

# **Book Review: Women, Incarceration, and Human Rights Violations: Feminist Criminology and Corrections by Alana Van Gundy and Amy Baumann-Grau**

[lse blogs.lse.ac.uk/lsereviewofbooks/2015/01/17/book-review-women-incarceration-and-human-rights-violations-feminist-criminology-and-corrections-by-alana-van-gundy-andamy-baumann-grau/](http://blogs.lse.ac.uk/lsereviewofbooks/2015/01/17/book-review-women-incarceration-and-human-rights-violations-feminist-criminology-and-corrections-by-alana-van-gundy-andamy-baumann-grau/)

17/01/2015

*With chapters covering medical abuse, sexual abuse, and pregnancy in prison, this an important book so far as it affords recognition to a hugely important issue, writes Alexander Blanchard. However, a tighter focus on the USA and a more generous discussion of agency would have been welcome.*

**Women, Incarceration, and Human Rights Violations: Feminist Criminology and Corrections by Alana Van Gundy and Amy Baumann-Grau. Ashgate. 2014.**

Find this book: 

Those incarcerated by the state are often placed in a position that renders them susceptible to human rights violations. The crux of *Women, Incarceration, and Human Rights Violations* is that, because prisons, prison facilities and 'correctional' programmes are male-orientated, it is women who experience a disproportionately higher number of violations to their rights. This book makes the case for seeing human rights violations within prisons through a gendered framework, thus unveiling those human rights abuses which are gender-specific and exclusively harming women.

The book's opening chapter begins with an introductory overview of feminist criminology. A lot of ground is covered: it charts its historical foundations, the manner in which criminology absorbed the key insights of feminism, as well as exploring how feminist criminology questions and responds to non-gendered criminology. Utilizing case studies along with United Nations conventions as a benchmark, each of the following four chapters argues for recognising a particular case of gender-specific rights abuse – sexual abuse, medical abuse, pregnancy-related abuse, and the deprivation of familial support – within female penal institutions. The final chapter concludes by presenting policy recommendations in order to address these human rights violations.

The book's authors, Alana Van Gundy (Miami University) and Amy Baumann-Grau (University of Cincinnati), have, combined, published extensively on this subject. It is, though, the former's professional experience as a consultant to a number of state and federal prisons, overseeing programs for at risk women and victims of domestic violence, which may be of particular interest to readers, for in reading this book one gets the sense of a pressing urgency no doubt grown of first-hand experience.

This is particularly the case in 'Pregnancy and Reproductive Concerns' – a chapter wherein the real force of this book's argument is best evidenced. With prison facilities being male-orientated, women must often forego what is required for a healthy pregnancy. The additional nutritional needs of pregnant women – pre-natal vitamins, extra fruit and vegetables, iron supplements and folic acid, etc. – are overlooked; unnecessary additional pain and discomfort is caused by shackling during hospital trips; and pre-natal care is often either withheld (as a punishment) or unavailable (through negligence). As the book notes, this last factor is particularly significant since the babies of mothers who do not receive pre-natal care are five times more likely to die.

What is also highlighted is the unsettling fact that prison medical staff, being suited mostly to male correctional facilities, often have no pre-natal training, thus either complicating the birth or leaving it up to the pregnant woman to self-deliver with the help of other inmates. One egregious case that the book gives is that of [Taylor Hogan](#), detained in 2012 in Cobb County Jail, Georgia, who had to give birth to her son unassisted on a bathroom floor. Eventually Hogan was transported to a hospital where, still shackled by her foot to the bed, she was left to hold her dying baby.

Interestingly, the book notes that China, a country so often lampooned for its human rights abuses, refuses to admit pregnant women to prison, whereas the US and Britain have no such policy.

It is in the use of case studies like this, in the highlighting of egregious examples of abuse, that *Women, Incarceration, and Human* is at its strongest. It is, in this sense, a political act: in late-capitalist society the ‘undesirable’ is sent to the peripheries – as with waste so it is with criminals. Such a book affords recognition to those people of whom we have, as the saying goes, ‘washed our hands’. However, as a piece of analysis this book is too limited to offer anything genuinely insightful. The claim that human rights are gender-specific, that one size does not fit all, seemed to me *prima facie* true prior to reading this book, and apart from a number of specific, unsettling case studies of abuse, this book does little to deepen or further that position.



Women at the women's prison in Soyapango, El Salvador, speaking with the media over treatment in the prison. Credit: esjames

The most pronounced limitation of *Women, Incarceration, and Human Rights Violations* is that it falls short of its purported scope of providing a “comparative evaluation of abuse in domestic and international correctional facilities.” It is true that there are international case studies, but the book is heavily weighted towards the US whence about 80% of the case studies appear to have been taken from. For example, in the aforementioned chapter the authors write that the case studies “illustrate the varying degrees of treatment and care afforded to pregnant inmates throughout the world” (p.75). What one gets, rather, are nine case studies from eight different US states over three pages (pp.75-77), and then three paragraphs for the perfunctory consideration of New Zealand, Canada and Israel (p.78). No doubt data on human rights abuses is difficult to obtain from more secretive regimes, but the uneven manner in which evidence is presented throughout the book feels more indicative of an approach which, as it is, outlines no methodology or procedure for the selection, handling and presentation of empirical examples. The authors would have benefited enormously from restricting their remit to the US, allowing them to derive more specific policy recommendations at the book’s close. For example, one policy recommendation states that prison facilities should have “medical staff who specialize in women’s reproductive issues” (p.112) – a recommendation which, as noted above, wouldn’t apply to China.

One of the more troublesome elements in this book is the section on ‘consent’ in the chapter on sexual abuse. Rightly, the authors explain that consent “is a key component” in determining whether or not an act was an act of sexual abuse (p.26). That only one and a half pages are given over to the consideration of such a key component, however, inhibits an incisive consideration of the legal, moral and philosophical nuances and controversies of this concept. There is no discussion of the different types of consent and puzzling statements are sometimes made without qualification, such as when the authors write that an incarcerated person “cannot provide the consent for someone to violate their sexual rights” (p.27). Can someone consent to be violated? Is violation not the withholding

or withdrawal of consent? Without adequate exploration of this concept we end up with what appears a contradiction in terms.

Often the discussion of consent oscillates between a restrictive legal-juridical notion of consent and some broad concept of female oppression (see for example: pp.26-27). What this means in practice is that the juridical notion of consent is conflated with social, cultural and political notions of female agency – working within, and against, even sometimes for, patriarchal structures – thereby resulting in the modes and strategies by which women have been able to resist, confront, accommodate and survive incarceration being omitted. It is probably because of this that this book treats incarcerated women rather deterministically: they are all victims and nothing more. But a focus on rights need not be at the expense of agency, and a more enriched analysis might have treated these two phenomena as highly imbricated.

I would like to reiterate that *Women, Incarceration, and Human Rights Violations* is an important book so far as it affords recognition to a hugely important issue. However, students looking for a more in-depth picture may want to also consider foundational texts such as Carol Smart's *Women, Crime and Criminology: A Feminist Critique*, or more personal, case-specific texts such as Nahla Abdo's *Captive Revolution: Palestinian Women's Anti-Colonial Struggle within the Israeli Prison System*.

---

**Alexander Blanchard** has just completed an MA in Social and Political Theory at the University of Birmingham, having previously studied Political Science and Philosophy at the same institution, and PPE at the University of British Columbia. His interests lie in Power and Violence, and he hopes to develop an alternative historiography of violence at PhD level.

- Copyright 2013 LSE Review of Books