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# The War on Drugs, Prison Building, and Globalization: Catalysts for the Global Incarceration of Women

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## Abstract

Although women still comprise a small percentage of the total prison population in countries in North America, Western Europe, and Latin America, their numbers have been rising in the past two decades. This article is a literature review of a new and dynamic field of scholarship that maintains that this increase is a byproduct of three interrelated factors: the war on drugs, globalization, and prison building. First, using international pressure, the United States has imposed its federalized and militarized drug war on the governments of other nations. Second, the transfer of U.S.-led neoliberal economic policies, fueled by globalization, has marginalized poor women of color in modern and developing nations. As a result, many of these women have become involved in criminalized behaviors, including drug trafficking, as a means of economic survival. In this post-September 11 environment, transborder crossings are closely monitored, increasing the likelihood of arrest. Third, in an effort to contain surplus populations created by economic restructuring the United States has promoted a social policy of mass incarceration. The union of these three factors results in the greater likelihood of the arrest, detainment, prosecution, and imprisonment of poor women of color. The article concludes with a brief discussion of the experiences of women in global prisons and recommends strategies to curtail women's imprisonment.

**Keywords:** war on drugs / prison-industrial complex / globalization / women prisoners

The United States incarcerates more women than any other nation in the world (Hartney 2006). A primary catalyst behind America's imprisonment binge is the war on drugs, the government's initiative to stop drug production and use. This domestic war has expanded across the globe and its primary victims have been poor women of color.<sup>1</sup> U.S.-led neoliberal economic policies fueled by globalization have pushed many of these women into criminalized behaviors, such as drug trafficking, as a means of survival. At the same time, the United States has played the leading international role in pressuring other countries to criminalize drugs, strengthen drug enforcement efforts, and to build prisons to warehouse convicted drug

offenders. The result has been dramatic growth in the female prison population in the United States, Canada, Latin America, countries in Western Europe, and other locations where the United States is able to exert its influence (da Cunha 2005; Diaz-Cotto 2005; Joseph 2006; Kampfner 2005; Sudbury 2005b).

## Toward a Global Feminist Perspective

Several writers have commented on the social consequences of the war on drugs on the lives of women of color, their children, and their communities in the United States (Allard 2002; Bush-Baskette 1998, 2000; Hagen and Coleman 2001; Hirsch 1999, 2001, 2002; Jensen, Gerber, and Mosher 2004; Mauer 2007; Richie 2002; Rubinstein and Mumakal 2002). More recently, a body of literature has appeared that links the *global* increase in women's imprisonment to the global expansion of the war on drugs, the prison-industrial complex, and neo-liberal globalization (da Cunha 2005; Diaz-Cotto 2005; Joseph 2006; Kampfner 2005; Sudbury 2000, 2004a, 2004b, 2005a, 2005b, 2005c). This article is a literature review of this vital and emerging field of scholarship. More specifically, the article conveys the empirical findings of scholars who have examined the relationship between the global increase in women's imprisonment and the transfer of U.S.-led neoliberal economic and crime control policies across national borders. The article concludes with a brief discussion of the experiences of women in global prisons and recommends strategies to curtail women's imprisonment.

Transnational feminism has emerged as a practical theoretical framework for studying women in global prisons. Julia Sudbury, activist and prison abolitionist, has been a leading voice in promoting transnational feminist prison studies. Sudbury (2005a) notes that:

Transnational feminist practices parallel antiracist feminism in theorizing the intersections of gender with race, class, and sexuality. However, they differ from many feminisms of color because of a central concern with how these processes articulate with cross-border flows of goods, people, capital, and cultures associated with globalization. . . . Transnational feminist practices assist us in unpacking the global prison by drawing our attention to the ways in which punishment regimes are shaped by global capitalism, dominant and subordinate patriarchies, and neocolonial racialized ideologies. (xiii)

A transnational feminist analysis, then, connects the multiple and intersecting identities of individual women—race, class, gender, culture, and nation—with the processes of globalization, militarism, patriarchy, and neocolonialism, and places the experiences of women of color at the center of the analysis. Essentially, a transnational feminist analysis of

women's imprisonment requires a macro-level examination of the social, political, and economic forces operating in the current global environment that intersect with the individual life histories and experiences of women in specific sociocultural contexts.

Globalization is an important feature of late modern society and refers to the "worldwide economic, social, cultural and political expansion and integration which have enabled capital, production, finance, trade, ideas, images, people and organizations to flow transnationally across the boundaries of regions, nation-states and cultures" (Chow 2003, 444). The United States has embraced globalization as a mechanism to transfer its neoliberal economic, political, and penal policies across national borders. Neoliberalism is a revival of the economic liberalism of the nineteenth century, founded on free-market capitalism (Cavadino and Dignan 2006). Socioeconomic and penal characteristics that exemplify neoliberal political economies include a belief in free-market capitalism; an emphasis on individualism; social relationships that are formally egalitarian, yet extreme income differentials exist; a welfare state that is minimalist; a right-wing political orientation; the social exclusion of economically marginalized and "deviant" members of society; a high receptivity to prison privatization; a high imprisonment rate; and a central penal ideology of "law and order" (Cavadino and Dignan 2006). Nations with neoliberal political economies, like the United States, tend to have high incarceration rates (Cavadino and Dignan 2006).

Chow (2003) notes that in discussions of "neoliberal and universalistic globalization" little attention is paid to gender, underrepresenting "the experiences of diverse women in specific societal contexts, especially those in the developing world" (444). Chow (2003) further comments that:

Much of the theorizing about globalization is either gender-neutral or gender-blind, ignoring how globalization shapes gender relationships and people's lives materially, politically, socially, and culturally at all levels and treating its differential effects on women and men as similar. . . . How the gender dimension shapes the globalization process is ignored as either unimportant or irrelevant. How gender relations are products of various global-local systems of patriarchy and hegemonic masculinities seldom enters debate and discussion. (443-44)

Essentially, women's voices and experiences are left out of much of the theoretical discussion on globalization. As a result, women become invisible when policies and practices of globalization are initiated. Moreover, if the gendered consequences of globalization remain hidden, then effective social change to reduce inequalities and injustices resulting from globalization will not occur (Chow 2003).

While globalization provides legitimate economic opportunities for a small sector of the women's population, these opportunities are generally

not available to poor women of color. For such women, globalization opens up greater opportunities for transnational criminal activities, steering women into drug-related crimes, sex work, or low-paid work. The scholarship discussed in this article champions poor women of color who have become invisible victims of structural marginalization due to the gendered effects of neoliberal globalization. These women often resort to economic survival strategies that bring them into contact with social control agents of the state. Subsequently, as a result of “penal globalization” (Cavadino and Dignan 2006)—an expression that refers to the transfer of penal ideas and crime control policies across national borders—many of these women are arrested, detained, prosecuted, and imprisoned.

## **The Explosion in Women’s Imprisonment**

The substantial growth in female imprisonment in the United States is evident by examining the percentage of women prisoners in 1980, prior to the current war on drugs, and in 2006, approximately twenty years after the current war on drugs was launched in the mid-1980s. In 1980, women accounted for 4.1 percent of all prisoners nationwide; in 2006, this number climbed to 7.2 percent (Gilliard and Beck 1998; Sabol, Couture, and Paige 2007). Mauer (2003, 7) notes that the past two decades witnessed the most significant change in the composition of the U.S. prison population, with a more than tenfold increase in the number of persons incarcerated for drug offenses. Forty thousand inmates were incarcerated for drug offenses in 1980, and by 2003 that number reached 450,000 (Mauer 2003). Aggregate numbers mask that women of color are disproportionately overrepresented as persons incarcerated for drug offenses (Allard 2002; Bush-Baskette 1998; Mauer, Potler, and Wolf 1999).

Allard (2002, 26) notes that in 1997 black and Hispanic women were “disproportionately incarcerated for drug offenses compared to their white, and male, counterparts.” Among women in state prisons in 1997, forty-four percent of Hispanic women, thirty-nine percent of black women, and twenty-three percent of white women were there for drug convictions. In contrast, twenty-four percent of black males and twenty-six percent of Hispanic men were being held for drug offenses (Allard 2002).

According to Bush-Baskette (1998), in 1994 in the state of Florida, thirty-four percent of incarcerated black females had a drug offense as their primary charge, in contrast to about twenty-seven percent of the white females. Mauer, Potler, and Wolf (1999), in their analysis of the racial and ethnic impact of drug policies in sentencing patterns of women drug offenders in the states of New York, California, and Minnesota, found that women of color represented a disproportionate share of the women sentenced to prison for a drug offense. Mauer, Potler, and Wolf (1999) state,

“Minority women are nearly one and a half times as likely to be sentenced as their share of the population in California, three times as likely in New York, and more than five times as likely in Minnesota” (22). In the state of New York, in 1995, eighty-two percent of Hispanic women, sixty-five percent of black women, and forty percent of white women were sentenced to prison for a drug offense (Mauer, Potler, and Wolf 1999).

Like the United States, several countries in Western Europe and Latin America have seen dramatic increases in the number of women prisoners, largely because of the war on drugs. Perceived threats of transnational drug trafficking, international terrorism, and illegal immigration have enhanced border security in many of these countries. Poor women of color, who are forced to smuggle drugs for economic survival, to finance their drug habits, or who are illegally crossing borders to secure employment are being arrested, detained, and convicted at alarming rates. As a result, the populations of women’s prisons are increasing.

In New South Wales, women comprise approximately seven percent of the total prison population; this represents a thirteen percent increase since 2001 and an eighty-eight percent increase since 1998 (Armstrong, Chartrand, and Baldry 2005). Aboriginal women comprise two percent of the female population and yet comprise thirty-two percent of the total women’s prison population (Armstrong, Chartrand, and Baldry 2005).

According to the Home Office (2003), in England and Wales during the period between 1992 and 2002, the average population of women in custody rose by one hundred seventy-three percent; during this same period the average population of males in custody rose fifty percent. Twenty percent of female prisoners in 2002 were foreign nationals; out of this group eighty-four percent were held for drug offenses. Seventy-five percent of sentenced black females in prison were held for drug offenses compared to forty-one percent of all sentenced women in prison for drug offenses. These numbers reflect the punitive drug policies of the United Kingdom and their crackdown on female drug couriers and smugglers, many of whom are foreign nationals (primarily Nigerians and Jamaicans) or British blacks (Joseph 2006; Sudbury 2005b).

An international study of 653 women prisoners representing nine European countries (Denmark, Germany, Spain, Greece, Croatia, Slovenia, Poland, Lithuania, and Russia) found that almost one-third of the women were incarcerated for drug offenses (Dunkel, Kestermann, and Zolondek 2005). Studies of women incarcerated for drug offenses in Portugal (da Cunha 2005), Bolivia (Diaz-Cotto 2005), Mexico (Diaz-Cotto 2005; Kampfner 2005), Canada (Lawrence and Williams 2006) and Britain (Sudbury 2005b) reveal similar trends and patterns. The war on drugs directed by the United States, at both the national and international levels, has led to increased arrest and incarceration rates for women in the United States, Canada, Latin America, and Western Europe. The women

disproportionately affected by this “war” are poor, marginalized, women of color arrested in their home countries or as foreign nationals.

## **The Global Expansion of the War on Drugs and the Transfer of Neoliberal Policies**

America’s approach to crime and justice for the past several decades has been an increasingly punitive one; the war on drugs is a byproduct of this philosophy. Rising to a level of national security in the mid-1980s, the current drug war required the federalization and militarization of enforcement efforts (Cottam and Marenin 2005). The war on drugs was accompanied by a number of harsh crime control policies implemented at both the national and state levels.

Federal acts that targeted drug abuse were enacted in 1986 and 1988. Preceding the enactment of the Anti-Drug Abuse Act of 1988, federal sentencing guidelines became effective on November 1, 1987, and required judges to sentence individuals based on mandatory minimum sentences, eliminating most judicial discretion (Chesney-Lind 1997, 2003; O’Brien 2001; Morash and Schram 2002; Petersilia, 2003). Sentencing reforms were originally intended to remove sentencing disparities based on extralegal factors, including race, gender, and class (Chesney-Lind 1997; Morasch and Schram 2002; O’Brien 2001; Petersilia 2003). Ironically, these reforms have done just the opposite; they have disproportionately penalized women—especially poor women of color. (The disparate effects of mandatory minimum sentences will be addressed in the final section of this paper.) Essentially, due chiefly to the war on drugs, arrests and convictions of women for newly defined drug felonies has skyrocketed and has played a significant part in their escalating rates of confinement.

Ethan Nadelmann (2007), founder and executive director of the Drug Policy Alliance, notes that, “Looking to the United States as a role model for drug control is like looking to apartheid-era South Africa for how to deal with race” (26). And yet, despite the dismal failure of the war on drugs, the United States has succeeded, to a significant degree, in imposing its policy approach on several countries. It should not be surprising that the United States has been able to successfully promote its own failed policies to the rest of the world, given the dependence of other nations on its economic wealth and its cultural dominance throughout the world. Vivien Stern (2002) notes that:

The United States has led the world toward free trade, the marketization of society, and the globalization of communications. U.S. cultural forms are widely disseminated. These forces have led to increased inequality, instability, and insecurity, and crime levels have increased. . . . The way the United States sees the poor and marginalized as threats, the construction of crime

as entertainment, and the use of crime and the fear of crime by politicians is spreading to other societies. (291)

The United States has historically blamed “outsiders” for its social problems, including its drug problem. Thus, it is not surprising that the United States perceives its drug problem as one of supply, downplaying the demand for illegal drugs in this country. The American philosophy on drug use is that it is a criminal behavior that needs to be addressed through law enforcement strategies; border control (interdiction), source control (crop eradication), and arresting traffickers. Other countries—including the two countries that are North American Free Trade Agreement (NAFTA) partners with the United States, Mexico and Canada—view drug use as a public health issue that needs to be addressed through prevention, treatment, and harm-reduction efforts (Cottam and Marenin 2005). Although seventy percent of Canada’s drug effort is focused on treatment and prevention, they have not embraced a complete harm-reduction policy because of real or envisioned American pressures (Cottam and Marenin 2005). America’s national drug policy is one of exclusion, relying on drug-control legislation and imprisonment as a deterrent, whereas other nations’ drug policies are more inclusive. America’s supply-side efforts have failed miserably (see Jensen, Gerber, and Mosher 2004; Mauer 2007; Nadelmann 2007).

These divergent national policies on drug use cause conflicts on how to best approach the drug problem, with the United States often persuading other nations to adopt its policies and practices. The United States has hegemony over the drug control agencies of international drug control organizations, including the United Nations (Nadelmann 2007). The United States’ Drug Enforcement Administration was the first national police organization to go global; it dispatches its agents to several countries to train and assist law enforcement personnel (Nadelmann 2007).

The 1988 United Nations (Vienna) Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances is one method used by the United States to force compliance with its drug policies and spread its “law-and-order” agenda. Signatories were required to criminalize drug cultivation, possession, and purchase for personal use; make efficient use of criminal sanctions; and limit early release and parole in drug-related cases. Signing the convention meant member states would use criminal justice sanctions in place of medical and social ones (Sudbury 2005b). Sudbury (2005c) states that by the mid-1990s, Canada, Australia, New Zealand, Taiwan, South and Central America, the Caribbean, and African countries including Nigeria and South Africa were partners in the U.S.-led transnational war on drugs.



## Latin America

The United States holds various cooperative agreements with its NAFTA partners to prevent the illegal importation of people, contraband, and drugs across borders. However, the United States has different perceptions of each country, which affects policies and transborder cooperation. America holds a colonial image of Mexico as “an inferior people, of incompetence, and of needing direction from the superior perceiver, and the policy predisposition is to order rather than negotiate” (Cottam and Marenin 2005, 13). Canada is viewed as an ally, an equal, a competent and capable people (Cottam and Marenin 2005, 13).

Against Mexico’s wishes, the militarization of the two-thousand-mile U.S.-Mexico border began in 1981. In 1988, after much economic and political pressure from the United States, Mexican President Carlos Salinas announced that drug trafficking was a national security issue. As a result of the militarization of the war on drugs in Latin America, coupled with the passage of drug-related and mandatory sentencing laws, the number of persons arrested and imprisoned for drug crimes has increased and has necessitated the construction of more prisons and jails (Diaz-Cotto 2005).

In the current relationship between the United States and Mexico, the United States attempts to “shape and direct Mexico’s internal and international approach to drug production and trafficking” (Cottam and Marenin 2005, 18). While the dramatic increase in women’s imprisonment in Mexico is attributed to Mexico’s adoption of the war on drugs under U.S. pressure, it is also linked to the feminization of poverty brought about by the monetary decline of the peso, Mexico’s acceptance of NAFTA, and their integration into the global marketplace (Kampfner 2005). Traditional agriculture in Mexico has been replaced by large U.S. agribusinesses. NAFTA regulations control the importation of food produced by these agribusinesses. As a result, traditional farmers are displaced, become refugees in their own homeland, and suffer severe poverty. Mexico’s sovereignty has slipped away, as Mexico’s economic policies are regulated by the U.S.-led International Monetary Fund (IMF) and the World Bank. Illegal border crossings by Mexican women are common. They are willing to chance arrest, imprisonment, deportation, and even death, in an effort to secure employment in the United States (Evans 2005).

Diaz-Cotto (2005) and Kampfner (2005) concur that poverty is the motivation behind women’s drug trafficking and that the sexism that exists in Mexican society relegates women to subordinate positions in drug trafficking networks. Nevertheless, these women are given long sentences for drug possession, even though they are often transporting small amounts of drugs across borders.

Colombia is a country that is a worldwide producer and supplier of cocaine. It is also a country that is undergoing a decades-long three-way conflict between Colombia's military, paramilitary forces, and insurgents; has concentrated wealth and massive poverty; and has much foreign debt. Initially, the United States used the war on drugs as their "official" reason for its presence in Colombia. More recently, the United States has stepped up its involvement in the region allegedly due to the war on terror. Colombia is the largest recipient of U.S. aid in the Western hemisphere—it is also a country that is known to have the worst human rights record in the world (MADRE 2008). The poverty and inequality that are at the root of Colombia's conflict have been made worse by U.S.-led neoliberal economic reforms since 1990. Indigenous communities throughout Colombia have lost control of their land to multinational corporations that seek the country's natural resources: oil, water, and minerals (MADRE 2008).

The IMF mandated that the Colombian government stop financing its agricultural sector. As a result small farmers are unable to compete with large agribusinesses and are being displaced from their ancestral homes. Displaced farmers move to the jungle to cultivate coca, are used as cheap labor on plantations or in urban factories, join guerrilla or paramilitary forces, or become part of the informal economy operating in urban slums. As a result of neoliberal policies, poverty has increased, unemployment has risen, and innumerable Colombians have been displaced by paramilitaries and guerrillas. Displacement disproportionately affects indigenous peoples and Afro-Colombians, who together make up one-third of the displaced population; women account for more than fifty-five percent of all displaced people and more than half of displaced families are headed by women (MADRE 2008). Many displaced women end up as foreign nationals in North American or European prisons; after serving a long sentence, they are deported to Colombia where they have no home, job, or income (Sudbury 2004a).

In Bolivia, the coca leaf has been grown and used by indigenous peoples in the Andes for thousands of years (Diaz-Cotto 2005). Nevertheless, economic and military threats from the United States convinced Bolivia to militarize its war on drugs. In 1988, the Bolivian Congress passed Law 1008, the Law to Regulate Coca and Controlled Substances. The law, which is enforced by several military and civilian forces from Bolivia and the United States, widens the scope of where trafficking is regulated and includes activities not previously regulated (Diaz-Cotto 2005).

Those hurt most by Law 1008 are women, who are more likely than men to be imprisoned for drug-related crimes. Diaz-Cotto (2005) reports that these women have been raped, tortured, beaten, arrested, and threatened to confess to illicit activities. Like their counterparts in the United States and Mexico, these women have limited involvement in the drug trade, are poor and uneducated, are often the sole caretaker of their

children, and have past histories of physical and sexual abuse. Mandatory minimum sentencing means that these women serve long sentences. Not surprisingly, the United States has offered financial assistance to build more prisons to house the males and females arrested and convicted of drug-related crimes. Peasants in coca-growing areas who have no way of earning a living sometimes return to the illegal growing of coca leaf (Diaz-Cotto 2005).

In Latin American countries, militarization of the war on drugs has weakened civil governments, the social fabric of societies, and has led to a number of human rights abuses (Diaz-Cotto 2005). The war on drugs has also destabilized communities in Western European countries.

### **Western Europe**

Portugal is a poor country, where the war on drugs has reorganized the prison system. Similar to America, in Portugal, small-scale retail drug trade has opened up illegal opportunities for residents of impoverished urban areas, and law enforcement has targeted these areas for increased social control and surveillance. Da Cunha (2005) notes, however, that in Portugal a "freelance market structure" allows all who are poor to be involved in the retail drug trade: "Neither race/ethnicity nor gender determines or restricts involvement in the drug retail industry, which provides a relatively open illegal structure of opportunities" (60). One significant difference between the women's prisons in Portugal and those in other countries is the degree to which the prison is linked to the neighborhood. In Portugal, it is common to find networks of kin, friends, and neighbors confined in prison for drug trafficking who were acquainted prior to imprisonment. Targeted neighborhoods have become massive suppliers of criminalized bodies for the prison system. Da Cunha (2005) remarks that, "The centrality of drug crimes in women's convictions is also what best illuminates the faster rise of female incarceration rates: these are the crimes with the highest conviction rates and which receive some of the harshest sentences" (160).

Perhaps the country that has embraced American penal policies most wholeheartedly is Britain. Newburn (2002) states that the rise of the new right—at least initially—in both the United States and Britain during the past decade and a half was a key reason for the transfer of policy between the two countries. Both countries had "ideological proximity," that is, they shared a neoliberal agenda (Newburn 2002). "This ideological proximity was largely undisturbed by the ascendance of the Clinton and Blair administrations" (Newburn 2002, 172), with both administrations continuing to embrace many of the principles of neoliberalism.

Sudbury (2005b) asserts that both the racialized moral panic surrounding Jamaican drug mules who were entering the United Kingdom and the

New Labour Party's determination to crackdown on illegal drug trafficking played roles in the enhanced policing and surveillance of black women traveling between the two countries, resulting in increased arrests and convictions of black women. The racialized feminization of poverty plays a large role in their willingness to serve as couriers. From the 1980s to the present, the adoption of neoliberal economic and social policies by the Jamaican government has threatened the economic security of Jamaican women. Privatization, cutbacks in social welfare, and required fees for health care and schooling have affected the life chances of poor Jamaican women. Privatization has led to layoffs of public sector employees, many of whom are women. Many of these women are single mothers who are responsible for the care of their children (Sudbury 2005b).

At the same time, the government of Jamaica has encouraged foreign investors to set up shop in free-trade zones where they can receive tax exemptions and hire cheap labor. As in other Latin American countries, traditional subsistence farmers have been replaced by foreign-owned agribusinesses, causing many to migrate from rural areas to the cities. Jamaican women are often relegated to employment in the tourist trade, working as maids, sex workers, or entertainers. Some are petty traders or are working for low wages in foreign-owned businesses located in free trade zones (Sudbury 2005b).

### **North America**

"Even a developed country like Canada cannot escape the globalization-induced changes that are profoundly gendered, racialized, and class-based, reflecting differential layers of privileging in society" (Chow 2003, 448). NAFTA and labor market changes in Canada have magnified already-existing inequalities and divisions. In common with other globalizing nations, privatization and the curtailment of welfare state provisions have seriously harmed already-poor families. As a result, marginalized groups, poor women of color, immigrants, and Aborigines, have become even more stigmatized (Chow 2003).

In their study of female drug couriers in Canada, Lawrence and Williams (2006) note the substantial growth in the imprisonment of women during the 1980s and 1990s and acknowledge that drug offenses were substantially responsible for that growth. Canada, like the United States and Britain, has a fortress mentality, blaming "cultural outsiders from racialized communities" (Lawrence and Williams 2006) for their drug problems. Like blacks in the United States, African Canadians are more likely to be targeted by police, arrested, prosecuted, and incarcerated (Sudbury 2004b). Discussing the black female drug courier, Lawrence and Williams (2006) state:

Racialized others, including blacks and Asians, are foreigners in the dominant vision of Canada. Not only does their racialized identity serve to delink them from status as Canadian, it also links them to other, devalued, locales. The power of this narrative is enhanced, in the case of the couriers, because the nature of the crime itself is a transgression of the national border, portrayed as an attempt by outsiders to bring in the seeds of violence and destruction in the form of a dangerous and non-indigenous drug. At a time of increasing anxiety over borders that may serve to rationalize various forms of racialized targeting schemes, we might expect increased attention to this perceived threat. (330)

Essentially, neoliberal economic restructuring has created a surplus population of poor and unemployed citizens. The state's answer to this political crisis has been mass criminalization and incarceration (Gilmore 2007; Parenti 1999, 167).<sup>2</sup> Gilmore (2007) writes that "prisons are partial geographical solutions to political economic crises, organized by the state, which is itself in crisis" (26). According to Parenti (1999), incarceration is "a rational strategy for managing the contradictions of a restructured American capitalism" (169). Additionally, Parenti (1999) argues that mass incarceration is merely the "policy by-product of right-wing electoral rhetoric:"

As economic restructuring created a social crisis for blue-collar America, politicians found it necessary and useful to speak to domestic anxieties; they had to articulate the trouble their constituents were facing, but in politically acceptable forms which would avoid blaming corporate greed and capitalist restructuring. This required scapegoats, a role usually filled by new immigrants, the poor, and people of color, particularly African Americans. And so it was in the 1980s that people of color and the poor (usually conflated as one category) came under renewed ideological assault. (168)

The state's policy of mass incarceration has also benefited global capitalists who see the building and managing of prisons as a profit-making opportunity, as well as businesses that use prison inmates as cheap labor or supply prisons with needed products and services. The following section of this article discusses what has come to be known as the "prison-industrial complex."

### **The Prison-Industrial Complex<sup>3</sup>**

Eric Schlosser (1998) wrote in the *Atlantic Monthly* that the prison-industrial complex is "a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of the actual need" (54). Schlosser (1998) further notes that:

The prison-industrial complex is not a conspiracy, guiding the nation's criminal-justice policy behind closed doors. It is a confluence of special interests

that has given prison construction in the United States a seemingly unstoppable momentum. It is composed of politicians, both liberal and conservative, who have used the fear of crime to gain votes; impoverished rural areas where prisons have become a cornerstone of economic development; private companies that regard the roughly \$35 billion spent each year on corrections not as a burden on American taxpayers but as a lucrative market; and government officials whose fiefdoms have expanded along with the inmate population (54).

Among those with a vested interest in prison expansion are architects, builders, representatives of prison unions, politicians who use citizens' fear of crime to garner votes, job-starved communities whose leaders lobby to have prisons built in their communities, and all the industries that provide food, clothing, toiletries, health care, electronics, and telephones to inmates (see Chesney-Lind, 1997; Danner, 1998; Huling, 2002; Petersilia, 2003). As Danner (1998) notes, "Neither military, corporate, nor middle-class subsidy programs are targeted for payment in support of the prison industrial complex; rather social service programs—with their disproportionately poor, minority, and female recipients—remain those responsible for picking up the check" (7).

The most disturbing aspect of the prison-industrial complex is private prisons, fueled by global capitalism. The impetus for the U.S.-led global privatization of prisons was active resistance to this industry in the United States by prison unions, and by anti-prison, human, and civil rights groups (see Gilmore 2005, 2007; Parenti 1999). The global privatization of prisons, spearheaded by the United States, can be traced to multinational corporations and neoliberal philosophies (Newburn 2002).

Tim Newburn (2002, 180–82) connects the philosophical origins of private prisons in the United States and the United Kingdom to neoliberal think tanks. Key players in the push for prison privatization in the United States have been the Heritage Foundation and the Manhattan Institute, and the Adam Smith Institute for the United Kingdom. In 1986, visits by key players of the House of Commons Select Committee on Home Affairs were made to U.S. private prisons. Committee members recommended that "private firms be permitted to tender for the construction and management of custodial institutions, and that the contracting out of remand centers become a priority" (Newburn 2002, 182). Since then, prison privatization has prospered without the encouragement of neoliberal think tanks. Nevertheless, private corrections corporations, like Wackenhut and Corrections Corporation of America (CCA), are clearly allied with conservative politicians and foundations.

Wackenhut and CCA, two of the largest U.S. commercial organizations working in the penal sector, exemplify the trend of private corporations gaining more and more of the "market share." Wackenhut was founded in the early 1950s; by the mid-1970s its revenue was over \$100 million,

although it was largely a North American operation (Newburn 2002). By 1997, the now diversified and international company had annual revenues that exceeded \$1 billion, with its international contracts coming from Brazil, Puerto Rico, Guatemala, Venezuela, Peru, Ecuador, the Dominican Republic, and South Africa (Newburn 2002). In the United Kingdom, Wackenhut goes by the name of Premier Prison Services. Wackenhut's share of the global market was twenty-seven percent by the end of 1999 (Newburn 2002).

CCA has been in existence since 1983. Although it did not become profitable until 1989, by 1997 it reported revenues of over \$53 billion. Today it "operates 44 prisons and jails and manages a further 35 in the USA" (Newburn 2002, 178). CCA now runs prisons and provides penal services in England, France, Australia, and Puerto Rico. Its total global market share at the end of 1999 was almost half at forty-nine percent (Newburn 2002, 180). United Kingdom Detention Services is the United Kingdom's largest private prison operator and has interlocking links with CCA.

Inside the United States, prison building has been sold as a way to replace the loss of manufacturing jobs and to revitalize economically depressed rural areas and small towns. However, there is increasing evidence that prisons do not produce the type of localized economic growth that is expected, and can actually have detrimental effects on communities over the long run.<sup>4</sup> Outside the United States, prison building has been pitched to foreign governments as a way to modernize. The privatization of government services, which may include the privatization of prisons, is a requirement of structural adjustment loans made by the World Bank and IMF (Evans 2005). In Latin America, "foreign private prison corporations are increasingly being viewed as a panacea that will solve the problems of overcrowding, corruption, and horrendous conditions in overstretched, under-resourced penal systems" (Sudbury 2004a, 25). Today private prison companies are trying to expand their market to countries where governments are unable to provide even a minimal standard of care and security to prisoners, such as South Africa and Venezuela (Stern 2002).

Prisons, regardless of where they are located in the world, are used to exclude our most economically and socially marginalized citizens. In America and elsewhere, prisons are no longer places of rehabilitation but of incapacitation and social control. Those who are considered a threat to the social order are contained in places where they are unable to protest the conditions of their confinement or the social and economic policies that lead to their imprisonment in the first place. Prisons have replaced the welfare state as the solution to handling the problems of the mentally ill, addicted, unemployed, and poor.



## Women in Global Prisons

Although much is known about the severity of imprisonment for women in the United States (Belknap 2007; Enos 2001; Morash and Schram 2002), we know little about the experiences of women in global prisons. Moreover, while all women share similar “pains of imprisonment,” foreign-born ethnic minorities confined in global prisons confront different forms of racism and discrimination while incarcerated.

Juanita Diaz-Cotto’s (2005, 142–43) study of Mexican women held in detention or in prison exposes the ill treatment of these women by criminal justice authorities. In Mexico, women attempting to cross borders illegally have been falsely accused of drug trafficking because they refused to pay bribes to Mexican police officers. Once in detention, they are unable to be released due to excessive bails. Those who have the means can obtain their freedom by paying off criminal justice officials. Women in detention have been victims of torture and rape, and, if convicted and imprisoned, they continue to be abused. They are forced into signing confessions of their guilt by being tortured or by having family members who have also been arrested threatened. Like their sisters in U.S. prisons, they have unequal access to educational, vocational, and work programs compared to imprisoned males, face overcrowded and unsanitary prison conditions, and are used as free labor in traditional work assignments (Diaz-Cotto 2005).

In Colombia, as noted above, the majority of the displaced people are women and children. The social roles of Colombian women revolve around the home; therefore they tend to undergo the most severe identity crisis. Sexual abuse and violence against displaced women and girls is common. Displaced women find themselves in urban slums; face violence; lack basic necessities such as food, water, electricity, transportation, and sanitation; and have no way to make a living. They are also denied essential services such as health care and education (MADRE 2008).

Displaced children migrate to urban areas to escape military service. The recruitment of child soldiers is a critical problem in Colombia, with children as young as eight years old being recruited into the armed forces. Moreover, displaced children suffer from high rates of malnutrition, diarrhea, dehydration, and respiratory illnesses (MADRE 2008).

Profiled as drug couriers, Colombian women are the group most likely to be detained for drug trafficking in Britain and cities such as Madrid and Frankfurt. Detained for small quantities of drugs, once arrested, these women are generally held for long periods of time and are subjected to lengthy questioning. Women who swallow balloons are subjected to repeated X-rays and physical examinations, are given laxatives, and are not allowed to eat much food, shower, or change their clothes (Diaz-Cotto 2005).



Colombian women detained in the United Kingdom are often unable to prepare an adequate defense due to incompetent counsel, lack of knowledge of British criminal justice system proceedings, and legal restrictions placed on their attorneys. As a result, these women often receive lengthier sentences than women of similar circumstance. Isolation from family and friends is exacerbated by language barriers and distance (Diaz-Cotto 2005).

The international war on drugs has sent thousands of Latina women to prison, but has not made substance abuse treatment readily available to this population. Similar to the United States, "The repeal of drug-related and mandatory sentencing laws continues to be resisted by those who oppose diverting funds from law enforcement and military agencies into education and drug rehabilitation programs" (Diaz-Cotto 2005, 148).

Joseph (2006) has exposed the difficulties experienced by foreign-born ethnic nationals incarcerated in England and Wales. These female prisoners "encounter language barriers, immigration problems, lack of information and legal support, and misunderstanding of their cultural background" (Joseph 2006, 152). It is also difficult to sustain their parenting roles because they are incarcerated in another country. They are unable to understand even basic information because it is not in their own language and interpreting services are inadequate and lacking. Stereotyped as "poor mules"—a term that signifies their attempt to import drugs into the country—the prison staff perceives African Caribbean women as crack cocaine users, ergo, antagonistic and dangerous (Joseph 2006, 152). Women suffer the "pains of imprisonment" more excessively than men. As a result, suicide rates of foreign national prisoners in England and Wales is on the rise due to overcrowding. In 2003, fourteen foreign-born women committed suicide; in 2004, thirteen foreign-born women committed suicide (Joseph 2006, 153). Women also are more likely to self-harm than men. "In the year up to February 2004, there were over 1,500 incidents of self-harm in New Hall women's prison, a rise of 200%" (Sim 2004, 41).

Women of color, immigrant women, foreign nationals, and indigenous populations are more likely to experience racism and discrimination in prison than native white populations. Racism and discrimination of imprisoned black British nationals and foreign nationals in England and Wales has been noted by Sudbury (2005b) and Joseph (2006). In Canada, twelve percent of federal prisoners are Aboriginals, yet they comprise only three percent of the general population (Sudbury 2004b). Similarly, Armstrong, Chartrand, and Baldry (2005) have remarked that imprisoned Aboriginal women in New South Wales suffer the multiple disadvantages of being both women and Aboriginal peoples in a discriminatory correctional system.

Aboriginal women in prison rarely have programs and courses that are Aboriginal centered or that take into consideration their cultural and spiritual traditions and customs. Programs that fail to consider Aboriginal culture and their current social and economic disadvantage will similarly fail to prepare Aboriginal women for release or support them in coping with the day to day stress, boredom and loneliness of prison life. Additionally, due to the majority of Aboriginal women having a medium to high classification, access to prison programmes is restricted. . . . This ongoing neglect is a continuation of the colonial legacy that has desecrated, exploited and marginalized Aboriginal peoples.

Women involved in drug-related crimes are generally poor, uneducated, and unskilled; have impaired mental and physical health; are victims of physical and sexual abuse and mental cruelty; are single mothers with children; lack familial support; often have no prior convictions; and are convicted for a small quantity of drugs (Hirsch 1999). The likelihood of drug-offending women receiving the counseling, treatment, and services they need is much greater in a community setting than in a prison setting.

## **Alternative Policies to Women's Imprisonment**

### **Drug Policy**

Legislative bodies need to reconsider the wisdom of mandatory sentencing laws. The current U.S. drug policy based on drug-control legislation and deterrence does not work and needs to be reformed. Drug treatment is more cost effective than building prisons in controlling drug abuse and crime (see Mauer and King 2007).

Women are disproportionately affected by mandatory sentencing laws because women are more likely than men to commit drug offenses (Mauer and King 2007). Women frequently become involved in drug crimes because of economic need or they are coerced, forced, or duped into using, selling, or transporting drugs due to their fear of, financial dependence on, or intimate attachment to, a male drug trafficker (see Allard 2002; Gaskins 2004; Richie 2002). This context should be considered when judges impose sentences, but it is not. Instead, because of mandatory sentencing laws, women who decades ago would have received a community sentence are now sentenced to prison (Bloom, Owen, and Covington 2004).

Mandatory minimum sentencing laws require the courts to impose specific criminal penalties for certain drug-related crimes. The quantity of drugs and the size of the drug conspiracy are the determining factors in imposing sentence, rather than the offender's role in the conspiracy (Gaskins 2004). Mandatory minimum sentencing laws treat all defendants the same, removing all judicial discretion. They make no distinction between drug kingpins and low-level traffickers, among traffickers and

those who use and possess drugs, or among first-time offenders and career criminals—all are punished equally. As Gaskins (2004) notes, “By focusing only on the amount of drugs without considering the defendant’s role, motivation, state of mind, or other individual characteristics, mandatory minimums do not reflect a coherent punishment philosophy” (1548).

If a defendant can provide substantial assistance, as defined by the Sentencing Reform Act of 1984, then she can avoid a mandatory minimum sentence (Gaskins 2004). However, women are generally low-level coconspirators and are not involved in the running and planning of the drug operation. Women’s subordinate position within the drug economy is the reason that they have little or no information about the principle drug traffickers to offer to prosecutors.

The nonprofit group Families Against Mandatory Minimums has been in existence since 1991 and continues to work toward reforming mandatory minimum sentencing laws for nonviolent offenses. The group seeks more discretion for sentencing judges, including allowing judges to consider the defendant’s role in the offense, the severity of the offense, and their potential for rehabilitation. Given the cultural dominance of the United States in the global environment, by repealing its mandatory minimum drug laws it would gain admiration from those nations that favor a treatment and harm-reduction approach to drug use, and would also serve as a role model for reform for nations that have reluctantly embraced its punitive drug policy. The repeal of mandatory minimum drug laws will challenge the prison-industrial complex by diminishing its profit motive, as will the decarceration strategy discussed below (Sudbury 2004b).

### **Decarceration**

The penal policy of mass incarceration needs to end. Mass incarceration is not only a civil and human rights issue, but it is also a women’s issue. Women’s incarceration rates continue to climb, but of the over two million people behind bars in the United States, the majority of these people are males. Left behind to care for themselves and their families are the wives, mothers, daughters, partners, and sisters of incarcerated men. Abuse, violence, racism, isolation, overcrowding, and neglect are common to prisons worldwide. Prisons are costly to build and maintain, fail to rehabilitate, and have wide-ranging consequences for imprisoned women, their families, and communities (see Mauer and Chesney-Lind 2002; Richie 2002).

A policy of decarceration would allow nonviolent female drug offenders to serve their sentences in the community, utilizing community-corrections options. As a first step to decarceration, states could be petitioned to pass a resolution not to build any more prisons, in effect establishing a moratorium on prisons (Sudbury 2004b). Decarceration

is a policy of inclusion; it allows women to be active citizens, to have their needs addressed in a community setting, and to be with their children and families. It is well-documented in the literature that a mother's incarceration affects their children and families (see Bush-Baskette 2000; Enos 2001). Also, allowing foreign-born drug couriers to be deported to their home country for community sentences would be cost-effective and humane. The United States could assist other nations in developing their community-based correctional services (Joseph 2006).

### **Activism**

Cavadino and Dignan (2006) assert that a neoliberal society is ripe for a "law and order" ideology, is prone to a "culture of control," and is more punitive. Clearly, this is not the society in which we want to live. One way to resist the spread of neoliberal ideas and practices is through activism. Feminist scholar Julia Sudbury emphasizes the importance of recognizing the interconnections between mass incarceration, militarization, and the global economy, and of making connections between radical social movements. Sudbury states that in order to effectively "challenge interlocking systems of militarism, incarceration, and globalization . . . broad-based, cross-movement coalitions, in the U.S. and internationally must be formed" (27). In fact, globalization can assist in the formation of broad-based coalitions with enhanced technology and communications.

Activism includes writing and speaking out against unjust policies and practices, as well as attending meetings and conferences, signing petitions, and engaging in peaceful demonstrations, marches, campaigns, and protests. Globalization can be a positive force for the world if organizations like the IMF and World Bank change their policies and practices. This is more likely to occur by actively resisting existing policies and structural conditions inside and outside of the United States.

### **Summary**

A neoliberal agenda has been pushed by the global North on the global South. The global South, due to foreign debt, persistent poverty, corruption, armed conflict, and the instability of political regimes, has acquiesced to this pressure (Chow 2003). The result has been the downsizing of governments, unequal partnerships in trade and finance, economic marginalization, cost-cutting by transnational corporations, curtailment of social and legal entitlements, the withering of social service programs, antiunion practices, diminished national sovereignty, increased inequality within and between countries, and the dependency of the South on the North (Chow 2003). Poor women of color, immigrants, and Aboriginal

women have been adversely affected by these changes. Declining government support and services places the care for the young and the old onto these women. In developing countries, the global economy has failed to provide legitimate opportunities for women. In an effort to survive, women become involved in criminalized behaviors and—in response to U.S. pressure—are more likely to be arrested, detained, prosecuted, and imprisoned for this behavior than in the past.

Globalization does not benefit all nations and citizens equally. Rich nations and citizens benefit the most, while poorer nations and citizens suffer the most. If the United States perseveres in transporting its neo-liberal drug and economic policies to the rest of the world, then the war on drugs will continue to capture in its net increasing numbers of poor women of color from both poor and rich nations.

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## Notes

1. The phrase “women of color,” refers to all nonwhite women. The women of color disproportionately affected by the war on drugs—and who are the subject matter of this article—are women of African and Latin descent in North America, Western Europe, and Latin America as well as the indigenous Aboriginal women of Australia and Canada.
2. Gilmore’s (2007) *Golden Gulag* and Parenti’s (1999) *Lockdown America* offer detailed explanations of how prisons became the solution for managing surplus populations created by economic restructuring.
3. The phrase “prison-industrial complex,” was first used by Mike Davis (1995) in reference to the expansive prison system of California.
4. For a discussion of the negative effects of prison building in small towns and rural areas, the reader is referred to the work of Gilmore (2007), Huling (2002), and Parenti (1999).

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