threat she posed to the state was particularly gendered. Shakur's position within the black liberation

¹⁵ Shakur qtd in Ron Howell, "On the Run with JoAnne Chesimard." (*Newsday*, 1987)

movement and her deployment as a threat in state propaganda are both incredibly particular to her as an individual and representative of a large scale attack on black women in the 1970s. Joy James notes in “Framing the Panther: Assata Shakur and Black Female Agency” (2009) that Assata ‘stands alone’ among the women of the Black Panther Party as “a recognizable female revolutionary, one not bound to a male persona.”¹⁶ Shakur was politicized individually and without connection to a black male counterpart, a status amplified by her “outlaw status.” According to James, “her hybridity is a confluence of masculine and feminine (stereotypical) characteristics. Shakur was at once the prototypical revolutionary and the “revolutionary mother hen” of the Black Liberation Army.¹⁷ Shakur then functions as a domestic terrorist both in her threat to the national family and her position as political mother-figure. Shakur was also pregnant when she was arrested and gave birth to her son while incarcerated.

In a broad sense Shakur is the perverse mother who reproduces revolution rather than citizen-laborers. In this way she embodies at once the threat of black radicalism and black motherhood. Patricia Hill Collins notes the ways in which the white nuclear family is linked to the “American national family” as a eugenicist project. Collins argues that black women are registered as threats to this project biologically and socially through their status as mothers of black children *and* culture, which is understood to be ideologically at odds with the US domestic project. Shakur connected this “domestic” threat to the public political threat of the black power movement. While racism has been a central feature of the criminal justice system since its inception in the US, the use of incarceration as the primary tool of

¹⁶ Joy James, “Framing the Panther: Assata Shakur and Black Female Agency” (NYU Press, 2009), 138

¹⁷ Ibid

social control and housing of excess populations emerges in the 1970s as the black mother begins to signify the primary threat to social order.

If the prostitute and the anarchist represented the most grievous threat to the new institutions of the late nineteenth and early twentieth centuries and the spy is projected the domestic anxieties of the cold war, the black radical mother as “domestic terrorist” metonymically stands in for a host of anxieties surrounding the domestic as nation and family at the end of the twentieth century. Cultural myths of the inherent social malfunction of the black family had circulated since the end of slavery but in the 1960s these myths calcified into a social scientific discourse of a “culture of poverty” with black women bearing much of the blame. The Moynihan Report, released in 1965, located the “fundamental problem” of social unrest in a fundamental disorder of the “Negro family.”¹⁸ Moynihan couched his analysis in a black intellectual tradition, citing W.E.B Du Bois’ 1908 *The Negro American Family* and more significantly Franklin Frazier’s 1939 *The Negro Family in the United States*, which offered an analysis of the development of the black family in the US in the aftermath of slavery. Moynihan’s productive misuse of DuBois and Frazier lent his analysis legitimacy and a progressive veneer, even as he provided the roadmap for the devastation of black communities through welfare reform and policing. Daniel Patrick Moynihan, a sociologist, Democratic senator, and advisor to Richard Nixon, offered a pathology of the black family, stemming from the perceived problem of absent fathers and “matriarchal” family structure. The problematizing of maternal discipline and the clear implication that the state should intervene, creates a doubly precarious and pathologized black maternal figure;

¹⁸ Daniel P Moynihan, *The Negro Family. The Case for National Action*. Department of Labor, Office of Policy Planning and Research, (1965)

She is at once the disciplinarian and the locus of state disciplining of the black family—the bad mother (of the domestic home) and the bad child (of the state).

The pathologies of the black family coalesced in the figure of the welfare queen who was imagined to be both a threat to the social order and a drain on state resources. In an analysis¹⁹ of the Anita Hill hearings, Wahneema Lubiano argues that the Moynihan Report, “in many ways the Ur-text for the simplistic “culture of poverty” discussions” positions the “welfare-dependent single mother” as the “synecdoche, the shortest possible shorthand, for the pathology of poor, urban, black culture.”²⁰ This renders her, as Lubiano emphasizes, “responsible for creating and maintaining a family that can only be perceived as pathological compared to the normative (and thus allegedly “healthy”) family structure in the larger society, the welfare mother is the root of greater black pathology”²¹ In *Family Values: Between Neoliberalism and the New Social Conservatism* (2016), Melinda Cooper reiterates Moynihan’s prefiguring of the welfare queen, highlighting his framing of the “militant black mothers” of the National Welfare Rights Organization as the “aristocracy of welfare recipients.”²² In militant black mothers, Moynihan unites the threat of the black radical and the black mother under one sign.

In naming them “aristocracy,” Moynihan provided the template for the myth of the welfare queen which would form a cornerstone of Ronald Reagan’s 1976 presidential campaign. The myth of the welfare queen, through which Reagan launched his attacks on

¹⁹ Wahneema Lubiano, “Black Ladies, Welfare Queens, and State Minstrels: Ideological War by Narrative Means.” In *Race-Ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas and the Construction of Social Reality*, edited by Toni Morrison. (Pantheon, 1992), 335

²⁰ Ibid, 335

²¹ Ibid 335

²² Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism*. (MIT Press, 2017), 46

welfare, was based on the supposedly true story of a black woman who “used 80 names, 30 addresses, 15 telephone numbers to collect food stamps, Social Security, veterans’ benefits for four nonexistent deceased veteran husbands, as well as welfare. Her tax-free cash income alone has been running \$150,000 a year.”²³ The narrative’s implication—that welfare was 1) primarily for poor black people and 2) allowing them not just to live, but to live well, without a job—touched a live wire of racial resentment and allowed Reagan to begin a systematic project of dismantling of the welfare state. In a 1996 review of recent scholarship on welfare reform, legal scholar Dorothy Roberts writes that “racial politics has so dominated welfare reform efforts that it is commonplace to observe that “welfare” has become a code word for race.”²⁴

In fact, “welfare” in the US had always contained within it moralizing regulations about “deserving” mothers and proper homes. The first social welfare program, “Aid for Dependent Children,” was established as part of the Social Security Act of 1935. The program was itself an ameliorative replacement for Mothers Aid and Mothers Pension programs of the late nineteenth and early twentieth centuries. In *The White Welfare State: The Racialization of U.S. Welfare Policy* (2005), Deborah Ward recalls the racist origins of these programs and their delineations of the deserving and undeserving poor. In lobbying for mothers pensions in 1912 the General Federation of Women's Clubs (the national body of women’s clubs) made clear the stakes: “when the home is shaken by economic changes, there should be a progressive legislative policy for the greater honor and greater stability of home life... the legislative policy above outlined, in safeguarding motherhood, safeguards

²³ Levin, Josh. “The Real Story of Linda Taylor, America’s Original Welfare Queen.” (*Slate Magazine*, 2013)

²⁴ Dorothy E. Roberts, “Welfare and the Problem of Black Citizenship.” (*Yale Law Journal*, 1996), 1563

the race.”²⁵ Coming out of widows pensions in the aftermath of the Civil War, Mothers Aid and Mothers Pensions programs explicitly guarded and circumscribed the white home, excluding black mothers and their children. Social welfare historian Winifred Bell adds that while the exclusion of black women was almost total, social workers also delineated between “low type” (Mexicans Italians, Czechoslovakians) and “high type” white subjects (Anglo-Saxons) in portioning out grants, with the vast majority going to “high type” as reported in 1922.²⁶

The Aid to Dependent Children Program was developed out of and to supplement these existing programs, which had found themselves without funding in the Depression years. As Ward explains, “ADC inherited a structural legacy of discrimination against African-Americans that defined not only the parameters of ADC’s development as a national social welfare program but also the contours of the American welfare state.”²⁷ Over half of the states included stipulations that recipients live in a “suitable family home meeting the standards of care and health, fixed by the laws of this state and the rules and regulations of the State Department there under.”²⁸ Ward explains, citing Winifred Bell’s analysis, the effect of these “suitable homes” stipulations, demonstrating that they were designed “to inhibit ADC coverage of Negro and Illegitimate children.”²⁹ As Ward adds, any forms of federal pushback “were countered by states’ and localities’ determination to limit the program to

²⁵ Deborah E. Ward, *The White Welfare State: The Racialization of U.S. Welfare Policy*. (University of Michigan Press, 2009), 40

²⁶ Bell qtd in Ward, 90

²⁷ Ibid, 99

²⁸ Ibid, 117

²⁹ Ibid, 120

suitable, white families.”³⁰ The de jure discrimination in welfare was addressed in 1968 through amendments to the social security act and a supreme court decision in *King v. Smith* (1968). However, the ensuing backlash to the reversal of five decades of exclusion laid the foundation for the decline of welfare. As Ward notes: “After African-Americans had access to this benefit stream, welfare adopted a new image.”³¹ It was this image—the racially marked program which was seen as benefitting undeserving black mothers that Reagan seized upon. The story of a black woman living large on tax dollars was immensely effective—so effective in fact that her specter was raised once more in killing the program for good.

This locating of disfunction and danger of the family plays out distinctly differently than in a domestic sphere as elaborated by Charlotte Perkins Gilman, for whom the home is imagined to be a place of security and purity that must be guarded from a permanently menacing outside world, thus concealing the violence within and justifying the logic of containment. We see here neither the turn of the century threat of the anarchist or prostitute *to* the family, nor the mid-century threat of a spy or contaminant *in* the family. Rather the threat of the family *itself* is the danger. The danger *of* rather than *to* or *within*. To Moynihan, the pathologized black family represents a threat to society at large. The so called “culture of poverty” is a contagion of the black family which can then be spread to other families. This is a logic of eugenics which, followed to its end, demands a project of inoculation—of removal from the social world and gene pool. As Katherine Bement Davis’ experiments in unevenly distributed rehabilitation and the nineteenth century re-routing of select women to

³⁰ Ibid, 119

³¹ Ibid, 130

reformatories demonstrate, this logic had long been part of the women's prison project and black women were seldom seen as candidates for rehabilitation and reform. Moynihan's reformulation pathologized the black mother in a double-bind: as both an inadequate and excessive mother. The danger of the black home as imagined by Moynihan is totalizing. Through this operation, the pathological black home is necessarily refused the rights and protections of the white home. We see this literalized in the cases of *State v. Rhodes* and *Fulgham v. State* which I cite in chapter 1, and which make clear the double-edged sword at play here. While privacy is granted to the white home in order to protect an abusive patriarch, that privacy is stripped from a black family in order to substitute the violence of the husband with the violence of the state. The form of domestic discipline which the state adopts becomes its own twisted form of familial "care."

As a "domestic terrorist" Shakur represents both an object and refusal of this form of care, and an epochal threat to state power. Shakur's form of black motherhood, tied inextricably to a political community, unites the predominant anxieties surrounding black motherhood and radical projects of black liberation. COINTELPRO was a concerted attack on forms of community making and political organizing, aimed specifically at undermining solidarity within and between groups, which functioned as a refutation of kinship networks outside the traditional family. The attempt to undermine the Panther Party and BLA framed them as primarily aggressive and militaristic. But the Panthers had centered communal forms of care in its free breakfasts, medical clinics, and education programs. In addition to organizations like the Panthers centering social reproduction and networks of care and

support, by 1969, “two thirds of the members of the Black Panther Party were women.”³² That number, from a survey by Bobby Seale, contradicts the image of the Panthers promulgated by the contemporary media. Kathleen Cleaver highlights the attention paid to “how many Panthers got arrested or killed.”³³ For Cleaver, the erasure of the image of the black women as revolutionaries and the emphasis on the capture and killing of black men is part of a strategy to portray the state’s conflict with the Panther Party as a masculinized military struggle and a struggle which the state was winning.³⁴

COINTELPRO sought to erase and neutralize the influence of the role of black women in revolutionary struggle. As a public face to the struggle and a “mother hen” Shakur was a provocation and an all-consuming threat. Her arrest and prison sentence served to remove her from a social world rather than inculcate in her a sense of social and domestic responsibility. Shakur represented not a failed mother, but a dangerously successful one. Her sentence therefore served to sever connections to the family and community rather than produce them.

Women’s Prisons and Welfare Hotels

In Shakur’s own incarceration the state attempted in multiple ways to cut her off from her own political community. She was moved frequently and held in multiple jails including a men’s facility, in which she was held in solitary confinement. When she was not

³² Kathleen Neal Cleaver, “Women, Power, and Revolution.” (*New Political Science*, 1999), 125

³³ Ibid

³⁴ See Elaine Brown, *A Taste of Power: A Black Woman’s Story* (Anchor Books, 1994), Kathleen Cleaver and George Katsiaficas, *Liberation, Imagination and the Black Panther Party: A New Look at the Black Panthers and Their Legacy* (Routledge, 2014), Ashley D. Farmer, *Remaking Black Power: How Black Women Transformed an Era* (UNC Press Books, 2017), Robyn C. Spencer, *The Revolution Has Come: Black Power, Gender, and the Black Panther Party in Oakland* (Duke University Press, 2016)

in solitary, many of the facilities sought to inoculate their population by segregating Shakur as a political prisoner. In her eight months at Rikers however, Shakur found herself among the residents of “New York’s newest and perhaps best hotel.”³⁵ In “Women in Prison: How We Are,” Shakur details her experience at Rikers and offers an analysis of the form and aims of the women’s prison. Throughout the essay, Shakur stresses the overwhelming presence of non-white women at Rikers, connecting systemic abuse of black and Latina women to histories of domestic abuse and their overrepresentation in prisons. Shakur asserts, “There are no criminals here... only victims. Most of the women (over 95%) are black and Puerto Rican. Many were abused children. Most have been abused by men and all have been abused by ‘the system.’”³⁶ The portrait painted by Shakur illustrates the overwhelming racial disparity of the prison population in the 1970s is the final act in the prehistory of mass incarceration as applied to women. It is also a critical turning point for the project of the women’s prison and public housing.

The incarcerated women that Shakur describes—not themselves radicals but all subject to the same anxieties—are caught in the center of an intricate connected web of economic exploitation, racial oppression, and domestic violence. Shakur connects this shared history to the kind of crimes most of the women at Rikers were charged with: prostitution, petty theft, and drug charges, many of which are accessory charges stemming from a male partner. These crimes are, as Shakur notes, intimately connected to the particular economic insecurity of poor women of color, especially mothers. “The women see stealing or hustling as necessary for the survival of themselves or their children because jobs are scarce and

³⁵ Montgomery, “Jail for Women”

³⁶ Assata Shakur, “Women in Prison: How We Are.” (*The Black Scholar*, 1978), 8

welfare is impossible to live on.”³⁷ Having sketched out the gendered dynamics of crimes most frequently committed, Shakur comments on the ways in which the prison itself is constructed to reinforce a feminine reproductive subject, even as it serves primarily to rip women from their families and disrupt relationships.

Shakur details the design of the women’s prison, which is distinctly different than the model of the men’s prison. “One gets the impression” she comments, “when first coming to Riker’s Island [Women’s Prison] that the architects conceived of it as a juvenile center.”³⁸ Nicole Hahn Rafter’s historical account of the construction of women’s prisons affirms this: “in both theory and design, the reformatory model was influenced by previously established institutions for children” especially in their “deliberately anti-institutional” architecture.³⁹ In the case of the Rikers Island women’s facility, the architects were specifically inspired by a “new” trend in prison architecture. In the punnily titled “Prison Architects Break Tradition’s Bars” the Times covered this trend in 1971, writing that the “fortress” model, with its “Bastille-like structure with bleak gray boxes of stone and iron piled one upon the other like rat cages” had fallen out of favor.⁴⁰ These new-age architects “have begun producing a variety of new designs” including “invisible jails... that look like the other buildings in their neighborhoods, or jails whose cells have brightly colored walls, bar-less windows, retractable beds or access to education- less, recreational or even kitchen facilities.”⁴¹

The invisible jail which looks like the other buildings in their neighborhoods is

³⁷ Shakur, “Women in Prison” 12

³⁸ Ibid, 12

³⁹ Nicole Hahn Rafter, *Partial Justice: Women, Prisons and Social Control*. (Routledge, 2017), 147

⁴⁰ Recall this is strikingly similar to perceived trends of the 1930s and the shift from the fortress-like Blackwell’s penitentiary to new and similarly “anti-institutional” institutions. “Prison Architects Break Tradition’s Bars.” (*The New York Times*, 1971)

⁴¹ Ibid

almost paradoxically Foucauldian. In fading into the background of the other buildings in the neighborhoods, the dispersed and shared disciplinary function of the urban center as highly policed and surveilled becomes clear. But the prison's seamless integration into the landscape also serves to normalize its function as part of this apparatus. The New York Times exploration of the new age architecture of the prison cites in particular "New York City's spacious new Women's House of Detention, which opened last month on Riker's Island" as "typify[ing] the new approach."⁴² Rikers is not invisible through camouflage, but through segregation, situated on a dedicated carceral island. However, the women's facility adopts many of the "anti-institutional" features of these new style prisons:

With its sleek two-story chevron design, large windows, and brightly colored interior, it looks more like an Eastern girls' college than a detention facility. The buildings are sprawled across the northern end of the island, giving the inmates a commanding view of the East River.⁴³

The new facility is endlessly other-than-prison—a hotel, a junior college, apartments. As with the coverage of the dedication, this *Times* piece uncritically reproduces what amounts to free publicity for the DOC. Shakur depicts this 'anti-institutional' décor: "Instead of bars the cells have doors which are painted bright, optimistic colors with slim glass observation panels... The cells are called rooms by everybody... The prison distributes brightly colored bedspreads and throw rugs for a homey effect."⁴⁴ The approximation of a 'homey' atmosphere in the prison has the dual effect of infantilizing the women and recreating the domestic atmosphere they are expected to properly inhabit as wives and mothers. But even

⁴² Most likely a residual effect of the last House of Detention, reports on the new Correctional Institution for Women often refer to it as the House of Detention for the first few years. "Prison Architects"

⁴³ "Prison Architects"

⁴⁴ Shakur, "Women in Prison" 9

more so than the House of Detention, this domestic fantasy is not one that the women of Rikers are expected or even allowed to occupy.

While the architects associated with this newer kinder prison asserted “we are trying to create an environment that is as much like the outside world as possible,” Shakur points out that the lives of the women incarcerated at Rikers are more likely to be defined by movement between institutions and forms of violence than “homey effect.”⁴⁵ And despite the attempts at dressing it up, Rikers becomes, for these women, just another institution:

For many the cells are not much different from the tenements, the shooting galleries and the welfare hotels they live in on the street. Sick call is no different from the clinic or the hospital emergency room. The fights are the same except they are less dangerous. The police are the same. The poverty is the same. The alienation is the same. The racism is the same. The sexism is the same. The drugs are the same and the system is the same. Riker’s and is just another institution. In childhood school was their prison, or youth houses or reform schools or children shelters or foster homes or mental hospitals or drug programs and they see all institutions as indifferent to their needs, yet necessary to their survival.⁴⁶

The women’s prison did, as it turns out, resemble the domestic lives of the outside world, but the outside world of the largely poor, largely black and Latina population was not that of an “Eastern women’s college” (think Radcliffe), but the increasingly decrepit public housing projects of New York City. The prison was like the tenement was like the shooting gallery was like the welfare hotel— a carceral archipelago of poverty. While the jubilantly self-congratulatory words of Commissioner McGrath announced the construction of the Correctional Institution for Women as, “New York’s newest and perhaps best hotel” Shakur compares it to the welfare hotel, the perfect symbol of the exclusionary project of public housing.

⁴⁵ Ibid, 9

⁴⁶ Ibid, 11

When Shakur compares the women’s prison to the welfare hotel, she is observing a shift from a project of domestication to one of warehousing subjects deemed surplus. The welfare hotel had emerged in New York in 1965, when faced with “desperate shortage of low-cost housing” the city “began locating homeless families on welfare “temporarily” in hotels.”⁴⁷ As a 1971 *Time* article put it: “What started as an emergency measure has burgeoned into a monstrous problem, a squalid way of life.”⁴⁸ By 1971, the number of families housed in welfare hotels had risen to over a thousand from under three hundred in 1969. The phenomenon of the welfare hotel was partly a product of NYCHA’s explicit aims and policies, which sought out middle class families and largely barred welfare recipients from accessing public housing. The distinction could not be clearer. Public housing was to provide an entry into the middle class through the domestic home, while the welfare hotel was merely to provide temporary housing for excess populations.

The Housing and Urban Development Act of 1968 precipitated a shift in the policy of exclusion and the ways in which public housing was conceived in New York and nationally. In stating its purpose, the 1968 Act reiterates the Housing Act of 1949, which set as its goal “a decent home and a suitable living environment for every American family” and recognizes that “this goal has not been fully realized for many of the Nation’s lower income families; that this is a matter of grave national concern.”⁴⁹ The grave national concern had, as the *Time* article illustrates, not abated with the extension of public housing to lower income families on welfare, and in fact precipitated a stark downturn in the quality of public housing

⁴⁷ “Welfare: Hotels Without Hope.” *Time*, January 4, 1971.

⁴⁸ *Ibid*

⁴⁹ The Housing and Urban Development Act of 1968, Pub.L. 90–448, 82 Stat. 476 (United States Department of Housing and Urban Development, 1968)

and an uptick in its policing. The extension of public housing to the working poor in New York City, along with the highly racialized face of this working poor (prior to the 1970s, the face of NYCHA was a white middle- or working-class family) fueled political campaigns to dismantle the programs which utilized racial resentments to undermine the logic of welfare altogether. Michael Katz indicates a turning tide in the 1960s from Johnson's "war on poverty" to a "war on welfare."⁵⁰ Katz notes, "by the early 1960s, the theory of delinquency, which had emerged as a national issue in the preceding decade, had shifted from individual to community pathology."⁵¹ This shift occurred, as Katz emphasizes, in conjunction with a growing civil rights movement. To be blunt, as soon as public housing became associated with blackness it came under attack. Theories of the "culture of poverty" located the black family as the source of social dysfunction and the housing project as a breeding ground. This image allowed opponents of welfare to simultaneously slash funding for public housing projects and vastly increase funding for policing of those same housing projects. In the 1970s the housing project and the prison were connected both ideological (housing populations considered socially unfit, locked down) and literally in that the policing of public housing projects, particularly as part of the war on drugs provided the prison with its steeply growing population.

In connecting the prison to the tenement house and the welfare hotel, Shakur also points to the peculiar position of the prison and the public home. Forms of public housing are simultaneously private domestic spaces and state operated public services. As such,

⁵⁰ Michael B. Katz, *In the Shadow Of the Poorhouse: A Social History Of Welfare In America, Tenth Anniversary Edition*. (Basic Books, 1996), 262

⁵¹ *Ibid*, 264

familial and state discipline are intimately wrapped up in each other. NYCHA housing had been governed by the Housing Authority Police Department (a separate city police than the NYPD) since 1952 and, as such, the houses under its jurisdiction were subject to extreme forms of surveillance. The pre-1968 public moral codes disallowing single mothers, drunkenness, and other coded behaviors, granted the housing authority the right to ensure that these behaviors were not occurring. Post-1968, as the demographics of public housing became distinctly less white, the surveillance and policing of the properties became more sharply racialized and aggressive. The threat of state discipline hangs over public housing, connecting it to the prison in a myriad of ways— one can lose access to public housing through a sentence, one can be sent to prison for violations committed on grounds, which may be your private sphere but are also the public property of the state. The logic of the welfare state proposes that the state is responsible for some limited forms of care, but for black families, the “care” has been punitive. And the punitive care of the state falls overwhelmingly on black women who had been pathologized as both incapable of proper domestic reproduction and over-mothering.

Shakur witnesses the effect of this pathology at Rikers. She expounds on her theory that the women’s prison, in addition to reproducing the welfare hotel, adopts the architectural and disciplinary modes of the juvenile center, both violently subjugating and infantilizing the women it confines. The “homey” atmosphere of the domestic cells is reinforced in the reproduction of familial hierarchy and gender roles in the guard-prisoner relationship.

This image is further reinforced by the pseudo-motherly attitude many of the guards; a deception which all too often successfully reverts women to children. The guards call the women inmates by their first names. The women address the guards either as

Officer, Mis --- or by nicknames, (Teddy Bear, Spanky, Aunt Louise, Squeeze, Sarge, Black Beauty, Nutty Mahogany, etc.)⁵²

Shakur note the ways in which even the naming rituals approximate familial power structures. Shakur is deeply aware of the significance of names as signifiers of relationality—she had changed her own and referred to her given name as her “slave name.” Assata is a West African variant of the Arabic Aisha “she who struggles” and Shakur, in Arabic, means thankful one. By contrast, in Rikers, the women are stripped of their own familial marker (their last name) and referred to only by their first names while the guards are either referred to by a title or a familiar nickname, masking the division between the two.

Frequently, when a woman returns to Riker’s she will make the rounds, gleefully embracing her favorite guard: the prodigal daughter returns. If two women are having a debate about any given topic the argument will often be resolved by “asking the officer.” The guards are forever telling the women to “grow up,” to “act like ladies,” to “behave” and to be “good girls.” If an inmate is breaking some minor rule like coming to say “hi” to her friend on another floor or locking in a few minutes late, a guard will say, jokingly, “don’t let me have to come down there and beat your butt.” It is not unusual to hear a guard tell a woman, “what you need is a good spanking.” The tone is often motherly, “didn’t I tell you, young lady, to...”; or, “you know better than that”; or, “that’s a good girl.” And the women respond accordingly. Some guards and inmates “play” together. One officer’s favorite “game” is taking off her belt and chasing her “girls” down the hall with it, smacking them on the butt.⁵³

The discipline here is both masked by and produced through the appeal to familial kinship. The incarcerated are exhorted to “grow up” and be “good girls” even as they are forcibly positioned as children in relation to their benevolent motherly guardians. Even as it reproduces the roles of the domestic home, the prison seeks not to produce the women as mothers but as children, petty and divided. The “play” of domestic discipline—exemplified here by the game of ‘spanking’ the “girls”—manages at once to reproduce the violence of

⁵² Shakur, “Women in Prison” 12

⁵³ Ibid, 12

the home as play in the prison and mask the violence of incarceration through reference to the 'loving' environment of the home as well the inclusion of the highly sexually charged discipline of chasing and smacking women on the butt. In the play between the two spaces the "deception" Shakur notes is doubled, negating both the violence of the home and prison by marking them as one and the same through playful mockery.

The familial play of the relationship between guards and incarcerated women also served to triangulate relations between the women themselves, routing all sociality through the "mother" figure of the guard, as with the "caring" state intervening in the black family. The unidirectionality of these relationships was, ironically, noticed by the very guards who maintained them. In an article published in the *New York Times* only three weeks after their coverage of the dedication ceremony, both incarcerated women and guards aired grievances with the new facility. In an article titled, "Rikers Island May Be Posh, but They Miss House of Detention" the quotes from incarcerated women highlighted the poor food and lack of contact with men as the primary complaints. The portrait offered by the guards was a little different: "The girls liked the old place better—it was more like home," adding that "The girls like being closer together; this place is too big."⁵⁴ A superintendent (the country's only black female superintendent as noted by the article) recalled that "There was more friendliness and warmth at Greenwich Avenue... I miss the closeness of the girls. They had more freedom to move around in the building. It was smaller and they didn't have to be escorted."⁵⁵ The unstated reason for the lack of closeness is the massive expansion from one prison to the next. There was simply more space, and in the first year of its life, Rikers

⁵⁴ Angela Taylor, "Rikers Island May Be Posh, but They Miss House of Detention." (*The New York Times*, 1971)

⁵⁵ Ibid

Correctional Institute for Women, had not yet filled to (or over) capacity.

There is a tension here between the hominess described by the guards and the environment described by Shakur, which has to do with both the retreat of the domesticating mission and the object of familial relationality. The article also mentions the former House of Detention's central location and the possibility of calling out to people on the street below, "a form of street theater that Greenwich Village residents didn't always appreciate."⁵⁶ The curious invocation of the home-like environment of the former institution even as the current one celebrates the modern domestic amenities and forms of training offered, speak to a particular distinction that Shakur's essay illustrates. While the previous institution allowed for forms of sociality outside of the prisoner-guard relation, the current one disallows these and re-anchors the familial home in the figure of the guard and the matron as emblems of the state as domestic disciplinarian, severing relationships between women.

Shakur particularly bemoans the lack of solidarity and radical political organizing in the women's prison in comparison with the men's prison. "There is no sense of class struggle."⁵⁷ While the women "verbalize acute recognition that amerika is a racist country where the poor are treated like dirt they, nevertheless, feel responsible for the filth of their lives."⁵⁸ According to Shakur, the women at Rikers internalize injustices as individual failures, which produces a twisted sense of self. "The air at Riker's is permeated with self-hatred. Many women bear marks on their arms, legs and wrists from suicide attempts or self-

⁵⁶ Ibid

⁵⁷ Shakur "Women in Prison" 12

⁵⁸ Ibid, 12

mutilation. They speak about themselves in self-deprecating terms. They consider themselves failures.”⁵⁹ Without a collective politics of solidarity, the women direct inward the anger that Shakur insists should be productively projected outwardly. Shakur diagnoses this as a form of false consciousness. I would add that in demanding a particular genre of revolutionary subjectivity, Shakur may miss the private and intimate forms of collective care and survival between incarcerated women which may be illegible as public political praxis. But the production of these women as isolated and atomized subjects is a product of the prison itself. The individuation of the homey rooms and the unilateral relationality with guard-mother figures exacerbates this alienation. The woman of the domestic prison (as Goldman writes of the domestic family) becomes petty and inward facing, refused a larger world both architecturally and socially.

This form of discipline runs counter to the expectations of the US reader, saturated with images of brutal physical violence through autobiographical accounts and fictional representations of the men’s prison. The women incarcerated at Rikers seem, to Shakur, to take note of the difference in their own situation and the presumed physical brutality that the image of the prison conjures. Shakur points out the danger of the apparently successful mission to render the women’s prison ‘gentle’ in comparison to the ‘harsh’ men’s prison.

The guards have successfully convinced most of the women that Riker’s Island is a country club. They say that it is a playhouse compared to some other prisons (especially male): a statement whose partial veracity is not predicated upon the humanity of correction officials at Riker’s Island, but, rather, by contrast to the unbelievably barbaric conditions of other prisons. Many women are convinced that they are, somehow, “getting over.” Some go so far as to reason that because they are not doing hard time, they are not really in prison.⁶⁰

⁵⁹ Ibid, 12

⁶⁰ Ibid, 11

As Shakur asserts, the portrayal of the women's prison as a 'country club' as compared to men's prisons rests on the assumption that the men's prison with its 'unbelievably barbaric conditions' provides a normative baseline and that the lack of that barbarity constitutes some kind of allowance or benevolent dispensation. Furthermore, this comparison flattens the forms of discipline without attention to the ways in which gendered discipline is violent in divergent and insidious ways. The women's prison, even as it consistently fails to live up to its rehabilitative ideals, succeeds in projecting an image of softer and more humane punishment. This critique mirrors Foucault's assertion that the modern penitentiary prides itself on a 'gentle' punishment and rehabilitative mission as opposed to the barbarity of torture and the public spectacles of death sentences. This is particularly, and in large part originally, true of women's prisons. The success of the women's reform movement was precisely in the production of new women's prisons and the successive generations of reformers have likewise managed to justify the construction of new prisons through the malfunction of the old and in this regard the women's prison reform project was pioneering.

Along with its adoption of the "gentle" discipline of the domestic home, Shakur points to another intimate form of violence enacted by the women's prison. In her autobiography, *Assata* (1987), Shakur recalls her arrival at Rikers and the conversation she has with the other women regarding the strip search:

"You mean they really put their hands inside you, to search you?" I had asked. "Uh-huh," they answered. Every woman who has ever been on the rock, or in the old house of detention, can tell you about it. The women call it "getting the finger," or, more vulgarly, "getting finger-fucked."⁶¹

⁶¹ Assata Shakur, *Assata: An Autobiography*. (Zed Books, 2001), 83

The violence of the strip search has been addressed by many critics. The sexual violation as part of a simultaneous impersonal “search” calls up images of both rape and the auction block, with the searching hands feeling all parts of the slave to check their value as “livestock.” The description of the strip search as a violation and explicitly as a form of sexual assault ties the discipline of the women’s prison to a regime of sexual violence that unites “domestic” violence in the home and the state.

In a 2001 interview with political prisoners, Marilyn Buck and Laura Whitehorn, the two frame this form of sexual violence as a tactic of the prison and one which exacerbates histories of abuse. At the time of the interview, Whitehorn had been released two years earlier on parole, fourteen years into a twenty-year sentence for a series of 1983 bombings at the U.S. Capitol in protest of US domestic and international policies. No-one was injured. Buck had been arrested on multiple charges including her involvement in Assata Shakur’s escape from prison, in which she participated while underground after escaping her own sentence while on furlough. Both Buck and Whitehorn highlight the techniques of absolute control and the scrutiny of behavior, dress, appearance—and the effect of reducing women to powerless objects. They cite, in particular the strip searches in their invasive violence enacted upon women (often by men) who often have histories of sexual and domestic abuse. Both women emphasize the oft-cited statistic that an enormous percentage of incarcerated women have histories of abuse (over 80 percent by most accounts). The prison, according to Buck, acts as another form of abusive relationship. Whitehorn notes the particular medicalized trauma that the prison clinic furthers. She recounts the request of one woman to be sedated during an operation on her cervix since her history of sexual abuse means she will have a panic attack if asked to “lie on my back with my legs spread and chained in front of

strangers.”⁶² The image is horrifying on its own, even absent the specter of sexual abuse. Whitehorn recalls that her doctor simply laughed and refused to perform the surgery. Whitehorn suggests that the experience of being ‘cared for’ by “someone who sees you as the enemy is completely deleterious to your health.”⁶³ This image of care performed by the enemy is haunting. On one hand the image again calls up the specter of domestic abuse, of the veiling of violence as care. But recalling that it was Shakur’s depiction of the strip search that opened the discussion there is a sense that the black radical as enemy of the state experience a particular brand of hatred. In the domestic terrorist, geopolitical, national, and familial anxieties converge.

Buck was eventually released in 2010, due to her advanced uterine cancer. She died one month later. Both Buck and Whitehorn point to the broader effect that the incarceration of women has on their communities. Whitehorn cites the high incidence of incarceration for mothers, which serves to sever collective bonds in the communities they come from and continue a cycle of incarceration. But the cases of Buck and Whitehorn themselves, as well as Shakur, point to another loss to communal forms of solidarity and support. The incarceration of these women represents an incredible loss of a generation of political leaders and organizers, and one which was explicitly the strategy of the US criminal justice system in the 1960s and 70s.

⁶² Marilyn Buck and Laura Whitehorn in *New Abolitionists, The: (Neo)Slave Narratives And Contemporary Prison Writings*. (SUNY Press, 2005), 264

⁶³ *Ibid*, 264

Fugitivity and Freedom

Two months before Shakur's arrest, the women in prison film (or WiP film), *Black Mama, White Mama* (1973) opened in New York. Filmed on a low budget in the Philippines, by Philippine director Eddie Romero, the film followed up hits like the *Big Bird Cage* (1971) and *The Hot Box* (1972) in combining the generic conventions of exploitation and softcore porn, centering on the depiction of women in prison. In *Black Mama White Mama*, two women (one black and one white) are brought to a prison on an unnamed Latin American island where they first clash and then bond over their shared desire to escape the prison, the army, and a druglord / pimp. Pam Grier plays Lee Daniels, a "hooker" arrested on possession and sale of narcotics after stealing \$60,000 from her "old man" and Margaret Markov plays Karen Brent, a blonde rich girl revolutionary arrested trying to procure guns for the local guerilla group. I read the film in the final stages of this chapter because it offers a complex and embattled vision of revolutionary solidarity, and one which elucidates Shakur's own theoretical framework.

The film's pastiche exploitation aesthetic offers a dizzying array of cultural references. Filmed in the Philippines, like *Apocalypse Now* (1979) and *Platoon* (1986) would be in the following decade, the landscape calls up images of Vietnam. The cops chasing the two women wear western costumes, recalling a history of particularly US policing and violent westward expansion and expropriation. The prison labor resembles a plantation, with women wearing short shift dresses toiling in fields. The setting is an unnamed Latin American country, and the revolutionaries bear a striking resemblance to Che Guevara. The seeming incoherence of the film's referents speak to the inextricability of histories of slavery, imperialist interventionism, war, policing, and prison. The US prison in particular cannot be

extricated from its global context, both in its disciplining of immigrant populations and its global export. And in the 1970s the effort to fracture and put down black power struggles in the US by the FBI and the suppression of socialist movements in Latin America by the CIA are bound together as part of larger anti-communist offensive as well as nascent neoliberalization—the two themselves obviously intertwined.

Black Mama White Mama initially poses the two titular women as oppositional, however, as in the title in which no comma separates the two and they are forced through the film to bump up against each other and eventually form a cohesive front. Daniels and Brent begin as adversaries, as Brent takes up the offer of a sexually sadistic lesbian matron (a common trope of the genre) in order to avoid a day's labor in the field. Daniels accuses Brent of making more work for her and the other women at dinner, inciting a genre-typical prison fight, and leading to the two being punished by "a day in the oven," where they are chained naked together inside a metal box in the sun.⁶⁴ The matron leaves them to their punishment, noting "A terrorist and hooker. You two should have lots to talk about."⁶⁵ The "terrorist" and the "hooker" are reminiscent of chapter 3's framing of the anarchist and the prostitute but here the two are framed as potential valuable pieces in a game of political posturing between a criminal underclass, the army, and a local revolutionary group. As it happens the two do have quite a lot to talk about.

Both women understand that their value to authorities has more to do with their relationships to men than what they were charged with, a common fact of women's incarceration as Shakur notes and as I expand upon in chapter 7. The guards at the prison

⁶⁴ Eddie Romero, *Black Mama White Mama*. (American International Pictures, 1973)

⁶⁵ *Ibid*

express hope that Brent's guerilla friends will come for her, allowing for the police to lay a trap and capture or kill them. Daniels was picked up on trumped up charges of dealing, but she claims it is in actuality about her relationship to her "old man... the biggest dealer on this island" from whom she was on the run after stealing his money.⁶⁶ Daniels remarks to Brent that both of them are in so the authorities can "find out about who we know."⁶⁷ As Shakur recognizes of the women in Rikers, many of the women in prisons "are charged as accessories to crimes committed by men."⁶⁸ In chapter 7, I examine the tactics of the War on Drugs which punishes women severely for limited involvement through relationships with dealers or low level participation. This is hinted here but it is significant that women are the loci of networks, both familial and criminal, and are targeted for their role in both. However, unlike the women in Rikers, who proclaim that they "have fine "old men" that love the mess out of them," Daniels understands the need to escape both the law and her "old man."⁶⁹ After their stint in the hot box Brent and Daniels are chained together for a transfer "to the city, maximum security" calling up images of urban centers of the US carceral state. The two remained chained together for the bulk of the action, rendering the large part of the action a buddy film, a genre which women rarely take part.

The film initially poses the struggle of the Black Mama "hooker" and White Mama "revolutionary" as separate, and even oppositional. Daniels questions the scope of Brent's revolutionary ideals reminding her that she made things worse for her fellow prisoners in leaving them more work: "Everybody shares everything. You should be able to dig on

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Shakur, "Women in Prison," 12

⁶⁹ Ibid, 12

that.”⁷⁰ In return, Brent accuses Daniels of being too individualistic and failing to connect her situation to a larger global struggle: “We’re trying to set this island free. Christ you’re black you understand don’t you?”⁷¹ Here, even as a rich white blonde woman stands in for the revolutionary subject, the revolution is figuratively mapped onto Grier’s “Black Mama” played by Pam Grier with a signature afro calling up images of Angela Davis or Assata Shakur and Black Power. Daniels refuses Brent’s co-option, bringing the global call back to the domestic: “I spent the last two years living with a prick I hate so I could beat him out of enough cash to get me what I’ve been after all my life. Some jive-ass revolution don’t mean shit to me.”⁷² This opposition between the liberation of state and individual is proven to be an artificial and impossible one as the two try to go their separate ways and are stopped by the reality that they—and their struggles—are literally chained to each other. The film sets up and then troubles the distinction between the political and “domestic” struggle, binding the two together and rendering them one.

As previous chapters have shown, feminists have long highlighted the important connection between domestic and state violence, albeit different valences across historical periods. Charlotte Perkins Gilman makes metaphorical connections between militarism and the home as a site in need of defending. Sylvia Federici and the Wages for Housework Campaign link domestic violence to the violence of capitalism, arguing that working men, ground down by the misery of industrial labor, internalized feelings of shame and anger and brought it home, where they beat their wives. This, for Federici, is the violence of the

⁷⁰ *Black Mama White Mama*

⁷¹ *Ibid*

⁷² *Ibid*

powerless, absent a feminist movement. A more direct representation of the connection between state and domestic violence can be found in two recent studies which suggest that “at least 40 percent of police officer families experience domestic violence.”⁷³ The fact that those tasked with carrying out state violence are also exceedingly likely to practice it domestically reinforce the need to address the carceral and the domestic as interlocking mutually constitutive systems. The film also highlights the connection between the domestic national and global forms of violence.

In a 1973 taped message, “To My People,” reproduced in full in her 1987 memoir, Shakur makes clear the inextricability of her own fight for freedom from larger struggles:

Black brothers, Black sisters, i want you to know that i love you and i hope that somewhere in your hearts you have love for me. My name is Assata Shakur (slave name joanne chesimard), and i am a revolutionary. A Black revolutionary. By that i mean that i have declared war on all forces that have raped our women, castrated our men, and kept our babies empty-bellied. I have declared war on the rich who prosper on our poverty, the politicians who lie to us with smiling faces, and all the mindless, heartless robots who protect them and their property.⁷⁴

Shakur begins with a message of love and kinship that transcends the nuclear family.

Shakur’s refusal of her “slave name” recalls slavery’s imposition of names signifying ownership, and the violent fracturing of black families under the name of the white patriarch. Shakur’s love then demands a declaration of war against all the forces which immiserate her sisters and brothers, among whom she counts black Americans as well as the victims of imperialism in “Vietnam, Cambodia, Mozambique, Angola, and South Africa.”⁷⁵

She connects slavery, capitalism, and imperialism to the violence of every-day life. “We are

⁷³ Conor Friedersdorf, “Police Have a Much Bigger Domestic-Abuse Problem Than the NFL Does.” (*The Atlantic*, 2014)

⁷⁴ Assata Shakur, *Assata: An Autobiography*. (Zed Books, 2001), 49-50

⁷⁵ *Ibid*, 50

burned alive in fire-trap tenements. Our brothers and sisters OD daily from heroin and methadone. Our babies die from lead poisoning...This is murder.”⁷⁶ Shakur reframes the crimes she and her comrades have been accused of, calling attention to the slow murder of poverty. Shakur asserts that the Black Liberation Army will continue to exist “until every Black man, woman, and child is free.”⁷⁷ The BLA will continue to exist, insists Shakur, as long as it is needed because the same conditions that the BLA fights to end produce new revolutionaries:

Black revolutionaries do not drop from the moon. We are created by our conditions. Shaped by our oppression. We are being manufactured in droves in the ghetto streets, places like attica, san quentin, bedford hills, leavenworth, and sing sing. They are turning out thousands of us. Many jobless Black veterans and welfare mothers are joining our ranks. Brothers and sisters from all walks of life, who are tired of suffering passively, make up the BLA.⁷⁸

The reproduction of black revolutionaries that Shakur elaborates is both an effect of violence and a form of anti-domestic reproduction. Forged in struggle and suffering, this form of procreation cannot be violently repressed, as it is precisely that repression which produces it. Shakur then elaborates a project of love and liberation which embraces not-yet-born revolutionaries. The BLA will, she promises, continue “to struggle for Black freedom, and to prepare for the future. We must defend ourselves and let no one disrespect us. We must gain our liberation by any means necessary.”⁷⁹ The preparation for the future, with the knowledge that sisters and brothers will join, is to some degree a utopian project, demanding

⁷⁶ Ibid, 51

⁷⁷ Ibid, 52

⁷⁸ Ibid, 52

⁷⁹ Ibid, 52

current struggle for a future that others will likely see. Shakur ends with the mantra which has become her most well-known quote and a protest standard:

It is our duty to fight for our freedom.
It is our duty to win.
We must love each other and support each other.
We have nothing to lose but our chains.⁸⁰

This call to arms poses revolutionary love as a charge. It imagines love as an active and political project, and one which is essential to liberation. Love here nurtures for the purpose not of reproducing the present but making possible the future.

In the finale of *Black Mama White Mama*, Brent and Daniels have formed a collective bond through their journey through the jungle, and the chains that physically bind the two are finally cut by the Brent's guerilla comrades with whom they have met up. The two discuss their future plans for revolution (Brent) and escape (Daniels). Daniels, somewhat tongue in check, proclaims herself a revolutionary forged in the experience of poverty: "look I've been a revolutionary ever since I was 13, the first time I was paid to do it. Now baby I have just won the war."⁸¹ Daniels grins and taps the briefcase with the money she has stolen from her "old man." On the one hand, the line is exemplary of Shakur's description of the lack of class consciousness in the women in prison, who are more interested in the promise of riches than revolution. But Daniels' assertion that she has won the war is swiftly undercut in the final scene when a gunfight erupts between the guerillas and the army which has been awaiting their arrival at the docks. As Shakur notes, revolutionaries are made not born, and Daniels acknowledges her own form of revolution, and is thrust into Karen Brent's. The

⁸⁰ Ibid, 52

⁸¹ *Black Mama White Mama*

violence of everyday life explodes spectacularly into the violence of armed revolt.

Brent and her compatriots die in the fight. The attempted overthrow of the colonial forces on the island has, for now, failed but the slaughter is not total, and Brent manages to take out enough men that Daniels is able to escape by boat. The final lines of the film are spoken by the captain of the armed forces, who surveys the dead bodies laid out before him approvingly, “twelve years a captain. I’ll be a major before dinner.”⁸² He speaks this line over the body of Karen Brent, connecting the brutalization of women to military occupation and the advancement of men through the ranks. The captain then looks out at the ocean, where Daniels’ boat can be seen in the distance. “It’s better to win isn’t it.”⁸³ The final shot lingers on the boat and the credits scroll. The ambivalent ending poses the revolution as lost but offers a future in Daniels’ escape. As Shakur reminds, it is our duty to win. Daniels wins by surviving and escaping. But what is it to be free in an unfree world? For Daniels, and for Shakur, that freedom lives in fugitivity, or escape not as removal from captivity but as active and lasting evasion. Fred Moten’s concept of fugitivity is useful here. In *Stolen Life* (2018), the second volume in his trilogy *consent not to be a single being*, Moten defines fugitivity as “a desire for and a spirit of escape and transgression of the proper and the proposed. It’s a desire for the outside, for a playing or being outside, an outlaw edge proper to the now always already improper voice or instrument.”⁸⁴ Lee Daniels desires an outside to her small confined life with a man she hates, and the final shot of the film sees her in the open ocean, frozen in permanent escape and the outdoors.

⁸² Ibid

⁸³ Ibid

⁸⁴ Fred Moten, *Stolen Life*. (Duke University Press, 2018), 131

Shakur ends her memoir with her own escape to freedom. As she reaches Havana, Shakur can finally breathe free: “Freedom. I couldn't believe that it had really happened, that the nightmare was over, that finally the dream had come true. I was elated. Ecstatic. But i was completely disoriented. Everything was the same, yet everything was different.”⁸⁵ Her freedom is tempered not only in the fact that not all are free, but that her years in prison have altered her. Even as she celebrates her escape, she recalls the “the horrors of prison and every disgusting experience that somehow i had been able to minimize while inside.”⁸⁶

Shakur tries to convey the the psychic and bodily effects of prison upon her:

I had developed the ability to be patient, calculating, and completely self-controlled. For the most part, i had been incapable of crying. I felt rigid, as though chunks of steel and concrete had worked themselves into my body. I was cold. I strained to touch my softness. I was afraid that prison had made me ugly.⁸⁷

While Shakur notes the ways prison honed her ability to compartmentalize and strategize, she fears its deadening effect. She does not celebrate cold calculation but warm and soft revolutionary love. Shakur here recognizes that the women’s prison has served not to produce in her a form of domestic affect but to deaden. Shakur recalls the other lessons prison has taught her, namely that collectivity and internationalism are central to revolutionary theory and practice: “Any community seriously concerned with its own freedom has to be concerned about other peoples' freedom as well.”⁸⁸ Shakur’s vision of collective and international socialism premised on love and support echoes Goldman and Rosenberg’s vision of expansive love and refusal of the boundaries placed on that love,

⁸⁵ Shakur, *Assata*, 266

⁸⁶ *Ibid*, 266

⁸⁷ *Ibid*, 266

⁸⁸ *Ibid*, 267

insisting that true love is revolutionary love and that revolution is ineffective without softness and support.

It is our duty to fight for our freedom.
It is our duty to win.
We must love each other and support each other.
We have nothing to lose but our chains.⁸⁹

I restate this affirmation to return to Shakur's particular vision of revolutionary love, which stands in direct opposition to the parodic form of familial care she saw inside the prison. But it also refuses the deadening effect she recognizes in herself as a result of her time in prison. This deadening, I argue, is an indication of a burgeoning women's prison which does not actually seek to position women as (re)productive members of society but to cut them off from it. The project of COINTELPRO and more broadly the inception of the war on drugs and mass incarceration represent a new frontier in social control. My next chapter addresses this form in its maturation in the 1990s, as the women's prison largely abandons the project of domestication altogether and consolidates its role as a warehouse.

Conclusion: The Prison is Dead, Long Live the Prison

On March 31, 2017, *The New York Times* covered a press conference with Mayor Bill DeBlasio, who "vowed... to close the troubled jail complex on Rikers Island, which has spawned federal investigations, brought waves of protests and became a byword for brutality, in a move he said was intended to end an era of mass incarceration in New York

⁸⁹ Ibid, 65

City.”⁹⁰ The dissonance between that promise and the title of the article—“Mayor Backs Plan to Close Rikers and Open Jails Elsewhere”—emphasizes that when it comes to prisons, the more things change the more they stay the same. The women’s prison at Rikers, opened to declarations that it marked a new phase of humane punishment and an end to a barbaric past. The Women’s House of Detention emerged out of the ashes of its own disavowed past of barbarity. Each successive iteration of women’s prison I examined in this section has justified itself through this act of refusal and rebirth. And each iteration, like the spores of weed, disseminates the reach of the prison further and open up new avenues and new rooms to house more prisoners.

On the heels of DeBlasio’s announcement another initiative was launched headed by his wife, Shirlane McCray. “Building on efforts to reduce the jail population at Rikers Island, Mayor Bill de Blasio will announce on Thursday a \$6 million plan intended to help rehabilitate female inmates and lessen the chance that they return.” The 6-million-dollar plan comes at a significantly lower price point than the 10.- billion-dollar plan to replace the men’s facility on Rikers with several smaller jails located around the city. Both are premised on an end to mass incarceration and a more humane form of correction. In the words of Andrew Cuomo’s chief council Alphonso David, “a fair, safe and humane criminal justice system is essential for our state, and we will make it happen.”⁹¹ Even in the constant failure of the rehabilitative mission and the evacuation of many of its central tenets, the logic of reform remains largely the same. The presumption that incarceration is a necessary form of

⁹⁰ David J. Goodman, “Mayor Backs Plan to Close Rikers and Open Jails Elsewhere.” (*The New York Times*, 2018)

⁹¹ Ibid

justice remains and serves to opens up the potential for many more jails, to say nothing of new forms of carceral control like ankle monitors, which I will address in chapter 3. The same article notes that the city is in dire need of public housing but does not include any promise for more of that.

In following the wandering women's prison that is now located on Rikers, it is striking to note that each iteration aligns almost too neatly with New York's shifting conceptions of public housing. Blackwell's Island was constructed in the nineteenth century under the auspices of the Department of Public Charities and Corrections, which split in 1895. Blackwell's Island manifested this departmental split as its operations were divided between the two departments until all prisoners were moved from the island in the 1930s. Michael Katz reads the 1890s to the 1930s as a distinct period (despite conventional historical periodization distinguishing between progressive era, WWI and the New Deal) in order "to stress the massive reorganization of American economic, social, and political experience."⁹² Goldman's tenure at Blackwell's and its subsequent tumultuous scandal ridden period and reinvention as Welfare Island signal the extent to this reorganization and its effect on the conception and mission of the prison. The Women's House of Detention, which opened in 1932 and had fully taken over operations from Blackwell's women's facility in 1934, coincides with the establishment of the New York City Housing Authority (NYCHA) and the first National Housing Act in that same year. The move to Rikers in 1971 followed closely on the heels of the 1968 Housing and Urban Development Act, and the explicit push for NYCHA to serve low-income and welfare receiving families. In connecting

⁹² Katz, *In the Shadow*, xv

these developments to the historical narratives of the prison, and the points of entry that each of the three women I examine (Goldman, Rosenberg, Shakur) give, I insist on the connection of the women's prison to forms of home and housing and the state policy of women's punishment with state housing policy.

In connecting forms of housing and prison, I read women's prison reform itself as a model for the domestication of the prison, and one which provides a blueprint for further expansions and diffusions of the prison writ large. All three facilities or iterations I examine were in some way held up as a model for the modern prison. Blackwell's Island Penitentiary was an almost carbon copy of the Auburn Prison, the House of Detention was praised as New York's model prison and a new form of rehabilitative training, and Riker's correctional women's institution for women was likewise heralded for its grand step forward in rehabilitation (just as the imagined future of Rikers is already being sold). Each iteration must justify itself according to a pitiable, moldable, domestic subject. The fantasy projection of the humane prison is all the more powerful for the portrait of the prisoner it conjures. In this way new reforms, which are necessarily portrayed as domestic and "soft" forms of discipline, are smuggled into the public consciousness, reifying the prison itself as a form and often spreading to men's institutions.

Much as George H. W. Bush's promise of a "kinder, gentler nation" in the late 1980s concealed neo-imperial exploits like the first gulf war and the Iran-contra scandal as well as a ramping up of hyper policing and the war on drugs, the kinder, gentler women's prison provides cover for more intrusive forms of domestic discipline, expansions in the name of "rehabilitation" and more diffuse forms of carceral control. Thinking back to the disappeared history of the House of Detention, it is significant that it was introduced not

only as a model institution for women but New York's model prison. Following on this I submit that the women's prison often offers a model of prison reform, and a model of prison expansion. If we are to track the growth and diffusion of the prison, it is vital to understand the growth and diffusion of the women's prison.

What do we do with the potentially disappearing Rikers? Will Rikers go the way of previous iterations (reborn in a familiar if adapted form)? To answer this question, it is important to remember Rikers' past while we still consider its future. If we do not demand an end to prison on our terms, reforms will take place on the terms of criminal justice system and real estate developers. The final paragraph of the *Times* report on DeBlasio's pledge to close Rikers speculates on the future of the Island, a future that may seem familiar:

Closing Rikers Island also provides a unique opportunity to redevelop the island," the report observes, with the most promising future uses including an extension of La Guardia Airport to create a third runway, or a new hub of critical city infrastructure such as water and waste treatment centers, research facilities and a public greenway. Despite the city's search for new places to build affordable housing, doing so on the island would not be feasible, the commission found. The island will also likely need a new name, one that is not synonymous with violence and brutal jail conditions, the report observes, without offering any suggestions.⁹³

In the final section I pick up this thread, reading the specific relationship of public housing, real estate development, and new forms (and reforms) of the prison.

⁹³ Goodman, "Mayor Backs Plan"

Part III: Home Economics

Chapter 6: The Neoliberal Domestic

It seems particularly appropriate to mark a cultural shift from the 1970s to the 2000s with a tweet. This particular tweet comes from Tommy Vietor, a former Obama speechwriter and current podcast darling of the centrist wing of the democratic party. In 2017, Vietor tweeted “Yesterday @deray and I spent the day in prison with incarcerated entrepreneurs-in-training. Saw amazing business ideas and learned about the power of hope and second chances. Check it out: <https://defyventures.org/>.”¹ The Deray in question is DeRay Mckesson, a popular personality who has converted a tangential role in the Black Lives Matter movement and Twitter activism into a lucrative career as a podcaster meets policy wonk, alongside Vietor and his cohorts. The two had toured a prison with the prison entrepreneurship startup “Defy Ventures,” the brainchild of Catherine Hoke, an entrepreneur who found her calling while serving as the Director of Investment Development at American Securities Capital Partners. While the phrase “incarcerated entrepreneurs in training” does some heavy ideological lifting on its own, Hoke’s background is instructive in the ways in which feminist reform projects have merged with neoliberal entrepreneurialism to produce a mutated project of social reproduction within and through the prison.

¹ Tommy Vietor, (Twitter post, December 2017, 4:18 p.m.)

On a purely economic level, Hoke’s interest in the prison as an untapped market is sensible – prison industries comprise a literal market for her investment firm, which identifies Global Tel Link, the largest provider of telecommunications services for correctional facilities in the country, with over 50 percent market share as one of their premiere business partners. Hoke’s own narrative, which she offers in a tell-all memoir slash inspirational guide called *A Second Chance: For You, For Me, And For The Rest Of Us* (2018), poses her inspirational story as a fall from grace, and a renewed sense of purpose through entrepreneurship, both her own and those in the Defy Ventures Program, mimicking the prison memoir as a rebirth but from the perspective of the reformer. As it turns out, the “fall from grace” came after Hoke was revealed to have had sexual relationships with several of the graduates of her first prison entrepreneurship program. Hoke was forced to resign from PEP leadership after all Texas prisons banned her in response, at which point she re-branded through Defy.

Hoke markets Defy Ventures as an attempt to “transform the hustle” of those incarcerated primarily on drugs and gang charges into “*legal* business ventures.”² All of this is captured in her book, which features an introduction by Lean-In guru and Facebook COO, Cheryl Sandberg, who praises Hoke and her “entrepreneurs-in-training” as “everything I had studied about resilience, come alive.”³ Hoke herself offers inspirational stories of successful small businesses that emerged from the prison, offering a rebirth narrative pivoting on entry into the market. In her memoir *Second Chances*, Hoke tells the story of a particular successful

² “About Us,” (Defy Ventures, Inc. <https://defyventures.org/about-us/>)

³ Sandberg, Cheryl. “Forward” in Catherine Hoke, *A Second Chance: For You, For Me, And For The Rest Of Us*, (Defy Ventures, 2018)

incarcerated subject, Shelley, whom she introduced to a tech executive volunteer. The volunteer “cared for Shelley as if she were her own daughter”— in that she “funded a technology-training program” which “qualified Shelley for a Microsoft job.”⁴ Hoke ends Shelley’s narrative with no assurance that Shelley actually got a job with Microsoft, nor any reason to believe that a low-level tech job would offer stable and long-lasting employment. In fact, it is the preparation for the market that both begins and ends the form of care extended.

Hoke brands the benevolent tech executive as a figure who does the work of mothering in prison, but such rearing breaks from the maternal care imagined by the founders of the nation’s first women’s prison. Where women like Sarah Coffin sought to “mould the character, and strengthen her better nature and her womanly powers,” Hoke seeks to “harness the natural talents of currently and formerly incarcerated men, women, and youth and redirect them toward the creation of legal business ventures and careers.”⁵ Hoke is an entrepreneur of the prison, and she has profited wildly from her model to inculcate this very type of entrepreneurship *in* the prison.⁶ In my first chapter I examined some of the founding myths of the women’s prison—its role to domesticate women—and the ways in which they structured and justified its mission of re-forming reproductive subjects for the good of the civilized nation. Here we have a new mythos emerging to justify a new project,

⁴ Catherine Hoke, *A Second Chance: For You, For Me, And For The Rest Of Us*, (Defy Ventures, 2018) Chapter: “Graduation and Beyond”

⁵ “About Us,” (Defy Ventures, Inc. <https://defyventures.org/about-us/>)

⁶ Since Vietor and Deray’s admiring publicity and Sandberg’s lean-in stamp of approval, Hoke has once again been forced to resign under allegations of harassment and abuse of incarcerated program members as well as employees. Her acclaim by progressive advocates of prison reform and the revelation of sexual and other forms of exploitation recalls the demystification of Sarah Coffin by the incarcerated researchers of the Indiana Women’s Prison.

one which is distinctly different, and which I argue entails a de-domestication of the project of both the women's prison and the home. Rather than imagining the prison as a form of domestication, producing a subject who might properly re-enter the *home* after incarceration, the prison is refigured here as a vehicle for *re-direction* towards the market.

At the nexus of the women's prison, the home, and the neoliberal subject, the object of this chapter, Martha Stewart, offers a particular insight into the shifting terrain of the carceral domestic. In Part II of *Big House*, I traced the shifting aims, capacities, and reformations of the carceral domestic in the women's prison from its inception as a state project through the origins of mass incarceration and the beginnings of a global neoliberal project. In Part III: The Neoliberal Women's Prison, I track the contortions of and potentially the end of certain forms of the carceral domestic as a disciplinary mode of subject production under neoliberalism. In the wake of the welfare state, and in the advent of a privatized neoliberal economic reorganization, the reproductive subject-citizen has ceased to be the primary and desired output of the women's prison. This chapter considers the role of both the home and the women's prison in the neoliberal turn—two settings with which Martha contended and arguably “mastered”—as subjects are refigured as necessarily self-reproducing.

I begin with Stewart's 2005 memoir / DIY guide to entrepreneurship: *The Martha Rules: 10 Essentials for Achieving Success as You Start, Build, or Manage a Business*. Through a reading of Martha's self-mythologizing as simultaneous domestic goddess and business guru, I examine the breakdown of the private-public division and its relation to the production of the neoliberal subject, as embodied through Martha and her journey into and out of prison, and its reproduction, as embodied through her book's potential readers. I return to the

domestic sphere proper in order to orient this self-reproducing subject within the home, the space that produces subjects in the first place through intimate forms of discipline. Where the industrial era moved production outside of the home and produced the ideology of separate spheres—even though the public-private distinction has never been perfectly coherent—the neoliberal turn has in a sense reversed course and expanded the boundaries of the “workplace” so far as to re-entrench the domestic “private” sphere.

As previous chapters demonstrate, the home’s status as refuge has always been more symbolically significant than representative of real protection or affective sanctuary. Women have long performed paid, underpaid and unpaid labor in the home—theirs or those of wealthier families—and the domestic space itself is the most common site of violence for women. But the permeability of the line between the public and the domestic has accelerated under neoliberalism’s drive to marketize all aspects of the social world. The gig economy, working from home, and lean in feminism all rest on an erosion of this divide. Martha Stewart’s almost parodically perfect performance of domestic entrepreneurship provides a model of the triangulated neoliberal-domestic-carceral subject and the shifting terrain of the domestic sphere she both sells and destabilizes. After laying out Martha’s world, I end this chapter with a consideration of the undomesticated women’s prison, through the lens of Jill McCorkle’s analysis of the shift from “rehabilitation” to “habilitation” in women’s prisons beginning in the 1990s, arguing that this project is in line with a form of neoliberal subject production.

The Martha Rules

Martha Stewart has spoken at length in interviews and on talk shows about her incarceration and, more recently, about the character based loosely on her that appeared on *Orange is the New Black*, but she has actually only written about her experience in the opening pages of her 2005 bestseller *The Martha Rules: 10 Essentials for Achieving Success*. In fact, as she writes, it was her experience in prison, and the “budding entrepreneurs” she met inside, that inspired her to “write *The Martha Rules* as a practical and inspiring manual.”⁷ The book’s mutation of the memoir genre is itself a study in the entrepreneurial subject Martha outlines. The memoir has always occupied a strange territory in the divided public and private sphere. As a gendered form of “women’s writing,” closely related to the diary, though inherently public and marketable, the memoir both instantiates and violates the boundaries between the private domestic and the public market. Martha’s business memoir, as I am terming it, indicates an intensification of the conceptual uncertainty in the public-private divide altogether. The way that Stewart simultaneously embodies domestic, carceral, and corporate selves invites attention to the ways that the domestic subject (the ideal of the women’s prison in its founding mission) has transformed under the rubric of neoliberal capitalism, an economic ethic that compels the women’s prison to house rather than “home” its subjects.

In contrast to the masculine Foucauldian subject of the panopticon—the passive laboring citizen-subject produced through the disciplinary modes of the prison, the barracks, the factory and the school—the subject inculcated by the women’s prison was imagined,

⁷ Martha Stewart, *The Martha Rules: 10 Essentials for Achieving Success as You Start, Build, or Manage a Business* (Rodale, 2005), xiii

beginning in the nineteenth century as a domestic reproductive subject. The women who led a prison reform movement called for specialized treatment and rehabilitation so that (some) women could take their proper place in society, as wives and mothers. The prison was to run like a well-ordered household, domesticating women like Josephine Amelia Perkins, and remediating a failure of private domestic discipline through the carceral. This affective approach to the female criminal—the order of love—is often reproduced in narratives about female prisoners. Like Perkins, who used her story to arouse pity at her familial tragedy and stymied desire for “sunshine of domestic happiness,” writers seeking to engender sympathy for women in prison, and the need for reform, have tended to emphasize the familial connections and the ways that the prison severs them.⁸ In *Inside This Place, Not of It: Narratives from Women’s Prisons* (2011), the incarcerated women’s stories themselves are prefaced with an introduction by Michelle Alexander.

Collectively, our nation has turned away with cruel indifference, leaving the millions of people behind bars both out of sight and out of mind. Some of us have imagined that someone else will fix the system or extend loving arms; someone else will do the work of caring. The women in the pages that follow—mothers, daughters, sisters, wives—will tell you stories that are nearly unbearable to read, and yet their courage, dignity and perseverance compel us to imagine how their lives would be different—how we would be different – if we responded to their experience with genuine care, compassion, and concern.⁹

Alexander’s call for reform through a demand for progress through sympathetic identification for women as mothers, sisters, daughters and wives relies on sentimentalist tropes. The invocation of the familial roles of incarcerated women in the demand for care,

⁸ Ibid, xiii

⁹ Michelle Alexander “Introduction,” *Inside This Place, Not of It: Narratives from Women’s Prisons*. Ed: Ayelet Waldman and Robin Levi, (McSweeney’s Books, 2011)

compassion, and concern implies that it is the tragic loss of mothers, daughters, wives, and sisters that could engender such affects. Alexander is drawing a long literary tradition which mobilized sympathy for the purpose of recuperating and protecting a particular notion of the nuclear family and its role in producing and reproducing the imagined community of the nation. This sentimental evocation is also inherently nostalgic for the kinship networks severed by incarceration; it is a romanticized and generic longing which attaches to recognizable relations of mother, sister, daughter, wife in order to render women legible and legitimate.

The Martha Rules takes a different approach. Stewart opens the book with a similar evocation of the tragedy of the women's prison. But rather than fractured families, Martha bemoans the wasted entrepreneurial potential locked behind bars: "In 2004 I entered a federal prison camp in Alderson, West Virginia. There amidst a thousand or so women, were hundreds of young, middle aged, and older women who had dreams of starting a business when they were released."¹⁰ As in Alexander's sympathetic reading, these women, seemingly so different, are bound by one common trait – not womanhood or motherhood, but marketability. Their captivity is portrayed as a loss to society not in the severed communal ties of kinship or the failure of domestic education passed down and inculcated in the next generation, but in the business ventures and adaptable entrepreneurs the world will never see. In order to remedy this loss, Stewart claims, she wrote *The Martha Rules* to pass on her knowledge to a new generation.

Stewart here positions herself as the Catharine Beecher of the twenty-first century,

¹⁰ Stewart, *The Martha Rules*, xi

which is particularly interesting because in her other books she has modeled herself much more closely to the Catharine Beecher of the nineteenth. In her massive domestic guide published the year after *The Martha Rules* in 2006, *Martha Stewart's Homekeeping Handbook: The Essential Guide to Caring for Everything in Your Home*, Stewart pitches the book as an updated version of the 1860 Mrs. Beeton's *Guide to Household Management*. She wonders at the nineteenth-century genre of the domestic guide, exemplified by Beecher, and muses that these books were actually “cutting edge in the way they treated the house the home and living in general.”¹¹ She explains that these guides, which curiously do not seem to have the same cache, were the inspiration for her own guide, offering her sincere hope that “the information in this book can enrich your life—for taking care of a home is rewarding work indeed.”¹²

Stewart's narration of the discovery of a treasure-trove of knowledge and her desire to gift it to the twenty-first century housewife has several problems. First, the nineteenth century domestic manual was cutting-edge in the nineteenth century precisely because the private home, divorced from production and reimagined as a domestic haven, was a contemporary innovation of the nineteenth century. Stewart imagines the dictates of the happy home to cross any and all temporal and geographic boundaries, erasing the historical context of the industrial revolution, and the rise of the middle-class which formed it. In removing the home from history, she has likewise missed the so-called downfall of the “traditional family” in her own time, ironically prompted by the neoliberal order she hawks

¹¹ Martha Stewart, *Martha Stewart's Homekeeping Handbook: The Essential Guide to Caring for Everything in Your Home*. (Clarkson Potter Publishers, 2006), 4

¹² *Ibid*, 5

in *The Martha Rules*. In a sense, these two books speak to the compelling paradox at the heart of Martha Stewart: the ideal neoliberal subject in the guise of a nineteenth century housewife. While her home guide celebrates the domestic subject, *The Martha Rules* celebrate the entrepreneur. The confined domestic versus the “free” *homo oeconomicus*; through her rarified example, Martha works to reveal that we, like her, can unite the two.

In the preface to *The Martha Rules*, as Stewart recalls the business plans presented to her by the incarcerated women of Alderson, she is reminded of her own beginnings as a businesswoman and offers the following description of what it takes to be an entrepreneur:

Being an entrepreneur requires a person to do more than just “go to work,” much more than just “do a job.” It requires eyes in the back of one’s head; constant learning; curiosity; unflagging energy; good health, or at least a strong constitution that will ward off illnesses; and even the strength and desire to put up with sleep deprivation and long hours of intense concentration.¹³

Stewart here offers a workable definition of the neoliberal subject: constantly reactive, adaptable, understanding the need for a competitive edge on the market. In the deregulated and privatized neoliberal economy, with the social safety net of welfare programs all but dismantled, subjects must be adaptable to the whims of the free market, endlessly and tirelessly driven.

As Foucault puts it, the neoliberal subject as the “Homo oeconomicus” is no longer “one of the two partners in the process of exchange” but “an entrepreneur of himself,” not unlike the ways that Stewart saw entrepreneurialism as the shared human capacity among all the inmates that she met.¹⁴ Wendy Brown builds on Foucault, contending that “the neoliberal homo oeconomicus takes its shape as human capital seeking to strengthen its

¹³ Stewart, *The Martha Rules*, xiii

¹⁴ Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*. (Pan Macmillan, 2010), 226

competitive positioning and appreciate its value, rather than as a figure of exchange or interest.”¹⁵ Both identify the shift from exchange to competition as a key factor in the production of the neoliberal subject. This shift indexes an economic turn toward free markets. David Harvey identifies neoliberalism itself as “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade.”¹⁶ Harvey emphasizes the global reach and impact of neoliberalism, which pitches itself as liberatory project – liberating the subject from networks of care and exchange and reorienting them towards competition on an open market. For the neoliberal subject as theorized (unintentionally) by Martha Stewart, the intertwining of life and work, and the relationship of the self to the market, offer not just freedom, but passion, even eventually for those in prison.

The demand to be inhumanly healthy, never tired, and always on edge, offered by Stewart as helpful and potentially innate characteristics, illustrates the exhaustion of a never-ending circuit of self-marketing. Rather than working for discrete periods to acquire the trappings of a good life, one must sacrifice even the bare necessities of sleep and relaxation to remain at the ready when opportunity (the market) calls – and according to both critics (Foucault, Brown, Harvey) and acolytes (Stewart) of neoliberal entrepreneurship, it’s always calling. As a true entrepreneur, Stewart finds it “difficult to differentiate between what others might consider my life and my business... they are inextricably intertwined.”¹⁷ To put a finer

¹⁵ Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution*. (MIT Press, 2015), 33

¹⁶ David Harvey, *A Brief History of Neoliberalism*. (OUP Oxford, 2007), 2

¹⁷ Stewart, *The Martha Rules*, 2

point on it, Stewart proclaims “my life is my work and my work is my life.”¹⁸ This is narrated not as a loss but as a triumph. It is her inability to differentiate between the two that makes her “one of the lucky ones.” Despite the pressure that the bleed of professional and personal lives puts on those who cannot neatly divide the two—as with, for example, academics who rarely leave their work at work and are, subsequently, both ideal neoliberal subjects and its most vociferous critics—Stewart considers herself lucky. Her work provides her passion, so why would she leave it at work?

Rule number one in the Martha Rules is to “build your business success around something you love.”¹⁹ There is an old saying whose author is often claimed to be either Confucius or Mark Twain but is in fact a Princeton Professor of Philosophy: “find something you love to do, and you’ll never have to work a day in your life.”²⁰ Stewart takes this axiom and offers a twist. “The passion for one’s work is just like an all-consuming love affair—something that all of us crave to experience but encounter once or twice in a lifetime if we are lucky.”²¹ No longer enough to enjoy one’s work, rendering it less laborious, in Stewart’s version one must actually fall in love with work. Passionately, deeply, all-consumingly in love. Kathi Weeks has written about the phenomenon of the migration of the romance plot from the home to the workplace. She reads “management discourses of love and happiness at work,” arguing that within them, “love and happiness are at once indexed to and detached from their traditional location in the romantic couple and the

¹⁸ Ibid, 2

¹⁹ Ibid, 1

²⁰ “Choose a Job You Love, and You Will Never Have To Work a Day in Your Life” (quoteinvestigator.com)

²¹ Stewart, *The Martha Rules*, 1

nuclear heteropatriarchal family so that they can be realigned with waged work.”²² Crucially for Weeks, “this romantic discourse of waged work does not serve, as it does within the larger discourse of domesticity, to disguise domestic work as a labor of love; after all, waged work is today considered the epitome of what is recognized as work.”²³ Stewart’s love affair with her work places that work as the object of affection rather than masking it as the domestic seeks to reconfigure labor as love itself. With work as the love object and the entrepreneur as the romantic hero, everyday becomes suffused with love: “I love waking up; I love getting to work; I love focusing on a new initiative.”²⁴

There are 10 Martha Rules, each paired with the kind of meaningless platitudes found in the management literature read by Weeks or the inspirational posters that litter human resources offices—“detours are a part of the journey,” “invest in your reputation,” “don’t hesitate to ask for help.”²⁵ The rules are fairly standard, though some grant unintended insight into the ugly foundations of successful entrepreneurship. Rule nine, “Take Risks Not Chances,” hedges about the role inherited wealth plays in the distinction, but it incidentally notes that an exemplar of the “calculated risk,” Bill Gates, benefitted from a successful business-man father and the knowledge that “if the venture had not worked out he would have plenty of opportunities to return to school and follow a more traditional path.”²⁶ The safety net of generational wealth supports Gates’ ventures—other inspirational calculated risktakers named include Jeff Bezos, Rupert Murdoch, and Donald Trump.

²² Kathi Weeks, “Down with Love: Feminist Critique and the New Ideologies of Work.” (*WSQ: Women’s Studies Quarterly*, 2017), 41

²³ *Ibid*, 41

²⁴ Stewart, *The Martha Rules*, 2

²⁵ *Ibid*, 157, 125, 51

²⁶ *Ibid*, 20

Trump and Murdoch inherited the businesses of their fathers and Bezos, a true capitalist success story, surpassed his fellow billionaires on the back of a brutally exploited and precarious workforce.²⁷

The importance of a disposable workforce is central to rule seven: “Build an A-Team.” In this chapter, Stewart offers advice for how to terminate “team-members” when they are no longer useful and efficient, and how to avoid friction in the team (by firing the source of friction). Proclaiming employees “team-members” masks the power differential between boss and worker and refigures a job loss as “taking one for the team.” Wendy Brown characterizes this form of neoliberal governance as reliant on “cooperation without collectivization:”

Contemporary neoliberal governance...make individuals and other small units in workplaces responsible for themselves while binding them to the powers and project of the whole. Integration and individuation, cooperation without collectivization—neoliberal governance is a supreme instance of *omnis et singulatum*, the gathering and separating, amassing and isolating that Foucault identified as the signature of modern governmentality.²⁸

The simultaneous production of cooperative “teams” and isolated, disposable “team-members” all tethered to the greater good of “the project,” allows for a maximized efficiency of the worker and minimized risk to the boss. The cooperative worker passionately produces, without actually forming, collective power and then, when no longer useful, as Stewart endorses, must leave without fuss – firing as equitable break up rather than

²⁷ Separate investigations have found that workers in amazon factories “peed in bottles’ over fears of being punished for taking a break and delivery drivers routinely defecate in their trucks in order to hit targets. Shona Ghosh, “Undercover Author Finds Amazon Warehouse Workers in UK ‘peed in Bottles’ over Fears of Being Punished for Taking a Break.” (Business Insider, 2018); Anonymous. “A Day in the Life of an Amazon Driver.” (*BBC News*, 2016). Meanwhile, journalist Simone Stolzoff estimates that Bezos makes the annual salary of “annual salary of his lowest-paid employees every 11.5 seconds.” Simone Stolzoff, “Jeff Bezos Makes More than His Least Amazon Paid Worker in 11.5 Seconds” (*Quartz*, 2018)

²⁸ Brown, *Undoing the Demos*, 130

instantiation of power relations. The relative ease of “letting go” employees and the lack of security is a facet of the liberated neoliberal subject, who must remain ever-competitive on the market so as not to lose her edge to another.

Despite the cutthroat message of rule seven, Stewart imagines her book to be a productive and inspiring read. She dedicates it to her daughter “and all the other entrepreneurs with hopes and dreams for a fine future,” joining in a single platitude the reproductive futurity of the family and the entrepreneur.²⁹ This parallel calls into question the reproduction of the neoliberal subject. In *Neocitizenship: Political Culture after Democracy* (2016), Eva Cherniavsky questions if there is “any such thing as a ‘neoliberal subject.’”³⁰ Addressing the depictions of this subject by Brown and others, Cherniavsky points to a central problem in the imagined reproduction of such a subject through state power: “How do we apprehend at the level of the subject a practice of power that does not act to reproduce the apparent substance – the inner life – of the individual?”³¹ If we have imagined, along with Althusser, that subjects are formed through interpellation by ideological state apparatuses, what produces an efficient rather than compliant subject whose external function rather than internal adherence to forms of belonging are the desired attributes? Cherniavsky’s analysis is rooted in an examination of American Studies as a field and the production of national citizen-subjects, though her analysis applies to domestic and carceral subject formation just as well.

What are the contours of citizenship when the institutions of national culture no longer provide the training grounds -- the education in national values and the

²⁹ Stewart, *The Martha Rules*, “Acknowledgments”

³⁰ Eva Cherniavsky, *Neocitizenship: Political Culture after Democracy*. (NYU Press, 2017), 60

³¹ *Ibid*, 60

attendant norms of political contestation – for a specifically national citizen-subject? In what regard are the social subjects of these “multilevel relations” citizens, or more aptly, what does the practice of citizenship now entail? To pose these questions, of course, is not to dismiss the ongoing salience of national(ist) identifications, but rather to suggest that the pedagogies of citizenship are no longer lodged (or lodged primarily) in the discourse of an assimilative nationalism.³²

In the same manner that Cherniavsky sees the emptying out of the pedagogic mission of institutions of national culture, the domestic home as the original site of the reproduction of citizen subjects encounters an identity crisis. The home and the mother-citizen inculcate a national subject through domestic education. So what is the purpose of the domestic home in the production of a market-ready entrepreneur?

Speculative Homes

The neoliberal subject as imagined by Stewart herself is a constantly adaptive *self-reproducing* subject. As Cherniavsky puts it: “If the ambition of the neoliberal state is the full subordination of human life to a set of market relations, then the ideological priority...is not to assimilate subjects to a common identity, but to qualify them for certain kinds of transactions – to affect their insertion within operative circuits of exchange.”³³ The role of the domestic home is not unideological, nor unimportant, but re-imagined here as that of the incubator – that is an enclosed and controlled environment allowing for sufficient growth as to enter the market. The incubator is also the industry name for an emergent type of business ecosystem.

Entrepreneur.com defines the incubator as: “an organization designed to accelerate

³² Ibid, 40

³³ Ibid, 40

the growth and success of entrepreneurial companies through...resources and services that could include physical space, capital, coaching...and networking connections.”³⁴ Incubators can be any of the array of venture capital programs that have popped up in Silicon Valley to “nurture” entrepreneurs in the hopes of securing a return on their investment. Most definitions also include universities as sites which provide resources and networks in return for a controlling interest in the output or returns in the form of expanded alumnae networks and board members.

The home, as imagined by the architects of neoliberalism, resembles nothing more than the business incubator. Martha Stewart “adopted” her own incubator in 2013, taking on the role of marketing mother to “Long Island City's Entrepreneur Space” a “12,500-square-foot food and business incubator” opened by The Queens Economic Development Corp.³⁵ As the adoptive parent, Stewart agreed to “provide business mentoring services to its entrepreneurs.”³⁶ This parodic maternal role of mentorship is a perfect form of neoliberal reproduction rewritten as business mentorship and motherhood, a role Stewart repeatedly embodied, as she does, for example, when she confesses to having written *The Martha Rules* for incarcerated women themselves. Under Martha’s motherly stewardship, manifold sites can become incubators.

The most literal iteration of the home as incubator comes from the innovators behind WeWork, the most successful of a host of “co-working space” for entrepreneurs. These spaces emerged in the tech startup culture but have expanded to offer what amounts

³⁴ “Business Incubator Definition - Entrepreneur Small Business Encyclopedia.” (Entrepreneur.com)

³⁵ Jeanmarie Evelly, “LIC’s Entrepreneur Space Is ‘Adopted’ by Martha Stewart.” (*DNAinfo New York*, 2013)

³⁶ “Announcing the Launch of WeLive.” (*WeWork Newsroom*, 2016)

to an outsourcing of office space outside companies' offices themselves. In January of 2019, WeWork announced a rebranding: in order to accommodate a more capacious business model it will now be known as the We Company. One of the new innovations of the We Company is WeLive, a co-living space which extends the "community" of the coworking space to the home. The introduction of the new opportunity showcases the home as an extension of the workplace: "From all of us at WeWork, we're very excited to share with you our new labor of love, WeLive...As we have learned over the past five years in witnessing the evolution of WeWork, we are all much stronger and happier when we are together."³⁷ The home as labor of love refigures the naturalization of domestic labor as a business venture. Furthermore, the introduction of WeLive is framed as an extension of a project to form a more productive and efficient workplace.

This reformulation of community as a prepackaged service for the regrettably human worker is a perfect encapsulation of Brown's conception of "cooperation without collectivization." We are happier and more productive working together, which necessitates a form of togetherness which does not threaten the efficiency of labor. Likewise, the Martha Rules strive to produce a frictionless team which works in harmony but not in solidarity. This form of non-threatening cooperation necessitates a rhetorical cooption of the language of teamwork or community. The architects of WeLive adopt a politically neutered communal anti-consumerism (but not anticapitalism), assuring their tenants that "we" are all "pioneers of this movement where community and meaningful relationships mean more to

³⁷ Ibid

us than physical space or material possessions.”³⁸ The living space, which comes furnished and complete with social events, and a shared chef’s kitchen, offers the suspended animation and arrested development of the college dorm as extension of the office. As the founders define it in their announcement of the rebrand, the We Company’s “guiding mission” is “to elevate the world’s consciousness” an empty platitude which they explain “means being a student of life, for life, where we accept that we are always growing and in a constant state of self-discovery, self-growth, and change.”³⁹ The We Company, which sounds ominously like the predatory “WorryFree” Corporation in Boots Riley’s masterful satire *Sorry to Bother You* (2018), seeks to coopt all aspects of life to incubate the ideal neoliberal subject: self-discovering, self-reproducing and adaptive.⁴⁰

Returning to Martha Stewart, who herself has homes in Bedford, NY, Seal Harbor, ME, and the Hamptons, among others, we must ask: What precisely is the role of the domestic goddess when the home is stripped of its domestic project? This problem is related to the question of reproduction of the neoliberal subject, likewise stripped of its inner life. Stewart ends the introduction of *The Martha Rules*, which she began with the incarcerated entrepreneurial hopefuls, by explaining how to use the book: “My hope is that you will use it as a recipe book to make your own success.”⁴¹ The sentence structure offers one level of removal from the usual construction of “recipe for success.” A recipe book is already a guide to make your own meals, but Stewart emphasizes the DIY aspect: “to make *your own*

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ In *Sorry to Bother You* (2018), the WorryFree corporation guarantees housing, food and employment in return for what amounts to contracted life-long slavery. It also turns its workers into half-horse creatures in order to maximize their labor. Boots Riley, *Sorry to Bother You* (Cinereach, 2018)

⁴¹ Stewart, *The Martha Rules*, xiii

success.” *The Martha Rules*, unlike Catharine Beecher, does not seek to offer an education, but the impetus to make oneself, a making that is only possible at the advent of their future success. However, this mandate remains couched in the trappings of the domestic, even as it eviscerates the boundaries between private home and public market, inner life and labor.

The public-private distinction has never been a neat one, but the confusion it provokes has been productive, and feminist theory has gotten significant mileage from putting pressure on the binary. Marxist feminists tackle questions of the household in part by pushing the category of “productive” to its breaking point to underline the false distinction between productive and reproductive labor and their relegation to public and private spheres. The precise location of the state and the economy within these categories have always been fuzzy. Yet it is important to hold onto the categories if only to track their shifting capacities and power. Take this illuminating section from intellectual engineer of neoliberalism, Gary Becker’s *Treatise on the Family* (1981), in which he proposes a rational choice model of familial relations:

The model developed... shows that even if a husband and wife are intrinsically identical, they gain from a division of labor between market and household activities, with one of them specializing more in market activities and the other specializing more in household activities.⁴²

Setting aside the cold calculation of rational choice theory and the presumption of “intrinsically identical” subjects, Becker has casually rearranged the public-private divide in two directions here. The separate spheres ideology with its gendered division of labor delineates a public sphere of politics and work (productive labor) from the haven of the home as a private sphere of family and social reproduction. Becker replaces the “public”

⁴² Gary S. Becker. *A Treatise on the Family*. (Harvard University Press, 2009) 3

sphere with the market, while simultaneously opening the “private” home to its calculations. He has essentially replaced both spheres with the market all while upholding a division of labor and holding the home as central to this division. The state, of course, is nowhere to be found. Here untangling the confusion of terms is paramount—to maintain the tension between public and private, and to note how the home both produces the distinctions and is entirely subject to their economic and social rearrangements.

Stewart adopts a more pleasant approach to the marketization of the home, even as she accomplishes a similar task of “marketing” the home. Stewart ends her book with a celebration of the homemaker. Rule 10 is “Make it Beautiful”:

It gives me great pride to consider the mountain of beautiful images and ideas and products that my business has brought to our readers, viewers, and customers. For us homekeeping is an art, and also a celebration of life—of family, friends, traditions, good food, and creativity. The home should be a place to cherish, a place to find comfort and yes, a place to find beauty.⁴³

Stewart identifies homemaking primarily as art, which intriguingly marks it as neither naturalized nor labor, but a third category. The demand to make it beautiful points to the aestheticizing of the home as commodity. While the home is, in an economic sense, often an empty container for speculative value, even the high-end real estate designed for no one to live in is decked out and decorated in the vacuous but trendy modern styles. Stewart advises the budding entrepreneur to “make it beautiful” – but for whom? The domestic subject for Stewart is a consumer. Stewart sells the fantasy, and we buy it. But Stewart goes further and recalls an older model: the home as haven. There is a central tension here is between the home as a place of comfort, an escape from the vicissitudes of modern life, and as a site of

⁴³ Ibid, 195

constant business. A place of refuge and a place one most constantly toil—and work—to attain that refuge.

Stewart's own home (or one of them) offers the perfect example of this tension. In 2005, Stewart invited *Vanity Fair* reporter Matt Tyrnauer into her Bedford Estate, Cantitoe Farm, where she had chosen to stay as part of her post-Alderson home confinement. In choosing Bedford as the location of her home confinement, Stewart had also chosen a filming location for her season of *The Apprentice*, in which she would take the place of Donald Trump, offering a position in Martha Stewart Omnimedia as the prize. Bedford's close proximity to Manhattan (about an hour by car), where her company's headquarters are, made the filming of a reality show feasible, even as its host was confined to her home by court order. Contestants were shuffled between the Bedford estate and Manhattan, completing tasks demonstrating their entrepreneurial spirit and domestic chops (designing a wedding cake, decorating a fantasy hotel suite, creating and selling a salad dressing).

In the article "The Prisoner of Bedford," Tyrnauer is invited into Martha's home/prison/office. The title plays on the fact that Bedford is also the location of a famous women's prison—it is in fact an eight-minute drive from Stewart's lavish estate. But Stewart has, by the time of the article, obviously completed her time in a women's prison and is now serving a sentence of home detention. "Only Martha Stewart" the piece begins, "could combine home confinement and home improvement with such intensity."⁴⁴ Intensity is a hallmark of the piece and Stewart seems anything but comfortable, "whether she's racing back from her stables to make 'lockdown,' discussing her painful ankle bracelet, or figuring

⁴⁴ Tyrnauer, Matt. "The Prisoner of Bedford." (*Vanity Fair*, 2005)

out her version of ‘You’re fired’ for her new Apprentice spin-off.”⁴⁵ While the interview occurs, Stewart is also conducting business – a photo shoot and planning for *The Apprentice*, both of which are the source of a great deal of tension. “During a setup in the kitchen, there is a near meltdown,” apparently a frosting mishap with the cake that will be used for the photoshoot. Tyrnauer notes the awkwardness of working in Stewart’s home:

As I have observed in the past in such situations, you are in a double bind when you are working at Stewart’s house. You are, after all, in her kitchen in her house, but she has elected to make her kitchen in her house into a studio for the documentation of her life. So are you working or are you imposing? It’s never entirely clear.⁴⁶

This observation gets at the heart of the contradiction Stewart embodies. Through her persona, Stewart models a vision of tranquil and utterly fulfilling domesticity, while her company, Martha Stewart Loving Omnimedia, sells her audience the tools to make themselves in this image. Of course this brand is crafted through incredibly savvy marketing. Stewart is a shrewd businesswoman in addition to the picture-perfect homemaker. She is free to move through the public and private sphere, melding them in her professional domesticity, even when the legal sphere and house arrest threaten this order. In so doing, she collapses the boundary between the two entirely – her work is her life and her life is her work, whether her home is her office, her refuse, her prison, or simultaneously all three. Her work is the home. Stewart built an empire by branding herself the ultimate homemaker and in turn selling the lifestyle she represents to others; but in her life she is an entrepreneur and a massively wealthy woman who owns multiple homes and employs an army of assistants to help her with the running of her business and her home, which blend seamlessly together.

⁴⁵ Ibid

⁴⁶ Ibid

Even as she undermines entirely the private space of the home and the reproductive capacity of the family, Stewart celebrates in her homemaking empire, a retro reclamation of the domestic ideal. These seemingly incoherent ideals come together more often than one might imagine. One of the cofounders of We Work, likewise adopts the mythology of the homemaker to celebrate a total restructuring of the home as a marketized commodity incubating entrepreneurs. The missive noting We Work's rebranding as the We Company is signed "Rebekah, Miguel, and Adam," yet Rebekah is not mentioned in any of the celebratory pieces on the rise of WeWork.⁴⁷ Rebekah, it so happens, is Rebekah Paltrow Neumann, the wife of Adam Neumann, who at a 2018 "We Work Summer Camp" characterized the role of women in entrepreneurship. Neumann tearfully thanked her husband's sister, saying "I'm so grateful you took care of Adam... You helped him create the biggest family in the world. A big part of being a woman is to help men [like Adam] manifest their calling in life."⁴⁸ Neumann, who is the cousin of Gwyneth Paltrow, and an investment banker, provided both capital and the care needed to manifest his calling in life as an entrepreneur. Neumann herself becomes an incubator for the birth of the entrepreneur, literally replacing the reproduction of the family with the social reproduction of a business community—the "biggest family in the world."

WeWork and WeLive extend the all-inclusive work-life ecosystem of the Google Campus to a growing contingent of downwardly mobile middle-class millennials who will graduate elite colleges with more debt than capital, cultural or otherwise. For this generation,

⁴⁷ "Announcing the Launch of WeLive"

⁴⁸ "WeWork Exec Says 'Big Part of Being a Woman Is to Help Men' Achieve Their Calling." (*The Real Deal New York*, 2018)

the private home is a market commodity which they cannot afford; and the domestic is a fantasy to be rented through apps like Airbnb and meal kit delivery services. The home is thereby transformed as a temporary commodity for those who cannot afford it as a speculative investment. This marketization of the home takes several forms. Alongside the introduction of household reproduction of human capital and the economy of the home as inputs and outputs, the deregulated market has produced new forms of the home as an economic site, though differentially according to class position.

For the wealthy owner class and landlords, the home has become disaggregated from use value or signifiers of social relations as an investment property all together. David Harvey has written about this phenomenon, most recently for *The Tribune Magazine*. In “A Tale of Three Cities,” Harvey traces the changing status of the home as indexed to use value, the social life of cities and speculation. Harvey argues that homeownership was, from the 1890s until recently, “an instrument of social control and a defence against Bolshevism. In the United States they say: ‘debt encumbered homeowners don’t go on strike.’”⁴⁹ Harvey’s analysis is primarily concerned with the UK, but he offers several important insights for thinking about the neoliberal home as marketized. Harvey reads segregation as the first stage in refiguring the home as tradable commodity

The emphasis was on improving the house as an exchange value, as a form of saving, and as a locus for augmenting personal wealth. Individual wealth in homeownership was a common topic of conversation. Riff-raff (like people of colour or immigrants) would be kept out to protect neighbourhood property values. Segregation tightened and gated communities flourished. Spaces were enclosed and the urban commons was depleted.⁵⁰

⁴⁹ David Harvey, “A Tale of Three Cities.” (*Tribune Magazine*, 2019)

⁵⁰ Ibid

This segregation and the walling off of communities, once the intended outcome of housing policies like redlining, becomes self-reproducing as high value property is contained to and passed down among an increasingly restricted group of elites. In this new economy “the house was viewed as an instrument of capital accumulation and speculative gain. It became an ATM machine from which people could extract wealth by refinancing their mortgages.”⁵¹ The home as ATM machine is an empty container, evacuated of its social function.

Moreover, the home has mutated from private-property-as-inheritance into speculative real estate. New York City is a prime example. A *New York Magazine* investigation found that over 30% of condo sales in Manhattan developments from 2008-2014 were sold to “purchasers who either listed an overseas address or bought through an entity like a limited-liability corporation.”⁵² One luxury real estate firm estimated “35 percent of its sales since 2013 have been to international buyers, half from Asia, with the remainder roughly evenly split among Latin America, Europe, and the rest of the world. “The global elite,” says developer Michael Stern, “is basically looking for a safe-deposit box.”⁵³ Of course this massive re-organization of housing, and its repackaging as purely speculative, has serious and devastating effects on the vast majority of urban residents of the city. Apart from the inherent repugnance of luxury real estate remaining empty while homeless crowd the city in the absence of public housing and social services—and are rerouted to prisons—the soaring value of real estate ripples down and inflates the cost of mid-market housing which people actually do want to live in.

⁵¹ Ibid

⁵² Andrew Rice, “Stash Pad.” (NYMag.com, 2014)

⁵³ Ibid.

The 2008 housing crisis has produced a funhouse mirror effect in the bottom sector of housing in New York—where high-end real estate remains pristine and empty as an investment, “zombie homes” have been abandoned by families helplessly behind on mortgage payments. A report by New York Real estate site 6sqft estimates that the number of “unoccupied apartments citywide has grown 35 percent since 2014.”⁵⁴ This includes the so called “zombie homes” and luxury investment properties. An additional 74,945 are only occupied seasonally, likely as pied-à-terres for the elite or Airbnb properties. The Airbnb-ification of property in major cities in particular has devastating effects on rental markets. Private renters are forced out of neighborhoods pitched as “up-and-coming” even as an increasing percentage of the occupants do not and cannot afford to live there. On the lower end, more and more families are forced to take on extra gig work, much of it occurring in the home, reversing the industrial era shift of production out of the home. Advances in telecommunications technology has allowed more and more people to “work from home.”

Forms of gig-work which can be done remotely, the marketing of home crafts on sites like Etsy, and the expanding need for care work, marketize previously naturalized forms of labor and even hobbies. Stewart offers a DIY guide to buying and selling on Etsy (already itself a DIY approach to small business) in a 2013 “all Etsy” episode of the Martha Stewart show. In the segment Stewart invites Matt Stinchcomb, the director of marketing for the company, to give tips. Stinchcomb waxes poetic about the beauty of his site: “What’s so compelling about shopping on Etsy is the fact that you’re buying from a real person. I love to get to know the people behind the products and actually have a meaningful connection

⁵⁴ Etherington, Cait. “NYC’s Zombie Houses: Why More Homes Are Vacant and Abandoned” (*6sqft*, 2018)

with them.”⁵⁵ In this romantic reconception of the commodity fetish, Stinchcomb imagines a reversal of the alienation of the worker from the product of her labor in the service of reifying a “meaningful connection” between seller and buyer. Etsy purports to bring back the lost human relation in commerce. But like Gary Becker’s stealth transformation of the family into a market relation, this too is a trojan horse, inviting a further economization of human relationality. The entire segment is simultaneously slick and comforting, promising that in our isolating alienating existence we can form connection virtually. All we have to do is choose whether to be buyers or sellers.

As she is wont to do, Stewart contributes some soothingly robotic confirmations of the corporate messaging. One off note occurs when Stinchcombe praises a specific “seller” for the “teepee” he bought for his son when he had to repurpose his “home office” into a playpen. Stinchcombe directs viewers to the sellers Mike and Jessica Kraus (a white stay-at-home mom who sells “teepees” to supplement Mike’s pipefitter’s foreman salary) and then projects a picture of his adorable baby playing in the “teepee.” Martha nods and adds sagely, “Children love confined spaces.”⁵⁶ Stinchcombe is thrown but laughs and continues his pitch. The moment crystallizes the tension yet again between the “liberty” of the free market, the creeping commodification of all aspects of human relations, and the persistent confinement of the domestic home even as it opens its doors to the market. The confined space of the home—which children love—was once the refuge from the harsh outside world. But now, even in the middle-class white domestic fantasy, we must take refuge *from* our homes. When you love your job, you may never work a day in your life – but when you

⁵⁵ “How to Shop and Sell on Etsy.” (*The Martha Stewart Show*, 2013)

⁵⁶ *Ibid*

work from home, you never escape it.

Martha ends the interview with a commendation of Etsy's role in the social formation of the US: "I am very pleased that you have created a place where the creative minds and nimble fingers of Americans who have so much expression to create. I'm so glad they have a place to go and a place to sell and a place to be."⁵⁷ Leaving aside the fact that Etsy has sellers and buyers across the globe, Martha's characterization of Etsy's welcoming arms is somewhat ominous. No longer a subject but an efficient composite of the necessary parts "creative minds and nimble fingers," the American worker is at home in Etsy, a place to go and to sell and to be. This commodification of the social also reaches into the realm of the sexual which has alternately been imagined as natural in the home and labor in the street. Niche forms of sex work involving limited contact via webcams or none at all, like fin domming (financial domination, a fetish in which men derive sexual pleasure from being forced to financially submit i.e. give up money, generally to femme women) allow for a proliferation of the ways in which one can work from home.⁵⁸ Or perhaps it is more fitting to say, the ways in which one can *work* the *home*.

Even the crime for which Stewart was arrested is in itself a form of boundary crossing. Insider trading is essentially the violation of professional distance, the manipulation

⁵⁷ Ibid

⁵⁸ For a how to guide on fin domming or "How To Get A Sugar Daddy, Without Giving Up Any Sugar" see this post on Madamenoir.com, an online lifestyle magazine for black women: Lauren R. D. Fox, "Fin Domming: How To Get A Sugar Daddy, Without Giving Up Any Sugar," (*MadameNoire*, 2015); Likewise advice sites for finding flexible work that can be done at home abound but one particularly relevant site is www.hiremymom.com/ which advertises itself as a way to find "legitimate" work from home to help "pay for debts, medical bills and other serious needs," "save for your kid's college," "save for future needs and retirement," and "have more freedom to buy some things you want or need." Without the site, it warns, "you may be forced to look for a job outside of the home." The home page features a scrolling series of attractive white women in their thirties-forties, distancing the hireable "mom" from the poor women of color who often perform work in the home. "Legit Work From Home Jobs - HireMyMom.Com," (HireMyMom.com).

of intimacy to know things you shouldn't, and to profit on that knowledge. Insider trading is both incredibly pedestrian in that it happens all the time and a fundamental challenge to the impartial distillation of the lie of the invisible hand of the market. Not all investors are created equally, and the market is operated by a convoluted code of conduct in which some have a better handle on the levers than others. Though Stewart's stated crime for which she was investigated was insider trading, she was actually convicted on charges of conspiracy, obstruction of justice, and lying to federal agents concerning her selling shares of IMclone after receiving a tip from her broker that the company's signature drug would not be approved by the FDA. On the day of her conviction Stewart addressed the media, stating, "Today is a shameful day. It's shameful for me, and for my family, and for my beloved company," again failing to differentiate between familial and market forms of belonging, identification, and love.⁵⁹ The implication here is that her company feels shame, as much as her family does for her failure to remain viable as CEO. The neoliberal domestic is a mobilization and marketization of a domesticity that was previously narrativized as natural. Martha offers a complimentary naturalization and romanticization of the market as familial and intimate. The lines between Martha's self and her company are hazy, if they exist at all; and while her prison sentence potentially undermines both, Stewart rebrands her sentence as itself an entrepreneurial pursuit.

⁵⁹ Tyrnauer, "The Prisoner of Bedford."

The Undomesticated Prison

In a holiday greeting to her readers, Martha Stewart commented on the lack of rehabilitative programming at Alderson: “There is no real help, no real program to rehabilitate, no programs to educate, no way to be prepared for life ‘out there’ where each person will ultimately find herself, many with no skills and no preparation for living.”⁶⁰ Stewart did not know it, but she was witnessing the result of a sea-change in the women’s prison. As I have demonstrated, the project of *domestic* subject production has been shared and mutually constituted through the domestic home and the women’s prison. So what is the role of the women’s prison if the domestic subject has mutated? The women’s reformatory of the nineteenth century was imagined to remedy familial and individual failures. The women’s prison of the late twentieth and twenty first century adopts, I argue a form of *de-domestication*, which breaks down rather than constructs subjects in order to detach them from kinship networks and reorient them toward the market.

While the women’s prison (or any prison) never actually performed the ideological service it imagined (taking failed mothers and returning them to productive domestic service), the neoliberal prison may no longer operate through an ideological sense of its mission at all. It may retain the resonances of its past lives – many still look like juvenile detention centers (and some will no doubt be repurposed as such to house increasingly large groups of immigrant women and children captured by ICE). The increasingly punitive disciplinary measures that emerge with the shift in racial demographics remain, but they are now refracted and dispersed and with no clear object. New prisons still open with the

⁶⁰ “Martha Stewart Speaks Out on Prison Life.” (*CNN Money*, 2004)

promise of “rehabilitation not punishment” as their watchword but the form of rehabilitation has altered irrevocably.

Jill McCorkel argues in *Breaking Women* that drug “rehabilitation” programs instituted in prisons in the 1990s represented “not an alternative to ‘get tough’ policies but a gendered extension of them.”⁶¹ McCorkel conducted ethnographic research on an unnamed “southeastern” women’s prison from 1994-1998, interviewing women who were coerced into the program (the program was not mandatory but highly supported and difficult to get out of). The program, argues McCorkel, represented a shift toward a harsher form of punishment, despite its claims to rehabilitation. “In many respects, its confrontational and coercive tactics effectively collapsed the distinction between treatment and punishment. This was embodied in the program’s stated goal of “breaking down” drug offenders whom it claimed suffered from ‘diseased selves.’”⁶² Harkening back to the logic of Cesare Lombroso’s description of “moral prostitutes,” this language of “diseased selves” stands in contradiction to the pedagogical aims of the women’s reformatories as imagined by reformers like Sarah Smith and Rhoda Coffin. The disciplinary measures McCorkel notes include “confrontation sessions,” deprivations, punishments like cutting hair, and “conformity sessions.”⁶³ McCorkel opens the first chapter with a quote by an incarcerated woman she interviewed: “Everything’s changing. We’re not supposed to call the warden ‘Daddy’ anymore.”⁶⁴ Here, this woman reads the shift to punitive from “rehabilitative” measures as a departure from a

⁶¹ Jill A. McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment*. (NYU Press, 2013), xi

⁶² *Ibid*, x

⁶³ *Ibid*, x

⁶⁴ *Ibid*, 21

familial form of discipline to one more akin to that associated with the men's prison. Even the semantics of domestic spaces are abandoned.

The turn from rehabilitation to what McCorkel calls habilitation provides something of an answer to the question posed by Cherniavsky in regard to the purpose of disciplinary projects of subject production. McCorkel explains that "habilitation relies on a set of social technologies that aim to forcibly "break down" the self."⁶⁵ Rather than producing an inner life, the program seeks to strip it away. This shift away from subject production via domestic reproductive citizenship does not entail an evacuation of discipline, but rather requires a different form. The women in the study report to McCorkel that "habilitation was the most coercive aspect of their prison experience not only because of its intensity and unrelenting character, but also because of the intrusiveness of its reach."⁶⁶ The intrusiveness of habilitation, its reach into and *fracturing* of incarcerated women's sense of self indicates an important move away from domestication as production of self.

This description of the reach of habilitation is reminiscent of Foucault's discussion of the eighteenth-century shift from torture to techniques of punishment which "no longer touched the body, or at least as little as possible, and then only to reach something other than the body itself."⁶⁷ In this new form of punishment, as Foucault elaborates, "the body now serves as an instrument or intermediary." The new theoreticians of punishment, like French philosopher Gabriel Bonnot de Mably, proclaimed that punishment "should strike

⁶⁵ Ibid, 224

⁶⁶ Ibid, 224

⁶⁷ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Vintage Books, 1977), 11

the soul rather than the body.”⁶⁸ Foucault refigures this formulation, arguing that the soul is not the aim but “the effect and instrument of a political anatomy; the soul is the prison of the body.”⁶⁹ The penitentiary as an array of disciplinary techniques served to instantiate a subject with an inner life as laboring citizen-subject. While the techniques and practices of domestication are absent in this reading, potentially refiguring its genealogical and historical lineages, the women’s prison has certainly served or at least aimed to produce within women an inner “soul” as mother, as citizen, as reproductive subject.

But what McCorkel is describing indicates another shift, not back to the bodily punishment of torture (though the women experience it as violent and it does involve more legibly ‘punitive’ forms of discipline) but to a neoliberal de-domestication. One of the program managers describes the project of habilitation: “I guess you could say that we are here to break them down, to break down the addict so a new person can emerge.”⁷⁰ The prison no longer, in this figuration, seeks to produce a subject, but merely the conditions for self-reproduction or to put the neoliberal point on it: self-reliance. Foucault argues that power is productive—that it does not *destroy* or *negate* but *produce* subjects and identities. However, here we see the productive potential of an expressly destructive form of discipline. A subject is produced not through a production of an inner life or “soul” but through a breaking down of the “addict.”⁷¹ The new subject then “can emerge.” This punishment

⁶⁸ Mably qtd in Foucault, *Discipline and Punish*, 11

⁶⁹ Foucault, *Discipline and Punish*, 30

⁷⁰ Ibid, 123

⁷¹ Bruce Alexander argues that the crisis of addiction is in fact a product of capitalist alienation, reading Karl Polanyi’s theory of “dislocation” against a history of addiction and its medicalization. For Alexander the addict is in some sense an ideal consumer-subject, though non-productive in the traditional sense. In McCorkel’s depiction of habituation, the addict no longer needs to be productive in the traditional sense but rather undone

neither addresses itself to nor seeks to produce a soul but serves as a vacuum from which an adaptive and self-reproducing subject can emerge. These women reported to McCorkel that they returned to their communities with the most acute of losses— “the loss of the integrity of the self.”⁷² The self, broken down, becomes both emptied out and rearticulated as responsible for one’s own reproduction. Like Stewart’s recipe book for creating your own success habilitation reconstitutes the role of the reproduction of the self as a DIY project necessitating a blank slate rather than a fully realized subject.

While the narratives of Emma Goldman, Ethel Rosenberg, and Assata Shakur pointedly note the inconsistencies of the imagined ideal of the women’s prison with the treatment of the women confined within them, the forms of rehabilitation which had adapted to conform to prevailing anxieties and new populations had, by the nineties, collapsed entirely. When asked if Stewart found “prison a growth experience” she replied that “nothing good emerged from the five months she spent in 2004 at a minimum-security federal prison in West Virginia.”⁷³ In Stewart’s own words: “That you can make lemons out of lemonade? What hurts you makes you stronger? No. None of those adages fit at all. It’s a horrible experience. Nothing is good about it, nothing.”⁷⁴ Of course, prison is a terrible place. This much is clear. But Stewart’s general attitude of risk-taking and learning from mistakes breaks down at the prison, which was, in its idealized form, supposed to be a

and self-remade in order to return to market relations without the need for social welfare. Bruce K. Alexander, *The Roots of Addiction in Free Market Society* (Canadian Centre for Policy Alternatives, 2001).

⁷² McCorkel, *Breaking Women*, 217

⁷³ Eun Kyung Kim, “Martha Stewart Opens up about Her Prison Stint: ‘It Was Horrifying.’” (*TODAY.Com* 2017)

⁷⁴ *Ibid*

pedagogical site – a school for domestic citizenship. But if the fantasy of the women’s prison was conceived as a fix for individual failures, as well as inculcating an internal ethic of domesticity, its purpose for the neoliberal subject as self-reproducing, permanently adaptive, and absent an inner life is necessarily altered.

This particular program McCorkel documents is representative of a broader shift towards “habilitation”. McCorkel cites sociologist Lynne Haney’s ethnography of two California women’s prisons from the early 1990s to 2005, and her finding that “in both cases, programming was cast as a gender-specific and “empowering” corrective to “get tough” measures.”⁷⁵ This shift was explicitly anchored, in the case of these programs, to “breaking” women of dependence on welfare: “In the program she studied during the 1990s, the focus is on breaking women from their dependency on welfare, crime, and unreliable men by encouraging self-reliance through wage labor and education.”⁷⁶ As McCorkel asserts, it is no coincidence that this turn occurs as the population of incarcerated women becomes overwhelmingly dominated by black and brown women. The “New Penology” marked by McCorkel, and exemplified in PHW, arose in conjunction with mass incarceration and discourses of welfare reform.

This program was born in the same historical moment that poor, African American women were vilified by politicians and media outlets as “crack whores” and “welfare queens.” ... Racist stereotypes that took aim at Black women’s parenting skills, sexual practices, relationships, and labor market participation obscured how increases in urban poverty, and Black poverty in particular, were a product of shifts in the broader political economy... This paved the way for the prison system to become the primary institutional site for managing and controlling racial minorities and the poor.⁷⁷

⁷⁵ McCorkel, *Breaking Women*, 11

⁷⁶ *Ibid*, 11

⁷⁷ *Ibid*

This transformation of the prison mirrors the transformation of the welfare state – the removal of “rehabilitative” programs, reformist pretensions, and the doctrine of “improvement” fall along explicitly racial lines and are mapped onto the bodies of black women. The designation of black women as the source of social disfunction necessitated a reimagining of the purpose of prison discipline. Where reformatories had previously re-routed “reformable” subjects, generally whiter and younger, and new women’s prison followed the model at least in theory if not practice, as chapters 3, 4, and 5 demonstrate, the rhetoric of the women’s prison and the practices of rehabilitation have receded in the wake of mass incarceration. Changes in discipline which were developed as racialized forms of control have proven extendable to a larger pool of surplus populations and have suffused the women’s prison. Today white women are incarcerated at higher rates than ever before, but the form of the prison has unalterably shifted in response to an influx of black and brown women and now expands to contain a growing underclass.

In fact, as McCorkel reveals, the warden of “Eastern State Penitentiary” proclaimed in a 1994 press conference marking the 65th anniversary of the prison’s opening as the “first and only women’s prison in the state” that the moment was a doubly momentous occasion as the prison was also celebrating “the first anniversary of [its] future.”⁷⁸ This new birth, however, unlike those I read in section II— Blackwell’s, Women’s House of Detention, Rikers— signaled not a renewed commitment to rehabilitation but rather a renunciation. The press conference officially served to introduce a new partnership with the unnamed

⁷⁸ The prison remains anonymous in the book as does the company that conducts the “treatment” programs. McCorkel explains that revealing the names of either would risk losing access to the women involved for future research. *Ibid*, 21.

“Company” as “pioneer in correctional innovation and a strategic resource for winning the war on drugs.”⁷⁹ The pseudonymous company was, McCorkel notes, “one the largest providers of correctional medical care in the country” and the only provider in the state. This fusion of public prisons and private services both renders the distinction between the public and private prisons somewhat more nebulous than it appears and further underscores the importance of attention to the ways in which privatization have shifted the aims, structure, and disciplinary modes of the prison.⁸⁰ In women’s prisons especially, this privatization was accompanied by a turn away from the rehabilitative to the punitive.

If, as Cherniavsky claims, there is no longer a need to produce a compliant national subject but only a market ready one, what does that production entail? The prison as a state disciplinary project has necessarily sought to ideologically produce subjects which adhere to a national project. But Cherniavsky points out that this national project has been subsumed by the market which needs only efficiency and adaptability, rather than the internal ethos necessary for the production of a citizen. As I argued in chapter 5, the aims and disciplinary forms of the women’s prison have shifted with the commencement of the war on drugs and the origins of mass incarceration, which saw an overwhelming increase in numbers, a majority of whom were poor women of color, abandoned by social services and demonized as the source of social malfunction and the breakdown of the traditional family.

In thinking of this project of breaking women, Martha Stewart is a peculiar and troubling figure, because not only does she not suffer the same circular fate as most of the women she was incarcerated with (poverty and punishment for poverty), she has capitalized

⁷⁹ Ibid, 22

⁸⁰ Ibid, 22

on her incarceration. After her stint in Alderson, where she has told the media her nickname was M. Diddy, she struck up a fruitful (and lucrative) friendship with Snoop Dogg and created a VH1 TV show: *Martha & Snoop's Potluck Dinner Party*. The implied joke of the series—what could Martha Stewart and Snoop Dogg have in common? —is implicitly answered by Stewart's street cred-granting prison sentence. Of course the real answer is that two massively wealthy people who have both been wealthy for at least twenty years have far more in common with each other than they do with any working-class white or black people. But Stewart's trafficking in her prison cred as "hood pass" simultaneously marks prison as itself black culture and thereby marketable, at least for white women with the capital (actual and cultural) to distance themselves from the experience.

Conclusion: Carceral Creep

If the entrepreneurial subject is one that is hyper-adaptable and self-driven, how are we to understand the ideological shaping of such a fundamentally unstable and self-reproducing subject, in either the domestic home or the prison? What is the new carceral domestic if the domestic subject has to remake itself constantly to adapt to the demands of a rapidly shifting and largely contingent labor market, in and outside of the prison's walls? And, if the social structures that support the development and functioning of the ideal subject are deteriorating, what is the role of the prison in discipline and re-entry of inmates into society? Martha Stewart provides a fitting test case in the function of the new carceral domestic, not only in her ability to marketize her own prison sentence, but in her post-prison home confinement. It is this last point I want to end on. In the wake of

domestication as a project of the carceral domestic, and as the prison expands to house surplus populations, what precisely is the domestic sphere itself?

Stewart has claimed that her confinement (to one of her many homes) was “worse than prison.” On its surface, this claim is laughable (many of us would certainly welcome the hardship of choosing which mansion to be confined to), but I want to take it seriously. What does it mean for the preeminent propagandist of domestic comfort to buck captivity in her home? In concluding with Martha Stewart’s home confinement, I argue that the home, even as an ideal remains conceptually tied to confinement. Martha Stewart may sell domesticity, but she is not, as a rule, bound to the domestic sphere. She has in fact made her home into a studio, a model to sell to her customers. When forced to inhabit that model home, Stewart chafes. (Literally, the ankle monitors are notoriously uncomfortable.)

As the forms of domesticity crept into the home in the nineteenth century and the bureaucratic emptiness and containerization of public housing has entered it in the twenty first, the opening up of the home to the market has served to reinforce the carcerality of the domestic sphere. As a site of labor, a carrier of debt and a property valuation, and an investment in futures, the home is subject to the protective and surveilling impulses of the market. A recent piece by Justin Rohrlich for Quartz magazine investigated the “trend” of parents putting ankle monitors on their children to track their movements. A bail bonds company in Tampa Bay is reaching out to parents of teens as an emerging market for the ankle monitors. The owner of the company, Kopczynski, admits to Rohrlich that the ankle monitor may be embarrassing to teens “when they’re not serving a sentence or out on bail” but submits that this embarrassment is preferable to one’s daughter “running off with a guy

who's going to eventually take her to a motel and beat her ass."⁸¹ Kopczynski here mobilizes the potential for domestic abuse precisely to justify the use of carceral technology in the home. Domestic surveillance to prevent domestic violence—an almost laughable reframing of the nineteenth century legal protection of domestic violence to maintain the sovereignty of domestic privacy.

Another major market for the booming ankle monitor business, it should be noted, is ICE, which has responded to critiques of family separation with promises to extend their programs of tracking via ankle monitors. As the primary field on which wars over domestic national identity are waged, the border and the policing of immigration is the new frontier of mass incarceration and one which a future project will need to engage. But this avenue provokes more questions even as it reiterates the domestic stakes of the carceral state and the carceral creep into the domestic. Even as we begin to see the critiques of mass incarceration manifest new reforms, these reforms extend the reach of the carceral further into the previously sectioned off (if internally or externally regulated) realm of the home with new forms like the ankle monitor. If the nineties were the age of mass incarceration, we may be moving into the era of mass incarceration reformism.

As I insisted in my analysis of Rikers' multiple iterations and the reforms which called them into being, it is vital to understand the mechanisms of reform and the ways in which it hitches us to new and improved forms of the carceral even as we are still shackled to the residue of its previous forms. And it is in the shifting terrain of the carceral domestic

⁸¹ Justin Rohrlich, "Parents Are Using GPS Ankle Monitors to Track Their Teenagers like Criminals." (Quartz, 2019)

that many of these reforms are imagined and put into practice. It is worth noting that the death knell of the welfare state and the spikes in mass incarceration and immigrant detention were presided over by Democratic presidents (Clinton and Obama respectively). In the final chapter I connect the evisceration of welfare and the rise of the private prisons to the domestication of the women's prison, through Piper Kerman's autobiography depicting her incarceration during the Clinton era and the fictionalized Piper Chapman's incarceration in the Obama era.

Chapter 7: Warehousing Women

In the span of four years in the mid-to-late late nineties President Bill Clinton effectively gutted federal welfare programs and propelled mass incarceration into hyperdrive. In 1994, Clinton signed into law the notorious Violent Crime Control and Law Enforcement Act, which compounded rollbacks of crucial social services with a massive expansion of law enforcement and harsher sentencing laws. Two years later, Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act, the most comprehensive piece of welfare reform since the New Deal, and the culmination of years of concerted attacks on the welfare state. In 1998, a complimentary piece of legislation passed with significantly less fanfare but similarly far reaching effects, The Quality Housing and Work Responsibility Act, which constituted “a substantial overhaul of the United States Housing Act of 1937.”¹ The act introduced community service requirements for recipients, stricter screening of tenants, and an expanded list of eviction-punishable offenses. It also shifted the charge of public housing from “worst case” housing to semi-privatized mixed income housing through HOPE IV, a grant program for the “revitalization” of housing projects as mixed income developments.² Janet Smith explains that “this strategy has permanently moved thousands of families into the private sector rental market and placed thousands of public housing units

¹ Eileen M Greenbaum, “Quality Housing and Work Responsibility Act of 1998: Its Major Impact on Development of Public Housing.” (Journal of Affordable Housing & Community Development Law, 1999), 310

² “Worst Case Housing Needs” are those faced by low income households who pay more than half of their income in rent, live in “severely inadequate conditions” or both. See: Nicole Elsasser Watson, Barry L. Steffen, Marge Martin, and David A. Vandenbroucke. “Worst Case Housing Needs 2017 Report to Congress.” (Department of Housing and Urban Development, 2017)

into private ownership.”³ Essentially, Smith argues, “Predicated on the claim that mixed income housing could benefit poor people, the HOPE IV program was the real end of public housing as we knew it.”⁴

In the midst of this ransacking of public housing, the nation’s first private prison company, the Corrections Corporation of America—which had formed in 1987—restructured as a real estate company. In 1997, CCA formed the CCA Prison Realty Trust, an REIT (real estate investment trust) that allowed it to consolidate its prison property holdings, rent them back to CCA, and pay out returns to shareholders.⁵ The scheme—essentially a hedge fund—allowed CCA to net massive profits from circular sales of prison property to themselves, thereby raising capital for new prisons. While CCA’s real estate restructuring appears to be principally a tax-friendly financial fiction, it is an instructive fiction. These practices throw into relief the ways in which the private prison industry acts as a secondary housing market, which neoliberal restructuring of public housing has made room for. Recent scholarly and activist critiques have focused on the ways that private prisons exploit the labor of individual inmates.⁶ Yet private prisons profit primarily through state contracts—paid out per beds filled—and circular real estate sales, much like mixed-income public housing developments. As with the privatization of public housing, the outsourcing of operations or services allow private companies access to government

³ Janet L Smith, “Between a Rock and a Hard Place: Public Housing Policy.” (*Journal of Urban Affairs*, 2015), 43

⁴ Ibid, 43

⁵ REIT or real estate investment trusts, are “companies that own or finance income-producing real estate in a range of property sectors. These companies have to meet a number of requirements to qualify as REITs. Most REITs trade on major stock exchanges” and operate by leasing space and collecting rent on its real estate, the company generates income which is then paid out to shareholders in the form of dividends” “REITs & Real Estate Investing | Real Estate Working For You | Nareit.” (reit.com)

⁶ See Ava DuVerney’s *13th* (2016)

contracts and incentivize low spending and high occupancy. A 2017 report by the American Bar Association, “Prisons for Profit: Incarceration for Sale,” puts it bluntly: “Companies like CCA earn their profits by incarcerating the maximum amount of people for the minimum amount of money.”⁷

In reading the historical decline of public housing alongside what amounts to a tax evasion scheme by a private prison company, I do not draw a causal link between these two events. I do, however, mark this short period of the mid-nineties as a significant point in the evolution of the prison and stake a claim that the apex of mass incarceration in the nineties marks an epochal shift that is intimately tied to housing policy and the restructuring of the domestic sphere. Following my analysis of the neoliberal subject in chapter 6, I argue that mass incarceration has materially filled a vacuum left by public services, shifting the ideological mission of the prison from a site of domestic subject production to one of actively dislocating communities and rehousing them. In marking this shift, once again I contend that the women’s prison is a crucial site: after all, the women’s prison has always been about housing and the home, the confluence and mutual constitution of the carceral and domestic spheres. Teasing apart the transformations of the mission and function of the women’s prison and the populations it has expanded to contain, then, offers a view into the larger, national discourses surrounding domestic life, race, policing, and the home.

This chapter reads the contemporary carceral state through the neoliberal reincarnation of the women’s prison in two successive stages: first in the wake of Clinton Era restructuring of welfare and reinvestment in the War on Drugs in the late nineties and

⁷ “Prisons for Profit: Incarceration for Sale.” American Bar Association, June 30, 2017.

early 2000s as depicted in Piper Kerman's 2010 memoir *Orange is the New Black* (2010), which chronicles her investigation for drug trafficking in 1998 and her eventual sentencing in 2004 and second in the post-08 Housing Crisis contemporary as depicted in the Netflix adaptation of Kerman's memoir. My object(s) of Piper Kerman and her fictional alter ego Piper Chapman lay bare the economic investments that prompt a cultural transformation in the women's prison. I begin by framing Kerman's experience as part of a migration of the populations and disciplinary structures of public housing into the women's prison. Kerman's memoir indexes the massive change in the demographics of the women's prison inaugurated by the War on Drugs. In the second section I read Kerman's musings on her own capture and by policies of conspiracy drug charges and mandatory minimums to pinpoint the ways in which mass incarceration as a state practice marks an intentional rather than incidental fracturing of communities, and one which has targeted women as loci of communal and kinship structures.

The third part of the chapter considers the remade-for-TV Piper Chapman in the explosively popular 2015 Netflix show, which situates the fictional Litchfield Prison in the center of popular conversations surrounding mass incarceration, private prisons, and exploitation of prison labor. I read the third season arc of Litchfield's privatization and Piper's entrepreneurial turn as a sweatshop supervisor of a "used panties" business. In moving from memoir to television, and from the late nineties to 2015, the TV show showcases the carceral imaginary of the contemporary as an effect of the housing crisis and a renewed interest in mass incarceration as a topic of public concern. The housing crisis enters the consciousness of the show (*greenlit* in 2011) in brief moments and anchors the motives and profit model of the private prison once it begins to operate on a housing market model

based on filling beds and real estate speculation. The season also offers a twisted version of Stewart's model prison entrepreneur in Piper Chapman who becomes somewhat of a dark funhouse mirror version of Piper Kerman's memoir self.

While this chapter argues for a crucial and material shift in the ideological function of the women's prison, and prison more broadly, I do not mean to suggest that the disciplinary functions of the previous iterations of the women's prison have disappeared. Instead, this chapter narrates both an ideological collapse and a continuation of the afterlives of the nineteenth- and twentieth-century women's prisons. I argue that the function of the contemporary women's prison is no longer a home but a (ware)house, albeit one full of the ghosts of prisons past. The two examples with which I began my introduction—the home economics classes at a Mississippi women's prison and the neoliberal investment in prison reform via ankle monitors by the Koch brothers, demonstrate the unevenness with which shifting epochs of the prison take hold. In this historical moment, I insist that any critique, reformist or abolitionist, must contend with the carceral as a form of housing. The women's prison, its modes of domestic-carceral discipline, and forms of resistance to it, represent ground zero for this critique. I end with a coda parsing the complex knot of prison reform, abolitionist demands, and feminist political attachments to both, through a confrontation between Piper Kerman and a group of activists who interrupt to protest her at a panel on mass incarceration.

Orange is the New Redlining

Piper Kerman begins her memoir by establishing her credentials as a “good girl,” a crucial step for the “gone bad” story that follows. In 1992, she recalls, she was a well-off and fairly accomplished, if bored, graduate of Smith College. “I was a well-educated young lady from Boston with a thirst for bohemian counterculture.”⁸ Sticking around Northampton while her friends leave for jobs, Kerman finds herself captivated by Nora, an older butch lesbian who hangs out at the local bar as part of “a clique of impossibly stylish and cool lesbians in their midthirties” in Provincetown, including “a raspy-voiced midwesterner named Nora Jansen who had a mop of curly sandy-brown hair. Nora was short and looked a bit like a French bulldog, or maybe a white Eartha Kitt.”⁹ The two begin casually sleeping together and eventually Kerman, intrigued by Nora’s influx of cash and air of mystery, is invited into the secret to Nora’s extravagant lifestyle: international drug trafficking.

Though the reader can presume that the affluent but disaffected bohemian Smith grad community in Northampton is largely white, only Nora’s race is remarked upon, and only when Kerman compares her to Kitt. The allusion to Eartha Kitt lends a sexy and racially charged edge to the white Midwesterner Nora and racially codes Piper’s arrival into the world of crime, and eventually prison, as metonymically black, even as it comes at the hand of a white woman. Kerman’s title, *Orange is the New Black* likewise seems to simultaneously perform a winking nod to the racial composition of the contemporary prison and a cute deferral. Given the demographics of the prison one might assume the play on the fashion advice structure (X is the new black) would refer to the racial politics of mass

⁸ Piper Kerman, *Orange Is the New Black: My Year in a Women’s Prison*. (Random House, 2010), 83

⁹ *Ibid*, 6

incarceration (the orange of the prison jumpsuit physically enfolding and reinscribing the black subjects it claims). But Kerman reveals that the allusion is literal – and refers to an “on the street” column from the *Sunday Times*, sent by a friend, trumpeting orange as the fashion must have for the season. The racial politics of mass incarceration therefore appear and disappear instantaneously.

Apart from her reference to Nora’s whiteness by way of a black woman no character, including Kerman herself, is explicitly raced until Piper enters Danbury, when she is immediately confronted by an intensely segregated and largely non-white population.

The minimum-security camp at Danbury housed approximately 200 women at any given time, though sometimes it climbed to a nightmarishly cramped 250. About half were Latino (Puerto Rican, Dominican, Colombian), about 24 percent white, 24 percent African-American and Jamaican, and then a very random smattering: one Indian, a couple of Middle Eastern women, a couple of Native Americans, one tiny Chinese woman in her sixties. I always wondered how it felt to be there if you lacked a tribe. It was all so very West Side Story—stick to your own kind, Maria!¹⁰

Immediately upon entry into the prison, Piper, previously an unmarked cypher, is demarcated into her proper racial “tribe” as are all the women who enter. This serves both to immediately segregate the population, produce a presorted ethnic community, and render the demographic breakdown visible. The boundary drawing of neighborhoods in the prison follows the racial logic of housing segregation.

Housing in the US has been both a mirror to and a tool of racial segregation. The use of redlining and public housing segregation in the 1930s under the aegis of the newly established Federal Housing Administration, have had long reaching consequences, establishing through public funding and federal mortgage insurance policies, permanently

¹⁰ Ibid, 67

segregated housing in both public and private markets. In *The Color of Law: A Forgotten History of How Our Government Segregated America* (2017), Richard Rothstein examines how “scores of racially explicit laws, regulations, and government practices combined to create a nationwide system of urban ghettos, surrounded by white suburbs.”¹¹ These policies drove communities into segregated encampments with unequally distributed services, care, and policing.¹² Despite the myth of de facto (or chosen) segregation, Rothstein argues that “residential segregation” is the intentional result of “unhidden public policy that explicitly segregated every metropolitan area in the United States. The policy was so systematic and forceful that its effects endure to the present time.”¹³

Rothstein’s analysis crucially resituates segregation as an explicit project of the US federal government, rather than an effect of the actions of private actors. This was compounded though the redlining of banks which refused mortgages or set severe terms on subprime loans for black families. In *Family Values: Between Neoliberalism and the New Social Conservatism* (2017) Melinda Cooper explains that Clinton’s plan to “end public housing as we know it” was justified in part through a promise to extend the opportunity of home-ownership as “asset appreciating” property which would negate the need for welfare programs. In order to accomplish this, and reverse a decades long trend of decreasing home-ownership, Clinton instructed “Fannie Mae and Freddie Mac... to relax their underwriting

¹¹ Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America*. (Liveright Publishing, 2017), xi

¹² One of the major battles of the civil rights era—and one which has utterly and devastatingly reversed course—was the desegregation of schools. The battle over bussing was in part a battle for a school system not tied to the lines drawn by housing. And in the ensuing decades, public schools have become more segregated than in the 60s, because they are a transposition of housing markets: poor black families attend poor black schools as a predictable and intended outcome of housing policy.

¹³ *Ibid*, xi

criteria, while the Community Reinvestment Act of 1977, originally introduced to police redlining, was vested with greater powers of enforcement.”¹⁴ The outcome of this policy, served, as Cooper emphasizes, to induct historically marginalized groups into a form of “asset accumulation, if only in the prospective and aspirational form of revolving debt.”¹⁵ The collapse of the housing market in 2008 would leave these same people without assets or the services they were meant to replace.

These policies are part of an even longer trajectory of strategic refusal of private property and the property of privacy as itself a form of domestic discipline. The two nineteenth-century cases regarding domestic violence I read in chapter 1, in which the right to privacy trumped domestic abuse for a white family but was not upheld for a black family, indicate precisely this selective and racially delineated structure of “private” property. Saidiya Hartman’s analysis of the Home Visitor—the “predecessor of the social worker” who “dispensed household advice and assessed the character and development of the freed” through an examination of the household—demonstrates the ways in which the privacy of the domestic home was an often withheld commodity, both punishing for those who suffered in it (the white woman whose husband was allowed to beat her to uphold the private sphere) and those to whom it was denied. In its broadest sweep, this history offers a view to the multifaceted attack on poor black communities, explicitly through access *to* and discipline *through* forms of housing, including the ways that the carceral itself—the prison—has itself become a form of mass housing for these communities, with speculators and investors profiting from this mass migration/incarceration.

¹⁴ Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism*. (MIT Press, 2017), 142

¹⁵ *Ibid*, 142

While much has been written about the migration of carceral logic into other institutions of social control—schools, universities, neighborhoods etc.—I have argued throughout *Big House* that there is a reciprocal creep of domestic logic into the carceral.¹⁶ In reading the developments of the home and the women’s prison, from the inception of segregated institutions alongside a domestic ideology through the rise and fall of forms of public housing, I track, in the neoliberal turn, a move from a logic of *domestication* to *housing*. In filling the vacuum left by public housing, the women’s prison likewise incorporates public housing’s disciplinary modes of aimless bureaucracy. In her memoir, Kerman glimpses how the bureaucracy and discipline of public housing migrate into the women’s prison. She describes the day-to-day rituals of Danbury: “All cleaning in the Camp was highly ritualized, including the all-hands-on-deck Sunday-night scrubdown of our cubicles.”¹⁷ This much seems similar to previous eras of women’s prisons and is in line with the Auburn System’s adoption of regimented labor and the domestic discipline of the women’s reformatory. However, Kerman finds herself getting her laundry together early for the weekly rush, trying to beat out the other women to drop hers off first:

Why the urgency? Unclear. Did I need my laundry back in the early afternoon, as opposed to the evening? No. I found myself participating in the meaningless rituals of avoiding the laundry rush because prison is all about waiting in line. For many women, I realized, this was nothing new. If you had the misfortune of having the government intimately involved with your life, whether via public housing or Medicaid or food stamps, then you’d probably already spent an insane amount of your life in line.¹⁸

¹⁶ See: Khalil Gibran Muhammad, *The Condemnation of Blackness*. (Harvard University Press, 2011); Rodriguez, Dylan. *Forced Passages: Imprisoned Radical Intellectuals And the U.S. Prison Regime*. (U of Minnesota Press, 2006); Wacquant, Loïc J. D. *Prisons of Poverty*. (U of Minnesota Press, 2009)

¹⁷ Kerman, *Orange*, 83

¹⁸ *Ibid*, 83

The routine of Danbury is not the rehabilitative ritual of domestic labor followed by self-reflection modeled in the reformatories of the nineteenth century, but the bureaucratic drudgery of the welfare line and the housing project. Kerman's insight—that prison is mostly about waiting—indicates an evacuation of the domesticating project of the prison and a new form of doing time as killing time, a holding pattern for those with nowhere to land.

The directionless bureaucracy of Danbury is thrown into a momentary crisis, during Martha Stewart's sentencing when the possibility of her removal to Danbury is raised. Suddenly the state of the prison, its rehabilitative programming and services become both newly relevant and open for public inquiry. As Billy Holiday noted in her recollection of the House of Detention, the rehabilitative mission promised by the women's prison had been, even in the mid-twentieth century, a performance. When exposed to public scrutiny, the rhetoric of rehabilitation, which Jill McCorkel argues had shifted in practice towards "habilitation" suddenly rears its head at Danbury. Kerman recalls the hubbub of media attention that swirled around Stewart's potential entry into the prison (Stewart had requested Danbury so that she could be near her mother in Connecticut but was eventually sent to Alderson). When this information was leaked to the press, suddenly stories of what it was like to serve time at Danbury filled media reports. Kerman speculates that Stewart was sent elsewhere as the "powers-that-be in the Bureau of Prisons didn't want her here, perhaps because they didn't want close media scrutiny on the facility."¹⁹ Despite this, the vague hint of her presence was enough to fuel the stories.

¹⁹ Ibid, 198

A lot of nasty things had been written in the press about us. I wasn't in the least bit surprised, but the women around me were upset, especially the middle-class ones. An article came out in *People* calling us "the scum of the earth" and speculating about the beat-downs and abuse Martha might suffer.²⁰

These stories highlight the abjection of Danbury, portraying the women incarcerated there as inveterate scum. Like the housing project which suffers both from its lack of resources and its popular connotation with "culture of poverty" discourse, the women of Danbury have suffered first in their incarceration in Danbury, and again in their reinscription as inherently delinquent for residing there. Kerman notes particularly the "middle-class" women, who despite their background, are now implicated in this inscription.

This indignity was compounded by another story with a diametrically opposed message, which circulated in the following week. The *Hartford Courant*, which the women got on a day delay so information could be controlled, published an exclusive interview with a woman, "Barbara," who had been contacted by Stewart to get the "inside scoop on life at Danbury. Barbara, as Piper tells it, "had some interesting things to say."²¹ In her interview Barbara avers, "Once the shock of being in jail was over, it became a holiday...I didn't have to cook. I didn't have to clean. I didn't have to shop. I didn't have to drive. I didn't have to buy gas. They have an ice machine, ironing boards. It was like a big hotel."²² The litany of domestic chores that Barbara is liberated from within the prison goes on, "At home I don't take care of me. I take care of my kids. I take care of my house. I had time there to take care of me. When I came home, I raised my standard of living a little bit."²³ The prison, in this

²⁰ *Ibid*, 198

²¹ *Ibid*, 199

²² *Ibid*, 199

²³ *Ibid*, 199

narration, is an *escape* from home. This fantasy of the women's prison recalls Commissioner McGrath's absurd claim that Rikers' women's prison represented "New York's newest and perhaps best hotel."²⁴ Danbury is represented as a hotel stay where one can get some "me-time." Though this vision is patently fictional, it nonetheless offers insight into the changing imaginary of the women's prison and its role.

Early advocates of the women's prison reform highlighted precisely the domestic duties Barbara seeks to escape as formative in the project of the women's prison. The reformatories of the nineteenth century promised a re-formed woman as domestic subject, inculcated into the middle-class ideal as (re)productive members of society. Barbara too holds the prison as an ideal, but not for its domestication. Rather she frames Danbury as a refreshing hotel stay, where she received the time and space to do a little self-care and come out more prepared to "raise her standard of living." Prison: the adventurous woman's staycation! Whether the depiction is accurate or not, this particular advertisement for the prison offers a neoliberal spin on the rehabilitated wife. As an entrepreneur of the self, she is not trained in the domestic arts, but she is adaptable and self-remaking. She returns to the home revived and able to perform the labor which she no longer views as natural. But the prison does not teach her to perform this labor or produce within her a domestic ethic or a moral correction. Even in a fairytale version of the women's prison, the service it performs is that of temporary housing and the evacuation of domesticity.

The women of Danbury did not take well to this version of events either. Kerman and the other women object to this portrayal for its making light of their sentences. Barbara,

²⁴ Paul Montgomery, "Jail for Women Dedicated Here," (*The New York Times*, 1971)

they gather, is a woman named Levy, “a tiny French-Moroccan Jew who claimed to have been educated at the Sorbonne” and had spent the majority of her “measly” six month sentence nervous and affected with hives, crying and “making appalling and loud statements about other prisoners’ appearance and lack of education, sophistication, or ‘class.’”²⁵ Kerman and the other women scoff at her version of events, and Kerman offers her own analysis of why Levy/Barbara would spin this particular tale:

She didn’t want to admit to herself, let alone to the outside world, that she had been placed in a ghetto. It was too painful, I thought, for Levy and others (especially the middle-class prisoners) to admit that they had been classed as undesirables, compelled against their will into containment, and forced into scarcity without even the dignity of chosen austerity. So instead she said it was Club Fed.²⁶

It is tempting to read a little self-critique here. Kerman is certainly one of the other middle-class women who has found herself thrust into the indignities of the prison-as-ghetto.

Kerman resists this narrative for herself, even as she clearly believes herself to be set apart from the women with whom she is incarcerated. Rather she like Martha Stewart has instead chosen to monetize the shock value of the white woman in prison narrative. Kerman, has rebranded herself as a prison reform advocate after the success of her book and the Netflix show, effectively capitalizing on her sentence in a way that the vast majority of the women incarcerated with her could not.

Caught between the two narratives, the women’s prison emerges relatively unscathed. Either the women are scum and the prison exists to contain them, its methods justified, or it verges on luxury and the women don’t deserve the elevated treatment they receive. Neither narrative offers any critique of the institution itself, only moral judgements

²⁵ Kerman, *Orange*, 90, 97

²⁶ *Ibid*, 201

about those confined. And as Assata Shakur points out in *Women in Prison: How We Are*, these narratives have severe implications for the women's prison. The "Club Fed" reputation serves to hide both the violence of the domestic women's prison and the encroaching forms of "habilitation" which take as their mission the breaking down of women. In truth, Danbury is neither Club Fed, nor the site of constant beat-downs. Rather, as Kerman writes, it is the "ghetto" transposed.

Kerman notes, perhaps more clearly than many, the way in which the space of the prison itself approximates and reconstitutes the racial politics of housing. Immediately upon entry as she is being led through her new "home," Kerman notes that "the racialism was unabashed; the three main Dorms had organizing principles allegedly instituted by the counselors, who assigned housing. A Dorm was known as 'the Suburbs,' B Dorm was dubbed 'the Ghetto,' and C Dorm was 'Spanish Harlem'" (67). Piper Kerman's indication of the neighborhoods of the prison is familiar. We know what races constitute the "ghetto," the "suburbs," and "Spanish Harlem," the ethnic denotation of the last neighborhood laid bare in its name. What is significant is that the emergence of these communities in the prison occurs as the result of a very specific assault on women of color through welfare reform, the War on Drugs, and the "end of public housing as we knew it."²⁷ In segmenting populations as productive and surplus, the fracture of families and communities is not a social or cultural consequence, but a strategy. Where segregation excluded black and brown families from forms of property, wealth accumulation, and social and cultural capital, privatization and mass incarceration eviscerate communal ties, literally removing mothers—80 percent of

²⁷ Smith, "Between a Rock and a Hard Place"

women in prison are mothers—from their families and leaving communities and collectives without parental figures, kinship ties and social connections.²⁸

Melinda Cooper argues that free market neoliberals have actually relied on the discourses of “traditional family values” to pose the family as responsible for forms of care that they have removed or seek to remove from the purview of the state. For Cooper, the neoliberal turn does not so much atomize and divide families and households but refigure them as engines and carriers of debt, taking on the burden of care from the retreating welfare state. This subsumption of responsibility previously taken up by the state, involves, for Cooper, an acknowledgment of “the reality of family failure (homologous to market failure) and the necessity of some kind of restorative intervention on the part of the state to correct such disorders.”²⁹ Cooper’s analysis frames the alliance as seemingly contradictory but actually deeply pragmatic. Whereas in other arenas free market neoliberals vociferously oppose state intervention they “must turn to the overt, neoconservative methodology of state-imposed, transcendent virtue to realize their dream of an immanent virtue ethics of the market.”³⁰ Cooper is largely concerned with the forms of state-imposed morality through welfare reform – but what of mass incarceration and policing, one of the most extreme form of state power? The twinned emergence of neoliberal governance and mass incarceration is not coincidental.

While Cooper argues that the traditional family re-emerges to pick up the slack of the welfare state in decline, a program of intensive policing of neighborhoods deemed

²⁸ Aleks Kajstura. “Women’s Mass Incarceration: The Whole Pie 2017.” (The Prison Policy Institute, 2018)

²⁹ Cooper, *Family Values*, 62

³⁰ *Ibid*, 63

“unproductive” and a massive new housing program in the form of the prison buttress the neoconservative vision of the traditional family, which, after all, was always an exclusive and racist ideal. Cooper remarks that “neoconservatives consistently describe welfare mothers as a nonproductive rentier class – a lumpenproletariat that has taken on the qualities of the idle aristocracy by virtue of its dependence on the ‘unearned income’ of welfare benefits.”³¹ For Cooper, this attack on welfare was enfolded into the neoliberal project as useful to its ends. But the welfare mother, once produced as abject, remains a problem in her cultural and material presence even after she has served her purpose as a vehicle for neoliberal attacks on welfare.

Produced as abject and surplus for an *absence* of family values as well as an *excess* of family, the welfare mother remains, now under-supported and over policed. In 1996 Bill Clinton signed into effect the welfare reform bill, with which he promised to “end welfare as we know it.” To introduce the bill, which axed The Aid to Families with Dependent Children program, he brought on stage a 47-year-old black mother, Lillie Harden, as an echo of Reagan’s invocation of the welfare queen. Clinton’s bit of political theater was meant to suggest that he, a tough on crime and fiscally conservative third way democrat, was sending this black woman back to work. Six years later, Harden had a stroke and was rejected from Medicaid, which she had previously received on welfare. She died in 2015 at 59 after years of struggling to pay \$450/month for her medications.³²

³¹ Ibid, 53

³² Victoria M. Massie, “Lillie Harden Was Bill Clinton’s Welfare Reform Success Story. Welfare Reform Failed Her.” (*Vox*, 2016)

The protection of the proper home had been the impetus for the first welfare programs in the US and the racialized delineation of what families could qualify for was smuggled into welfare and housing programs through suitable home requirements. As public housing and welfare were associated fully with the black family, they were dismantled. It is crucial that this is not necessarily representative of the statistical demographics of welfare recipients (*nominally* most recipients are and have been white even as poverty in nonwhite communities increases *rates* of reliance) but of an active strategy to rhetorically hitch blackness and welfare as a project to stoke white resentment and build cross-class support for dismantling welfare.³³ The funding was then rerouted to other forms of social control, namely the expansion of policing and prisons in the wake of any forms of poverty relief. At the same moment that welfare funding could benefit communities of color, its financial resources were rerouted to more heavily police, control, and, for many, incarcerate them. Sociologist Colin Crouch has argued that “social housing tenants are the unwanted residue of a pre-neoliberal past.”³⁴ Broadly speaking, the poor recipients of welfare are tenants of an old housing model and in order to remove them and re-sell the property, occupants are being re-routed to prisons through inescapable webs of poverty and policing.

The interconnectedness of housing policy and prison expansion—as well as the ways that both have become profitable neoliberal ventures—has occasionally materialized in rather more literal ways. For example, in the 1990s New York Governor Mario Cuomo

³³ There are several studies regarding the overestimation of polled groups across race of the percentage of black welfare recipients. See Arthur Delaney and Ariel Edwards-Levy. “Americans Are Mistaken About Who Gets Welfare.” (*Huffington Post*, 2018); Chow, Kat. “Why More White Americans Are Opposing Government Welfare Programs.” (*NPR*, 2018);

³⁴ Colin Crouch, *Can Neoliberalism Be Saved from Itself?* (Social Europe Edition, 2017), 3

rerouted nearly 8 billion dollars from the Urban Development Corporation, a fund meant for low income housing, to bankroll the construction of almost 30 new prisons. In a 2000 roundtable on women of color in prison, Anne Elliot, director of Project Greenhope, a residential treatment program for formerly incarcerated women, makes this connection crystal clear.

Actually most of the prison development done in this state was done under Mario Cuomo through a program called the Urban Development Corporation, which was designed to build low income housing. And this was the kind of low-income housing that got built. And in that time, twenty-nine more prisons were created. In 1980 there were only 12,000 women in prison. There are now over 138,000 women in prison.³⁵

The relationship between prison and housing markets here is twofold. On the one hand we have the more obvious and well-documented expansion of prisons as a real estate growth field, spinning out profits to a vast array of developers, contractors, and private prison companies. But here the seed money is removed directly from a public fund for low income housing, thus literally diverting public housing into private profit through the prison, and effectively—in combination with Cuomo’s “tough on crime” policies—diverting the occupants of said housing into those very prisons.³⁶

Cuomo’s example is more direct than many, but it is instructive in the literal movement of resources from public housing to prison housing. It also crystallizes the connection between housing reform and the incarceration of women, particularly through

³⁵ Anne Elliott, Saida McLaughlin, Gus Smith, B. J. Peak-Graham, and Philip Genty. “Women of Color in Prison.” (*Souls*, 2000): 79

³⁶ Cuomo’s son has recently been accused of diverting public tax dollars for the benefit of large corporate interests in the Amazon deal in Queens. The lot, which had been earmarked for Amazon’s new headquarters had previously been slotted for public housing. The deal eventually fell through due to pushback from local community leaders and labor organizers and plans for a mixed use development with a portion of low income housing are reportedly underway.

the War on Drugs. Elliot emphasizes the impact on women, saying: “And when they call it a war on drugs, it's a war substantially on women, because women really became the fastest-growing number of persons coming into prison. Their numbers increased tenfold within a decade.”³⁷ A 2015 factsheet on the incarceration of women and girls by The Sentencing Project notes that women were actually more likely than men to be incarcerated for a drug offense (as compared to other offenses).³⁸ Where 15 percent of incarcerated men’s convictions were drug related, 24 percent of incarcerated women’s convictions were. These numbers spiked for both men and women as a result of the War on Drugs, but rose more precipitously for women, of whom only 12 percent of the prison population were incarcerated for drug crimes in 1986. The vast majority of this jump represent women of color, as Piper Kerman notes in her own experience at Danbury, which she observes is only about 24 percent white women. Elliot connects this “war on women” to both the removal of low-income housing and the buildup of a private prison industry:

And so what we are seeing is an increase in prison buildup. And also now along with the political incentives to build prisons we have economic incentives to build prisons... And then you have private prisons, which have begun to develop. And so corporations investing in Wall Street investments and private prisons, because the state has not been able to build, even with all of this prison growth, enough prisons to keep with the demand of all these nonviolent drug offenders.³⁹

In the absence of social support services, particularly in public housing, the disciplinary function and housing of poor communities of color were outsourced to the massively expanding prison system.

³⁷ Ibid, 79

³⁸ “Incarcerated Women and Girls.” The Sentencing Project.

³⁹ Ibid, 79

In the privatization of care, poor communities become more lucrative in prisons than homes. What's more once these communities were "re-housed" within the prison, the forms of segregation and disciplinary modes of the housing market were imported. The position and role of women in the home was characterized by early reformers as central to a project of national belonging and the production of domesticated reproductive citizen subjects. However, as I explored in chapter 6, the ideal neoliberal subject is adaptive and self-reproducing, evacuating the founding mission of the women's prison of its content. The nineteenth century women's prison served to discipline both through inclusion and exclusion, as certain subjects were deemed reformable and others were refused. In the expansive project of mass incarceration we see a shift from this paradoxical inclusive exclusion to a strategy of intentional fracturing and de-homing of families deemed excess or troubling. Rather than disciplining black homes, the War on Drugs has ripped them up by the roots.

War on Women

Throughout her memoir, Piper Kerman makes it clear that unlike the majority of women entrapped by the War on Drugs, her entrée into the criminal underworld was simply a bored-rich-kid-adventure gone wrong. "In retrospect," she admits drily that "a EuroRail ticket or volunteering would have been brilliant choices."⁴⁰ Kerman's semi mocking account of herself as an upper middle-class post-college cliché serves a dual purpose. While making it clear to the reader that she gets it—her younger self is a bit unbearable—she still emphasizes

⁴⁰ Ibid, 6

that she is not the same as the women she will describe meeting in prison. She is an outlier, one who came to call prison her home after leaving an extravagant, upper middle-class one. Yet at the time of her entrance into prison, Kerman's experience dovetails with the neoliberalization of the prison system, reserving profitable beds for victims of the War on Drugs (tenants) who rarely experienced any form of therapeutic rehabilitation, as McCorkel's *Breaking Women* demonstrates in chapter 6.

Kerman is right in her estimation that she does not fit the profile of the majority of the women with whom she is housed; but the circumstances of her arrest, her sentencing, and the pipeline that took her there are reflective of policies that lump her into the women with which she is incarcerated, and the masses of women arrested for drug related crimes in the 1990s. As Kerman notes, the staggering rise in women's incarceration in the nineties and 2000s was, like that of men, in large part through the War on Drugs. In 2015 "more than 61 percent of women in federal prison were incarcerated for drug offenses, compared to approximately 50 percent of men."⁴¹ Many of these women, at the outskirts of the drug trade, often as the wives, girlfriends, or "mules" of more directly involved men, were brought up on charges of conspiracy. Kerman too was charged in a bid to get information on those higher up on the ladder, more closely associated with a partner, in this case a woman. With the benefit of subsequent years of experience both within the legal system and as a prison reform advocate, Kerman recalls her entry into the criminal justice system:

I was in a whole new world, one where "conspiracy charges" and "mandatory minimum sentencing" would determine my fate. I learned that a conspiracy charge, rather than identifying individual lawless acts, accuses a group of people of plotting to commit a crime. Conspiracy charges are often brought against a person just on the

⁴¹ Ibid, 22

strength of testimony from a “coconspirator” or, even worse, a “confidential informant,” someone who has agreed to rat out others in exchange for immunity.⁴²

Conspiracy charges have been identified by critics across the political spectrum as a vast overreach of prosecutorial power and a crucial element of the roundup of low-level and largely poor people of color on drug charges during the “War on Drugs” inaugurated by Richard Nixon in 1971. In 1988 Ronald Reagan’s Anti-Drug Abuse Act added conspiracy to the list of drug charges carrying mandatory minimum sentences.

The combination of conspiracy charges and mandatory minimum sentencing vastly extended both the reach and the impact of these convictions. Kerman explains her own decision to plead guilty: “The length of the sentences completely freaked me out: ten, twelve, twenty years.”⁴³ At first shocked by this system, and her ex-lover’s “betrayal” of naming her, Kerman eventually benefits, as her past partying with the elite of the drug trafficking business has granted her knowledge of some noteworthy names and faces. She gets a plea deal. But the majority of women do not. And despite her relative privilege, she becomes part of the massive influx of women in prison on drug charges, though with a significantly lighter sentence than most.

Susan Rosenberg, a political prisoner with ties to Black Liberation Army, characterizes the demand for information exchange or “snitching” as an intentional severing of bonds of kinship and solidarity, leaving the most vulnerable populations with even less access to social and familial networks, either through pitting them against these networks or removing them entirely through lengthy sentences. Rosenberg wrote on the phenomenon in

⁴² Ibid, 22

⁴³ Ibid, 22

1996, while serving time at Danbury where Piper Kerman would serve her sentence eight years later. In “Women Casualties of the Drug War,” Rosenberg claims, like Anne Elliot, that “the war on drugs has become a war on women in the drug trade.”⁴⁴ She points to the system of conspiracy charges which sweep up low- and mid-level suspects and pump them for information on distributors higher up the ladder in return for reduced sentences, penalizing those who are active in the drug trade in the most incidental ways, i.e. girlfriends, mothers, and mules who have little to no information to trade, often leaving those at the bottom of massive cartels with the highest sentences.

Rosenberg cites a woman she knows at Danbury who would have been serving at the same time as Kerman: “Belle, like most women casualties of the drug war, was a low-level player. The white men who run the international drug cartels have the power and money to buy and bargain their way out of prison, often by snitching.”⁴⁵ In addition to the injustice of this system of indulgences, this model is built to erode communal ties. Belle, Rosenberg notes, refuses to offer information on anyone but herself and is therefore presumably still serving out the remainder of her life sentence. Rosenberg laments this as “the foulest of bribes—your beliefs or your life” and furthermore an exchange of incremental freedoms for the lives of others.⁴⁶

The psychic consequences are immense for those swept up, but significantly they leave behind networks and resources which can be exploited and expropriated. Silvia Federici makes a similar argument about spectacular forms of violence against women across

⁴⁴ Susan Rosenberg, “Women Casualties of the Drug War,” (*Prison Life*, 1996)

⁴⁵ Ibid

⁴⁶ Ibid

the world, which she aligns with a renewed capitalist project of enclosure, a project whose legacies we can glimpse within the private profiteering that now characterize much of the prison complex in America. This framework mirrors her argument in *Caliban and the Witch* (1998), in which she argues that the witch trials formed a crucial front of primitive accumulation alongside colonial expropriation and slave labor. In this new form of enclosure, argues Federici, “violence against women is a key element... because of what women represent in their capacity to keep their communities together and, equally importantly, to defend noncommercial conceptions of security and wealth.”⁴⁷ The US women’s prison has, since its inception, served to discipline women according to their adherence to normative forms of sociality and their ability to appropriately reproduce productive citizen-subjects for a national project. However, the new enclosure, represented by the privatization of global neoliberalism, requires a brutal fracturing and reorganization of certain communities as resources and services are stripped from the most vulnerable.

For Federici, women bear the brunt of these reorganizations under a “strategy... to attack people’s means of reproduction and institute a regime of permanent warfare.” The War on Drugs, generally understood to be a miserable failure in terms of reducing drug addiction, has been, on the other hand, an unmitigated success as a state of permanent war which necessitates and justifies hyper-policing and the breakdown of communities. Federici frames the “escalation of violence against women, especially women of color” as part of a “process of political recolonization, intended to give capital uncontested control of the

⁴⁷ Silvia Federici, “Undeclared War: Violence Against Women.” (*Artforum*, 2017)

world's natural wealth and all human labor.”⁴⁸ As the central node of social reproduction of their communities, women bear the brunt of this violence, particularly in formerly colonized nations in sub-Saharan Africa, Latin America and Southeast Asia “where multinational corporations hardly bother to disguise the rapaciousness with which they are carving up and monetizing every conceivable resource and every square inch of land, and where the anticolonial struggle has been the strongest.”⁴⁹ Federici reconceives the brutal violence and seizure of resources as a new form of enclosure characterized by “land grabs, privatizations, and wars declared and undeclared, that for years have been devastating entire regions.”⁵⁰ While Federici concentrates on the enclosures of the commons and the privatization of resources in the Global South, the obliteration of public housing and the privatization of public services in the US represents another aspect of this global project.⁵¹

The joint effect of the removal of essential social services and the criminalization of black and brown women in the US has had a devastating effect on communities of color, particularly in urban centers like New York, LA and Chicago. The vast majority of women in prison are mothers—80 percent according to the most recent Prison Policy Initiative

⁴⁸ Federici, *Undeclared War*

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ If there is something conspiratorial in the reading of the War on Drugs and conspiracy charges thus, President Nixon's former domestic policy chief John Erlichman, one of the architects of the War on drug, has helpfully literalizes the connection between drug policy and the intentional fracturing of communities: “the Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people.” Framing the solution to these twin problems starkly, Erlichman explains: “You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin. And then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders. raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.” This strategy forms the basis for the War on Drugs and lingers in its revitalization under Clinton in the 90s as dependence on welfare and drugs were often twinned, serving to further entrench the criminalization of blackness in an effort to remove families from welfare rolls. See: Dan Baum, “Legalize It All,” (*Harpers*, 2016).

report.⁵² A little discussed piece of legislation passed in 1997 has exacerbated the rupturing of familial networks of care. The Adoption and Safe Families Act (ASFA) which was pushed for by Hillary Clinton and signed into law by President Clinton in 1997, set stricter limits on the time a child could remain in foster care before parental rights were terminated permanently.⁵³ The passage of this law in the midst of a massive influx of women into prison, permanently severed families and represented a move away from family reunification toward a punitive termination of familial rights according to the “fitness” of the parents. Those parents in prison serving longer terms are essentially removed from the process altogether. The War on Drugs, with its global reach, and its justifying of national and extra-national forms of policing represents an arm of the permanent warfare on women and poor communities, diverting forms of (re)production into the prison. Mass incarceration detaches women from forms of biological, social, and cultural reproduction, instead turning them into tenants of prison that can reproduce surplus capital. The privatization of the prison further entrenches this shift, as it seeks new markets and new tenants.

Private Parts

In the third season of the critically acclaimed and massively popular Netflix adaptation *Orange is the New Black* (2013), the fictional Litchfield prison encounters a funding crisis, provoked in part by the embezzlement of its former warden. The prison (pre-privatization) is positioned as a profitable enterprise, legally or not. In order to stop the

⁵² “Women’s Mass Incarceration: The Whole Pie 2017”

⁵³ Sally Day, “Mothers in Prison: How the Adoption and Safe Families Act of 1997 Threatens Parental Rights Twentieth Anniversary Celebration.” (*Wisconsin Women’s Law Journal*, 2005)

prison from shutting down and avoid losing his job, the interim director, Caputo, arranges for a tour of the prison by the private corrections company Management & Correction Corporation or MCC, which rebrands in later seasons as PolyCon Corrections or PC. MCC, a stand-in for companies like CCA, and the GEO Group, eventually takes over day-to-day operations of Litchfield, instituting many of the “innovations” that private prisons bring with them.

The takeover is not immediate—MCC expresses some reservations about taking over a women’s prison, specifically regarding the cost and care of women. One of the three MCC executives who come to tour Litchfield confides in Caputo, “we've heard some discouraging things about housing a female population,” before asking, “do you find it's more difficult because of their... health requirements?”⁵⁴ The heavy pause indicates his discomfort with the question and Caputo correctly ascertains the man is asking about menstruation. Although the scene is played for laughs—meant to poke fun at the old white man disturbed by the idea of periods—the issue is a serious one. Many women in prison do not have access to tampons, pads, or other necessities for menstrual health as a result of cost-cutting measures.⁵⁵ Caputo assures the MCC visitors that the costs are manageable, but a later glance at a pregnant woman leads the SVP’s to an even graver concern: “The costs associated with a birth while the inmate is in our care... they’re prohibitive, to say the least. Great thing about men, they don't have uterus.”⁵⁶ The conversation clarifies the true concern of the company: the cost effectiveness of the women’s prison.

⁵⁴ “Finger in the Dyke.” *Orange Is the New Black*. Netflix, 2015.

⁵⁵ Alex Ronan, “Menstruation Can Become Humiliation in Prisons.” (*The Cut*, 2015)

⁵⁶ “Finger in the Dyke.”

The balance of the care of human beings with the profitability of their imprisonment is both gendered and biologized. Women's bodies—or at least those with uteruses pose a problem to capital, in that they must be cared for, financially and humanely. This is true both in the prison and in the private health insurance market, where women's premiums are often significantly higher. A 2009 *Denver Post* article investigated the “outrage over how women are treated in the individual health insurance market” pre-Obama care, in which “stories emerge of companies refusing to cover maternity benefits and denying coverage because of past domestic violence or cesarean sections, including a Colorado woman who was told she would have to get sterilized to qualify for insurance.”⁵⁷ This calls to mind the familial legacies of the women's prison and eugenics programs, but here the demand for sterilization is justified not through “social hygiene,” but a cost benefit analysis.

In response to the poor estimation of the value of incarcerated women in relation to their cost, Caputo retorts, “we find that our inmates are one of our best assets. They are very resourceful, and we rely on them to help us get through the day,” pointing to the women working in the prison kitchen.⁵⁸ Caputo here refigures the problem posed by the female prison (messy expensive bodies) as an asset (adaptable, resourceful, and cheap labor). The executives look dubious and the tour ends with Caputo desolate, sure that the company will find another, most likely male, prison and he will lose his job. However, he receives a call that night from Danny, MCC's “Director of Human Activities” (the son of one of the executives of the company), assuring him that “MCC is gonna be taking over Litchfield,

⁵⁷ Brown, Jennifer. “Women Pay up to 50% More for Health Insurance Premiums.” (*The Denver Post*, 2009)

⁵⁸ “Finger in the Dyke.”

effective as soon as the paperwork goes through.”⁵⁹ Despite the tour being an unmitigated disaster, Danny reveals the reason MCC chose Litchfield: “We toured the maximum security facility before we came to visit you guys, and with the number of bodies down there, and the potential for the unused space, it was a no-brainer.”⁶⁰ Danny’s explanation reveals the complex calculation at the heart of the private prison industry.

While the adaptable prisoner proves a useful subject for the prison, the final cost-benefit analysis comes down to the ability to house as many bodies as possible. In 2009 the perverse incentive structure of the private prison business was publicly revealed when a Juvenile Court Judge Mark Ciavarella was exposed as having taken payments from private prison officials to increase sentencing of juveniles thereby ensuring that the prison remained at max capacity.⁶¹ The “cash for kids” scheme shocked the public, but it revealed a truth about private prisons. As the American Bar Association noted in 2017, private prisons maximize profits through housing the most people at minimal cost. The second part of this calculation—the minimal cost—has severe consequences for those incarcerated in private prisons as “Private prisons have no incentive to rehabilitate individuals either, as their livelihood depends on more people being incarcerated, not less.”⁶² Rehabilitation is costly in its added expense *and* the possibility that it may reduce recidivism rates and deprive prisons of profit-earning occupancy.

The introduction to MCC in *Orange is the New Black* offers an insight into the economic calculus of the private prison industry. MCC’s management of Litchfield brings

⁵⁹ Ibid

⁶⁰ Ibid

⁶¹ Ian Urbina, “Despite Red Flags, Judges Ran Kickback Scheme for Years.” (*The New York Times*, 2009)

⁶² Ibid

with it many of the recognizable innovations of neoliberal privatization. Jobs are casualized and guards are forced to reapply for their jobs, thereby losing their union membership. Hours are cut and untrained replacements are hired to undercut the wages of experienced workers. According to a 2018 Justice Policy Institute Report, “Private prison employees earn an average of over \$5,000 less than their government-employed counterparts and receive 58 fewer hours of training. This leads to higher employee turnover and decreased security in the prisons” something that will become a source of complication in the final episode of the season.⁶³ Additionally MMC streamlines food preparation replacing (not quite) fresh produce with bagged pre-prepared meals (mush).

These cost-cutting measures are common in private prisons and are often accompanied by cuts to rehabilitative programs, drug counseling and healthcare. The ABA claims that, “in most cases, private prisons offer little or no rehabilitative programming. When they do, it is often poorly implemented with little oversight.”⁶⁴ A less critical and more coldly-crass account of private prison cost-cutting mechanisms by SmartAsset, a tech company offering personal financial advice, breaks down the numbers:

In 2012 CCA received \$59.14 in revenue per compensated man-day from the government. Of this \$59.14, CCA committed \$41.61 to operating expenses per man-day. This effectively means CCA commits \$41.61 to each prisoner each day. According to CCA’s SEC filings 65% of these operating expenses, or \$27.05 goes to employee salaries and benefits. This leaves \$14.56 per man-day for the combined costs of food, medical care, and contracted drug rehabilitation and education programs.⁶⁵

⁶³ Tara Joy, “The Problem with Private Prisons” (The Justice Policy Institute, 2018)

⁶⁴ ABA, “Prisons for Profit”

⁶⁵ Brian Kincade, “The Economics of the American Prison System.” (SmartAsset, 2018)

The numbers provided here are intended to demonstrate the capacity for savings offered by the private prison, with those savings, they argue, being passed down to the taxpayer. It is also an explainer for those considering investing in private prisons. However, both the profit margin and the “efficiency” demanded by a \$14.56 per-man-day cost mean enormous cuts to programming and, as SmartAsset acknowledges, significantly higher recidivism rates, thus nullifying a significant portion of the “savings” to the government and the taxpayer, though potentially increasing investment value.

The cuts to programming are seen obliquely in *Orange is the New Black*, largely through the new hires and their lack of training and disinterest in the rehabilitative project of the prison. But the most significant change is the introduction of a new work assignment to the prison. The new job, the details of which remain a mystery until the big reveal to the women assigned to it, pays almost ten times the other work assignments at a salary of 45 cents an hour. Unlike these other jobs, which generally consist of prison upkeep and do not garner a profit, this job is introduced as an external contracted position, and the women at Litchfield jockey for a position, despite not knowing what the job is. Women are selected according to a personality test which asks them to answer true or false to statements like “ideas are more important than things,” “I can feel overcome with wonder at nature,” and “I spend most of my time trying to understand things.”⁶⁶ As women answer the questions, reminiscent of the Meyers Briggs inspired tests which have been taken up by corporations looking to maximize their employees’ abilities and personalities, fights break out over who will get the position and leave their current work assignment and social arrangements

⁶⁶ “Finger in the Dyke.”

behind. Relationship between friends break down and women are atomized as potential workers.

Those that are assigned to the new job are taken to the renovated building, where they are offered “congratulations on landing this coveted new job. This is an opportunity for all of you to learn a very in-demand trade. And we hope that you will take it as seriously as we did when selecting you.”⁶⁷ The door opens and the job site is revealed: a factory floor with work stations appointed with pink sewing machines, spools of pink thread and catalogues depicting the product they are manufacturing. “Ladies, welcome to Whispers.”⁶⁸ Another incarcerated woman, “Black Cindy,” (named to set her apart from white Cindy), picks up the catalogue and turns to the other women asking incredulously, “We making panties?”⁶⁹ The scene cuts to a close up on the character Flaca, whose backstory the episode had told in flashbacks.

Marisol “Flaca” Gonzales’ story is indicative. The episode’s flashbacks depict the circumstances of Gonzales’ arrest for fraud, as part of a scheme to supplement the money her mother brings in as a home seamstress, making high fashion knockoffs. When her mother calls her in to do work, Gonzales declines saying she has homework but her mother insists – you have work, work. The scene is in Spanish, which has different words for homework (tarea) and work (trabajo) but the subtitles play on the home-work and work-work distinction. When she asks why her brother Marco doesn’t have to work, Gonzales’ mother tells her not to worry about him and reminds her that she is learning a trade she will

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Ibid

need later in life. Gonzales dryly agrees that she is learning a trade so she “can work in a sweatshop like a wetback.”⁷⁰ The conversation indexes several common immigrant narratives: the working single mother who has to perform reproductive gendered labor both in caring for her children and economically providing for them. She performs both in the home, denoting the messiness of the division of home and work in the lives of working-class women who often perform care work both paid and unpaid, in their homes and the homes of other women.

Gonzales seeks an escape from the life of the recent immigrant, denigrating her mother’s work. Her mother smacks her and tells her to get to work-work. It is in an effort to escape that Gonzales crafts a new business venture: supplementing the money her mother brings in as a home seamstress by selling fake LSD to her classmates and convincing them it’s real through psychological manipulation. She understands her customers, provides them with something they want, catering the experience of a high while cutting costs. But the hustle eventually falls apart when one of her classmates, convinced he is high (she’s an excellent marketer), jumps off a roof. The fact that the drugs were fake don’t make the consequences any less real, and Gonzales is sent to Litchfield.

Unlike the entrepreneurs trumpeted by Martha Stewart in chapter 6, Gonzales had neither the resources nor the networks to bail her out after her risk fails. In an ironic twist of fate, Gonzales finds herself alongside Piper Chapman and Black Cindy when they come to learn that their new prison job is sewing panties. As she comes face-to-face with the sweatshop mirroring her mother’s home and her fears for her future, the song “Mama Said”

⁷⁰ Ibid

by The Shirelles plays and the episode fades to orange. The song choice is a little on the nose – her mama quite literally said that this trade would be her fate, and she now performs the sweatshop “home-work” she tried to escape, now in the confines of the prison.

The introduction of the new prison job, subcontracted manufacturing of high-end lingerie, illustrates the ways in which the globalized neoliberal economy both consumes and devalues feminized labor by women of color. Genevieve LeBaron argues that “by compelling deviants and the racialized poor into deeply unfree forms of labor exploitation, prison labor has underpinned and reinforced the racialized and class-based social relations central to specific forms of capitalist order.”⁷¹ LeBaron breaks up her analysis into three main periods: “industrial prison contract system of the U.S. North (1840–1890); the convict lease system of the U.S. South (1865–1920); and the neoliberal system of prison labor (1979–2012).”⁷² As Sarah Haley has argued, white women were generally spared the hard labor of convict leasing and contracted labor, while black women worked in fields and on chain gangs. The neoliberal period, however, sees a broadening of the prison’s for-profit workforce, even as it still falls along highly racial lines due to the overwhelming predominance of black and brown women in prison. Gonzales, who attempts to escape this racialized drudgery with a bit of entrepreneurial spirit, is re-routed back into service work, a fate that the prison helps facilitate. While Gonzales’ aspirations are dashed, Piper Chapman, the wealthy white woman around whom the series revolves, takes the opportunity to launch her own scheme.

⁷¹ Genevieve LeBaron, “Captive Labour and the Free Market: Prisoners and Production in the USA.” (*Capital & Class*, 2008), 59

⁷² *Ibid*

Chapman, the fictionalized Kerman, is played as both more of an outlier and more of a cliché than Kerman portrays herself in her memoir. Chapman's college experimentation is now with a more normatively attractive (read: femme) Alex Vause and her accidental liaison with international trafficking is more explicitly tacked to a seduction narrative. The Piper of the show is at once a ditz and a canny manipulator, often shown sacrificing relationships for personal gain as she gains a purchase on the social dynamics of the prison. She is also a dilettantish entrepreneur, who spends the first season attempting to keep hold of a custom candle making enterprise which she started with a friend before her incarceration. In the third season she finds a new business model. Selected as one of the lucky women to work in the lingerie factory, Chapman launches her own side hustle.

Chapman's idea ironically stems from an earnest critique of private prison labor—her liberal arts college progressivism is only tempered by her will to power. She points out that while the other low-paying jobs are “about the prison upkeep. The Whispers people are profiting from this.”⁷³ The profit margin is enormous, at a \$95 price tag with a labor cost 45 cents an hour. Initially Chapman is outraged, demanding that the other women join her in rejecting this patent exploitation. Nearby, in the mess hall, a friend of Chapman ignores her newest pet political project and discusses her new “boyfriend” who she states “is a straight up moneymaking thing. You get one of these bozos on the hook, and they are just throwing money in your commissary, throwing it in.”⁷⁴ The discursive meeting of a critique of profitmaking prison industries and the gray areas of sex work foment in Piper the idea for a new business opportunity.

⁷³ “Finger in the Dyke.”

⁷⁴ Ibid

The scheme involves taking discarded scraps of material from the factory floor to make extra panties and paying prisoners (in ramen flavor packets) to wear them around. Chapman then sells the “used panties” online at exorbitant prices as a fetish item with help from her brother on the outside. Piper names the business Felonious Spunk, a pun on the sexualized labor of the prisoners and a reference to the black jazz musician Thelonious Monk. The allusion, and Piper’s use of a “workforce” made up almost entirely of women of color, highlights the racialized and sexualized exploitation undergirding Piper’s enterprise. The labor performed by these women, both in their “legitimate” work for Whispers and their illicit work for Chapman, is at once domestic, sexual, and underpaid. The private market of the prison has produced a black market within, and both pivot explicitly on the sexualized exploitation of women of color. Like her inspiration—Piper Kerman who transformed her life altering sentence into a career as a pop-author, reformist and lecturer—Chapman understands that the prison too is marketable if you know how to work it. Unlike Kerman’s turn as an activist however, Chapman recognizes that the truly lucrative business is not in sympathy for the exploited women in prison but in re-routing that exploitation into private enterprise.

The Whispers arc of the season highlights the function of labor in the privatized prison, but the subcontracted prison labor is only one dimension. The guards, angry at the loss of full-time work and their union benefits, begin planning a strike while the women Chapman has exploited stage their own rebellion, refusing to work for ramen packets while she reaps real-world profit and eventually launching a rival business. The show stops short, however, of connecting the two labor disputes and the two storylines run parallel until the formerly unionized guards stage a walkout. The untrained part-time workers fail to lock one

of the gates and the women stream out of the prison en masse. But the escape is not the violent refusal of the Women in Prison film like *Black Mama White Mama* (1973) and there is no shootout or desperate chase. The women run out of the prison laughing while the untrained incompetent new guards play the fool and generically uplifting instrumental music plays. Their escape is self-contained, and they make it only as far as a nearby lake before stopping to “feel overcome with wonder at nature.”⁷⁵ In the penultimate scene of the season, the women gleefully perform parodic baptisms in the lake in their racially demarcated social groups and remain passively contained to the sphere of the prison. For the moment they pose no threat to the prison: cooperative but not collectivized, and properly (self) segregated.

The scene abruptly cuts to a shot of new women getting off the bus. These are the women Director of Human Activities Danny had indicated as the reason for MCC’s investment at the beginning of the season and it is with them that the season ends. Season four begins with riot police brought in to ensure the return of all the women, a newly overcrowded prison, and the revelation that in their absence bunkbeds had been installed in the place of their single cots to maximize space. Though the main arc of the third season is about labor, it ends with the nuts-and-bolts reality of the private prison: the more beds filled, the more profit. The women involved with the now-multiple illicit underwear hustles are all fired and replaced. Prison labor, as it turns out, is profitable but endlessly replaceable as long as the beds are filled. The true value of Litchfield is the space that can be filled with women’s bodies each of whom bring in a tidy \$60 government contract.

⁷⁵ Ibid

When they first hear of the potential privatization, one of the guards asks, “Who buys property without any comps in the neighborhood? Can't be a good investment.”⁷⁶ A comp, or a comparative market analysis, is a report which lists sales prices of comparable homes. The question both understands that this is a housing question and misunderstands the transaction. This oddly specific real estate question is asked by Wanda Bell, one of the guards, who had, in the previous episode, tried to suss out the status of the prison after rumors circulate about its closure. After a conversation among the guards— “He claims it's not happening, but they don't tell us anything,” “Probably afraid we'll cash in our vacation days,” “We're not even people to them”—the guards stage a conversation in front of Caputo, attempting to play on his sympathy.⁷⁷ Charles Ford, one of the guards asks “So, Bell how's it going with the house?” Bell responds “Not bad. I took out a home-improvement loan. Good thing I have a steady job” to which Ford unconvincingly prods, “It'd probably be really hard trying to sell that thing right now, huh? In this market?”⁷⁸ Bell agrees, “I'd be screwed” and Ford stumblingly concludes “Uh, thankfully, we all have jobs we can count on so we can plan our futures accordingly.”⁷⁹ This conversation serves to introduce the audience to the private prison arc, anchoring the narrative in the context of the housing crisis, the burst bubble of the housing market, and the precarity of labor, even for state employees in the relatively recession proof prison industry. Bell’s indication of her financial future, which is bound up in the value of her home, reminds the viewer that the home is primarily a speculative form of real estate, even as she is living in it.

⁷⁶ Ibid

⁷⁷ “Empathy is a Boner Killer.” *Orange Is the New Black*. Netflix, 2015.

⁷⁸ Ibid

⁷⁹ Ibid

The housing crisis brought into public consciousness a familiarity with otherwise shadowy functions of real estate speculation, indicated here in Bell's familiarity with the intricacies of housing comps by necessity. Melinda Cooper claims that the housing boom in the 2000s and the deregulated market triggered a "scrambling to market credit to both subprime (low income) and Alt- A (credit blemished) borrowers, safe in the knowledge that the attendant risks could be rapidly securitized and sold on to investors."⁸⁰ The attempt to monetize formerly "risky" borrowers, pitched as an attempt to extend home-ownership more widely, triggered a collapse and served instead to extend networks of debt. The consequence of legacies of state enforced segregation, exacerbated by private interest and a deregulated market has effectively removed the home as either haven or inheritable commodity for vast swathes of the population while speculative housing markets remain profitable for investors. In the aftermath of the housing crisis, the operations of real estate speculation, once the purview of a small clique of predatory bankers, has become a matter of public discourse.

When Bell applies this specialized knowledge, asking why anyone would buy a prison as a form of real estate, Caputo fires back, "They're not buying it all right? Litchfield will remain a federal property. MCC would manage it and retain any profits."⁸¹ In this transaction Litchfield is both made up of and profiting on "private parts." The partial privatization points to the complex web of public and private interests involved in the running of many prisons. Fully private prisons account for a relatively small percentage of federal and state prisons – about 7 percent of those incarcerated in state prisons and 18 percent in federal

⁸⁰ Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism*. (MIT Press, 2017), 150

⁸¹ "Finger in the Dyke."

prisons are in private “for-profit” prisons.⁸² But the vast majority of prisons are neither fully public nor fully private and remain “federal property,” with many of the operations and services contracted out to private companies. Journalist Rupert Neate offers a portrait of this phenomenon in a piece for *The Guardian*.⁸³ Neate reports from the trade fair at “35th annual American Jail Association conference” where “companies line up to market everything from jumpsuits and meal trays to masks to stop prisoners from spitting, straitjackets and other full-body restraints.”⁸⁴ The fair, which Neate deems “a little macabre,” illustrates the immense amount of profit up-for-grabs in the prison industry.

Conclusion: Semi-Private Prisons

The interweaving of the public prison with private interests and even partial ownership indicates a larger problem: the private prison industry wields power over the running of prisons beyond the scope of purely for-profit prisons. The “public” prison is more of a conglomerate of public “services” and private contracts. Like the Clintonite transformation of public housing into mixed use housing opening public assets and services to private contracts, this “partial” privatization of the prison signals the end of “public” prison as we know it. And even if state run prisons are nothing to get nostalgic about, this shift has considerable consequences for the ideological function and day-to-day operation of the US prison. Our prisons represent a system of transactions intimately tied to the housing

⁸² “Private Prisons.” American Civil Liberties Union. (The numbers are from BOJ, U.S. Immigration and Customs Enforcement. Immigrant detention is an exception, with an overwhelming majority of detainees being held in private prisons.)

⁸³ Rupert Neate, “Welcome to Jail Inc: How Private Companies Make Money off US Prisons.” (*The Guardian*, 2016)

⁸⁴ Ibid

of surplus populations, at the cheapest cost possible. And just like previous iterations, the women's prison is both an indicator and an innovator in repurposing carceral systems for the demands of domestic projects of the household and the nation.

The neoliberal women's prison is a warehouse, a welfare hotel, a temporary holding pen. The surplus population of the US, managed in the nineteenth century by a panoply of institutions, and the twentieth through exclusionary networks of welfare and housing, is, in the twenty first century, warehoused and cordoned off. The Malthusian concept of the surplus population—that is the excess of life beyond the means (or will) to support it—was reconceived by Marx and Engels as the reserve army of labor. According to Marx, capital accumulation benefits from a segment of the population being under- or unemployed in order to drive down the price of labor and reinforce competition. This tendency is both exacerbated and mutated in the neoliberal turn. The effect of automation and financialization has and will continue to produce less secure forms of labor and more precarious subjects, who without social safety nets disaggregated from full-time labor, will likely continue to be “housed” by the semi-private prison.

Conclusion: Reformist Reforms, Abolition, and Anticarceral Feminist Theory

In *Big House: Women, Prison, and the Domestic*, I have sought to trace the emergence, contours, developments, and mutations of a host of disciplinary techniques united under the banner of what I call the carceral domestic. In conceiving this project, I hoped to offer an alternative narrative of the prison, which would shed light on the architecture of the carceral state, and potentially some openings for refusal of its reach. This refusal, for me, must take the shape of a form of anticarceral feminism which can attend to the domestic contours of carcerality and the carceral contours of domesticity. In conceiving of an anticarceral feminism we must also take note of the ways in which certain brands of feminism have been and continue to be complicit in reformist programs which radically expand carceral and policing power in the name of protection of women both by and through incarceration.

In August 2018, Piper Kerman was speaking about her experience of incarceration on a panel moderated by a U.S. Court of Appeals Judge in Jackson, Mississippi “about the link between a lack of education, dropping out of high school, and the likelihood of being incarcerated” when the event was interrupted by protestors.⁸⁵ The protestors, as it turns out, were there to call attention to a nationwide prison strike and read out the prisoners’ list of demands. The reaction of the crowd, there to hear about the need to rethink the prison system, was instructive. “‘Get those people out of here,’ a woman in the audience said. ‘Call

⁸⁵ Ko Bragg, “Protesters Interrupt Piper Kerman’s Talk on Incarceration, Education.” (*Jackson Free Press*, 2019)

law enforcement,' another said."⁸⁶ The immediate reaction of the presumably progressive women in an audience of a panel on the problem of mass incarceration, was to call the cops. The protestors responded by accusing those gathered for the panel of "not changing anything" as they were forcibly removed. The protestors left to polite clapping from the audience of the panel. The confrontation illustrates a few tangled vexations within feminist, reformist, and abolitionist discourse.

First, there is the ever-present problem of theory and praxis indicated by the protestors' derision of the academic panel on the problems of mass incarceration. This is a battle which we must seemingly eternally replay in the confluence of activism and scholarship. I take this problem seriously, even as this seems a bit flip. I have seen this conversation play out in both academic and activist spaces. In my six years of attendance at the feminist theory workshop at Duke I have heard the "what about praxis" question raised almost identically every year. And this is both a serious question and a potential form of anti-intellectualism in one of a space dedicated entirely to feminist theory as a worthwhile scholarly pursuit. I have also seen disputes over the value of theoretical discussion in organizing spaces, with experiential and academic knowledge pitted against each other as diametrically opposed. There is a real problem of producing knowledge about and through the struggle of incarcerated women for the benefit of potential career advancement in academia, which actively and passively bars entrance to many of these women. But there is also a real danger in ceding the battle for theoretical pursuits entirely.

⁸⁶ Ibid.

Experience and organizing are not the only forms of knowledge, though they are incredibly important ones. Assata Shakur reminds us that “theory without practice is just as incomplete as practice without theory. The two have to go together.” As a union organizer for my graduate union I deeply understand the primary importance of acting on and organizing for immediate improvements in conditions. I do not understand the experience of incarcerated women. However, I do believe that there is value in grappling with and furthering a project of knowledge production in regard to the underlying ideological and historical frameworks of the prison, something that relies on but is not solely dependent on the experience of women incarcerated within it. As I have stated, understanding the past formations and transformations of the prison prepares us to recognize and attack its current manifestations.

This leads me to a second problem unearthed by the confrontation of the protestors and the panelists (and their audience). The demands which the protestors read invoke several similar desires to those addressed by the panel, including “access to rehabilitation programs” and the reinstatement of Pell grants to provide funding for prison education programs, both of which Kerman has actively supported.⁸⁷ These rehabilitative programs are not a radical refusal of the prison, and are in fact a demand for many of the reforms which I have argued form a trojan horse for the further justification and expansion of prisons. It would be unconscionable to refuse or disdain these demands, which in the immediate, would represent a real improvement to the quality of life and access to support for many incarcerated people. Anti-prison activist and organizer, Mariame Kaba, has named as “central to abolitionist

⁸⁷ “Prison Strike 2018.” (Incarcerated Workers Organizing Committee, 2018)

work... the many fights for non-reformist reforms — those measures that reduce the power of an oppressive system while illuminating the system’s inability to solve the crises it creates.”⁸⁸

This is a conceptually tricky move. I agree that pushing for certain reforms may reveal the internal contradictions of systems of repression and exploitation which mask themselves as natural—Sylvia Federici makes a similar argument relating to the wages for housework campaigns which she recasts as “Wages Against Housework,” arguing that exposing the free labor that underpins and makes possible waged industrial labor, and making a fundamentally impossible demand, opens up fissures in capitalist narratives through which we can begin to imagine new worlds.⁸⁹ However, as Angela Davis pointed out in “The Approaching Obsolescence of Housework: A Working-Class Perspective,” black women had received wages for housework for decades without fundamentally altering the relative position of women in capitalism.⁹⁰ But Davis has also expressed her support for forms of “nonreformist reforms” like those proposed by Kaba. There is no clear line between those reforms which buttress dominant power structures and those which weaken them.

Yet I do not believe in an organizing strategy of accelerationism, in which simply exacerbating the conditions of precarity will eventually lead to revolution. Some strains of abolitionist thought which refuse all reformism in seeking total revolution lead to the malaise of the impossible struggle—if I can’t overturn it why bother to *do* anything—or even more

⁸⁸ Mariame Kaba, “What Abolitionists Do.” (*Jacobin*, 2017)

⁸⁹ Sylvia Federici, “Wages Against Housework” (*Falling Wall Press*, 1975)

⁹⁰ Angela Davis, *Women, Race, and Class* (Vintage, 2011)

pernicious—if I do something insufficiently radical I will seem reformist so better to critique all action than participate. Other abolitionist struggles suffer from an inattention to the needs of communities not legible as part of masculinist struggle against state power, missing domestic forms of confinement and exploitation. Fundamentally we must nourish and help each other in what little ways we can in order to be able to continue fighting. So while rehabilitation programs have been an engine of reformist expansion, anticarceral feminism must stand with incarcerated women and men who demand access to them. This does not mean that the uses to which these programs have been put can be erased. It is in the tension between these two provocations I locate my own work, both as a scholar and organizer.

To return to Piper Kerman and the protest of her panel, this confrontation provides, on the other hand, an example of reformist reformism. The first instinct of the women in the audience when confronted with an insinuation that their progressivism might be impotent, or even harmful (recall that the progressive movement was birthed through vice raids and sustained on eugenics) was to call the cops. A hotel manager, also a woman, did call the cops, describing the outnumbered group of protesters as “less than a dozen... both ‘black and white.’”⁹¹ The explicit reference to white members presumably diffuses the awkward optics of calling the cops on a group of black youth at a panel on mass incarceration. Despite their small numbers, these protesters had such an impact on the audience of progressive women that they feared violence. The journalist, Ko Bragg, who covered the protest, herself a young black woman, offers a fairly biting description:

Some white women from the audience who had left were fearful to walk to their cars, one asking a black man with a severe limp to escort her across the street

⁹¹ Bragg, “Protesters Interrupt”

although her car was in plain sight. ‘Oh, you’re good ma’am,’ he said to her as he walked to the JATRAN bus stop nearby.⁹²

As Bragg lays bare, the white progressive woman mobilizes her fear of the protesters to demand both further policing and the support of a black man in justifying her actions. This woman who attended Piper Kerman’s lecture would almost certainly call herself a feminist. And this form of carceral feminism has many devotees.

In “Against Carceral Feminism,” Victoria Law writes that the “carceral variant of feminism continues to be the predominant form.”⁹³ Law defines carceral feminism, as “an approach that sees increased policing, prosecution, and imprisonment as the primary solution to violence against women.”⁹⁴ Law illustrates her point with one of the most prominent pieces of legislation written in defense of women: an approach that sees increased policing, prosecution, and imprisonment as the primary solution to violence against women: “The Violence Against Women Act (VAWA), which deployed more police and introduced more punitive sentencing in an attempt to reduce domestic violence.”⁹⁵ The central problem of carceral feminism is for Law that in its reframing of policing as care it reroutes funding and organizing away from welfare and other forms of support:

Casting policing and prisons as the solution to domestic violence both justifies increases to police and prison budgets and diverts attention from the cuts to programs that enable survivors to escape, such as shelters, public housing, and welfare. And finally, positioning police and prisons as the principal antidote discourages seeking other responses, including community interventions and long-term organizing.⁹⁶

⁹² Bragg, “Protesters Interrupt”

⁹³ Victoria Law, “Against Carceral Feminism.” (*Jacobin*, 2014)

⁹⁴ *Ibid*

⁹⁵ *Ibid*

⁹⁶ *Ibid*

In this last point Law aligns the carceral feminist explicitly with state power, demanding alternative forms of organizing and support. Law cites organization such as INCITE!, Creative Interventions, the StoryTelling and Organizing Project, and “The Revolution Starts at Home” as alternatives. Following these organizers, I offer my own contributions to a body of anticarceral feminist theory which can begin to imagine alternatives to carceral feminism and the confines of the carceral domestic. To do so I return to the theoretical and abolitionist heart of this project in the writing of Emma Goldman, Ethel Rosenberg and Assata Shakur. These three women, through their writing about and against confinement, offer me three precepts for anticarceral feminist theory: Escape, Breadth, and Political Intimacy.

The significance of escape to a refusal of the carceral may be obvious, but Assata Shakur offers a complex vision of permanent escape and evasion as an *act* of freedom rather than a *state*. Shakur describes herself as “a 20th-century escaped slave.” As a political exile in Cuba, and one the US would very much like to recapture, Shakur understands that even as she has reached freedom, she lives in an unfree world. Though she is protected, barring a total restructuring of the Cuban state (also not exactly undesired by the US), Shakur’s freedom is contingent on a sustained ability to evade, a constant, unending, and active pursuit of escape. It is here that I have connected her struggle to Fred Moten’s concept of fugitivity, which I consider central to anticarceral feminism. Specifically, Moten’s understanding of fugitivity as “a desire for and a spirit of escape and transgression of the proper and the proposed... a desire for the outside, for a playing or being outside, an outlaw

edge proper to the now always already improper voice or instrument.”⁹⁷ Shakur is a literal outlaw, in that she has, according to the judgment of the US legal system, broken the law, but moreover she is an outlaw in that she escapes the law’s sphere of influence and lives and struggles *outside* a system which sought to contain her even as she has not destroyed it.

In addition to non-reformist reforms which make demands within the framework of the law in order to reveal and press on its contradictions, anticarceral feminist theory must also break the law, examine its pieces, and play outside of it. The root of the carceral, recall, is the crosshatching of bars keeping the horse contained at the beginning of the race. Anticarceral feminism must seek escape and freedom, even when these pursuits are an evasion rather than a total destruction of the system which keeps us in chains. As Shakur herself reminds: “It is our duty to fight for our freedom. It is our duty to win. We must love each other and support each other. We have nothing to lose but our chains.”⁹⁸ This is not an escape which leaves communities behind but one which seeks to envision and create an outside which future generations will reach.

But what to do from within the carceral domestic? Emma Goldman’s provocation in “The Tragedy of Women’s Emancipation” provides me with my second precept. Goldman refuses the call to restrain or twist herself into the confines of domestic citizenship. In this piece she literally refuses citizenship as part of a struggle for women’s liberation, disparaging the fight for women’s suffrage as helplessly caught up in state power and thereby bound to reproduce its forms of exploitation and repression in the name of freedom. Instead she calls upon us, “Let us be broad and big. Let us not overlook vital things because of the bulk of

⁹⁷ Fred Moten, *Stolen Life*. (Duke University Press, 2018), 131

⁹⁸ Assata Shakur, *Assata: An Autobiography*. (Zed Books, 2001), 52

trifles confronting us.”⁹⁹ Goldman’s broadness is not a break out but an expansion from within. Can we become so broad, so big, we grow beyond the bounds of captivity and confinement?

Anticarceral feminist theory attends to the internal discipline of the home and the prison and seeks to refuse it through an expanding of the capacity of the women trapped within to the breaking point of their domestic confines. An anticarceral feminist theory must, therefore, attend to the bodily and the spatial in understanding the psychic effects of confinement and carcerality. Confinement produces atomized, confined subjects, as Goldman and Shakur both remind us. But Goldman’s call ends with another dimension of the anticarceral feminism, which Shakur’s affirmation also demands: a radical form of love and care that is both generous and generative. Goldman calls on us “to give of one’s self boundlessly, in order to find one’s self richer, deeper, better. That alone can fill the emptiness, and transform the tragedy of woman’s emancipation into joy, limitless joy.”¹⁰⁰

The final precept is a form of political intimacy I find in all three figures I have identified as the heart of my project, but it is Ethel Rosenberg’s letters which give it shape. In calling for a form of political intimacy, I mean to refuse both the liberal division between familial love and labor and political practices *and* the neoliberal version of that boundary blurring which introduces market calculus into the domestic and relational. In her explicitly political and unrepentantly intimate letters, Ethel Rosenberg violates the boundaries between the private and public and refuses the containment of love to the home, reframing her political project as itself motivated by a love that cannot be contained *to* but does contain her

⁹⁹ Emma Goldman, *Anarchism and Other Essays*. (Mother Earth publishing association, 1910), 231

¹⁰⁰ Ibid

family. Her absolute commitment to her politics do not in her estimation betray her responsibilities to her children, but venture towards a better more livable and peaceful world. The peace Rosenberg imagines is not the tranquil domestic which, as Charlotte Perkins Gilman recalls, is premised on a militarization of the borders between the home and the outside world. This form of political intimacy, in which the political is an inherently personal and intimate project also reframes the feminist adage that “the personal is political” as a global and necessarily anticarceral project.

In connecting the most intimate relationships to state power and global struggle, as Assata Shakur does, anticarceral feminism refuses a zero-sum competitive currency of care and resistance in which some political demands negate or dislocate others. This, crucially, is not an allowance of forms of feminism which invite and extend carcerality, but a serious consideration of the interlocking forms of confinement and exclusion. Rather it sharpens the edge of care as political. A less quoted but no less incisive poem of Assata Shakur’s reminds us of the need for radical love: “Love is contraband in hell, cause love is an acid that eats away bars / But you, me, and tomorrow hold hands and make vows that struggle will multiply / The hacksaw has two blades. The shotgun has two barrels. / We are pregnant with freedom. / We are a conspiracy.”¹⁰¹ Shakur reclaims love for revolutionary purposes, insisting on its radical anticarceral bite. She simultaneously reclaims reproduction itself for the birthing of a new world.

All three precepts involve some measure of border crossing, in genres of writing, of political struggle, of theoretical investments. In refusing the delineation of scholarship and

¹⁰¹ Shakur, *Assata*, 131

activism, theory and praxis, ant carceral feminism is capacious and roaming. The three women I cite, and the three precepts I offer in my readings of them, gesture towards theoretical and political modes which attend both to the large-scale global historical shifts in political economy and the day-to-day experiences of life in a carceral state. We must organize our workplaces, fight for life-saving reforms, and demand abolition all while attending to the tangled nest of carceral domestic discipline, its history and its adaptations in the contemporary.

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Biography

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