Power, Perceptions, and Incarceration: An Analysis of Spain's New External Units for Imprisoned Mothers and Children

By Sophie Feintuch

Submitted to

Central European University

Department of Gender Studies

In partial fulfillment of the requirements for the Erasmus Mundus Master's Degree in Women's

and Gender Studies.

Main Supervisor: Professor Francisca de Haan

Support Supervisor: Professor Victoria Robles Sanjuán

Budapest, Hungary

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Abstract

This thesis offers a qualitative analysis of Spain's new external mother units, which emerged in 2008 to house incarcerated mothers and their young children. While Spain already allowed young children to live in certain women's prisons, the Department of Prison Services developed new units to not resemble prisons and to focus on the rehabilitation of mothers. In this thesis, I will analyze this shift from prison nurseries to external units, exploring the conceptual implications of the creation of the units.

Relying on semi-structured interviews I conducted in 2010 and 2013 with staff, volunteers, and incarcerated women in Spain's external units and prisons nurseries, I look at the intentions behind the external mother units, the extent to which they fulfill these goals, the staff and volunteers' perceptions of the incarcerated women, and the experiences of the mothers within. I explore the ways in which this project embodies middle-class feminist principles, how the program founders conceptualize rehabilitation, and how notions of power and control shift. I also look at how class and race interact with gender to determine not only who goes to prison but also how this population is viewed and treated and further explore women's resistance strategies within the units.

Despite the fact that the female prison population has grown exponentially in Spain and throughout the world in the past several decades, few studies have focused on motherhood in prisons. This study is essential to understand the experiences of mothers in prisons and to analyze the implications of targeting this population. It allows us to see larger societal conceptualizations of motherhood and female offenders and could ultimately better inform the development of policies in different countries.

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Introduction

"We don't call them cells here," the social worker Gabriela reminded me as she guided me to the room where I would conduct my interviews. "They're 'apartments.' We have to be very careful about these things."[1]

As we continued our tour through Seville's new external mother unit, the good intentions of staff members such as Gabriela became as evident as the incongruities surrounding us. In the unit, traditional discourses of crime and punishment had been replaced by awareness of social marginalization and a conviction of the need to rehabilitate female offenders to end cycles of poverty and deviancy. Gabriela spoke optimistically of the unit's potential:

"See that? The guards don't wear uniforms, so there's no way to tell them apart from the inmates. They aren't called *señora* either, but rather by their first names. And these apartment doors here? We use keys to lock them at night; there are absolutely no electric doors. Oh, and look, the windows are installed low, so children can see out," Gabriela explained, as we passed a window that was unbarred but looked out upon the bars of the neighboring men's social integration center (*centro de integración social*).

Seville's external mother unit, one of three external mother units currently open in Spain, represents the second attempt in the history of Spain's Department of Prison Services to construct facilities specifically for the female prison population, and it was clear that the developers had gone to great lengths to create a non-prison-like atmosphere in addition to a new approach to handling imprisoned mothers and children. The incarcerated mothers with whom I spoke were excited about their transfer from nurseries inside larger women's prisons to these units, where they had better facilities, more staff attention, and the possibilities to accompany their children to school and take classes in the community. Yet the external units, with their guards no longer dressed as guards, and

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[1] All names from interviews are pseudonyms. "Gabriela" (Social Worker in Seville), interviewed by the author, March 25, 2010.

their specific programming that women who volunteered to come were obligated to participate in, begged new questions about their objectives and how they change the landscape of mothering behind bars.

As the female prison population burgeons throughout the West, governments are faced with deciding how to manage the small children of these inmates. Countries have taken different approaches, ranging from separating the children from their mothers at birth to allowing them to live in prisons for a number of years, to avoiding the incarceration of these women. Literature has highlighted problems caused by both separating children from their mothers and allowing children in prisons.[2] In 2005, the Spanish government claimed to have adopted a unique system. While young children had traditionally resided in Spanish women's prisons with their mothers, the Socialist government decided to remove the children by creating units specifically for this population that would not resemble prisons and would be integrated into the community so as to facilitate the mothers' rehabilitation.[3]

My project of studying the external mother units began in 2010, when I spent a year in Spain on a Vassar Maguire Fellowship. Having written my undergraduate thesis about the situation of children with incarcerated mothers in the United States and Bolivia, I was interested in discovering the reasons behind Spain's initiative of replacing prison nurseries with external mother units and whether the units improved the situation of incarcerated mothers and their children. During this time, I conducted interviews with incarcerated mothers, prison staff, and volunteers.

In 2013, with the theoretical framework I acquired through coursework in gender studies at the Universidad de Granada and the Central European University, I decided to return to my unfinished project. Although I began my project interested in why the government had decided to replace the prison nurseries and in what ways the units improved conditions, I now had a new set of

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[2] Women in Prison Project Group, *Women in Prison and the Children of Imprisoned Mothers: A Briefing for Friends* (Crime, Community and Justice Group of Quaker Peace & Social Witness, 2007), http://www.quaker.org.uk/files/Women-in-Prison-A-Briefing-for-Friends.pdf.

[3] Ministerio del Interior, Government of Spain, *Unidades externas de madres* (Madrid: Ministerio del Interior, Government of Spain, 2009), http://www.institucionpenitenciaria.es/opencms/opencms/ centrosPenitenciarios/unidadesMadres.html.

questions, as I was more interested in how class and race interacted with gender to determine not only who went to prison but also how this population was viewed and treated. I was further interested in women's resistance strategies within the units. I returned to Spain to conduct interviews with volunteers at the only external mother unit to have opened since 2010, and I had follow-up conversations and correspondences with previously-interviewed individuals to see how the project had progressed in the past three years. Although my original interviews did not completely lend themselves to my new questions, I have been able to analyze them through the feminist lens I developed during my master's program.

This thesis, then, is the result of that research. Through my interviews, I look at the intentions behind the external mother units, the extent to which they fulfill these goals, the staff and volunteers' perceptions of the incarcerated women, and the experiences of the mothers within. I explore the ways in which this attempt to address the conditions facing incarcerated mothers and children embodies feminist principles and how notions of power and control shift. Among other questions, I ask, what are the challenges of mothering from within prison? What meanings become attached to mothering? What problems of mothering in prison get addressed, and which are ignored? How is rehabilitation conceptualized? What are the assumed needs of this population, and how do race and class interact to determine these needs? What are the implications of designing an alternative program specifically for mothers with small children and no one else? Can middle-class feminists listen to and address the needs of the women in Spanish prisons? In what ways do the women resist?

I base my analysis in feminist and Foucauldian scholarship. Feminist theories of crime prove useful for conceiving of the centrality of gender in determining how and why individuals offend and how they are viewed and treated by the criminal justice system. Feminist analyses of motherhood and specifically the dominant classed and raced ideologies of intensive motherhood contextualize the expectations facing mothers both in prison and outside and how motherhood can become a form of social control over women. Throughout, an intersectional approach allows us to

acknowledge the importance of factors of class, race, ethnicity, and nationality and how individuals are constantly positioned differently based on a range of factors. Lastly, I turn to Foucauldian conceptualizations of power, discipline, and resistance to analyze the ways that the external mother units both offer continuity and rupture from previous penal facilities in terms of how they control the women and the ways that the women resist.

I begin my thesis by providing contextualization and a theoretical lens to analyze the external mother units. The first chapter provides a historical analysis of female incarceration in Spain and of women reformers who have influenced its evolution. This analysis demonstrates that incarceration was always conceptualized differently for women than for men and has traditionally received less attention. Nevertheless, several women reformers have been devoted to transforming the conditions facing incarcerated women and their children, thereby paving the path for the work of the cofounders of the external units. Chapter one also describes the current female prison population in Spain and the context out of which the external units arose. In Chapter two, I look at broader issues of gender and crime, motherhood, and power and resistance. I then narrow my discussions to Spain to describe gender inequalities in the prison system and the problems facing incarcerating mothers in the facilities that preceded the external units.

After describing my methodology in Chapter three, I focus the following three chapters on analyzing the external units through the use of my interviews. Chapter four focuses on the intentions behind and the ramifications of the construction of the external units. Relying primarily on interviews with the cofounder and some staff members, I argue that the units offer potential to address some issues for mothers in prison but simultaneously impose a middle-class vision of motherhood and rehabilitation.

In chapter five, I turn to the interviews I conducted with staff members and volunteers to look at the ways they speak of the incarcerated mothers. Their opinions of the women they aim to rehabilitate highlights how the program created a space in which middle-class, white, Spanish women judged the incarcerated women for not living up to their ideals of motherhood, justifying

the goals of reforming the women through instilling in them a middle-class view of parenting and work ethic. Staff and volunteers' work further helped them define themselves in opposition to the incarcerated women and forge an identity as charitable caregivers with a need to care for and teach the women.

Chapter six analyzes the interviews with incarcerated mothers to argue that, while the women described the units as offering improved conditions, they also confronted many of the same challenges as in previous facilities. The negotiations they undertook in parenting from prison demonstrate greater complexities than understood by staff members; the women did not passively accept the program and the roles they were expected to embody but rather resisted elements, redefining notions of mothering. I conclude with some final reflections on the implications for mothering within the external mother units.

Chapter 1: Context of Mothering in Spanish Prisons

This chapter contextualizes the emergence of the external mother units in Spain in order to later analyze the continuities and ruptures from previous policies and conceptualizations of incarcerated mothers. In the first two parts of the chapter, I explore the history of Spanish female incarceration and the women reformers who have shaped its evolution. In the remaining two sections, I review the current situation, first discussing the population in Spanish women's prisons in recent years and finally describing the emergence of and intentions behind the new units.

1.1 History of Female Incarceration in Spain

While an analysis of the history of female incarceration in its entirety is beyond the scope of this thesis, it is necessary to establish how certain distinctive elements of Spain's female prison system have persisted throughout the last several centuries. In this section, I show that, although prison policies have changed greatly over time, in broad terms, female incarceration has consistently held different meanings and goals from male incarceration. Specifically, the aim of female imprisonment has often been the moral reformation of deviating women to transform them into good mothers and wives. Simultaneously, although policies on mothers with young children have changed, the notion that children must be with their mothers, albeit in captivity, has dominated the documented history of female incarceration. This historical contextualization will allow for a richer exploration of how the external mother units fit within the evolution of female incarceration and the treatment of the children of imprisoned mothers in Spain.

1.1(1) *The Birth of Female Incarceration in Spain: A Different Path from Male Incarceration*

The origins of prison as a punishment in its own right in Spain reveal that incarceration has always been conceptualized differently for men and women. Prisons did not appear in Spain as a system of punishment for men until the eighteenth century. In the preceding centuries, male

criminals were confined until being sentenced, but the imprisonment was not a sentence in itself. Rather, punishments for men typically involved forced labor, corporal punishment, or execution.[4]

In the case of women, on the other hand, confinement served as a punishment much earlier. Since the beginning of the seventeenth century, galley houses (*casas galeras*) existed to confine women.[5] These galleys involved corporal punishment, torture, and forced labor, but they also had a moralizing and reformatory aspects absent in male confinement centers. Galleys were imbued with religious ideology, and their main principles were vigilance and discipline in order to break "bad women" and transform them into virtuous women. Considered sinful by nature, transgressive women required not only physical but also moral and spiritual punishment to return to normalcy. The Argentinean social anthropologist Dolores Juliano explained this moral correction as a type of "domestication": "the women] were domesticated; that is, they were confined in conditions that maximized demands of docility, obedience, service, and reclusion that were expected of all women" (translation mine).[6] Thus, while punishment did not acquire the goal of morally punishing men's souls or wills until the beginning of the nineteenth century, by the early seventeenth century, women's galley houses already professed this aim.[7] It is worth noting that fewer women have always been subjected to punishment than men. This, too, has played an integral role in determining the perceptions and treatment of female criminality.

In contemplating why women and men faced such different punishments during the early modern period, Spanish scholars Isabel Ramos and Belén Blázquez posited that men's forced labor served the monarchy, and women could not contribute such human resources. Rather, "women could only provide society with their qualities as women and mothers, which were what they were

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[4] Elisabet Almeda, *Corregir y castigar: El ayer y hoy de las cárceles de mujeres* (Barcelona: Ediciones Bellaterra, 2002), 21–24.

[5] Ibid., 26–28.

[6] Dolores Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino* (San Sebastián: Tercera Prensa-Hirugarren Prents, 2002), 23.

[7] Almeda, *Corregir y Castigar*, 26–36.

taught in their correctional confinements, along with religious morality" (translation mine).[8]

Reclusion, then, served to teach women to assume the roles to which they were expected to aspire:

to be a devoted wife and good servant.[9]

At the time of the galleys, women were not only punished differently from men, but they

were also held accountable for different transgressions. Often convicted of vagrancy, begging, or

prostitution, they were "poor women who lived outside the confines of masculine control and

domestic enclosure" (translation mine).[10] Prostitutes were particularly numerous in the galleys, as

women's use of their sexuality outside of marriage was highly punished for being a sin against

God. The degree to which women were judged by their ability to fulfill their gendered roles is

evident in that women were also castigated for abandoning, or not adequately completing, their

domestic and family obligations.[11] Furthermore, presumably because they were considered the

moral compasses for their families, women could be held responsible by association for the

criminal acts of male family members.[12]

Many of these differences in the activities for which men and women were punished

persisted through the late twentieth century, with women's transgressions often perceived as sin or

deviation rather than as crime. As the field of criminology developed and prison conditions

changed, women were still subjected to more moralizing and often religious approaches. Speaking

broadly about the history of incarceration, Juliano posited, "Transgressive men or men with

behavioral problems were considered delinquents, yet until the late twentieth century, women were

treated as sinners—although within prisons designed for men" (translation mine).[13]

Thus, female incarceration in Spain has always been conceptualized differently from male

incarceration. Moreover, as will be elaborated on in chapter two, women have been considered

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[8] Isabel Ramos Vázquez and Belén Blázquez Vilaplana, *La mujer en la cárcel: Historia jurídica y políticas penitenciarias en España* (Córdoba: Servicio de Publicaciones de la Universidad de Córdoba, 2011), 13.

[9] Almeda, *Corregir y Castigar*, 30–31.

[10] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*, 23.

[11] Ibid., 24–26.

[12] Concepción Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal* (Granada: Comares, 2007), 6.

[13] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*, 27.

delinquents not only for breaking penal law but also, and primarily, for breaking social and moral codes. Correctional confinement has historically been associated with the moral rectification of women who strayed from the expectations for women, which explains religion's leading role in the evolution of women's prisons.[14]

1.1(2) *Mothering in the Galleys*

The Spanish co-founder of the external mother units and specialist in women's imprisonment, Concepcion Yagüe, has argued that the phrase "children need to be with their mothers" (translation mine) has been present in Spain's collective subconscious since at least the seventeenth century when the galley houses were first created.[15] From the beginning of female incarceration in Spain, mothers have figured among the prison population. Policies have changed, but at the very least, young children of married women have always been allowed to reside in prisons. However, documentation of the seventeenth-century conditions in galley houses, reformatories, or other poorhouses is scarce, and the only reference to children was that breastfeeding children had to be kept with their mothers to prevent them from dying from the impoverished conditions of the time.[16]

1.1(3) *Effects of the Enlightenment*

During the eighteenth century, as a result of the Enlightenment, punishment acquired a new correctional component for men and women alike. Beyond the common crimes of theft, robbery, and occasionally assault and homicide, women were still punished for other behaviors considered immoral. Around this time, a variety of establishments were constructed to indistinctly hold orphans, women living on the street, criminals, and prostitutes, as well as women considered in danger of becoming "fallen women". The newly constructed "hospices for the sick and destitute" (*hospicios*) and "seclusion houses" (*casas de recogidas*) more closely resembled the current-day

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[14] Ramos Vázquez and Blázquez Vilaplana, *La mujer en la cárcel*.

[15] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 199.

[16] Ibid., 20.

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prisons. While the first galleys were a place of torture, eighteenth-century galleys treated inmates more humanely.[17]

The first formal reference to the children of incarcerated mothers in Spain appeared in 1796, establishing that children would be allowed to stay with their mothers until the age of seven. They would then be placed with their fathers, if these were known, and if not, with the closest relative who accepted them. If no relatives were available, the administration was responsible for finding an orphanage or another destination. Nevertheless, the galleys were run independently, and not all applied the age limit in the same way. In some galleys, children born to unmarried mothers were taken away immediately upon birth.[18] It appears, then, that women who gave birth out of wedlock were seen to have strayed too far from gender expectations to be seen as fit for motherhood, which is noteworthy when considering that children were not taken away from other mothers, despite the crimes the women had committed.

Within certain galleys, women with children had small bedrooms apart from the communal bedrooms. Some accommodations were made for the children, as well; for instance, these rooms were the only ones that could be dark at night, and administrators took precautions against fires.[19] Thus, although conditions were abysmal at the time, there was some recognition of the children's survival needs.

1.1(4) *Unification of Prisons*

The "prison age" (*etapa penitenciaria*) began in the middle of the nineteenth century with the administrative unification of all the reclusion centers. During this time, prison became the predominant means of punishment in Spain, and its objectives were redefined. For the first time, laws regulated sentencing and prison conditions.[20] Prisons were theoretically secularized, but this was less evident in the case of women, as prison was still conceived of as necessary for reforming

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[17] Vicenta Cervelló Donderis, "Las prisiones de mujeres desde una perspectiva de género," *Revista General de Derecho Penal*, 2006.
[18] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 20–25.
[19] Ibid., 22–24.
[20] Ibid., 26–28.

amoral women through work, teaching, and religious practices. Religious orders collaborated in regulating women's sentences, as well as in providing religious and moral instruction, social assistance, and clothing.[21]

As in the previous galley houses, women in these prisons could bring their young children. However, defined by a lack of food and heating, the prisons were almost uninhabitable for children. Women spent their days working and praying in silence, which conflicted with their ability to care for children, and faced harsh punishments. Clearly, prisons were not conceptualized to house children.[22]

In 1881, the Child Protection Society (*Sociedad Protectora de Niños*) slightly improved conditions for children and established the first prison nursery (*unidad de madres*). Until this point, these children's survival had been dependent on the benevolence of religious and secular organizations or individual prison administrators, as prisons had no legal responsibilities to satisfy their needs. The state finally assumed financial responsibility for the children, which theoretically ended dependence on third-party organizations.[23] I will return to these reforms in my discussion of Concepción Arenal.

1.1(5) Turbulent Changes in the 20th Century

The Royal Decree of 5 May 1913 officially established women's prisons and unified the regulation of convicted individuals of both sexes. This homogenization theoretically established equality for women; however, the percentage of incarcerated women at the time was low, and the women essentially disappeared within the homogenized system that was based on the prototype of a dangerous, male criminal. As we will see in chapter two, women continue to face discrimination within the prison system, and unification laws have in part obscured inequalities. [24] The only references to women in contemporary laws were in terms of their children, illustrating the tendency

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[21] Cervelló Donderis, "Las prisiones de mujeres desde una perspectiva de género."

[22] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 32–34.

[23] Ibid., 42–44.

[24] Ibid., 65–68.

to only consider women as mothers and ignore their other needs. The decree of the time allowed women to keep their children with them up to the age of three, and in some cases, seven.[25]

During the Second Spanish Republic in 1931, religious leaders were expelled from women's prisons. Spanish feminist lawyer and republican politician Victoria Kent was the then-Director of the Department of Prison Services (*Secretaría General de Instituciones Penitenciarias*), and she began a series of humanitarian reforms especially directed towards women prisoners.[26] I will elaborate on Kent's work in the following section, but the reforms did not last long, and Francisco Franco's entrance into power corresponded with the reversal of prison secularization.

After the Civil War and during Franco's dictatorship, the advances in women's equality that had come with the Second Spanish Republic relapsed. The 1931 Constitution had solidified women's suffrage and considered women equals in the institution of marriage, allowing them to divorce, and these rights were rescinded under Franco. Franco recalled women from the workplace, emphasizing the importance of the traditional family and of femininity. According to Portuguese sociologist Ana Prata, "emergent feminism in Spain had to deal with an unfavorable and retrograde political, legal, and cultural status quo under the Franco regime."[27] In 1941, the Franco regime created specific centers for "women with a bad reputation" (*centros específicos para mujeres de mala reputación*), with the objective of separating prostitutes from political inmates who did not have a "dishonest lifestyle." Women's prisons once again became highly religious, with religious communities that specialized in women's moral reformation assuming a prominent role in their management. The goals of inculcating of piety, religiosity, and repent were more prevalent in women's prisons than men's.[28]

High numbers of children died during the Civil War and the Franco dictatorship because of terrible hygiene and crowding conditions in prisons. Mothers often abandoned their children to

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[25] Cervelló Donderis, "Las prisiones de mujeres desde una perspectiva de género."

[26] Ibid.

[27] Ana Prata Preria, "Women's Political Organizations in the Transition to Democracy: An Assessment of the Spanish and Italian Cases," *Journal of Women's History* 15, no. 3 (2003): 145.

[28] Cervelló Donderis, "Las prisiones de mujeres desde una perspectiva de género."

spare them the conditions within the centers. Little by little, however, children in prisons became an object of attention, and people from the outside became more involved in visiting and caring for them. Outside medical advancements regarding birthing and breastfeeding began to permeate the prisons, and pregnant mothers finally received special care. Religious organizations lowered prison infant mortality rates, and conditions improved for mothers and children.[29]

Prison conditions overall and attitudes towards imprisoned mothers and their children fluctuated in different periods under Franco. The age limits for children varied greatly, and in certain periods, children as old as nine lived in women's prisons. At different times, strict regulations maintained minimal contact between women and their children living in the same facilities because women's involvement in crime was considered proof of their moral corruption, and the regime feared this "moral contagion" would affect their children. One of the only constancies throughout the dictatorship was the Catholic Church's involvement. As previously indicated, Catholic groups improved conditions for children, but they also judged women harshly who had deviated from the Church's gender expectations. Reports indicate, for instance, cases of nuns pressuring single women to give up their children—both in prison and outside—to save both the mother from shame and the child from its mother's bad influence.[30] Yet under varying conditions, children remained in the prisons throughout the dictatorship.

1.1(6) *Leading up to the Current Situation*

With the death of Franco in 1975, Spain underwent a period of transition to democracy. Proponents of democratization fought for freedom of association and reunion, free trade unions, elections, and the legalization of political parties, and feminists advanced their agendas.[31] Nevertheless, the transition proved challenging, initially provoking rises in unemployment rates and new growth in the prison population.[32] This increase was more pronounced among the male

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[29] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 100–05.

[30] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*, 38–39.

[31] Prata Preria, "Women's Political Organizations in the Transition to Democracy."

[32] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 129.

population, but in the 1980s, women's incarceration rates also bourgeoned. I will return to this proliferation, but the influx of women saturated the scarce spaces allocated to female prisoners in sections of men's prisons. The presence of children in these same centers resulted in unsustainable overcrowding.[33]

Meanwhile, in the last quarter of the twentieth century, major changes took place in Spain's prison structure. International human rights laws provoked penitentiary legislation reform, and the Spanish Constitution of 1978 established the objective of prison to be the preparation of offenders for successful community reintegration. New forms of rehabilitation and treatment were implemented in prisons, including activities aimed at reeducation and social integration such as education, professional training, sociocultural activities, sports, and prison jobs.[34]

In terms of gender-related reforms, the belief that providing equal conditions for men and women would eliminate gender discrimination led to the design and construction of "*Prisiones Tipo*," which were based on a gender-neutral premise.[35] Thus, the contemporary women's modules are identical to the rest, and, in principle, incarcerated females have the same work, training and leisure opportunities as males. Concepción Yagüe posited that this substantially improved the quality of women's lives in prisons, but that over time, it has become evident that women still suffer from formal discrimination.[36] I will explore this discrimination in the following chapter, but women's low presence has resulted in a lack of resources and infrastructure. As of the beginning of the twenty-first century, only three prisons were dedicated exclusively to women, holding between 200 and 300 women each. The remaining several thousand incarcerated women were distributed among female modules in male prisons.[37]

Regarding incarcerated mothers and children, nongovernmental organizations (NGOs) play

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[33] Concepción Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas," *Revista Española de Investigación Criminológica* 5 (2007): 1–24.

[34] Joaquina Castillo Algarra and Marta Ruiz García, "Mujeres extranjeras en prisiones españolas. El caso andaluz," *Revista Internacional de Sociología* 68, no. 2 (2010): 453–472.

[35] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas."

[36] Ibid., 119–121.

[37] Ramos Vázquez and Blázquez Vilaplana, *La Mujer en la Cárcel*, 113–115.

a central role in providing services to female prisoners and their children. Theoretically, the

Department of Prison Services assumed responsibility for administering social aid and assistance to

prisoners with the passage of the Penal Law of 1979 (*La Ley Orgánica General Penitenciaria*

1/79), yet due to their lack of human and material resources, they have never been able to fully

cover the needs of the prison population and have thus maintained collaboration agreements with

NGOs. These organizations coordinate workshops, offer legal help, donate clothing, assist with

some bureaucratic issues, prepare activities for the holidays, accompany prisoners to the hospital,

and run halfway houses (*unidades dependientes*).[38]

Catholic organizations have been particularly prominent in providing social aid services and

helping prisoners with their transition back to society. The Spanish sociologist Elisabet Almeda has

attributed the prevalence of religious NGOs over secular organizations to their affinities with the

prison administration, which promotes their participation and funds some of their work:

> "In effect, the administration promotes and strengthens the religious associations rather than
> the secular, radical [*reividicativo*] organizations because, unlike the latter ones, the religious
> associations do not challenge the current prison situation. Their objective is not to vindicate
> nor critique the administration about the reality of the prisons, but rather to adapt to the
> decisions of the authorities and avoid any type of conflict and opposition" (translation
> mine).[39]

The Catholic Church has thereby maintained a central role in women's prisons, even when no

longer running the institutions. This involvement is primarily service-oriented, and Almeda argued

that the organizations no longer aim to repress the women psychologically or "correct" them. At

the same time, they are still charity-based and "paternalistic,"[40] two characteristics which become

clear in the way they take on their work.[41]

The laws of 1979 established that Spanish prisons needed to have specific accommodations

for pregnant incarcerated women and those who had just given birth.[42] During the latter half of the

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[38] Almeda, *Corregir y Castigar*, 190–98.

[39] Ibid., 196.

[40] I use the word "paternalistic" because that is the word employed by Almeda. However, in the following chapter, I will elaborate on my own decision to refer to maternalism rather than paternalism throughout this thesis.

[41] Almeda, *Corregir y Castigar*, 194–98.

[42] Cervelló Donderis, "Las prisiones de mujeres desde una perspectiva de género."

twentieth century, mothers and children were scattered throughout Spain in prisons that had little

infrastructure for the two or three children that each facility held. In the late 1980s, a system of

prison nurseries and a family unit, along with halfway houses, began to be developed. I will briefly

describe these immediate predecessors of the external mother units.

(i) Prison Nurseries

Modern prison nurseries developed around 1989 as a result of a report by the Ombudsman's

office, which highlighted deficiencies in children's living conditions in prisons. The administration

decided to renovate spaces in certain prisons for incarcerated mothers to live with their children

separately from other prisoners. These secluded areas provided daycare centers, pediatric attention,

and activities for the children. Children received clothing as well as diapers and soap if mothers

could not buy these products themselves. Mothers and children also had different visitation rights;

family members could visit without glass separation walls. The children were allowed to leave the

units, either with other family members or on NGO-led excursions.[43] The prison nurseries were the

facilities that the external mother units were meant to replace.

The most recent law, Article 38 of the General Penitentiary Law of 1996 (*Ley Orgánica*

General Penitenciaria) lowered the maximum age for children in prison nurseries and the family

unit described below from six to three years old. Children over three years old have to find housing

and care outside of the prisons unless their mothers qualify for the halfway houses, where children

may remain until they are older.

(ii) Family Unit

In 1996, the Department of Prison Services established a family unit in Aranjuez, which the

government claims to be the only one in the world.[44] This unit, which still exists, keeps families

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[43] Concepción Yagüe Olmos, "Mujer: Delito y prisión, un enfoque diferencial sobre la delincuencia femenina," *Revista de Estudios Penitenciarios* 249 (2002): 135–170.
[44] Tatiana G. Rivas, "Familias con vidas entre rejas," *ABC.es*, February 27, 2011, http://www.abc.es/?ABC::803581372001.

together when parents of children under the age of three are both in prison.[45] Although the ideology behind the unit evokes questions because of its recognition of fathering rights and responsibilities, an in-depth analysis falls outside the scope of this study. Notably, however, the government has neither discussed shutting down this unit with the development of the external units nor creating more family units.

(iii) Halfway Houses

Halfway houses, which are also still in use, are small houses or apartments built independently of prisons with "normalized" life conditions that offer greater amounts of freedom than normal prisons. These houses, which are run by NGOs, are created for people on parole (*tercer grado de tratamiento*) and attempt to encourage community reintegration. While they were not built exclusively for mothers and children, seven of Spain's existing thirteen halfway houses currently accommodate this population.[46]

1.2   Women Reformers of the Female Penitentiary System

To contextualize the role that women have played in creating and now running the new external mother units, I will discuss some of the historical female prison reformers in Spain. Prison reform has long been on the feminist agenda, and over the past few centuries, women reformers have altered the conditions of Spanish female incarceration. These changes, however—even those oriented towards ameliorating structural adversities facing imprisoned women—have often reinforced traditional gender roles. Exploring some of the intentions and consequences of these reformers' work illustrates how women have struggled to address issues of female incarceration and the treatment of imprisoned mothers for centuries and that many of the questions arising from the external units have been shaped by previous reform work.

In this analysis, it is useful to keep in mind the distinction between women's activism, women's movement, and feminism formulated by the Dutch scholars Annemieke van Drenth and

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[45] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 160–79.
[46] Ibid.

Francisca de Haan. Differentiating by these terms allows us to refer to women's involvement without considering all prison activists as feminists or mislabeling their intentions.[47] This is particularly important in the case of one of the first Spanish women advocates for the reform of the treatment of delinquent women, the nun Magdalena de San Jerónimo (b. 1500s). Although not a feminist in that she did not fight for equal rights or the end of male domination, Magdalena[48] was a women's activist involved in socio-political activities to create what she considered a better world: one free of crime.[49] Unlike some of her successors, Magdalena advocated for harsher punishments for women. Her work merits consideration because she was the first documented woman in Spain to influence social reform through female penal reform, and she was instrumental in the development of women's prisons.[50]

Magdalena initially ran a convent for "deviant" women and later was responsible for the creation of the previously-discussed galleys, Spain's first women's prisons as independent institutions. Diverging from beliefs that women deserved more leniency than men, Magdalena argued against proposals for the creation of safe havens for fallen or criminal women. Worried that women had lost their fears of God and justice and were corrupting men, she insisted that they needed harsher punishments.[51] In 1608, Magdalena laid out her proposal in the 36-page treatise, *Explanation and Structure of the Galley and Royal Prison* (*Razón y forma de la galera y casa real*) for highly structured women's prisons that would serve as prison-workhouses and resemble the galleys already used as punishment for male criminals.[52] "Fallen" women were to be locked up in the galley houses and controlled, punished harshly, and transformed through hard labor and

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[47] Annemieke van Drenth and Francisca de Haan, *The Rise of Caring Power: Elizabeth Fry and Josephine Butler in Britain and the Netherlands* (Amsterdam: Amsterdam University Press, 2000), 45–47.

[48] I refer to Magdalena de San Jerónimo by her first name because of her position as a nun. This is consistent with her treatment by other texts, such as Lisa Vollendorf, *The Lives of Women: A New History of Inquisitional Spain* (Nashville, TN: Vanderbilt University Press, 2005).

[49] I base these definitions of feminist and women's activist on the distinction set up in Drenth and Haan, 45–47.

[50] Vollendorf, *The Lives of Women*, 183.

[51] Sherry Marie Velasco, *Lesbians in Early Modern Spain* (Nashville, TN: Vanderbilt University Press, 2011), 54.

[52] Vollendorf, *The Lives of Women*, 181.

religious teaching into virtuous women.[53] The treatise further suggested that women who appeared at risk of becoming "bad women" should be confined and taught good manners and Christian virtues as a type of "preventative therapy." Magdalena believed this program could effectively dissuade women from crime and sin so that no prison would have to exist at all.[54]

The ideas laid out by Magdalena were innovative for the time and represented a new focus on the treatment of delinquent women.[55] The American scholar Lisa Vollendorf has explained, "Magdalena de San Jerónimo's plan for penal reform flew in the face of gender expectations."[56] Her views went against contemporaneous ideas about the treatment of delinquent women and were harsher than one might expect from a woman.[57] Simultaneously, Magdalena reinforced traditional stereotypes about women by specifically focusing on the punishment of women who had strayed from their feminine role by robbing, blaspheming, begging, working as prostitutes, or rebelling against their masters. According to Almeda, "The birth of the correctional treatment of Sister Magdalena's galley houses was propelled precisely by the pretension to 'correct' morally reprehensible feminine conducts" (translation mine).[58] Thus, while the galleys created in Magdalena's name in many Spanish cities worsened the conditions facing deviant women and reinforced gendered expectations, Magdalena did indeed shift conceptualizations and treatment of female criminality and, in this way, set a precedent for future female reformers.

Women became more involved in fighting for improved treatment of incarcerated women around the nineteenth century. This first occurred in other Western European countries such as England, where "the pioneering work of Elizabeth Fry…forced the plight of women prisoners into the nation's conscience."[59] Elizabeth Fry is significant for this discussion because she was a pivotal prison reformer in the West, who worked for changes which eventually seeped into the Spanish

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[53] Almeda, *Corregir y Castigar*, 30–36.

[54] Vollendorf, *The Lives of Women*, 184.

[55] Almeda, *Corregir y Castigar*, 29.

[56] Vollendorf, *The Lives of Women*, 184.

[57] Ibid.

[58] Almeda, *Corregir y Castigar*, 37.

[59] Lucia Zedner, "Women, Crime and Custody in Victorian England," in *Prison Readings: A Critical Introduction to Prisons and Imprisonment* (Portland, OR: Willan Publishing, 2006), 33.

prison system. In the early nineteenth century, Fry and a growing number of other Quaker women launched a project to reform both prison conditions and incarcerated women themselves.[60] Her contention that women should be in charge of women's prisons became law in several countries—eventually including Spain—and, according to van Drenth and de Haan, it "contributed significantly to the process in which 'women' came to be seen as inherently different [from men], and to developing the notion of 'the female prisoner' as a separate category."[61] Through her work, notions of imprisoned women as more evil than imprisoned men gave way to the reconceptualization of a redeemable female prisoner, which will be discussed in the following chapter.[62] Fry consulted with incarcerated women, asked their consent before making changes, and and she advocated for more humane, personalized treatment of women prisoners with the aim of transforming the women themselves.[63] Additionally, Fry was concerned with the wellbeing of the children in prisons and suggested building them a school. The school eventually failed, but Fry's efforts paved the way for others to consider the education of children in prisons.[64] The following chapters will illustrate how current Spanish reformers have adopted similar practices of consulting with incarcerated women, fighting for personalized treatment, and considering the needs of children.

The work of Fry and other reformers eventually affected the prison landscape abroad, and later in the nineteenth century, women's prison conditions began to receive attention in Spain.[65] Concepción Arenal (1820-1893), one of the founders of the Spanish feminist movement that fought for equal opportunities and women's education, got involved in prison reform work in Spain at this time. Arenal worked in women's prisons in the 1860s and became aware of the deplorable state of prisons and the lack of attention they had received, despite the influence of prison reformers in other European countries. In 1873, during the First Spanish Republic, she took part in a

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[60] Ibid., 34.

[61] van Drenth and de Haan, *The Rise of Caring Power*, 72.

[62] Ibid.

[63] Zedner, "Women, Crime and Custody in Victorian England," 34.

[64] E.R. Pitman, *Elizabeth Fry* (Middlesex: Echo Library, 2006), 25–30.

[65] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 37.

commission to reform the prison system and penal code. Arenal argued that women's prisons needed equal opportunities and conditions to men's prisons, including teaching women lucrative trades to give them the means to support themselves instead of limiting them to "feminine" jobs that kept them in poverty and on the brink of prostitution. She advocated for better nutrition, voluntary work opportunities, more exercise, and companionship for female inmates either through charity organizations or through employing more staff.[66] Similar to what we will see with current reformers, while Arenal managed to change women's prisons greatly, she has not escaped criticism for being a "bourgeois woman who aimed to treat the prisoners of the time with a paternalistic, care, and charity focus" (translation mine).[67]

In terms of mothers in prison, like Fry, Arenal was responsible for the creation of the first prison nursery, the antecedent for how prisons would later care for children. On a personal level, Arenal believed that women should only have their children with them in prison until they received their sentence. In her prison visits, she witnessed the high rates of infant and mother mortality and the terrible conditions facing children, which contributed to her belief that the mother-child separation was necessary for the good of the child, as well as to be able to subject the mothers to punishment. Arenal was never successful in removing children from prisons, but years later, when she no longer worked in the penitentiary department, she was still concerned with the children's conditions and created a childcare center in the prison of Alcalá de Henares.[68]

A later reformer worth mention is Victoria Kent, who became the first female General Prison Director (*Directora General de Prisiones*) in 1931, at the beginning of the Second Spanish Republic. Her reformatory agenda became evident within a year of beginning her post; she fought to improve the living conditions, transform job training opportunities, increase access to jobs for incarcerated individuals, redistribute prisons throughout Spain, and adapt their architectural design to better suit the reform philosophy she tried to implement. Kent was particularly influential in

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[66] Ibid., 35–45.

[67] Almeda, *Corregir y Castigar*, 69.

[68] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 35–45.

terms of female prisoners. She recognized women suffered more than men in prison, a topic to

explored in chapter two, and contended that the government needed to pay more attention to the

female prison conditions, including the instruction, reeducation, and cultural and moral care of the

female prisoners.[69] This motivated her to create the Women's Prison Aid Section (*Sección*

Femenina Auxiliar de Prisiones), which ran many of the women's prisons and thus broke with the

tradition of adjudicating women's prisons to religious organizations.[70]

Perhaps more importantly, Kent constructed the first building in the history of Spain to be

designed specifically for the needs of an exclusive female prison population. Kent designed this

prison in Madrid to have the necessary space and amenities to house women and the children that

accompanied them. She aimed to humanize the living conditions and satisfy the needs of female

inmates. The plan provided prenatal services and hospital attention for mothers, as well as open

play spaces. The prison only fulfilled its intended role for two years, when the Civil War erupted

and women were removed so the space could accommodate the influx of male prisoners.

Nevertheless, the building remained the only one built specifically for female prisoners until the

construction of the external mother units.[71]

1.3   Current Female Prison Population

Returning to the present, I will now provide a description of the current female prison

population in Spain. This contextualization is essential for understanding the intended population of

the external mother units, the challenges this group faces in general, and the divisions between this

group and the staff with whom they interact. No comprehensive statistics are available on mothers

who have their children with them in Spanish prisons, so I will more broadly describe the

characteristics of the incarcerated female population in Spain. This population has skyrocketed in

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[69] Ibid., 72–79.

[70] Notably, this distancing between the church and the state occurred in various sectors of society during this period. The Prime Minister of the Second Spanish Republic, Manuel Azaña, was a secularist who proposed the secularization of schools and the construction of a non-religious basis for citizenship and national culture. See Frances Lannon, *The Spanish Civil War: 1936-1939* (Oxford: Osprey Publishing, 2002), 18.

[71] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 72–79.

the past few decades, leading to an influx of imprisoned mothers with small children and the need to readdress questions regarding female incarceration.

1.3(1) Recent Reasons for Female Incarceration

Women's imprisonment rates have risen drastically in the past three decades in Spain, the country in the European Union with the highest absolute number and percentage of women in prison.[72] As of January 2013, 5,209 women were incarcerated in Spain, which signifies a 970 percent increase in the female prison population since 1980. Moreover, the percentage of the prison population that is female doubled in this period, and women now comprise 7.59 percent of the total prison population.[73] The profile of women in Spanish prisons and the reasons for their imprisonment are similar to other Western countries but also have their particularities.

Table 1: Increase in Prison Population by Gender (1980-2010)

Year	Men	Women	Total
1980	14,293	487	14,780
1985	17,782	632	18,566
1990	30,454	2,604	33,058
1995	40,739	4,217	44,956
2000	41,451	3,653	45,104
2005	56,291	4,763	61,054
2010	68,141	5,788	73,929

Source for 1980 and 1985: Yagüe Olmos[74]
Source for remaining years: Instituto Nacional de Estadística[75]

Of the women in Spanish prisons in January 2013, approximately 80 percent (4,145) had been sentenced, while the remaining women were awaiting trial. Almost half (48 percent) of those convicted were declared guilty of drug-related crimes (officially "crimes against public health"),

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[72] Elisabet Almeda Samaranch, Dino Di Nella, and Carmen Navarro, "Mujeres, cárceles y drogas: Datos y reflexiones," *Oñati Socio-legal Series (online)*, 2012, 127.

[73] Ministerio del Interior, Government of Spain, "Estadística Penitenciaria," 2013, http://www.institucionpenitenciaria.es/web/portal/documentos/estadisticas.html?r=m&adm=TES&am=2013&mm=2&tm=GENE&tm2=GENE.

[74] Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*.

[75] Instituto Nacional de Estadística, *Seguridad y Justicia* (INE, 2013), http://www.ine.es/jaxi/menu.do?type=pcaxis&path=%2Ft18%2Fa052&file=inebase&L=0.

and 30 percent were imprisoned for crimes against public property. The remaining women were

convicted of a range of sentences, including homicide, assault, and crimes against public order.[76]

Table 2: Types of Crime Committed by Gender

	Women	Men	Total
Against public health	2,211	14,116	16,327
Against public order	1,437	23,019	24,456
Homicide and its forms	194	2,963	3,157
Injuries	156	3,112	3,268
Rest of Crimes	93	1,617	1,617
False Representations	73	678	751
Against the Justice Administration	59	1,249	1,308
Against sexual freedom	55	3,703	3,758
No crime recorded	42	276	316
Against freedom	33	596	629
By misdemeanors	26	133	159
Domestic security	22	110	132
Against traffic safety	21	1,204	1,225
Against family relations	21	1,474	1,495
Against the administration and public finance	6	67	73
Against property	4	213	217
Against persons	3	223	226
Foreign security	2	19	21

Source: Ministerio del Interior[77]

Spanish female incarceration rates have risen partially due to mandatory minimum

sentencing for drug-related crimes. Since the 1980s, the Spanish state has toughened policies

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[76] Ministerio del Interior, Government of Spain, "Estadística Penitenciaria."
[77] Ministerio del Interior, Government of Spain, *Anuario Estadístico Del Ministerio Del Interior*, 2010,
http://www.acaip.info/jaen/301011_anuario_estadistico_sgiipp_2010.pdf.

regarding the consumption and distribution of illegal drugs. The Spanish Penal Code of 1995 directly increased the mandatory minimum prison sentence of drug trafficking from between two and eight years to between three and nine years. Women in Spanish prisons tend to have participated in the most visible and dangerous part of the drug business, making them the most easily caught, brought to trial, punished, and imprisoned. Spanish scholars Castillo Algarra and Ruiz García have argued these women tend to be both exploited by the mafia and be victims of the prison system, which excessively punishes the trafficking of small amounts of drugs.[78] Almeda et al. agree that these women have become the scapegoats of criminalizing drug policies: a much larger percentage of women are charged with drug trafficking than men, resulting in a greater percentage of women receiving long sentences. In 2008 in Cataluña, 25 percent of incarcerated women had sentences of eight to fifteen years, whereas only 19 percent of men were serving similar sentences. This trend was similar in the rest of Spain.[79]

1.3(2) *Foreign Population*

The rise in the female prison population in Spain has been particularly notable in the case of foreigners. Between 1998 and 2010, the percentage of foreigners among the female prison population increased from 18 percent[80] to 40 percent.[81] As of January 2013, the percentage of foreigners had dropped slightly to 34 percent, with 1,771 foreigners in female prisons.[82] Of the non-Spanish women in Spain's prison system in 2013, the largest percentage came from Colombia, followed by Romania and Brazil. There were also a high percentage of women from Morocco, Venezuela, the Dominican Republic, Nigeria, Ecuador, Bolivia, and France. The majority of foreign women, especially those from Latin America and Morocco, had been convicted of drug trafficking. Colombian women, for instance, tended to be young women who entered Spain on a tourist visa and were detained in the Barajas Airport in Madrid with small amounts of drugs, most

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[78] Castillo Algarra and Ruiz García, "Mujeres extranjeras en prisiones españolas. El caso andaluz."
[79] Almeda Samaranch, Di Nella, and Navarro, "Mujeres, cárceles y drogas."
[80] Ibid.
[81] Ministerio del Interior, Government of Spain, "Estadística Penitenciaria."
[82] Ibid.

often cocaine. Their sentences for drug trafficking were up to ten years of prison. Romanian women were more likely to have been involved in the exploitation of people and fraud.[83]

Factors such as longer drug sentencing, a lack of legal work opportunities for non-European Union citizens, and difficulties faced by immigrants within the legal system help explain the increase in foreigners in Spanish prisons. Foreign women often remain in prison longer than Spanish women because they are not allowed bail before trial due to their inability to prove they will not flee and because of difficulties in getting parole due to an absence of family support networks and job contracts.[84] Spanish lawyer María Naredo has argued that the increase of incarcerated women must be understood within the framework of the selective criminalization of certain social collectives characterized by poverty and precariousness. The fact that so many of the incarcerated women are foreigners is directly related to immigration policies that equate immigration to crime.[85]

Table 3: Increase in Female Foreign Population (2000-2010)

Year	Total Female Population	Female Spanish Population	Female Foreign Population	Percentage of Foreign Females
2000	3,653	2,849	804	22%
2005	4,763	3,231	1,532	32%
2010	5,788	3,493	2,295	40%

Source: Naredo Molero [86]

1.3(3) *General Profile of Women in Prison*

Beyond foreigners, Spain's criminal justice system disproportionately targets oppressed minority groups, subjecting them more than others to processes of criminalization and making their social vulnerability visible. Systems of race, ethnicity, and nationality are closely related to who is

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[83] Castillo Algarra and Ruiz García, "Mujeres extranjeras en prisiones españolas. El caso andaluz."

[84] Ibid.

[85] María Naredo Molero, "Qué nos enseñan las nuevas reclusas? La criminalización de la pobreza desde la situación de reclusas extranjeras y gitanas," in *Delitos y Fronteras: Mujeres Extranjeras en Prisión*, ed. María Jesús Miranda (Madrid: Editorial Complutense, 2005), 271–300.

[86] Instituto Nacional de Estadística, *Seguridad y Justicia*.

imprisoned and for what crimes. For instance, of the women of Spanish nationality in prison, approximately 25 percent are of Roma (*Gitana*) ethnicity,[87] indicating an incarceration figure 20 times higher than their presence in the national population.[88]

Economic class is another determining factor in who goes to prison, with the vast majority of foreign and national incarcerated women alike originating from low-class backgrounds. Women sentenced for crimes such as drug trafficking as well as robbery often share histories of poverty, job insecurity, and sometimes prostitution. These women tend to have a lower level of education than the dominant population; in fact, 48.7 percent claim to be illiterate or lacking primary studies.[89]

A significantly large number of imprisoned women have experienced serious physical and/or sexual abuse, often beginning at a young age.[90] A study by the Catalan women's foundation SURT showed that 88.4 percent had suffered some type of violence, with 68 percent having been subjected to repeated sexual violence and 80 percent to domestic violence. Most of these women also experienced mental and physical health issues, as well as substance abuse problems. In 2007, 26 percent of the women were identified as having psychological problems; 8.1 percent had alcohol problems; and 42.1 percent had other drug abuse problems. Remarkably, 22.1 percent were H.I.V.-positive, as opposed to 17.3 percent of the incarcerated males. These social vulnerabilities often combine and multiply.[91]

Overall, the majority of the women do not have prior criminal records. Recidivism rates have remained lower for women than men, with 54 percent of women returning to prison, as

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[87] It has been challenging to decide whether to refer to translate the term "Gitano/a" to "Gypsy" or "Roma," as different individuals identify differently. In the end, I will use the term "Roma," which Dimitrina Petrova argued has acquired the legitimacy of political correctness and is considered more desirable, despite the existence of Gypsies who do not recognize themselves as Roma. See: Dimitrina Petrova, "The Roma: Between a Myth and the Future," *Social Research* 70, no. 1 (Spring 2003): 111.

[88] Gabriela Robledo Hernández, *Mujeres Gitanas y Sitema Penal*, 1ª ed. (Madrid: Metyel, 2001), 16.

[89] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas."

[90] Maria Dolors Soler i Segura and Marçal Pi Atienza, "Ser madres en prisión: Unidad dependiente L'Àgora," *Políticas sociales en Europa* no. 22 (2007): 17–27.

[91] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas."

opposed to 60 percent of men. Furthermore, women tend to commit non-violent crimes and use less force, violence, and intimidation in their crimes.[92]

The average incarcerated woman in Spain is between 26 and 40 years old, which, notably, is precisely the standard age of mothers with small children.[93] The vast majority of female prisoners have children, and 70 percent of these children are under the age of eighteen. The fertility rate is twice as high among incarcerated women as the whole Spanish society, with 8.7 percent of incarcerated women having more than three children. Prior to imprisonment, most of the women had been solely responsible for their children; 34.4 percent are single mothers. Fewer than 20 percent of the women are married, and 36 percent are in relationships. The majority had various children, often from different fathers. Approximately a quarter of the women had lived with their partners and children before going to prison, and a third of their husbands or partners are also currently in prison. Studies have shown that practically none of the women in prison experience co-responsibility from a male partner in supporting and raising their children. Beyond raising children, these women are often financially responsible for their families' survival. Additionally, 70 percent have other relatives in prison, 10 percent being their parents and 3.3 percent their children.[94]

Although there are no exhaustive statistics specifically about the women living with children in prisons, a 1996 study by the Spanish psychologists Jesús Palacios and Jesús Jiménez found that the majority of women in the prison nurseries were poor and illiterate, had more than three children under their care before going to prison, and often had partners in prison. Most of these women had sentences of six years,[95] indicating that, unless they have their sentences reduced or get parole, their children will be removed from prison at the age of three and will have to live

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[92] Ibid.

[93] Ministerio del Interior, Government of Spain, "Estadística Penitenciaria."

[94] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas."

[95] Jesús Jiménez Morago, *Niños y madres en prisión: desarrollo psicosociobiológico de los niños residentes en centros penitenciarios* (Madrid: Ministerio del Interior: Ministerio del Trabajo y Asuntos Sociales, 1998), 18–22.

either with other family members or be placed in foster care. I will return to this issue in the following chapter.[96]

1.4   Emergence of the External Mother Units

In this section, I will briefly describe the emergence of the external mother units, their design, and their intentions. Given that the units are such a recent initiative, with the first unit opening in 2008, to the best of my knowledge, no scholarly, qualitative studies have been published on them.[97] In fact, very few publications, besides official documentation, mention the units. The existing publications include an article by the Spanish lawyer Ángel Juan Nieto García, which looks at the intentions and structuring of the new units from a legal perspective, and an article by Spanish scholar Francisco José del Pozo Serrano about educational activities in women's prisons, which briefly mentions the units.[98] These articles do not, however, provide a qualitative analysis or explore the experiences of the mothers or children. This gap in the literature is part of the justification for my thesis, but it is also a hindrance in contextualizing the units. Here, I will only be able to outline the plan for the units as established in official, governmental documentation. More analysis will follow in chapter four, as my own conversations with the co-founder greatly supplemented the lack of publications.

The idea to abolish prison nurseries and replace them with external mother units came about in 2004 as a result of a pledge by the newly elected Spanish Socialist Workers' Party (*Partido Socialista Obrero Español*) to remove all children from prisons. In response to the government's pledge, the Department of Prison Services established a plan to design and construct a new model of external mother units apart from prisons and integrated into the community. The construction

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[96] Castillo Algarra and Ruiz García, "Mujeres extranjeras en prisiones españolas. El caso andaluz."

[97] Ediciones El País, "No más bebés en la cárcel," *EL PAÍS*, October 23, 2008, http://elpais.com/diario/2008/10/23/sociedad/1224712802_850215.html.

[98] Angel Juan Nieto García, "Apuntes críticos sobre la política de implementación de unidades de madres externas de los establecimientos penitenciarios," *Diario La Ley* no. 7268 (2009): 1–17; Francisco José del Pozo Serrano, "Acción socioeducativa en el medio penitenciario con mujeres y madres reclusas: Realidades y desafíos desde un enfoque de género," in *Mujeres y educación social: Teoría y práxis para la intervención socio-educativa*, ed. Emilio López-Barajas Zayas, Mayte Bejarano Franco, and José Vicente Salido López (Madrid: Editorial UNED, 2012), 53–69.

began in 2005, and the first unit, in Palma de Mallorca, opened at the end of 2008. The original

construction plan of 2005 (*Plan de amortización y creación de centros penitenciarios 2005*)

authorized the creation of five units in Palma, Seville, Madrid, Alicante and Tenerife.[99] In 2010, the

plan was extended to build a sixth unit in León.[100]

At the time of the development of the units, the Department of Prison Services was under

the direction of Mercedes Gallizo. It is worth noting that Gallizo identified as a feminist and

previously participated in the formation of a feminist organization in Zaragoza and the direction of

another one in Aragón.[101] Her socially-progressive and gender-sensitive views are evident in her

critiques of the prison system and her reform initiatives. Gallizo spoke of having inherited a

troubled system from the previous government, qualifying the high number of incarcerated

individuals as "catastrophic." She argued that not all problems should be solved by incarcerating

individuals and wanted rehabilitation to be the center of her management scheme. Upon assuming

her position as director, Gallizo prepared a series of reforms with the objective of "humanizing" the

prison system. These reforms included a plan to end prison overcrowding and to increase efforts to

reintegrate individuals into the community after incarceration, which represented a major shift from

the prison policies of the previous government. Gallizo argued for the need for a gender perspective

in prison programming, and among her plans was to avoid having mothers with small children or

pregnant women enter prison.[102]

Another individual involved in the creation and of the external mother units was

Concepción Yagüe, who had directed a women's prison in Alcalá de Henares before becoming the

Director of Treatment and Prison Management (*Subdirectora de Tratamiento y Gestión

Penitenciaria)*. Yagüe had written books and articles about the gender inequalities in the prison

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[99] Ministerio del Interior, Government of Spain, *Unidades externas de madres*.

[100] ACAIP, *Ampliado plan: Amortización y creación de centros penitenciarios* (Madrid: Agrupación de los Cuerpos de la Administración de Instituciones Penitenciarias, 2010),
http://www.acaip.info/jaen/061010_actualizado_plan_amortizacion_creacion_centros_penitenciarios.pdf.

[101] Ana M. Aguado, *Mujeres, regulación de conflictos sociales y cultura de la paz* (Valencia: Universitat de València, 1999), 157–58.

[102] Ediciones El País, "Instituciones Penitenciarias planea sacar a madres y embarazadas de las cárceles," *EL PAÍS*, July 5, 2004, http://elpais.com/elpais/2004/07/05/actualidad/1089015425_850215.html.

system, arguing that women's prisons had historically served as a patriarchal tool.[103] Yagüe, whose visions and work will be discussed at greater length in chapter four, was committed to improving conditions for mothers and children in prison and eliminating gender barriers facing these women.[104] I mention these two cofounders now to position them alongside previous women reformers, but I will develop this point in chapter four.

1.4(1) Official Intentions Behind the Units

The intention of the external mother units was to improve the living conditions of small children whose mothers had been sentenced to prison. Unlike prison nurseries, the external units were designed with the specific purpose of housing mothers and children. The founders consulted with incarcerated mothers—like Elizabeth Fry two centuries earlier—as well as with experts, so as to build safe, child-friendly units that would serve the needs of this population. The units were to have complete autonomy to create a regimen that would be ideal for this population.[105]

According to the Department of Prison Services, the main objective of these units is to improve the conditions for the physical, psychological, and mental development of children in prison. With the units, the Department aims to normalize the lives of the children to the greatest extent possible and to "create an adequate environment for children to be able to develop emotionally and educationally during the time they have to remain in the center, while simultaneously prioritizing the mothers' social reintegration" (translation mine).[106] These goals of normalizing the living conditions and prioritizing the mothers' reintegration are manifest in the architectural design, the amenities provided to the children, and the opportunities for the women.

Architecturally, the units are meant to not look like prisons and to not present safety hazards. Each mother and child has a small "apartment," which includes a bathroom and a microwave. Safety has been a fundamental consideration, with the designs ensuring that all

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[103] Ediciones El País, "La mujer sufrió penas más dolorosas," *EL PAÍS*, March 12, 2007, http://elpais.com/diario/2007/03/12/andalucia/1173655338_850215.html.
[104] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas."
[105] Ministerio del Interior, Government of Spain, *Unidades externas de madres*.
[106] Ibid.

staircases have railings and that there are no electric doors. Security is also meant to be discrete, and there are no visible bars or electric doors within the facility. Rather, guards lock each mother's "apartment" with a key at night and observe them during the day through surveillance cameras, alarms, and motion sensors. To further mask the fact that the units are penitentiary facilities, guards do not wear uniforms.[107]

The Department of Prison Services considers the external mother units to be a reinsertion program. One of the main goals is to enable the women to be able to reintegrate into society and better care for their children. This involves allowing the women—on an individual basis—to leave the units to bring their children to school, to take them to the park, and to go to appointments. As much of the program focuses on education and job training, women are also allowed to access outside social resources to find jobs, take courses, and participate in cultural activities. Depending on their level of education, women may take courses in the community. They may work in the community, provided their schedules do not conflict with their children's school schedules. Women who are not allowed to leave because of their prison sentence stipulations or legal status in the country participate in educational and therapeutic programs within the units.

The women are also required to attend "mothering school" (*escuela de madres*), which comprises both rehabilitation initiatives and parenting classes.[108] The first part is aimed to cover all of the women's rehabilitation needs and to help them overcome "personal and cultural formative deficits that might have influenced their criminal involvement" (translation mine).[109] This includes classes ranging in level from literacy to university courses, job training, and courses in social skills. When appropriate, women attend drug therapy and support sessions for victims of domestic violence. The parenting portion of the mothering school includes courses, workshops, and lectures on comprehensive childcare, baby care, sexual health education, legal family law training, psychomotor skill development, early stimulation techniques, and birthing. Through mothering

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[107] Ibid.

[108] Ibid.

[109] Ibid., 14–15.

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school, the institution aims to increase the women's capacity to be responsible mothers.[110] It is worth mentioning that the mothering school also already existed in the previous nurseries.

According to the Department of Prison Services, the units include all of the necessary amenities to cover the specific needs of children. Besides the installations in the individual apartments, the units include a courtyard with a playground for children to play outside, and a shared, indoor playroom. The Department of Prison Services encourages contact with the community, and thus children attend community preschools and schools, visit pediatricians and hospitals when necessary, and may take excursions to community parks.[111]

Prison staff also make efforts for children to maintain contact with other family members. All family visits in the prison are contact visits, and children are encouraged to stay with family members on weekends or vacations. Many of the women with families in Spain may visit them with their children, facilitating the preservation of family bonds and contact with the external world. Foreigners do not have these same possibilities, but they are allowed leaves, as well, in designated apartments run by NGOs. These NGOs further take children out on day and extended trips.[112] The Department of Prison Services explained, "Volunteer associations have a major role in facilitating and enriching contact with the outside world in each case where the mother herself or the family are not able to take on these commitments. They are also necessary for creating summer camps and scheduled excursions" (translation mine).[113]

1.4(2) *Participation and Exclusion*

Given that the units have a strong pedagogical component and place high demands on the mothers, participation is voluntary. Imprisoned mothers decide whether to have their children with them or to be in another women's prison without their children. Official literature does not describe the processes women undergo in deciding where to send their child if they opt to stay in a normal

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[110] Ibid.

[111] Ministerio del Interior, Government of Spain, *Unidades externas de madres*.

[112] Ibid.

[113] Ibid., 12.

prison. Upon arriving, women must commit to forming part of a respectful atmosphere, not use drugs, and work towards getting an education and recreating their lives. To ensure that children only enter and remain in the facilities when it is in their best interest, a treatment team frequently reviews each child's case. If the team determines that it no longer benefits the child to be in the center (because, for instance, the mother has become neglectful or abusive), the team seeks alternative living arrangements. Mothers are always entitled to quit the program and send their children out of the facility.[114]

As the system aims to not separate mothers from their young children, when children are nearing the age of three, the study the possibilities of allowing women to serve the rest of their sentences in halfway houses, where children often may remain up to the age six, or other community-based settings. In some cases, this can circumvent the separation of mothers from their children. Future plans indicate that children will sometimes be able to remain in the external units until the age of six, provided that it is deemed the best alternative for the child's development. Mothers in the unit may have more than one child with them.[115]

Although the external units were supposed to replace prison nurseries, official documentation outlines how certain incarcerated mothers are ineligible for entrance. These include prisoners awaiting sentences, women convicted of extremely serious crimes, and women with long sentences who tried to escape. In these cases, the documentation implies that the women and children would remain in a prison nursery.[116]

In general, women may enter the units if they are pregnant or have a young child. Notably, mothers with children over three are not allowed to participate. While the external units will house children up to the age of six in certain cases, the children must have entered before the age of three.[117]

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[114] Ministerio del Interior, Government of Spain, *Unidades externas de madres*.
[115] Ibid.
[116] Ibid.
[117] Ibid.

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As of 2011, the prison system had authorized 227 children to live with their mothers in prison facilities. These facilities included the existing eight prison nurseries, the family unit, seven halfway houses, and the external mother units in Palma de Mallorca and Seville. Each external unit had space for between 20 and 33 mothers.[118]

1.5   Conclusion

This chapter has contextualized the emergence of the external mother units, their official intentions, and the population they reach. Spain's history of female incarceration illustrates how women's crime has been conceptualized and treated differently from men's. Specifically, emphasis was placed earlier on constraining women's movements through reclusion as well as on punishing women for their failures to fulfill gender-specific family obligations. While women have received different treatment, they have also been largely ignored and often lost within the larger male criminal population. I will elaborate on how this has manifested in current problems in the following chapter. Furthermore, the history of female incarceration in Spain illuminates the persistence of beliefs that young children should be with their mothers, albeit in prison and despite harsh conditions. In certain eras, this ideological standpoint has excluded unmarried women, but overall, there has been a tendency to assume that only mothers can and should raise children.

This chapter's delineation of women reformers demonstrated the existence of a history of feminist attention to the conditions of women in prison. The development of the external mother units by the previous administration appears to be a continuation of this history. Like the previous work of British prison reformer Elizabeth Fry, the cofounders of the units aimed to improve conditions for children, and, like Victoria Kent, they provided a plan to offer rehabilitation for the mothers.

The discussion of the Spanish women's prison population with a focus on mothers with small children has shown that incarceration primarily affects poor, minority women who tend to be

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[118] Ramos Vázquez and Blázquez Vilaplana, *La mujer en la cárcel*, 115.

responsible for their families' care and financial survival. Foreigners are especially overrepresented in prison. This contextualization will serve to better understand the population of my study and the challenges they face.

Finally, over time, children in prisons have received increasing attention, with the external units being the most recent and deliberate attempt to provide better care for children. The units are unique in that they were built specifically for mothers and children, and they reflect growing concern for young children of incarcerated mothers. They also continue to rely on NGOs, particularly Catholic organizations, another trend which has persisted throughout the history of female incarceration in Spain. These issues will become central in later analyses of the development and successfulness of the units.

Chapter 2: Theoretical Considerations

Having situated the external mother units within the history of female incarceration and feminist reform in Spain, I will now take a step back to examine feminist scholarly contributions to broader notions of gender and crime. This thesis will not be able to explore the whole field in depth, but a general overview of ways in which crime and punishment are gendered will allow for a deeper analysis in later chapters. At the end of this discussion, I will narrow my focus to the specific gendered issues for women in Spanish prisons, particularly mothers, as this provides direct context for analyzing the development of and problems associated with the units. Next, I will turn to feminist critiques of the more general concept of motherhood to set the stage for interpreting the treatment of mothers in the units. Lastly, I will highlight some key concepts related to power and control. First, however, I will define intersectionality, which provides a lens for the rest of this chapter, as well as for later analyses.

The concept of intersectionality, which was coined in 1989 by the American scholar Kimberlé Crenshaw, reminds us that the notion of gender on its own is not enough to explore the complexities of women's lives.[119] Individuals, as well as groups, all have multiple, shifting locations and are subjected to multiple systems of oppression and privilege. Adopting an intersectional perspective allows for a recognition of the ways that issues such as race, class, and ethnicity all interact with gender.[120] In the case of this chapter, an intersectional outlook is useful for both understanding how poor, Third World and Roma women end up in and experience prison, as well as for complicating recent criminological studies that have added a gender perspective to their research but have, in the process, de-emphasized the importance of other factors such as class.

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[119] Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *Stanford Law Review* 43, no. 6 (July 1, 1991): 1244.

[120] Francisca de Haan et al., *Women's Activism: Global Perspectives from the 1890s to the Present* (New York, NY: Routledge, 2012), 5.

2.1   Gender and Crime

Since the 1960s, feminist scholars have challenged how classical criminology has both ignored and vilified female offenders.[121] A traditionally masculinist field with a tendency to invisibilize women, criminology has developed theories based solely on male prototypes, which it has then indiscriminately applied to female offenders.[122] This has resulted in incomplete and inaccurate interpretations of areas such as women's entryways into crime. When traditional criminologists have in fact recognized the significance of gender, they have often done so through essentializing biological arguments to explain women's overall absence in the criminal domain that simultaneously elicit the vilification of female offenders. Feminists have highlighted these discriminatory tendencies and have provided new theories to account for gender gaps in crime rates and the different reasons behind female criminality. Some of this literature has overemphasized gender and thereby obfuscated the role of race and class.[123] However, overall, the work of feminists has been seminal in identifying the extent to which the field of crime is gendered, from who commits crimes and why, to what constitutes a crime, to how society and the criminal justice system treats offenders.

2.1(1)   *The Inexistence of Female Criminals*

Feminist scholars have attributed the traditional exclusion of women offenders from criminology in part to the low percentage of crimes committed by women. We have seen in chapter one that only approximately seven percent of all prisoners in Spain are women, which despite possible gender biases in sentencing trends, is indicative of the fact that women commit considerably fewer crimes. This pattern is true throughout Europe; women make up 50 percent of

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[121] Frances Heidensohn, *Women and Crime* (New York, NY: New York University Press, 1985), 2.

[122] Kathleen Daly, *Gender, Crime, and Punishment* (New Haven, CT: Yale University Press, 1994), 94.

[123] Studies focusing only on gender ignore the important interaction between gender and race or class, which is significant in determining sentencing patterns. See Kathleen Daly and Michael Tonry, "Gender, Race, and Sentencing," *Crime and Justice* 22 (January 1, 1997): 201–252.

the population, and yet they comprise fewer than ten percent of offenders.[124] In general, these low numbers have resulted in a nearly exclusive focus on men's deviance. As we will later see, the ramifications of women's omission have been significant, especially in terms of the design of prisons and penitentiary policies.

Considering women's low status in society, it would appear that, if anything, women would be more prone to resorting to illegal behaviors. Throughout the world, women have fewer opportunities and resources, face gender discrimination in all aspects of life, and are often responsible for the care of their families and communities. Women make up two-thirds of the world's poor,[125] and, given that a direct correlation has been identified between crime and poverty, it would seem natural that this would result in higher rates of female criminality.[126]

Beyond facing discrimination, women are arguably disadvantaged by the construction of crime itself. Crime and criminality do not necessarily reflect an inherent morality but rather have been historically and socially constructed through an exercise of power in which certain groups criminalize other sectors of society. French philosopher Michel Foucault contended, "It would be hypocritical or naïve to believe that the law was made for all in the name of all; that it would be more prudent to recognize that it was made for the few and that it was brought to bear upon others; that in principle it applies to all citizens, but that it is addressed principally to the most numerous and least enlightened classes . . .."[127] The construction of crime is gendered in addition to classed, as substantiated above in Spain's history of punishing women for moral offences and for the crimes of their male family members. Today, laws in most Western countries prohibit such gender discrimination; however, the persistence of gendered crimes is evident. British criminologist Clive Emsley stated, "gender is central to economic, political and social relations, and as such it contributes to the ways in which communities, institutions and states formulate their regulations

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[124] As of a 2006 study of European countries. See Marcelo F Aebi et al., *European Sourcebook of Crime and Criminal Justice Statistics-2010 Fourth Edition* (Meppel: Royal Bloom Publishers, 2010), 32.

[125] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*, 60–71.

[126] Morgan Kelly, "Inequality and Crime," *Review of Economics and Statistics* 82, no. 4 (November 2000): 530–539.

[127] Michel Foucault, *Discipline & Punish* (London: Allen Lane, 1977), 276.

and their laws as well as to the ways in which these regulations and laws are interpreted and enforced."[128] The criminalization of abortion and infanticide, for instance, and the disproportionate charges sometimes brought against drug users who are pregnant[129] illustrate that laws reflect gender expectations and determine the types of crimes with which women may be charged.[130]

Why, then, if women are more disadvantaged and risk being sentenced for gendered offences, do they commit fewer crimes than men? In recent years, feminists have repudiated classical criminological attempts to explain women's low crime rates through biological notions of women as nurturers with maternal instincts and lower levels of testosterone.[131] Alternatively, feminists have attributed low female involvement in crime to women's roles and responsibilities. As women tend to be responsible for their family members, their prison sentences pose a greater threat to their family's stability than in the case of men. Women weigh their options and often find alternative strategies to allow for their personal and family survival without committing crimes.[132] Women nowadays are more likely to study longer; migrate to richer countries where they accept precarious, unregulated, and underpaid jobs doing "women's work"; take greater advantage of social welfare and other help; and use their bodies and sexually-assigned roles to obtain money as strategies to avoid crime.[133]

2.1(2)   *Traditional Perceptions of Female Criminals*

Nonetheless, as evidenced by this thesis, some women (most of whom are mothers) do break laws. When traditional criminology does mention women, it becomes evident that female offenders are perceived as worse than their male counterparts. The British scholars Marisa Silvestri

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[128]   Clive Emsley, "Foreword," in *Gender and Crime in Modern Europe*, ed. Margaret L. Arnot and Cornelie Usborne (London: Routledge, 1999), viii.

[129]   Karen D. Zivi, "Who Is the Guilty Party? Rights, Motherhood, and the Problem of Prenatal Drug Exposure," *Law & Society Review* 34 (2000): 237–259.

[130]   Margaret L. Arnot and Cornelie Usborne, "Why Gender and Crime? Aspects of an International Debate," in *Gender and Crime in Modern Europe*, ed. Margaret L. Arnot and Cornelie Usborne (London: Routledge, 1999), 27.

[131]   Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*, 62–66.

[132]   Arnot and Usborne, "Why Gender and Crime? Aspects of an International Debate," 16.

[133]   Meda Chesney-Lind, *The Female Offender: Girls, Women, and Crime*, Third Edition (Thousand Oaks, CA: SAGE Publications, Inc, 2012), 143.

and Chris Crowther-Dowey explained how this trend has persisted: "interest in the female offender has ebbed and flowed over the past hundred years. For much of this time, she has been invisible and neglected in discussions on criminality. When she has appeared, she has been portrayed as peculiarly evil, unstable and irrational."[134]

Some of the earliest mentions of female criminality appeared in 1895, in the Italian scholars Cesare Lombroso and Guglielmo Ferrero's book *The Female Offender*.[135] Lombroso and Ferrero attempted to explain female criminality through atavism and believed female criminals to be especially degenerate and worse than male delinquents because, in addition to laws, they violated gender roles. Lombroso and Ferrero deemed these women to be monstrous, displaying both the qualities of male criminality and also the worst feminine characteristics of falsehood, guile, and spitefulness.[136]

This trend of fluctuating between ignoring female criminality and considering the female criminal a particular specimen of evil has persisted throughout the past century. The British sociologist Carol Smart contended in 1976 that when criminologists and deviancy theorists expressed any interest in female criminality, they presented "an entirely uncritical attitude towards sexual stereotypes of women and girls."[137] Studies of female criminality tended to "refer to women in terms of their biological impulses and hormonal balance or in terms of their domesticity, maternal instinct and passivity."[138]

2.1(3) Feminist Contributions

British professor Frances M. Heidensohn has argued that feminist criminology developed as a reaction to "established male chauvinism" in the academic discipline of criminology.[139] Feminist scholars have challenged these constructions of female criminals and have placed greater emphasis

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[134] Marisa Silvestri and Chris Crowther-Dowey, *Gender and Crime* (London: Sage Publications Ltd, 2008), 24.

[135] Cesare Lombroso and Guglielmo Ferrero, *The Female Offender* (Wm. S. Hein Publishing, 1895).

[136] Natalia Ribas, Elisabet Almeda, and Encarna Bodelón González, *Rastreando lo invisible: Mujeres extranjeras en las cárceles* (Barcelona: Anthropos Editorial, 2005), 41.

[137] Carol Smart, *Women, Crime, and Criminology: A Feminist Critique* (London: Routledge, 1976), xiii.

[138] Ibid., xiv.

[139] Frances Heidensohn, *Women and Crime*, 161.

on studying why women offend. The crimes women commit and their reasons for doing so are deeply affected by their place in society, so feminists have underscored the need for a gendered perspective and a theory to account for gendered pathways into crime, how girls end up on the street, their types of income generation, and their relationships with others.[140] Pathways theories have addressed issues such as sex work, which has had a complicated relationship with the law in different countries. Feminist scholars have interpreted it as both a strategy to avoid committing crimes and a factor in women's pathways to criminality. For instance, Dolores Juliano has focused on how women turn to prostitution in Spain precisely to make money and avoid committing other crimes.[141] Nonetheless, when looking at how female offenders entered crime, American criminologist Meda Chesney-Lind has explained, "Finally, prostitution, however renamed and reshaped, remains the major gateway to women's entry into other forms of illicit activities because girls' and women's 'capital' is still chiefly their sexuality."[142] Feminist scholarship has also noted how women often have specific, secondary roles in criminal activities. For instance, as we have seen in chapter one, women tend to get involved in the lowest levels of international drug trafficking, positions that make the least amount of money and afford the most risk.

Feminist analyses of women's crimes have fluctuated since the 1970s between affording women responsibility and agency, and attributing criminal behaviors to personal histories of victimization. Scholarship in the 1970s emerged from second-wave feminism and tended to focus on Western women's liberation and constraints, interpreting slight increases in female crime to freedom and new opportunities to break laws. In the 1980s, in part as a result of a backlash of moral panic surrounding the "liberated female criminal," a key explanation of women's crime focused on women's victimization as a catapult into crime. According to Australian criminology professor Kathleen Daly, "Whereas a major 1970s explanation (focusing on women's liberation from constraints) accorded 'too much' volition and freedom in depicting women's victimization as

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[140] Kathleen Daly, "Gender, Crime, and Criminology," in *The Handbook of Crime and Punishment*, ed. Michael Tonry (Oxford: Oxford University Press, 1998), 94.

[141] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*.

[142] Chesney-Lind, *The Female Offender*, 143.

a precipitant of crime) accorded too little (Maher 1997)."[143] Some feminist scholars at this time focused on the blurred boundaries between victim and perpetrator, understanding women's criminal behavior in terms of victimization. Although studies have shown that abusive male partners are frequently responsible for women committing crimes, because they either force women or use them as "voluntary" accomplices, and because many women in prison previously suffered abuse,[144] victimizing accounts gave women little agency or responsibility. These constructions of women as victims have informed the ways in which feminists approach prison reform, resulting, for instance, in notions of the need to increase female criminals' self esteem.[145]

Newer feminist scholarship has argued for greater emphasis on accounts to explore the overlaps between volition and constraint through women's own understandings of themselves and others.[146] While it is important to recognize that women often play secondary roles in criminal activities, it is equally essential to recognize how victimizing discourses obfuscate women's agency. Juliano has argued that these discourses cast offenders, who are often impoverished and marginalized, into the passive role of victim.[147] They can also perpetuate greater societal notions of women as passive and dependent. According to British scholar Mary Bosworth, "In many ways, women, both in prison and in the community, are trapped in a contradictory 'gender contract' in which they are always seen to be pathological and dependent."[148]

2.1(4) Increases in Incarceration

In recent years, the number and percentage of incarcerated women throughout Europe and the United States has skyrocketed, inciting new interest into issues of female criminality. It is beyond the scope of this thesis to discuss the ways in which economic and political conditions, the

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[143] Daly, "Gender, Crime, and Criminology," 98.

[144] Herta Tóth, "Informe comparativo basado en los resultados del trabajo de campo de los informes nacionales," in *Mujeres, integración y prisión*, ed. Marta Cruells and Noelia Igareda (Barcelona: Aurea Editores, 2005), 24–91.

[145] Mary Bosworth, *Engendering Resistance: Agency and Power in Women's Prisons* (Brookfield, VT: Ashgate, 1999), 58.

[146] Daly, "Gender, Crime, and Criminology," 98.

[147] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*, 16.

[148] Bosworth, *Engendering Resistance*, 58.

dismantling of social service programs, globalization, and deindustrialization have contributed to women's involvement in criminal activities.[149] What is important to note, however, is that imprisonment increases are not explained by a shift in the character of women's crime. As we have seen, women continue to be primarily involved in nonviolent crimes. Moreover, growth does not correspond to increasing rates of crime; in the United States, for example, the total number of arrests of adult women, which could be taken as an indication of women's criminal activity, rose by 36.5 percent between 1985 and 1994. Simultaneously, the number of women sent to prison grew 202 percent.[150] In Spain as well, rises in the female prison population reflect shifting sentencing laws more than rising crime rates.[151] These laws underwent harsh transformations over the last quarter of the twentieth century. Thus, get-tough correctional policies and draconian sentencing laws have led to unprecedented growth in the prison population. Sentencing reforms have resulted in higher rates of incarceration of women for economic offenses, and minimum sentencing laws for drug offenses have significantly increased the length of incarceration for many women.[152] According to Crenshaw, "systems work in tandem to create and justify conditions that render women vulnerable and subsequently punish them for their vulnerability."[153]

Not only are women traditionally ignored and viewed as more evil by classical criminology, but they are also subjected to unequal treatment by the criminal justice system, which is replete with forms of gender discrimination. As American scholar and activist Beth E. Richie wrote, "patriarchy intensifies oppression based on race and class and the subsequent risks that women in prison face."[154] The Spanish philosopher of law Encarna Bodelón also stated that "criminalized women must face jurisdictional and institutional practices that are profoundly marked by

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[149] Angela Y. Davis, *Are Prisons Obsolete?* (Toronto: Seven Stories Press, 2011), 65.

[150] Chesney-Lind, *The Female Offender*, 146–47.

[151] Encarna Bodelón González, "Mujer inmigrante y sistema penal en España. La construcción de la desigualdad de género en el sistema penal," in *Mujeres y castigo: Un enfoque socio-jurídico y de género*, ed. Elisabet Almeda Samaranch and Encarna Bodelón González (Madrid: Librería-Editorial Dykinson, 2007), 107.

[152] Davis, *Are Prisons Obsolete?*, 16–19.

[153] Kimberlé Crenshaw, "From Private Violence to Mass Incarceration: Thinking Intersectionally About Women, Race, and Social Control," *UCLA Law Review* 59 (2012): 1447.

[154] Beth E. Richie, "Feminist Ethnographies of Women in Prison," *Feminist Studies* 30, no. 2 (July 1, 2004): 448.

patriarchal relationships" (translation mine).[155] Despite skyrocketing the fact women's

incarceration rates, prison policies and infrastructures throughout the United States and Western

Europe still greatly reflect the male populations for which they were originally designed. Female

prisoners have specific issues that criminal justice systems have ignored, and the attention female

prisoners do receive has tended to reinforce repressive, gender stereotypes. British criminologists

Pat Carlen and Anne Worrall noted,

> "The first anomaly…in relation to women's imprisonment stems from the observation that although women in prison have always been treated primarily as prisoners, and then often as if they are *male* prisoners, their prison regimes have, at the same time, also been shaped by some of the most repressive, discriminatory and usually outdated ideologies of womanhood and femininity that have been prevalent in society at large."[156]

Studies from a variety of Western countries have highlighted ways that prisons reproduce

and exacerbate gender discrimination, creating different problems for women and men. While this

appears to be a universal phenomenon, the specific problems women face vary. For the purpose of

this thesis, I will highlight some of the issues faced in the current Spanish prison context. Prisons

reproduce multiple types of discrimination, and issues of class, race, ethnicity, and nationality are

particularly significant in determining individuals' experiences with criminal justice systems. I

have chosen to focus here on gender in order to better analyze the development of external mother

units for women; nonetheless, analyses of the ways in which the prison system intensify other types

of inequalities are also necessary.

2.2 Gender-Specific Issues for Women in Spanish Prisons

As mentioned in chapter one, since the end of the Franco regime, Spain's prison system has

professed aims to end prison gender discrimination through providing equal conditions for men and

women. Prisons have been designed based on a gender-neutral premise, and women supposedly

have access to the same opportunities.[157] Nonetheless, institutionalized gender discrimination has

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[155] Bodelón González, "Mujer inmigrante y sistema penal en España," 107.

[156] Pat Carlen and Anne Worrall, *Analysing Women's Imprisonment* (London: Willan Publishing, 2004), 2.

[157] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas," 2.

endured both because of a failure to abolish unequal conditions and also because the equal treatment of subjects with diverse circumstances may itself produce other types of discrimination.[158]

2.2(1) Inadequate Facilities and Fewer Opportunities

Prison facilities for women in Spain tend to be disproportionately inadequate as a result of the small number of women prisoners. Most incarcerated women reside in larger men's prisons that provide women with one module and men with the remaining twelve to fourteen. The fact that men constitute the primary target group of prison design manifests itself in control and security measures including electric doors and metal bars constructed for a certain male criminal profile. Men also receive more attention from guards, social workers, and other staff because of both their larger numbers and the fact that they are often more violent and conflictive.[159] At the same time, Spanish lawyer Margarita Aguilera has stated that the prison staff members often demand more docility and submission from women than men, punishing women disproportionately.[160] While Spanish law requires that all incarcerated individuals be separated by age, type of offense committed, previous criminal record, and drug dependency in addition to gender, in practice, women are not segregated by any of these factors. The amalgamation of all women together is indicative of the system's inability to address their individual rehabilitation needs.[161]

Women in Spanish prisons tend to have fewer opportunities for leisure, work, job training, education, drug therapy, and rehabilitative counseling than men. To separate the men and women, women are secluded to their individual modules and often not permitted access to other facilities, such as the sports center, library, theater, prayer room, and clinic. Women have fewer employment possibilities than men, and studies have shown that they tend to receive the jobs that the men have

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[158] Bodelón González, "Mujer inmigrante y sistema penal en España," 119.

[159] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas," 2–6.

[160] Margarita Aguilera Reija, "Mujeres en prisiones españolas," *Crítica*, June 2011, 46.

[161] Aguilera Reija, "Mujeres en prisiones españolas."

rejected.[162] These positions are often lower paid and have less value in the job market, a form of discrimination that, as we have seen in chapter one, Concepción Arenal criticized as early as the nineteenth century. Men work in carpentry, painting, graphic design, and construction, while women continue to be employed in traditionally female positions in the kitchen, laundry room, cafeteria, and phone rooms. Women thus receive less money and do not have opportunities to acquire the same types of job experience.[163]

Gender discrimination also permeates the realm of education, with women having fewer and different opportunities. Workshops and classes for women often teach handicrafts, cooking, haircutting, tailoring, and fashion design skills, which appear to offer more possibilities to improve homemaking abilities than to increase economic autonomy. According to Aguilera, "There is no preparation to be able to work outside the home when they get out of prison" (translation mine).[164] Traditional expectations of women as homemakers, which do not align to the imprisoned women's experiences of financially supporting their families, persist and inform the opportunities available to them in prison.

2.2(2) *Separation from Families*

Because of their small numbers, Spanish women tend to be incarcerated farther from their homes and families than male prisoners. The distance results in fewer visitation opportunities and isolation and estrangement from families.[165] Separating women in particular from their families has larger effects on the family structure because women are often responsible for raising children, caring for the entire family, and, in certain communities, providing the main source of income. I will elaborate on this in the following section, but it is important to highlight that the imprisonment of women tends to result in greater disorder and a larger destruction of the family unit than when

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[162] Ibid.

[163] Ibid.

[164] Ibid.*,* 47.

[165] Elisabet Almeda, "Las experiencias familiares de las mujeres encarceladas," in *Familias de ayer, familias de hoy: Continuidades y cambios en Cataluña*, ed. Xavier Roigé (Barcelona: Icaria Editorial, 2006), 305–338.

men enter prison.[166] Psychological studies have identified that this may result in feelings of guilt and depression for the women, effectively appending an extra burden to their sentence.[167]

An intersectional approach can be useful explore the experiences of foreign women in Spanish prisons, as the fact that they are both women and non-nationals multiplies to result in what Almeda has called a "triple sentence" ("*triple condena*").[168] Looking at gender alone would obscure the multiple locations of these women. Foreign women have fewer opportunities to get parole, work, move to halfway houses, or be informed about their legal standings. The distance from their families is even greater. Some scholars, such as Castillo and Ruiz, interpret the fact that foreign women have already migrated as evidence that their separation from their families due to imprisonment has fewer repercussions than for Spanish women.[169] Nevertheless, these scholars fail to recognize the ways that imprisonment exacerbates the separation. Telephone calls are not only limited but also drastically more expensive in prison, aggravating difficulties to maintain contact with family. Moreover, migrant women tend to send more regular remittances for longer periods of time than male migrants, so their inability to earn as much in prison has large repercussions on the financial survival of their families.[170]

2.3   Issues for Mothers in Spanish Prisons

As described in chapter one, only a couple hundred women live in prison nurseries and external units, yet the majority of the nearly 6,000 female prisoners are mothers.[171] The forced separation of mothers and children above the age of three that is inherent to the Spanish prison system thereby impacts most incarcerated women. Studies have shown that this separation induces

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[166] Castillo Algarra and Ruiz García, "Mujeres extranjeras en prisiones españolas. El caso andaluz."

[167] Almeda, "Las experiencias familiares de las mujeres encarceladas."

[168] Ibid.

[169] Castillo Algarra and Ruiz García, "Mujeres extranjeras en prisiones españolas. El caso andaluz."

[170] IOM, *Gender, Migration, and Remittances* (Geneva: International Organization for Migration, 2007), 1–2.

[171] Ramos Vázquez and Blázquez Vilaplana, *La mujer en la cárcel*, 113.

a range of problems for the women,[172] as well as for the children and larger family unit, and can be interpreted as an extra sentence.[173]

Mothers separated from their children face difficulties maintaining contact, fears of losing their children, and problems ensuring that their children receive the care they require. Mothers are almost always responsible for finding appropriate caregivers while they are in prison, which can provoke stress, anxiety, and feelings of helplessness. In cases where family members are able to care for the child, it is easier for mothers to maintain contact as well as a certain amount of control over the child's life. However, if the child is placed under state care, mothers lose almost all control and contact and may not be able to recuperate custody after release. Even in instances where children stay with family members, studies have shown that incarcerated women fear losing custody.[174] A 2007 study of mothers in a halfway house in Barcelona found that when children stayed with different relatives for a long time, both the children and the mothers experienced a prolonged uprooting in addition to difficulties in regaining custody upon release from prison.[175] Maintaining contact and assuring that the child is well cared for are particularly difficult for foreign women with families outside of Spain.[176]

Beyond these problems, studies have shown that mothers in prison suffer from self-blame and guilt, which can result in a much harder sentence and endanger their mental and personal stability. Aguilera has further argued that this separation process can provoke a loss of identity: she stated that mothers' identities are largely constructed through their roles as mothers, and entrance in prison and the separation of this family unit results in an important identity loss.[177] I will later elaborate upon and question the notion of motherhood as a primary identity—and whether this

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[172] Elisabet Almeda, *Mujeres encarceladas* (Barcelona: Ariel, 2003), 61–64; Soler i Segura and Pi Atienza, "Ser madres en prisión."

[173] International studies have highlighted how this separation brings a host of problems or children of all ages, but these are beyond the scope of this thesis. For more information, see: Jan C. M. Willems, *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* (Antwerp: Intersentia, 2002).

[174] Almeda, *Mujeres encarceladas*, 57–61.

[175] Soler i Segura and Pi Atienza, "Ser madres en prisión."

[176] Ribas, Almeda, and Bodelón González, *Rastreando lo invisible*, 79.

[177] Aguilera Reija, "Mujeres en prisiones españolas."

construction considers factors such as race and class in defining what it means to be a woman. Despite whether it is problematic to assume that women define themselves in terms of mothering, feminist prison studies in the 1980s, such as one by Pat Carlen in Scotland, found that women in prison were characterized as "failures" of the ideals of motherhood.[178]

2.3(1) Issues of Having Children in Prison

No study has examined the experiences of mothering in Spain's external mother units, and the few studies from the 1990s and 2000s that looked at the prison nurseries and other prison accommodations that allow for children primarily discussed the psychological and biological development of the children.[179] These studies did, however, allude to issues facing the mothers. For instance, the fact that the facilities were not designed to house children and thereby present safety concerns, insufficient space, and not enough stimulation clearly affect women's ability to mother and may result in guilt for not providing their children with better conditions.[180]

Given the small number of prison facilities where mothers can be with their children, Spanish women who choose to have children with them often make that decision at the cost of being close to family members. This may result in added difficulties of not having a physical family-support network. Spanish law scholars Gemma Nicolás and Encarna Bodelón described the decision as a "dilemma of choosing to be with their children in prison and thereby apart from their family networks and even their children over the age of three who live outside of prison" (translation mine).[181] Absence of nearby family members makes it difficult for the women to send their children out on weekends.[182] In essence, the Spanish women often must choose between their role as mother and their other relationships.

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[178] Pat Carlen, *Women's Imprisonment: A Study in Social Control* (London: Routledge and Kegan Paul, 1983), 16–18.

[179] Jiménez Morago, *Niños y madres en prisión*; Jesús Jiménez Morago and Jesús Palcios González, "Entre rejas: educación infantil en centros penitenciarios," *Aula de Infantil*, 2008.

[180] Almeda, "Las experiencias familiares de las mujeres encarceladas," 58.

[181] Gemma Nicolás Lazo and Encarna Bodelón González, *Género y dominación: críticas feministas del derecho y el poder* (Barcelona: Anthropos Editorial, 2009), 174.

[182] Ibid., 174–77.

Chapter one established that the external mother units were intended to ameliorate some of these problems. To better analyze the project's intentions, the way staff and volunteers regard the units and the mothers, and the experiences and challenges identified by the mothers themselves in the new units in the following chapters, it is helpful to first contextualize the challenges of mothering in prison within the larger framework of feminist scholarship on motherhood. Feminists have contributed a wealth of analysis on the topic of motherhood, and their various critiques of the institution of motherhood and of previous scholarship that ignored other types of mothering practices by different groups provides a theoretical lens for understanding the intentions that led to the development of the external units and the experiences of mothers in units.

2.4   Feminist Critiques of Motherhood

The concept of motherhood has received vast attention from feminist scholars, particularly since the publication of American writer Adrienne Rich's seminal 1976 book *Of Woman Born*, in which Rich stated that motherhood was still largely unexplored within feminism.[183] In recent years, motherhood has been a contentious issue in feminist theory,[184] with different branches of feminism ranging from revering motherhood as a uniquely female experience with the potential to connect and empower women to shunning it as the ultimate source of patriarchal oppression. Generally, scholarship has distinguished between motherhood as a patriarchal institution and the experiences (real or potential) of actual mothers, while simultaneously recognizing the near impossibility of mothering outside the boundaries of the institution. Feminist critiques thus have often focused on how the institution of motherhood serves as a system of power and domination. Other branches of feminism have also argued for greater scholarly attention to differing types of non-oppressive mothering practices existing in marginalized communities. To understand these critiques, it is necessary to explore how feminists have conceived of the institution of motherhood.

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[183] Adrienne Rich, *Of Woman Born: Motherhood As Experience and Institution* (New York, NY: Norton, 1995).

[184] It is worth noting that feminist critiques of motherhood began earlier than second-wave notions of motherhood as an institution. For instance, Simone de Beauvoir argued in 1949 that concepts such as "maternal instinct" and the idea that motherhood should fulfill women were simply patriarchal myths that further oppressed women. See: de Beauvoir, *The Second Sex*, trans. H. M. Parshley (New York, NY: Vintage, 1989), 552–54.

2.4(1) Motherhood as an Institution: Modern Conceptualizations

Second-wave feminists in the 1970s argued that motherhood is not simply an individual experience but rather a larger institution that serves as a patriarchal mechanism by demanding that all mothers raise their children in specific ways.[185] The institution compromises women's power and independence by setting up impossible standards for women and judging them on their failure to meet these expectations. It further aims to ensure that potential relationships of all women to their powers of reproduction and children remain under male control. Rich summarizes the power and scope of the institution,

> "This institution has been a keystone of the most diverse social and political systems. It has withheld over one-half the human species from the decisions affecting their lives; it exonerates men from fatherhood in any authentic sense; it creates the dangerous schism between 'private' and 'public' life; it calcifies human choices and possibilities."[186]

Certain expectations of who should mother and of how constitute the backbone for the institution of motherhood. American sociologist Sharon Hays describes the current expectations in most Western societies of how mothers should raise children through her concept of the "ideology of intensive mothering."[187] This ideology is based on three assumptions. First, mothers are considered the ideal, preferred caregivers of their children. Child rearing is perceived as the sole responsibility of biological mothers, due to their supposed innate capacity to raise children. These women are expected to be able to mother with little support from either society or the state. Second, children are thought to be sacred, which informs the treatment they require. Third, the type of childcare considered best is labor intensive, emotionally absorbing, and guided by experts.[188]

Under this modern ideology, mothers are required to repress or deny their own selfhood and exist only for their children. Women are expected to be mothers, and mothering is presumed to be the primary identity for most adult women. Motherhood is also entwined with larger notions of gender identity, and women who are not mothers are considered deficient. Mothers are expected

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[185] See, for instance: Jessie Bernard, *The Future of Motherhood* (New York, NY: Penguin Books, 1975).

[186] Rich, *Of Woman Born*, 13.

[187] Sharon Hays, *The Cultural Contradictions of Motherhood* (New Haven, CT: Yale University Press, 1998), 5.

[188] Ibid., 1–20.

not only to provide care labor but also to find true fulfillment in it; mothering must be more important than all other aspects of their lives, and women should thus happily sacrifice their own needs and desires for the benefit of their children.[189]

Analyzing these expectations of sacrifice that results in fulfillment, some radical feminists in their 1960s and 1970s, such as Canadian-American feminist Shulamith Firestone and American feminist Ti-Grace Atkinson challenged even the cases when mothers express joy in their caregiving. They argue that this joy is a type of false consciousness; women may believe that their mothering holds promises of sovereignty or free expression, but in reality, motherhood is always a powerless relationship and the ultimate source of women's oppression.[190]

Other feminists have also recognized women's powerlessness within their mothering roles. As intensive mothering is predicated on expert advice, women are expected to abdicate their maternal authority. Regarding this practice, American philosopher Sara Ruddick argued, "Maternal voices have been drowned by professional theory, ideologies of motherhood, sexist arrogance, and childhood fantasy."[191] Mothering practices are highly policed, especially through the gaze of others. Mothers are constantly under the scrutiny of teachers, family members, friends, and passersby. This gaze can lead to feelings of inauthenticity and a repudiation of mothers' own perceptions and values. In the words of Canadian scholar Andrea O'Reilly, "Perceiving that they are being policed by the gaze of others, mothers often feel evaluated according to this imaginary ideal and judged to be deficient, which further disempowers them and the motherwork that is entailed in raising the next generation of citizens."[192] Some feminists, then, have argued that women would need greater autonomy in order to be less powerless.

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[189] Martha McMahon, *Engendering Motherhood: Identity and Self-transformation in Women's Lives* (New York, NY: Guilford Publications, Incorporated, 1995).

[190] Katherine Gleve, "Rethinking Feminist Attitudes Towards Motherhood," *Feminist Review* no. 25 (April 1, 1987): 38–45.

[191] Sara Ruddick, *Maternal Thinking: Toward a Politics of Peace* (Boston, MA: Beacon Press, 1989), 40.

[192] Andrea O'Reilly, ed., *Encyclopedia of Motherhood*, First Edition (Thousand Oaks, CA: SAGE Publications, Inc, 2010), 348.

2.4(2) Good/Bad Mother

Within the institution of motherhood, feminists have suggested that there are two extreme images of motherhood: the nurturing, "good mother" and the self-centered, irresponsible "bad mother." The "good mother," whose loyalties are to her children and not herself, is conceived of as an almost mythical being that no woman could entirely embody. She serves as a point of reference, and all women are implored to aim (and to desire) to reach such an existence. The "bad mother," functions as an admonition, motivating women to strive towards being better mothers (and therefore better women). Rich contended, "Reading of the 'bad' mothers' desperate response to an invisible assault on her being, 'good' mothers resolve to become better."[193]

The "bad mother" further serves as a scapegoat for societal ills. Feminists and other scholars have identified how discourses of "mother blame" hold women responsible for the actions of their children. For instance, in the 1980s and 1990s in the United States, it was common for politicians and the media to try to trace issues such as juvenile delinquency back to "bad mothers."[194] Women may even be found responsible for chauvinistic attitudes and misogyny; Dolores Juliano has suggested, "Let's not forget that the insult 'son of a bitch' serves to place the responsibility for all of the unacceptable masculine behaviors on women" (translation mine).[195] The bad mother is blamed for her children's outcomes, as well as for the larger community problems.

While the good mother/bad mother imagery represent extremes, all women are judged in accordance to these standards. Feminist scholars such as Jenny Jones have suggested the existence of a "motherhood hierarchy": "mothers negotiate their subject positions within a hierarchy of maternal legitimacy in which not all mothers are equal."[196] This motherhood hierarchy defines

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[193] Rich, *Of Woman Born*, 278.

[194] Thomas Vander Ven, *Working Mothers and Juvenile Delinquency* (New York, NY: LFB Scholarly Publishing, 2003), 2.

[195] Rich, *Of Woman Born*, 278.

[196] Jenny Jones, "The Paradox of Separation and Dependency," in *From the Personal to the Political: Toward a New Theory of Maternal Narrative*, ed. Andrea O'Reilly and Silvia Caporale-Bizzini (Selinsgrove, PA: Susquehanna University Press, 2009), 101–113.

appropriate and inappropriate mothers.[197] Women's positioning within this hierarchy depends on

more than just a woman's role as mother. American sociologists Susan Chase and Mary Rogers

have explained, "Although the good mother ideal is depicted in terms of what she does, it embodies

certain unspoken assumptions about who she is."[198] The good mother is conceived of as an upper-

middle class, white, able-bodied, married, heterosexual woman. Women of other classes, races, and

sexualities are often viewed by default as worse mothers, and their mothering practices are

considered inferior. Lone mothers, and particularly poor lone mothers, are especially subjected to

public scrutiny and placed under forms of state supervision. Canadian scholar Martha McMahon

has shown,

> "Conventional constructions of young, alone motherhood as a social problem tend to focus
> attention on the individual characters of those who mother 'improperly' and away from the
> social structural features of such mothers' lives, such as poverty, educational and
> employment disadvantage, and inadequate support for parenting. Moral panics over welfare
> mothers and teen pregnancies, as Nathanson (1991) and Solinger (1992) show, fuse race
> and class tensions in social struggles over the control of women's sexuality and
> reproduction."[199]

The ideals of motherhood thereby reinforce class and race hierarchies as well as gender and sexual

norms, controlling women by obligating them to be selfless caregivers and also beseeching them to

fit the dominant status.[200] Here, too, an intersectional lens allows us to recognize the significance of

motherhood ideals in solidifying more than just gender relations.

2.4(3) *Denaturalizing Motherhood Ideologies*

The patriarchal institution of motherhood gains legitimacy through the assertions that

women are biologically predisposed to raising children and have always been responsible for the

type of caregiving expected of them now. Feminists have aimed to destabilize the institution of

motherhood precisely through challenging these notions and recognizing motherhood as a

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[197] Lesley Patterson, "Narrating the (Lone) Maternal Subject: The Validation Stories of 'Ordinary Women in Extraordinary Circumstances'," in *From the Personal to the Political: Toward a New Theory of Maternal Narrative*, ed. Andrea O'Reilly and Silvia Caporale-Bizzini (Selinsgrove, PA: Susquehanna University Press, 2009), 50–70.

[198] Susan Chase and Mary Rogers, eds., *Mothers and Children: Feminist Analyses and Personal Narratives* (Rutgers, NJ: Rutgers University Press, 2001), 31.

[199] McMahon, *Engendering Motherhood*, 266.

[200] Julie A. Wallbank, *Challenging Motherhood(s)* (New York, NY: Prentice Hall, 2001).

sociohistorical construct. By acknowledging historical shifts in the types of care women have been

expected to provide, we can denaturalize the institution of motherhood and show it to be a

constructed form of oppression. Andrea O'Reilly has explained,

> Feminist historians agree that motherhood is primarily not a natural or biological function; rather, it is specifically and fundamentally a cultural practice that is continuously redesigned in response to changing economic and societal factors. As a cultural construction, its meaning varies with time and place; there is no essential or universal experience of mother.[201]

Anthropologists such as Margaret Mead have shown that there is no reason to believe that

mothers should be responsible for raising children: "primitive materials…gave no support to the

theory that there is a 'natural' connection between conditions of human gestation and delivery and

appropriate cultural practices [.… The] establishment of permanent nurturing ties between a

woman and the child she bears…is dependent upon cultural patterning,"[202] In fact, an anthropology

sample of 186 contemporary cultures showed that individual mothers were the principle caretakers

of children in only 20 percent of the cases. In most societies, caregiving responsibilities are shared

among communities of women and sometimes older children.[203]

In Western societies, the expectations for mothers and the high standards to which they are

held where women are expected to be the sole caregivers can be seen to have emerged

simultaneously with new conceptualizations of childhood. According to the French historian

Philippe Ariès, the modern idea of childhood did not exist in medieval society. At this time, infants

who needed care did not count as individuals, arguably due to the awareness of their precarious

existence. From the moment they could live without constant attention, children belonged to adult

society and were expected to work. As miniature—or even "faulty"—adults, children were not

thought to require specific attention to develop, but rather to simply demand correction and

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[201] Andrea O'Reilly, "Introduction," in *From Motherhood to Mothering: The Legacy of Adrienne Rich's Of Woman Born*, ed. Andrea O'Reilly (Albany, NY: SUNY Press, 2004), 4–5.
[202] Margaret Mead, "A Cultural Anthropologist's Approach to Maternal Deprivation," *Public Health Papers* 14 (1962): 54.
[203] Hays, *The Cultural Contradictions of Motherhood*, 15–20.

discipline.[204] Motherhood, then, was not revered in the same contemporary ways because children essentially raised themselves.

During the seventeenth and eighteenth centuries, Western European ideas about the modern child transformed. American scholar Anne Higonnet has suggested that the contemporary concept of childhood emerged in part because of the development of the private, nurturing middle-class nuclear family, the capitalist opposition between public and private spheres, and the political belief in the innate worth of the individual. Here, children began to be thought of differently and obtained societal value as a cohesive group.[205]

The contemporary Western role of mothering developed in the early nineteenth century, with the emergence of ideas such as the "Cult of Domesticity." During this period, women began to be associated with virtue and purity. They became responsible for providing moral and emotional sustenance for their husbands and children, and their roles in raising children acquired a new importance. Hays affirmed that middle-class women were prominent in solidifying this identity:

> "The active participation of middle-class women in the creation of this portrait of moral mothers raising virtuous children was evident in the organizations they formed and the books they wrote and read. Throughout the century, middle-class women formed a variety of reform groups—maternal, revivalist, social-purity, antislavery, and temperance—all connected to mothers' superior moral virtue (Cott 177; Degler 1980; Gordon 1988; Ryan 1981; Stansell 1987)."[206]

It is important to recognize that this ideology of domesticity was specifically a white middle-class development. Speaking of class, Hays argued that working-class women, for instance, did not have a similar consciousness of themselves as mothers. While middle-class women had managed to portray themselves as reasonable, pure and virtuous, "working-class women continued to be publically understood as foolish, immodest, and devious (Kerber 1986; Stansell 1987)."[207] Domesticity was also thought of differently by nonwhite communities, which I will return to below.

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[204] Philippe Aries, *Centuries of Childhood: A Social History of Family Life* (New York, NY: Vintage, 1965).

[205] Anne Higonnet, *Pictures of Innocence: The History and Crisis of Ideal Childhood* (New York, NY: Thames & Hudson, 1998).

[206] Hays, *The Cultural Contradictions of Motherhood*, 30.

[207] Ibid., 37.

In the past century, childrearing beliefs have changed drastically, effectively modifying the roles of mothers. Nineteenth-century convictions still required hash, punitive childrearing methods, which radically oppose current child development theories that stress affirmation and consistent care. Nevertheless, as the American professor of social work Emma Gross has explained, "there is still much of the 19th century in the underlying assumption that only women, especially birth mothers, are ideally suited for these tasks."[208]

2.4(4) *Mothering Counternarratives*

Under the patriarchal ideology of mothering, alternative mothering practices are marginalized. According to O'Reilly, "This normative discourse of mothering polices *all* women's mothering and results in the pathologizing of those women who do not or can not practice intensive mothering."[209] Despite cultural contradictions and diverse practices, intensive mothering ideology remains the normative standard by which all mothering practices are evaluated.[210] Juliano labeled this ideology the "obligatory model" ("*modelo obligatorio*") in Spain.[211] Nevertheless, diverse mothering practices persist, varying particularly based on systems of race and class. American scholar Patricia Hill Collins has contended, "Motherhood occurs in specific historical contexts framed by interlocking structures of race, class, and gender, contexts."[212]

Feminist studies have indicated that Western women experience motherhood differently depending on their class. A study by McMahon, for instance, showed that women of different classes interpreted differently the act of having a child and shared the responsibilities with different individuals. In her study, middle-class women believed it was necessary to have achieved a certain level of maturity before having children. Working-class women, on the other hand, saw the

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[208] Emma Gross, "Motherhood in Feminist Theory," *Affilia* 13, no. 3 (October 1, 1998): 270.

[209] O'Reilly, "Introduction," 2004, 7.

[210] Terry Arendell, "Conceiving and Investigating Motherhood: The Decade's Scholarship," *Journal of Marriage and Family* 62, no. 4 (2000): 1192–1207.

[211] Dolores Juliano, *Excluidas y marginales: Una aproximácion antropológica* (Madrid: Catedra, 2004), 82.

[212] Patricia Hill Collins, "Shifting the Centre: Race, Class, and Feminist Theorizing About Motherhood," in *Representations of Motherhood*, ed. Donna Bassin, Margaret Honey, and Meryle Mahrer Kaplan (New Haven, CT: Yale University Press, 1996), 56.

experience of having a child as a way of achieving adulthood.[213] Middle-class women tended to talk about their children primarily with their partners, while male partners played a secondary role to working-class women's female networks.[214]

Feminists, particularly black feminists and feminists of color, have drawn attention to the need for feminist scholarship on motherhood to recognize these alternative practices, both because they highlight differing needs and experiences among mothers and because they may offer possibilities for transformative practices. Collins, for instance, has implored feminists to shift their focus away from white, middle-class models of motherhood to recognize the diverse racialized, sexualized, and classed practices. She has insisted that feminist theorizing about motherhood has fallen into the trap of "decontextualization in Western social thought overall," ignoring issues of race and class.[215]

In nonwhite communities, mothers often face different issues from those often mentioned in feminist critiques of motherhood. Much of feminist theorizing about motherhood assumes that the central issue of motherhood for most women is the struggle for individual autonomy in the face of male domination in the political economy and in the household. This struggle does not tend to be the central concern for most mothers of color, and in certain non-white communities, the home has been one of the main spaces where women could have agency and value. These mothers generally struggle more with the sociocultural concerns of their communities, such as poverty and institutionalized racism and classism, rather than with conflicts surrounding gender roles and the search for individual autonomy.[216] The American feminist author bell hooks has argued that women of color have been able to use motherhood as a form of resistance, refusing white,

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[213] McMahon, *Engendering Motherhood*, 264–268.
[214] Ibid., 258.
[215] Collins, "Shifting the Centre: Race, Class, and Feminist Theorizing About Motherhood," 57.
[216] Collins, "Shifting the Centre: Race, Class, and Feminist Theorizing About Motherhood."

heterosexual, middle-class models of mothering and family life.[217] Mothering in some communities, then, functions as a source of resistant power.[218]

2.4(5) *Motherhood as a source of power*

While criticizing the institution of motherhood for being oppressive, feminists have also recognized the possibilities within this structure for mothers to obtain power and exhibit agency. Feminist analyses of power examine the multiple ways in which, despite the status quo, women exercise power within their roles. In the words of the American scholar Amber Kinser, "Rather than accept the proposition that women have no power and are only hapless victims, or that women's power needs to look like men's in order to count, feminists have observed the myriad ways that women determine the courses of their own lives."[219]

Motherhood in communities of color may offer greater possibilities for countering the institution of motherhood and encouraging women-positive forms of motherhood. For instance, while some feminists have criticized dominant assumptions that women should be solely responsible for their children, communities of color have long practiced different, more communal ways of raising children.[220] These marginalized forms of mothering may be advantageous for feminist imaginings of different possibilities. Many feminists have argued for the need to study how women themselves experience mothering, the degree of power they have, and how social structures impact agency. This approach moves beyond questions of whether mothers are powerless and invites a multilayered conceptualization of maternal power.

2.5   Power and Control

Scholars have offered differing interpretations of the development, functioning, maintenance, and results of power relations. Although feminists have criticized Foucault for

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[217] The pen name "bell hooks" is intentionally uncapitalized.

[218] bell hooks, *Feminist Theory: From Margin to Center*, 2nd ed. (Cambridge, MA: South End Press, 2000).

[219] Amber E. Kinser, *Motherhood and Feminism* (Berkeley, CA: Seal Press, 2010), 31.

[220] O'Reilly, *Encyclopedia of Motherhood*.

producing androcentric analyses that often do not account for the experiences of women or the significance of gender,[221] many feminist scholars also use his work, and his analyses of power and resistance provide a lens for interpreting the legitimation of mothering ideologies and the ways in which mothers resist. They further afford insight into the operation of power in construction of crime and the ways in which the prison system produces marginalization. In this section, I will explore Foucault's basic notion of power and identify two forms of power that are particularly relevant to this thesis—disciplinary power and caring power—before concluding with the concept of resistance. Beyond connecting the previous discussions, these conceptualizations of power will provide a framework to interpret the development of the external mother units, their outcomes, and the existence of resistance within.

Foucault complicated previous notions of power as static, oppressive, and held by certain individuals or institutions. He presented power not as a substantive notion, writing, "power is not an institution, and not a structure; neither is it a certain strength we are endowed with."[222] Rather, Foucault talked about power in terms of relations, existing between individuals in particular moments. He viewed it as omnipresent because "it is produced from one moment to the next, at every point, or rather in every relation from one point to another."[223] Thus, unlike in other theories of power, power cannot be contained by one individual or exercised upon others.

For Foucault, power is also not necessarily repressive or violent. Contrarily, "it incites, it induces, it seduces, it makes easier or more difficult, in the extreme it constrains or forbids absolutely; it is nevertheless always a way of acting upon an acting subject or acting subjects by virtue of their acting or being capable of action."[224] In this way, power always involves relationships and possibilities for responses. I will return to this idea in the discussion of resistance, but Foucault emphasized that power can only be exercised over subjects who are free in that they "are faced with

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[221] See, for instance Jana Sawicki, "Feminism, Foucault, and 'Subjects' of Power and Freedom," in *Feminist Interpretations of Michel Foucault*, ed. Susan J. Hekman (University Park, PA: The Pennsylvania State University Press, 1996), 161.

[222] Michel Foucault, *The History of Sexuality. Volume I: An Introduction* (New York, NY: Pantheon Books, 1980), 93.

[223] Ibid.

[224] Michel Foucault, "The Subject and Power," *Critical Inquiry*, Summer 1982, 8 edition, sec. 4, 789.

a field of possibilities in which several ways of behaving, several reactions and diverse comportments may be realized."[225]

For the sake of this thesis, it is important to mention Foucault's extensive analyses of power's relation to knowledge. Foucault described a constant articulation of power on knowledge and knowledge on power: "the exercise of power perpetually creates knowledge and, conversely, knowledge constantly induces effects of power."[226] This is significant in terms of the institution of motherhood, where authority figures both present the correct ways to care for a child and study and classify bad mothers. Power allows for the legitimation of ideologies of childrearing, simultaneously engendering the effects of power on individuals who know how to parent correctly.

2.5(1) *Disciplinary Power*

Disciplinary power is a form of power that Foucault described as functioning through the control of individuals' movements and experiences of time and space. It involves hierarchical observation, normalizing judgment, and examination. Through routine, punishment, and knowledge, discipline creates docile, individual subjects. Foucault argued that the same mechanisms of discipline that control the prisoner in prisons also control citizens. In fact, for Foucault, the prison is central to a modern web of disciplinary power that works to monitor, order, and control all citizens. Other governmental programs such as education and welfare expand this disciplinary system.[227]

Foucault's interpretation of English philosopher Jeremy Bentham's Panopticon from 1843 is relevant for conceptualizing the functioning of power within the external mother units, in terms of the women as prisoners and also as mothers. The Panopticon was a proposed institutional building designed to consist of a tower at the center of a peripheric building, allowing individuals in the tower to see without being seen. Bentham intended the Panopticon to function on its own;

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[225] Ibid., 790.

[226] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon (New York, NY: Pantheon Books, 1980), 52.

[227] Foucault, *Discipline & Punish*, 195–228.

individuals would not need to watch the inmates because the structure guaranteed that inmates would never know when they were being observed. Foucault wrote, "In view of this, Bentham laid down the principle that power should be visible and unverifiable."[228] Prisoners would act as if they were constantly under surveillance, even though the surveillance itself was uncertain. This process of surveilling themselves and one another involves an internalization of the mechanisms of domination by the dominated, which is what makes it so effective.[229] The Panopticon also disindividualizes power; the power is inherent to the structure, and any individual can function as the observer, regardless of his or her motives. According to Foucault, "Any individual, taken almost at random, can operate the machine."[230]

Foucault viewed the Panopticon as a model for how power relations function in modern society, noting that the Panopticon "must be understood as a generalizable model of functioning; a way of defining power relations in terms of the everyday life of men [sic]."[231] Individuals internalize power relations and monitor themselves so that the uses of force and domination become less important for maintaining control. Observation and the gaze are key elements to the mechanics of power in modern society.[232] Incarcerated individuals and mothers arguably both internalize the gaze of others and power relationships. Mothers are constantly under the gaze of others both formally and informally. Formally, mothers must contend with expert knowledge, answering to doctors and teachers, and, especially in the case of poorer and nonwhite mothers, sometimes being under the surveillance of social workers and child protection agencies. Informally, as Andrea O'Reilly illustrated, mothers watch each other and themselves.[233] Thus, the power is internalized.

Forms of disciplinary punishment, then, can be identified within both the prison and the construction and regulation of society at large. I will refer back to this concept as I explore the aims

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[228] Ibid., 201.
[229] Foucault, *Discipline & Punish*, 200–01.
[230] Ibid., 202.
[231] Ibid., 205.
[232] Foucault, *Discipline & Punish*, 190–95.
[233] O'Reilly, *Encyclopedia of Motherhood*, 348.

of the units and the control within. Disciplinary power has been involved in the shift from corporal punishments to prison sentences, such as we have seen in the history of imprisonment in Spain. Bodies are contained and forced to behave in a certain way, and a body of knowledge is developed to define normality and deviance. Women mother in certain ways because they internalize notions of good mothering and monitor one another and themselves.

2.5(2) Caring Power

Caring power is a term originally coined by Annemieke van Drenth that builds upon Foucault's notion of (new) pastoral power. Pastoral power referred to a type of power often exercised by male clergy, which was based on individual salvation in the next world.[234] It required caring for individuals and knowing what went on inside people's minds and souls. For Foucault, pastoral power was "fundamentally a beneficent power…its only *raison d'être* [was] doing good."[235] New pastoral power differed in that it was no longer concerned with the afterlife but rather with the well-being of individuals in this world. Now exercised by social workers, psychologists, educators, and health workers rather than by the clergy, new pastoral power required knowledge of the population as a whole in order to work.[236]

Caring power differs from these Foucauldian types of power primarily in its double secularization and the emphasis on the role of care. Care is a gendered notion primarily associated with women, and the concept of caring power thus takes into account the importance of gender in a way not highlighted by Foucault. According to van Drenth and de Haan, caring power came about in the nineteenth century as a result of the discourses of humanitarian sensibility and Protestantism. Around this time, middle-class women began to feel a responsibility towards those of their own sex

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[234] van Drenth and de Haan, *The Rise of Caring Power*, 14–15.

[235] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart (New York, NY: Picador, 2007), 126.

[236] Ibid., 122–30.

and organized themselves into female organizations to care for poor, outcast, and "fallen" women.[237]

Still involving a religious component, caring power aims at inner transformation. When it arose, middle-class women attempted to reform the souls of poor women through the power of example and thereby forged new gendered identities. Referring to this type of care work in women's prisons, van Drenth and de Haan stated, "The inmates, thus, were encouraged in every way in forming an identity regarded as suitable to their sex and class—primarily that of a decent, modest, and pious domestic servant or housewife."[238] Through their care labor, the middle-class women also developed new identities related to having a special task in public life.[239]

Caring power is a seductive type of power that worked through providing acquiescent women with material benefits, as well as with hope for a more promising future. Van Drenth and de Haan contended, "If the women went along with this, they could help to regain some *respectability* instead of their status as outcasts or 'fallen women'."[240] Caring power provided the women with an understanding of themselves as subjects.

(i) Paternalism and Maternalism

One final element worth consideration before exploring the concept of resistance is the distinction between the notions of paternalism and maternalism. The concept of paternalism arises in critiques of both Western feminists' treatment of Third World women and of female prison policies. For instance, U.S.-Indian feminist theorist Chandra Talpade Mohanty employed the term to discuss the construction of "third world difference" in which Western feminists have developed a homogenous, oppressed group of Third World women. Mohanty insisted that this difference "includes a paternalistic attitude towards women in the third world" and fails to recognize their acts

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[237] van Drenth and de Haan, *The Rise of Caring Power*, 18–19.
[238] Ibid., 19.
[239] Ibid.
[240] Ibid.

of resistance.[241] This concept is useful for this thesis in that the middle-class women who founded and now run the external mother units construct the imprisoned mothers in similar ways. Speaking specifically about the treatment of female prisoners in England, Mary Bosworth challenges whether prison administrations facilitate "an ethics of care or paternalism."[242] Here, too, she points to the relevancy of paternalism, in which prison staff construct female prisoners as children.

Rather than considering Bosworth's binary, I find it more appropriate to analyze the practices within the external mother units in terms of maternalism, which I see to be inherent in relationships involving caring power. Maternalism has a similar outcome to paternalism of maintaining certain individuals in the roles of perpetual children.[243] However, maternalism differs from paternalism; American scholar Kathryn Kish Sklar has stated that historians have used maternalism to refer to "the female version of paternalism, the assumptions women reformers made about women's nature, and the policy strategies they devised to provide social protection for women's maternal responsibilities."[244] Maternalism recognizes a separate female sphere and, according to Alison Jill King, "acknowledges the power and kindness dynamic."[245] Relationships of maternalism are often less overt than paternalistic relationships in that complex emotional dynamics develop. Yet through assuming a maternal role, some women reaffirm their superior selves in relation to "the other."[246] In this thesis, then, I refer to maternalism rather than paternalism because the external units are female-dominated, aim to benefit women and their children, and have potential to reinforce hierarchical relationships.

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[241] Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourse," *Boundary 2* 12, no. 3 (1986): 352.

[242] Bosworth, *Engendering Resistance*, 56.

[243] Alison Jill King, *Domestic Service in Post-apartheid South Africa: Deference and Disdain* (Burlington, VT: Ashgate, 2007), 12.

[244] Kathryn Kish Sklar, "The Historical Foundations of Women's Power in the Creation of the American Welfare State, 1830-1930," in *Mothers of a New World: Maternalist Politics and the Origins of Welfare States*, ed. Seth Koven and Sonya Michel (New York, NY: Routledge, 1993), 80.

[245] King, *Domestic Service in Post-apartheid South Africa: Deference and Disdain*, 14.

[246] Sklar, "The Historical Foundations of Women's Power in the Creation of the American Welfare State, 1830-1930," 80.

2.5(3) Resistance

We cannot speak of power without also speaking of resistance. Foucault insisted, "when there is power, there is resistance." If we accept Foucault's contention that power is negotiated and exercised not only on the dominated but also on the dominant, a space for resistance emerges. For Foucault, this resistance is not outside of power but rather forms a part of a field of power relations. Resistance often implies small fracturing, regrouping, and remolding instead of radical ruptures.[247]

Even in prison, where prisoners appear to be under the total control of the institution, power is under constant negotiation. Bosworth has asserted, "Despite the restricted choices and opportunities that characterize all penal institutions, most prisoners find the ability to express their agency and to resist."[248] Although they face limitations and restrictions, incarcerated individuals manage to retain some agency and are constantly engaged in the negotiation of power inside.

Feminists such as Pat Carlen have disputed the practicability of resistance in certain situations and whether it challenges power relations or merely obscures systems of oppression.[249] Resistance within prison is unlikely to shift patterns of domination, for instance. Nonetheless, resistance is a useful concept because it allows us to look at small rebellions and ways in which prisoners disrupt power relations. By viewing small acts such as verbal challenges or even ethnic practices within the framework of resistance, we are able to see that power relations in prison are less fixed than they appear.[250] Resistance is also a helpful tool to look at alternative mothering practices as techniques of disrupting or challenging dominant mothering ideologies.

2.6   Conclusion

This chapter has explored key concepts related to women's involvement in the criminal justice system and the discriminations they face in society and in prison. Similar demands of being

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[247] Foucault, *The History of Sexuality. Volume I: An Introduction*, 95–97.

[248] Bosworth, *Engendering Resistance*, 131.

[249] Pat Carlen, "Why Study Women's Imprisonment? Or Anyone Else's? An Indefinite Article," *British Journal of Criminology* 34 (1994): 131–40.

[250] Bosworth, *Engendering Resistance*, 130.

well-behaved and submissive manifest themselves in motherhood as in the criminal justice system to control women—especially poor, marginalized women. Having looked at how power works in these institutions and feminist contributions to the fields, I will now turn to my own study of the external units and the potential these offer to transform adversities facing a select group of women.

Chapter 3: Methodology

As mentioned in the introductory chapter, my thesis is based on interviews I conducted in 2010 and 2013 with incarcerated mothers, prison staff, and volunteers. The majority of the interviews occurred in 2010, but in 2013, I returned to Spain to interview volunteers at the only external mother unit to have opened since 2010, and to have follow-up conversations and correspondences with previously-interviewed individuals to see how the project had progressed in the past three years. In this chapter, I will describe my methodology and give a general profile of the interviewees. I will conclude by mentioning some of the problems I encountered in the process, as these must be noted as limitations to my study. First, however, I will situate myself as a researcher.

3.1 Situating Myself

Recognizing that all research is inevitably biased, the American scholar Donna Haraway has argued for "situated and embodied knowledge," so as to avoid generating irresponsible and unlocatable knowledge.[251] My biography inevitably influenced every step of my research process—from the way I approached the topic to how I related to participants, chose questions, and coded the data. My own standpoint reflects the fact that I have never been subjected to criminal justice proceedings. Rather, the ways I conceptualize criminality and punishment have been impacted by my experiences of studying and volunteering in prisons. My contact with incarcerated individuals and their families has made me critical of traditional justice systems, the ways they target certain classed, racialized, and gendered individuals, and fail to properly rehabilitate.

My status as a white, middle-class, educated, young woman without any children also shaped the way I related to participants. As feminist standpoint theorists such as Sandra Harding

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[251] Donna Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective," in *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, ed. Sandra Harding, 1st ed. (New York, NY: Routledge, 2003), 88.

reminded us, we occupy specific and multiple positions of privilege and disadvantage: "there are no such persons as women or men per se; there are only women and men in particular, historically located race and class and cultural relations."[252] I noticed, for instance, that the prison staff and volunteers spoke to me as their equal, while a greater distance separated me from the incarcerated women. The fact that I am not Spanish and had lived in Spain for only a short period before beginning my research meant that I was an outsider to the whole prison system and held different cultural understandings of criminality and motherhood. Throughout this process, I have struggled with being an outsider in Spain, to the criminal justice system, and to the experience of motherhood. My hope is to at least "make visible [my] own critical positioning within the structures of power," as implored by the English scholar Linda McDowell, and to allow for a greater identification of my biases and shortcomings in narrating the experiences of others.[253]

3.2   Data Collection and Analysis

In January 2010, I received permission from the Department of Prison Services to conduct interviews within the two existing external mother units of Palma de Mallorca (*Unidad de Madres de Palma de Mallorca*) and Seville (*Unidad de Madres de Sevilla*) and in the prison nurseries in Aranjuez (*Centro Penitenciario Madrid VI, Aranjuez*) and Soto del Real (*Centro Penitenciario Madrid V, Soto del Real*). In the following months, I interviewed 29 individuals in these four centers, as well as the cofounder of the programs, who was also at the time the Director of Treatment of the Department of Prison Services. When I returned in 2013, I interviewed two additional individuals involved in the newly opened external mother unit in Madrid (*Unidad de Madres "Jaime Garralda" en Madrid*) and spoke again with a volunteer in the external unit in Palma and with the cofounder.

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[252] Sandra Harding, *Whose Science? Whose Knowledge? Thinking from Women's Lives* (New York, NY: Cornell University Press, 1991), 179.

[253] Linda McDowell, "Doing Gender: Feminism, Feminists and Research Methods in Human Geography," *Transactions of the Institute of British Geographers* 17, no. 4 (January 1, 1992): 413.

Incarcerated individuals are a vulnerable population, and so I was careful in formulating research questions, insuring that participation was voluntary, and explaining the goals of my project and possible end results. A Spanish sociology professor reviewed my interview questions to make sure they were not ethically problematic. Inside the prisons and external units, staff selected the women I could interview, but I insisted that women chose to participate, and at the beginning of the interviews, I confirmed their willingness. I always informed interviewees of my intentions, explaining that I was an American with an undergraduate degree in sociology interested in the development of the external mother units. Though I did not know at the time that I would write this thesis, I explained my intention to publish an article or write a dissertation, and I am confident that participants would see this use of their testimonies as consistent with the type of work I had asked permission to do. In positioning myself to participants, I tried to elucidate that I was not in any way connected to the prison, meaning that the information they shared would not get anyone in trouble. After conducting an interview in which a woman asked me for help appealing her sentence, I began to clarify that I was unable to provide legal assistance. I told everyone that they were free to not answer any questions and that we could stop the interview at any time. Moreover, I never asked names; all names used here are pseudonyms.

My interviews were semi-structured and varied in length. The majority of the interviews with incarcerated women lasted between 15 and 25 minutes, while those with volunteers and prison employees tended to be longer, lasting between 25 minutes and an hour. I audio taped all of the interviews and then personally transcribed them. All but two of the interviews were conducted in Spanish, and so I later translated them into English. The other two were conducted in English because of the women's preferences.

My interviews with volunteers, staff, and imprisoned women all aimed to discover the problems with the prison nurseries and whether the external units addressed these issues. With the incarcerated women, I began by asking how many children they had, where they were from, and if they had been in other prisons with or without their children. I invited them to speak about their

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decision to bring their children with them, the experience of mothering in prison, their family situations, and if they maintained contact with children on the outside. I asked about their daily routine, the positives and negatives of the units, and how they thought prison conditions affected their children. I also inquired over possibilities for contact with the outside world and rehabilitation opportunities.

With staff and volunteers, I asked fewer personal questions, although I did request that volunteers tell me why they chose to get involved in prisons. I asked staff and volunteers about their responsibilities, interactions with the children, and thoughts on the prison nurseries and new external units. As certain themes began to emerge, such as fears of women getting pregnant to come to the units or not taking advantage of opportunities, I tailored my questions to learn more about their views of the women.

After conducting my second round of interviews in 2013, I coded the data, allowing themes to surface. The semi-structured nature of the interviews allowed me to shift my focus to the topics of greatest importance for the participants themselves. The theoretical issues central to my thesis arose through my engagement with the transcriptions. While I began my research primarily interested in why Spain was replacing prison nurseries with external mother units, themes from my interviews regarding how staff perceived incarcerated women and the challenges of mothering in the nurseries but also in the new units took on a new importance, orienting my research more towards a critical look at mothering in prisons.

3.3   Profile of Participants

Within the prison nurseries and external units, my sampling was based on convenience. In the case of the incarcerated women, staff selected the women I could speak with and only asked if I preferred foreign or Spanish women. I chose to interview both foreign and Spanish prisoners to explore the different challenges they faced. In certain cases, however, such as in Palma, the director selected four Spanish women and only one foreign woman, which is far from representative of the

population of the center, where, according to several interviews, almost everyone is from outside the European Union.

3.3(1) Incarcerated Women

All of the incarcerated mothers I interviewed lived in prison with one child under the age of three. Some of these women entered prison with their child; others entered pregnant; and a last group got pregnant while in prison. Because I only studied prison nurseries and external units, my project excluded incarcerated mothers who chose not to—or were not allowed to—have their children with them, as well as mothers of older children, which is another population that deserves additional scholarly attention.

Table 4 shows the women I interviewed in each center by nationality, whether they had other children outside of prison, and whether they had previously been in a prison where children were not allowed. I have highlighted these characteristics because it became evident through my interviews that different issues concerned foreign women from Spanish women, and mothers with children outside of prison from women with no other children. Finally, women who had been in other prisons had a different point of reference when evaluating the conditions of the external mother units or prison nurseries.

I chose not to ask the women about their criminal records, but many did speak of their sentence lengths, which tended to be approximately nine years. Staff told me that the majority of the women had been convicted of drug trafficking. I also did not ask the women's ages, but they all appeared between 22 and 39 years old. The type of contact women maintained with the fathers of their children varied, but the majority of the women were in relationships with male partners. Many of these partners were also incarcerated. None of the women spoke of having female partners.

My interviews did not touch on drug issues within the units, but women with drug addictions were allowed to reside in the units so long as they promised to not take drugs. As the interviews did not address this factor, I will not be able to speak further about the ramifications on women's mothering or on staff views of the women.

Table 4: Incarcerated Women Interviewed

Pseudonym	Center	Nationality	Has Older Children Outside	Previously in a Non-Nursery Prison Module	Date Interviewed
Lina	Aranjuez	Colombian	Yes	Yes	May 18, 2010
Sandra	Aranjuez	Colombian	No	Yes	May 18, 2010
Sunnee	Aranjuez	Thai	No	Yes	May 18, 2010
Carolina	Aranjuez	Spanish	Yes	Yes	May 29, 2010
Begoña	Aranjuez	Spanish	Yes	Yes	May 29, 2010
Rocío	Palma de Mallorca	Spanish	No	No	May 9, 2010
Adriana	Palma de Mallorca	Brazilian	Yes	Yes	May 9, 2010
Alicia	Palma de Mallorca	Spanish	Yes	No	May 9, 2010
Claudia	Palma de Mallorca	Spanish	No	Yes	May 9, 2010
Valentina	Palma de Mallorca	Spanish	No	Yes	May 9, 2010
Carelia	Seville	Colombian	Yes	No	March 22, 2010
Patricia	Seville	Spanish	Yes	Yes	March 22, 2010
Joy	Seville	Nigerian	Yes	No	March 25, 2010
Natalia	Seville	Spanish	Yes	Yes	March 25, 2010
Victoria	Seville	Lithuanian	Yes	Yes	March 25, 2010
Marta	Soto del Real	Colombian	No	No	March 8, 2010
Laura	Soto del Real	Colombian	Yes	Yes	March 8, 2010
María	Soto del Real	Spanish	No	No	March 8, 2010
Cecilia	Soto del Real	Bolivian	No	Yes	March 8, 2010

At the time of the 2010 interviews, approximately 200 women resided in prison nurseries and external units with their children. I therefore interviewed roughly 10 percent of the entire population. It is difficult to know how representative my sample was because there are no prison statistics specifically about these mothers. Table 5 shows the population of the prison nursery of Soto del Real as described by a social worker in an interview. Interestingly, the vast majority of the women were not yet sentenced. This was not the case in Palma or Seville, where women did not enter until after being sentenced. Unfortunately, I do not have similar data for the other centers.

Table 5: Population of Nursery at Soto del Real in 2010

Total Number of Women		36
	Women accompanied by one child under three years old	25
	Women accompanied by two children under three years old	1
	Women accompanied by one child over three years old	1
	Pregnant women	9
Sentencing Statuses of Women		
	Women Awaiting Sentencing	27
	Women with Sentence	9
Women by Nationality		
EU Nationalities	Spanish	16
	Dutch	1
	Romanian	1
	Portuguese	1
	Estonian	1
Non-EU Nationalities	Bolivian	4
	Colombian	4
	Brazilian	1
	American	1
	Paraguayan	2
	Nigerian	1
	Serbian	1
	Mexican	1
	Dominican Republic	1
Source: "Natalia" (Social Worker in Soto del Real), interviewed by the author, March 8, 2010.		

3.3(2) Staff and Volunteers

As indicated in Table 6, I conducted interviews with the Director of Treatment of the Department of Prison Services, the director of an external unit, two social workers, two guards, two teachers, and five volunteers in the three external mother units and two prison nurseries. Given my intentions at the time of the 2010 interviews, I did not gather much personal information about the staff and volunteers themselves. Nevertheless, the group shared some fundamental characteristics, particularly in comparison to the population of incarcerated women.

All of the staff and volunteers were female, non-Roma, white, Spanish citizens who ranged in age from 36 to 68. I did not ask any about their class background, but judging from their jobs and education, most could be considered middle class. In terms of education, all of the volunteers and most of the prison staff were well educated. The social workers, teachers, and directors all had

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higher education and were middle class. The two guards had high school degrees and received middle-class salaries. While I did not ask the staff specifically if they had children, several made reference to being mothers themselves.

Table 6: Staff and Volunteers Interviewed

Pseudonym	Position	Center	Date of Interview(s)
Concepción Yagüe (no pseudonym used)	Director of Treatment /Cofounder of External Mother Units	Department of Prison Services	January 18, 2010; Follow-up emails April and May 2013
Paula	Director of External Mother Unit in Palma de Mallorca	Palma de Mallorca	May 10, 2010
Elena	Volunteer	Aranjuez (Open Horizons)	April 20, 2010
Lorena	Guard	Aranjuez	April 29, 2010
María	Volunteer	Soto del Real/Madrid (ACOPE)	January 19, 2010
Gabriela	Social Worker	Seville	March 25, 2010
Silvia	Guard	Palma de Mallorca	May 9, 2010
Cristina	Teacher	Aranjuez	May 18, 2010
Monica	Teacher	Aranjuez	May 18, 2010
Sonia	Volunteer	Palma de Mallorca (Open Horizons)	May 9, 2010; April 20 2013
Natalia	Social Worker	Soto del Real	March 8, 2010
Lourdes	Volunteer	Madrid (Open Horizons)	April 24 2010; April 26, 2013
Carmen	Volunteer	Madrid (Open Horizons)	April 23, 2013

The volunteers worked with two organizations. The first, the Catholic organization Father Garralda Foundation—"Open Horizons" (*Fundación Padre Garralda—"Horizontes Abiertos"*) is one of the primary NGOs involved in prisons in Spain. Founded by the priest Jaime Garralda in 1978, Open Horizons offers activities for women, takes their children to parks and on weekend excursions, and runs halfway houses.[254] Two of the Open Horizons volunteers I interviewed ran sewing classes, in which they taught the women to sew and embroider blankets and pillows for their children. Another volunteer produced a podcast with the women in which they spoke about topics such as childhood memories and first loves. The strong connection between the prison administration and religious organizations such as Father Garralda's Open Horizons, as indicated in chapter one, is evident in the fact that the newest external mother unit is named after Garralda.

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[254] "Fundación Padre Garralda-Horizontes Abiertos," *Horizontes Abiertos*, 2013, http://www.horizontesabiertos.org.

Four of the five volunteers participated through Open Horizons. These volunteers were older women who had themselves been stay-at-home mothers whose children were now grown and who did not currently work. While it is not obligatory to be religious to participate in the activities of Open Horizons, three of the volunteers mentioned their active involvement in the church.

The remaining volunteer was the youngest of the group, was employed as a lawyer, and was not a mother. She participated through the secular organization ACOPE (Association of Collaborators with Women Prisoners, or *Asociación de Colaboradores con las Mujeres Presas* in Spanish), which was created in 1986. ACOPE works in prisons, runs halfway houses, and accompanies women to trials and other appointments. Elisabet Almeda has classified ACOPE as one of the few nonprofits involved in women's prisons that has radical goals; unlike the religious groups, this organization denounces any situation that infringes on the rights of the prisoners.[255] ACOPE also offers social aid and educational activities, such as self-esteem workshops.

Thus, the staff and volunteers generally had different backgrounds from the incarcerated women with whom they worked. They often had higher levels of education, come from different class —and often racial and ethnic—backgrounds, and have different nationalities. These characteristics further separated them from the women with whom they were working and potentially shaped the way they viewed the women. The staff and volunteers, however, did tend to also be mothers.

3.4   Challenges and Methodological Limitations

A few challenges and methodological issues arose when carrying out my study. First, the fact that I was only able to interview each imprisoned mother and most staff members once made it impossible to establish rapport. Although I always explained my intentions, on a couple of occasions, I noticed that participants misunderstood my role as a researcher. Once, a woman stressed her dire situation and asked if I could help her appeal her sentence, and on other occasions,

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[255] Almeda, *Corregir y Castigar*, 194.

imprisoned women appeared to speak highly of the staff out of fear of repercussions. This was evident in Palma; I had asked my first interviewee about how her children related to the guards, and during my second interview, the director of the center interrupted, having heard I was asking about prison abuses. I assured her that I was not and continued my interviews, but the remaining women all insisted on how much their children loved the guards. I have tried to be aware of these limitations in my analysis, and I believe the rest of the interviews were less inhibited.

I also find it necessary to note that, while fluent in Spanish and English, I am not a trained translator, and there have been occasions when I may have failed to do justice to the testimonies I collected. My main translation concern has been whether I am able to fully capture tone, which could change the portrayal of interviewees. For instance, I have struggled with whether to translate the word "*niños*" to "children" or "kids," given that there is only one word in Spanish, and while "children" may sound overly formal for the context, I worry that "kids" sounds flippant. Having acknowledged these concerns, I am confident that the interviews also wielded rich, interesting experiences and beliefs that I will analyze in the following three chapters.

Chapter 4: Intentions and Ramifications of the Plan for the Units

This chapter will analyze the intentions behind and ramifications of the external mother units at an institutional level. Relying primarily on interviews and correspondences with the program cofounder Concepcíon Yagüe as well as on other staff interviews to supplement the dearth of published documentation, I will explore the ways in which the plan behind the units addressed some of the issues facing incarcerated mothers in Spain that scholars such as Almeda, Bodelón, and Aguilera have highlighted.[256] The external units constitute the second attempt in Spain's history to construct facilities within the prison system specifically for women, and analyzing their aims, as well as some of the problems they have faced, provides insight into the potential they offer and their implications in terms of larger class, gender, ethnicity, and power structures.[257] Overall, I will argue that the units present a new paradigm with the potential to rectify some problems for mothers in prison and create better living conditions on an individual level, but ultimately, the structures and programming reproduce a middle-class vision of motherhood and rehabilitation, thereby perpetuating hierarchies of the legitimacy of classed values.

I will divide this analysis into four sections. First, I will argue that the cofounders of the external units were middle-class feminists who were aware of the challenges for incarcerated mothers and the role of the prison system in perpetuating cycles of marginalization. They aimed to ameliorate gender-specific problems in women's prisons, which aligns them with earlier white, middle-class, female reformers and thereby warrants a critical analysis of the feminist potential offered by the units. The second section will contend that the cofounders did in fact address some forms of gender discrimination that feminists have identified in the prison system as well as in the institution of motherhood. Specifically, the units form a foundation to provide women with rehabilitation possibilities, agency, more appropriate facilities, autonomy, and greater parenting

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[256] As previously mentioned, all interviews were conducted in Spanish, and all translations are mine. Interviews were conducted in confidentiality, and the names of interviewees except for that of Concepción Yagüe have been changed.

[257] The first attempt, as previously mentioned, occurred in 1931, when Victoria Kent constructed a prison for women. Yagüe Olmos, *Madres en prisión: Historia de las cárceles de mujeres a través de su vertiente maternal*, 71.

support. Part three will complicate the analysis by arguing that the programming in the units simultaneously imposes a classed, Western vision of motherhood and rehabilitation on the incarcerated women. The plan behind the units thereby also sustains certain hierarchies of values and the dominant institution of motherhood. The final section will look at how the units have encountered logistical problems due to their reliance on external support and the constraining hegemonic ideologies that simultaneously ignore and stigmatize incarcerated women. The potential for the units to fulfill their intended objectives is ultimately hindered by a lack of governmental support to transform prison conditions for this population.

4.1   Transformative Intentions

Although the Spanish government has not labeled the external mother units as a feminist project, the cofounders did in fact have feminist, transformative intentions. Returning to the distinction set up by van Drenth and de Haan, we can classify the cofounders as feminists in that they wanted equal treatment for women as men within the prison system and criticized male domination more broadly.[258] The main creator and then-General Prison Director, Mercedes Gallizo, was a self-identified feminist who condemned the treatment of women with the penitentiary system.[259] The cofounder, Concepción Yagüe, had written critical articles about gender discrimination in prisons and its larger implications in perpetuating the social marginalization of poor, minority women. Before creating the external units, both women had worked to better prison conditions for mothers (and women more generally) and had also advocated incarcerating fewer individuals.[260] Evidently, the cofounders recognized the detrimental effects of incarceration and

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[258] van Drenth and de Haan, *The Rise of Caring Power*, 46–47.

[259] Aguado, *Mujeres, regulación de conflictos sociales y cultura de la paz*, 157–58.

[260] See, for instance: Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas"; Yagüe Olmos, "Mujer: Delito y prisión, un enfoque diferencial sobre la delincuencia femenina"; Ediciones El País, "Contra la crisis, más cárcel," *EL PAÍS*, October 17, 2012, http://elpais.com/elpais/2012/09/19/opinion/1348069618_222012.html. Additionally, while this thesis focuses on the external mother units themselves, it is worth noting that the development of the external units occurred concurrently with efforts by the Department of Prison Services to prevent the majority of female offenders with small children from entering prison through giving community-based alternative sentences, an initiative supported by the program cofounders. In our first interview, Yagüe classified these measures as "where we must really start" (January 18, 2010).

aimed to prevent mothers from entering prison. Nonetheless, Spain's criminal justice system does not allow alternatives for everyone, including women with long sentences.[261] The cofounders, then, worked within this institution to design the units for women who were obligated to go to prison.

The creation of the units itself had feminist goals of ending structural oppression; not only did it target the female prison population, which, as we have seen in chapter two, is often ignored and lacks specialized treatment, but it did so with the goal of breaking cycles of marginalization that were linked to disadvantages based on class and ethnicity.[262] That is, the units' creators aimed to remedy some of the biases facing the women who often end up in prison:

> *We're trying to really break the women out of their marginalization. That is, if a woman arrives in prison because of her marginalization or social exclusion and is here with us, then we have children in front of us whom we don't want to follow in that line of marginalization when they leave prison. So we're aiming for a space that helps them break out of that path. But that isn't the most important. The most important thing is the pedagogical design that's focused on helping to train the women to be able to get jobs so that they leave us practically already having a job, with a work situation where they will be able to help themselves.[263]*

The goals of addressing marginalization through rehabilitation and job training demonstrate a desire to transform societal inequalities within and beyond the prison system. Although it is questionable to what extent a system that continues to imprison individuals from certain classes, races, and nationalities may reform discriminatory tendencies, a point to which I will return, it is significant that the founders of the units had these questions in mind when designing the program.

Specifically, the cofounders hoped to ameliorate problems facing mothers in prison. They recognized that mothering in prison nurseries presented tribulations and developed the external units partially out of a desire to address these challenges. Although Yagüe previously contributed to the development of prison nurseries, she acknowledged that they did not provide ideal conditions for women to raise their children because, as they were improvised out of old prison modules, they

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Nonetheless, these concurrent policy shifts fall beyond the scope of this thesis, which looks at the specific ramifications of one program shift.

[261] Ministerio del Interior, Government of Spain, *Unidades externas de madres*.

[262] Concepción Yagüe, interviewed by the author, January 18, 2010.

[263] Ibid.

did not have adequate space and presented unsafe conditions for children.[264] Yagüe affirmed that these concerns were central to the decision to construct the units:

> *We realized that as much as the adapted modules were a good solution, they weren't constructed for the women and therefore had some issues. […] Another fairly obvious issue is that the mothers and children lived in cells. We tried to make bedrooms, but they were really small and narrow. The women didn't have any time or space. They didn't have any space at all to play with their kids. I mean, there was hardly space for the bed and the crib, much less to move around. […] The area where the kids lived never stopped being a module that had been constructed as a prison, so it had issues. We all realized that we needed to move forward.[265]*

The units therefore were intended specifically to transform impediments to mothering in prison, as well as the larger adversities confronting incarcerated women, which places them amongst the projects of Victoria Kent and Concepción Arenal in Spain and Elizabeth Fry and others throughout the West. They, like Arenal, focused on reforming conditions for children in prisons, and their work can be interpreted as directly related to Kent, as they returned to the task of constructing units specifically for a female population because they recognized the inherent problems with placing women and children in spaces designed for a dangerous male population. We can thus look to the ways that the units form an attempt to further a specific feminist agenda.

4.2   Offering the Potential to Improve Conditions

Having framed the development of the external units as a feminist project, I will now look at how design elements of the facilities and programming respond to certain previously-identified challenges of mothering under constraining situations and specifically behind bars. The external units do in fact provide possibilities to rectify some of the challenges of mothering behind bars. Specifically, certain elements of the program address the historical lack of attention and rehabilitation opportunities for women, aim to allow mothers agency and autonomy, and offer greater parenting support. These initiatives respond to the difficulties of lone mothering and of mothering under constrained physical and financial conditions.

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[264] Ibid.
[265] Ibid.

4.2(1) Focusing on Rehabilitative and Educational Intentions

The Spanish prison system has been disproportionately detrimental to the futures of incarcerated women because it fails to provide them with the same possibilities for work and education as men. Aguilera highlighted that, not only do prisons have fewer jobs for women than men but also fewer courses, and the existing ones often "reinforce the domestic role" (translation mine).[266] The external units address this problem by providing additional specialized attention and formation to train the women to find jobs and care for their children. To prepare the women to support their children upon leaving prison, the cofounders intended the women to have access to community-based job training and courses as well as NGO-run classes in the center. The small facilities equip staff with the capacity to work individually with the women and provide drug therapy and abuse counseling when appropriate. According to Gabriela, a social worker in Palma, the units have a different philosophy in terms of the women's treatment; instead of dwelling on their pasts and where they have ended up, women are encouraged to look outward, toward both the community and their own futures:

> [The] way the units work is nothing like a normal prison. The treatment, the idea of looking outwards towards the street instead of looking inwards. The women complete their sentences because they know that there's life outside. Life is outside, and it shouldn't be said that you have four to six years here to rot, right? What we have to do is make sure they take advantage of their time inside to learn things, to get an education, professional training…it's looked at like a training center for recreating their lives. There are more and more professional training courses offered in normal prisons, but with the massification, it's impossible to really give an adequate and individual formation, as the law requires. The law says that prisons offer individualized treatement, but in these big centers, it just can't happen. And so these [external] units are a gigantic step.[267]

> We're investing a huge amount of human resources and new approaches that involve institutions, delegations [formed by the cofounders to design the units], government, ministries, et cetera so that the women who come to us leave with a profession, a job. I wish we could do this with all of our incarcerated individuals, but obviously in this case, we're going to clearly change the situation of these women.[268]

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[266] Aguilera Reija, "Mujeres en prisiones españolas," 47.

[267] "Gabriela" (Social Worker in Seville), interviewed by the author, March 25, 2010.

[268] Concepción Yagüe, interviewed by the author, January 18, 2010.

Therefore, the program directly challenges the lack of attention women receive in prison and includes plans to help women their lives and their children's.

4.2(2) *Reforming Security Measures*

As previously indicated, feminist scholars such as Elisabet Almeda have criticized security in women's prison for being inappropriately harsh and exacerbating the traumas suffered in prison. A report by the Quaker Women in Prison Project Group concluded, "levels of security in prison are generally put in place to stop men from escaping, which may mean that prisons are disproportionately severe for women."[269] This is especially problematic for mothers and children. Electric doors in prison nurseries had provided safety threats; children running around were at risk of getting caught in the doors and suffering injuries. Ideologies of intensive mothering hold mothers responsible for their children's well-being, and poorer women often contend with greater difficulties in controlling their surroundings and providing a safe environment for children. Prisons that present safety threats in addition to limiting women's autonomy exacerbate the difficulties certain groups of women face in keeping their children safe.[270] This can result in feelings of guilt, as, according to American professor Marcella Gemelli, "even though they may not be able to attain it, [poor and working-class women] still feel pressured to live up to the tenets of intensive mothering."[271]

Security measures were an integral part of the design of the units and were created to be as safe and unobtrusive as possible to be more appropriate to the population:

> *There are no bars, nor electric doors.[272]*

> *Guards don't have uniforms, and we talk about "apartments," not "cells." […] The guards lock these with keys each night, so the kids often don't even notice.[273]*

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[269] Women in Prison Project Group, *Women in Prison and the Children of Imprisoned Mothers: A Briefing for Friends*, 6.

[270] Ibid.

[271] Marcella Gemelli, "Definitions of Motherhood: A Study of Low-income Single Mothers" (presented at the Annual meeting of the American Sociological Association, Montreal Convention Center, Montreal, Quebec, 2006), 5.

[272] Concepcíon Yagüe, interviewed by the author, January 18, 2010.

[273] "Paula" (Director of Palma), interviewed by the author, May 10, 2010.

Security operates primarily through cameras to allow children to grow up unaware of being in prison. Abolishing electric doors allows the women to better ensure their children's safety. By making the conditions less dangerous, the founders created an environment where the women could potentially worry less about their children. According to Hays, "Attending to the basics of providing for the child's general health, safety, and physical comfort is just the beginning."[274]

In addition to the abolition of bars and electric doors, the role of guards in the units was also reconceptualized. Yagüe described the guards as "agents of socialization," largely different from viewing them as low-level staff meant to prevent escape. Recognizing the impact they had on the women's lives, the program directors selected guards whose profile aligned with the project's vision. Guards, then, assumed an educational role rather than a custodial role, indicating a shift from viewing the prisoners as a threat to individuals in need of reeducation. I will return to the implications later, but this shift fundamentally represents an attempt to create a program specifically for this population rather than applying a system designed for male offenders.

4.2(3)   Supporting Mothering

Prisons are isolating environments, which exacerbates societal demands on mothers to be sole caretakers and not ask for outside help. When women bring children with them to prison, they often do so at the cost of proximity to family support networks, furthering the need for support on the inside.[275] Certain elements of the design of the external units offered support for parenting. From a financial perspective,

> *Everything that the woman doesn't have, we make sure to provide. If [the children] are going to a public school that asks at the beginning of the year for the kids to bring pens, backpacks, anything, of course the women who have money buy it for their kids. For those who don't have any money, we're their providers. We give them the uniform, backpack, everything. No child is going to go to school with a disadvantage. Never.[276]*

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[274] Hays, *The Cultural Contradictions of Motherhood*, 63.

[275] Almeda, "Las experiencias familiares de las mujeres encarceladas."

[276] Concepcíon Yagüe, interviewed by the author, January 18, 2010.

The program also offers respite to mothers by encouraging them to send their children to community daycare centers on weekdays and outside with either family members or NGO volunteers on weekends and holidays:

> *We always try to get the kids to go with their family members on the weekends. But there are kids who don't have family outside. So logically we try to find associations that will take the kids to the park or to the zoo and to really act as an extended family.[277]*

Urging mothers to send their children with other family members outside shows recognition of the difficulties of nonstop parenting and a need for community support. In addition to allowing the children access to the community, this gives the women time to do other activities and not to be individually responsible for their children.

4.2(4) *Emphasizing Agency and Autonomy*

Beyond these concrete infrastructural and program elements that address problems in the prison nurseries, other components arguably—although less directly—respond to larger critiques of women's lack of agency and autonomy in both traditional prisons and motherhood. In the face of heavily regulated and policed mothering practices, feminists such as Andrea O'Reilly have argued that mothers need more agency and autonomy to become empowered. According to O'Reilly, "Empowered mothers seek to fashion a mode of mothering that affords and affirms maternal agency, authority, autonomy and authenticity and which confers and confirms power to and for mothers."[278] Agency and autonomy are particularly limited for mothers who live in difficult social or financial circumstances, including the women who find themselves in prison.[279]

Though not official goals, the desire to empower incarcerated women emerged as a theme in the interviews with Concepción Yagüe and Paula, the director of the unit in Palma. Certain program components arguably facilitated giving women more agency and autonomy. These attempts address both a penitentiary problem and larger concerns facing mothers.

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[277] Ibid.

[278] Andrea O'Reilly, "Introduction," in *Mother Outlaws: Theories and Practices of Empowered Mothering*, ed. Andrea O'Reilly (Toronto: Canadian Scholars' Press, 2004), 15.

[279] Amy Middleton, "Mothering Under Duress: Examining the Inclusiveness of Feminist Mothering Theory," *Journal of the Association for Research on Mothering* 8, no. 1,2 (2006): 72.

The cofounders stressed agency both through involving incarcerated women in the design of the units and in other project elements that allow women more control in their mothering. In designing the units, prison personnel consulted incarcerated mothers; Yagüe explained that, in addition to involving people from the Public Health Department, childcare experts, and government employees,

> *We created and carried out a really comprehensive survey for all of the women who were currently in the system in order to ask them, if they were to design a place to be in prison with their children, what would it have to be like? For instance, how would the bedroom have to be, what would it have to have, what would the common spaces need to be like, et cetera. [...] We know these women well. We've been working with them for many years, and with the kids, and that's why we asked their opinions. We wanted to know what they wanted the units to have.[280]*

By surveying the women, the Department of Prison Services afforded them voice, recognized their knowledge of the needs to raise children in prison, and treated them as subjects, which is uncommon in prison. This project component illustrates an engagement with the needs of the women and a legitimization of their knowledge. The process of considering the experiences of minority women through their voices de-centers hegemonic understandings of who has the authority to define ideal mothering conditions.

Feminists in a range of fields that traditionally have rarely consulted women have commended the practice of listening to poor, minority women. Speaking of Third World development, Geeta Chowdhry suggested that asking women's opinions and allowing their consensus to dominate policy creation makes women "participants in, rather than recipients of, the development process." [281] Similarly, the founders of the external units allowed the women to be participants in the process.

While rare, an emphasis on listening to imprisoned women is not new, either. As seen in chapter one, Elizabeth Fry employed similar strategies. Regarding her prison visits in the early nineteenth century, van Drenth and de Haan wrote, "Daily conversations with the prisoners over a

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[280] Concepción Yagüe, interviewed by the author, January 18, 2010.

[281] Geeta Chowdhry, "Engendering Development? Women in Development (WID) in International Development Regimes," in *Feminism/Postmodernism/Development*, ed. Marianne H Marchand and Jane Papart (New York, NY: Routledge, 1995), 39.

period of weeks led the visitors to an understanding of what these women wanted […] and were capable of."[282]

Beyond helping to design the units, women may participate in other aspects of the organization of their lives on the inside. The units are not intended to be identical, and the infrastructure permits the women to continue to be involved in programming.[283] For instance, Gabriela, a social worker from the external mother unit in Seville, explained,

> *The unit is very participatory for the girls. I tell them, "Girls, we're going to open the hair salon. Suggest rules. Suggest how it should work." [They suggest] what days, how many women can come at the same time, and all of that. And later I'm the one who makes the rules, but they participate. They like that a lot, having a voice and being the one who decides. "Let's see. Who thinks they should be in charge of the hair salon?" So they feel like they're participating.[284]*

Gabriela's example is illustrative of the limitations of the women's participation and how it is primarily symbolic. The women are afforded some control over choosing activities, but the choices they have are narrow and limited to the types of activities already approved by the institution. Further, Gabriela clarified that the women ultimately have no say. Mary Bosworth recognized this limitation as inherent in prisons: "the ability to be an agent is always under assault in prison, because imprisonment undermines people's capacity for autonomy and disqualifies them from making decisions about how to conduct their own lives. Choices are severely restricted inside, and freedom of liberty is denied."[285] Here, the staff has taken a further step by masking this incapacity for agency through giving the women the impression of having options when they in fact do not. Nevertheless, consultation of incarcerated women in planning activities and structuring daily life in minor ways can be also be seen as an attempt to provide women more agency than they would have experienced in a normal prison.

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[282] van Drenth and de Haan, *The Rise of Caring Power*, 56.

[283] Interview with Concepción Yagüe conducted on January 18, 2010.

[284] "Gabriela" (Social Worker in Seville), interviewed by the author, March 25, 2010.

[285] Geeta Chowdhry, "Engendering Development? Women in Development (WID) in International Development Regimes," in *Feminism/Postmodernism/Development*, ed. Marianne H Marchand and Jane Papart (New York, NY: Routledge, 1995), 39.

The pedagogical and architectural structure of the units also responds to the needs of mothers for autonomy. The program provides each woman with a bedroom that includes a microwave and bathroom, which, according to Yagüe, was an intentional attempt to allow the women more control. Speaking of the process of designing the units, she stated:

> *We began to theorize what the residential unit would have to be like. [It] would need to have a lot of space for the mothers to eat with their kids, a microwave so that the mother could—the mother needs to have more control over feeding her child, over hygiene, and over all of those other things that the prison nurseries do not have.[286]*

Additionally, the cofounders envisioned that the women would be allowed to bring their children to school, appointments, parks, or on other excursions. Unaccompanied day trips not only enable the women to maintain contact with the outside, but also emphasize the autonomy of the mothers by allowing them to temporarily leave the vigilance of the staff. Permitting the women to leave affords them a sense of control that is often lacking both in prisons and in mothering practices. Nevertheless, the potential of providing autonomy must be contextualized within the setting, which does not cease to be a prison. I will return to this point later in contrast to the types of power to which the women are subjected.

The founders of the units, therefore, designed a feminist program that offered potential to counter some of the challenges for mothers in prison discussed in chapter two, such as the difficulties of sole mothering and a lack of autonomy and agency, and t. Chapter two also described how women are accountable for their children's well-being, and eliminating inappropriate and unsafe security measures assists women in protecting their children. We will see in chapter six how this potential was actualized and how the women experienced the changes. At the same time, the units had other implications.

4.3   Imposing a Specific, Classed Model through Caring and Disciplinary Power

U.S. Women's studies professor Elora Chowdhury spoke of the need to "carefully examine the ways in which feminisms are deployed to further different political agendas as well as feminist

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[286] Concepcíon Yagüe, interviewed by the author, January 18, 2010.

complicity and dissent on those agendas."[287] The cofounders of the units were feminists, but given

that middle-class, Spanish women in positions of power within the larger correctional institution,

their work was complicit with a larger penitentiary system that systematically targets poor

individuals. Moreover, I argue that their work within this project imposed specific ideologies on the

women. In this section, I will look at how the infrastructure and programming of the units seduced

women to adopt specific behaviors, outlooks and priorities, and I will also problematize the

realization of goals of agency and autonomy.

Two types of control, caring power and disciplinary power, work together to create a

maternalistic environment in which incarcerated mothers must not only obey by rules but also

adopt the program values. By maternalistic, I refer primarily to the notion that the women's

autonomy is limited for their own good; the female program staff, as we will see in the following

chapter, believe that they know what is best for the mothers and urge them to act accordingly. They

thereby treat them like children. Caring power assumes a particular importance in the units, which

resonates with the work of earlier women reformers such as Fry.[288] In this case, it advocates

conformity with Western, middle-class values of motherhood and other norms of conduct, seducing

women to not only behave correctly but also change their inner goals and values to adopt a

particular ideology of mothering and a work ethic.

The first program element that allows for caring power is the voluntary participation:

We want the women who come here to really value the units and work for them. This is a pedagogical system that isn't there to provide them with all of these amenities if there isn't a commitment from them to follow the pedagogical path that we set out for them, the path of social reintegration. There has to be a signed agreement with the mothers who come here. We understand that practically all of them are going to want this system. It's obvious. Because from the very beginning we give them chances to go out in order to continue their professional formation. But there has to be a clear commitment to not consume drugs, for instance.[289]

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[287] Elora Halim Chowdhury, "Global Feminism: Feminist Theory's Cul-de-sac," *Human Architecture: Journal of the Sociology of Self-Knowledge* 4, no. 3 (2006): 292.

[288] van Drenth and de Haan, *The Rise of Caring Power*, 14–15.

[289] Concepcíon Yagüe, interviewed by the author, January 18, 2010.

The program founders wanted the women to be willing to change, and making the program voluntary allowed that to happen. They believed that women would want to participate because, similar to Fry, they guaranteed better conditions where the women could live in nicer rooms with their children, take classes, and go into the community. Further, the program promised an escape from marginalization and a better future.

Nonetheless, it is necessary to look at what was required of the women in exchange, as well as the extent to which the program could be considered voluntary. When the units first opened, a woman who was uninterested in participating had the option to remain in a prison nursery with her child. However, once all the units were completed and most prison nurseries were closed, women were to only have the option between the units and a normal prison without their child.[290] This policy had not materialized at the time of my interviews, but it signified that, while participation was a choice, women's desire to not form part of the rehabilitative program could result in their separation from their children.

Once in the units, the program demanded complete compliance and the reform of certain inner values:

> *We offer training, and, in the future, once they have a formation, work. That's the general idea. And then just some basic education, such as their ways of dressing, their behavior, respect towards the guards and the other women….*[291]

> *The important thing is that they are committed to changing their situation and their future.*[292]

Control and surveillance are also inherent in the program design, which are key elements of disciplinary power. The units offer freedom in that they allow access to the community and more control over children's eating and bathing routines, but the women are still subjected to constant surveillance. Guards watch them through cameras present in each room, confine and order their

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[290] Ibid.

[291] "Paula" (Director of Palma), interviewed by the author, May 10, 2010.

[292] Concepcíon Yagüe, interviewed by the author, January 18, 2010.

bodies by locking the "apartments" at night and counting them each morning, and oblige them to

abide by highly-regulated schedules.[293] Yagüe commented on the control in the units:

> *Women see we spend the whole day there supervising, controlling, watching [...].*[294]

At the same time that mothers in the units receive more freedom and possibilities to leave,

they are controlled more than women in normal prisons:

> *[The women] know that we're more benevolent with the mothers. That's obvious. But they also know that the mothers are required to have much better behavior. We check the rooms daily to make sure they don't have medicine...we demand a lot more. It's a very demanding module. So it isn't for everyone. [...] In a normal module, you have more freedom. You can consume drugs, you can.... [... The women who come] know that they are going to be very controlled. It's no cushy deal.*[295]

> *The women are evaluated every day. In every aspect. From the cleanliness of their room to how they're dressed to how they interact with other women to how they do their work—absolutely everything. They're evaluated every day. They're scrutinized. I mean, they have a good quality of life because there aren't conflicts, there aren't fights. They get used to the fact that everything is resolved in an educated and socially acceptable manner. [...] And then there's an evaluation system. If you don't behave well, if you don't do certain things, if you don't follow the rules, you can be kicked out of the unit. When you've had unfavorable epidodes three weeks in a row, they kick you out of the unit.*[296]

From their initial planning, the units bolstered a system in which imprisoned mothers

encountered greater vigilance. The switch from bars to cameras may provide a more appropriate

structure for female inmates who have not committed violent crimes and their children, but this

should not be confused with a diminishment in control. Cameras have similar effects to Bentham's

Panopticon; women know that they may be observed at any time, which forces them to obey.

Foucault wrote, "Bentham was surprised that panoptic institutions could be so light: there were no

more bars, no more chains, no more heavy locks."[297] The units do not require bars; rather, the

structure implores the women to inscribe the power relations in themselves and obey out of

uncertainty of whether they are being watched. The fact that the units are still heavily controlled is

significant in determining possibilities for other programming aspects to succeed.

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[293] Ministerio del Interior, Government of Spain, *Unidades externas de madres*.
[294] Concepcíon Yagüe, interviewed by the author, January 18, 2010.
[295] Ibid.
[296] "Natalia" (Social Worker in Soto del Real), interviewed by the author, March 8, 2010.
[297] Foucault, *Discipline and Punish*, 202.

Conditions of captivity encumber the envisioning of any sort of self-determination, and women's autonomy in caring for their children is undermined by the constant surveillance by staff. Chapter two indicated feminist critiques of how society controls mothers, arguing that this was ultimately a way of subjugating all women. Women's mothering skills are often placed under surveillance and judged against expert advice.[298] Poor women in particular tend to be placed under state surveillance in the form of social workers and are more likely to lose their children than middle-class women. Speaking about how prison and policies in which poor mothers are controlled and their children are sometimes placed in foster care in the U.S., the American scholar Dorothy E. Roberts wrote that this was "only one example of many forms of overpolicing that overlap and converge in the lives of poor women of color."[299] Regardless of whether women in prison committed a crime related to mothering, they fall under extreme surveillance that undermines their autonomy. Although Yagüe claimed the child is never used as a threat, mothers knew that they could lose their children if they got kicked out of the program, implying that compliance was not only based on a desire for benefits but also a fear of losing parental rights.[300]

The degree to which women may benefit from the agency and autonomy envisioned by the units' founders is thereby undermined. Even the fact that the cofounders listened to the advice of incarcerated women must be contextualized. This act of involving the women was one of the major ways in which the creation of the units offered potential to challenge the treatment of women in prison. In theory, this provided the women with agency and allowed them to create a program based on their own experiences and needs. Nonetheless, it is difficult to assess whether this process had more than a symbol effect. Speaking of development, the American economist Cynthia Wood provided an acute consideration:

> "There are reasons why voices are silenced or cannot be heard. Asking questions and listening to answers always occur in historical and political contexts that shape (and may determine) the encounter [.... There are] implicit expectations behind the new need to

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[298] Ruddick, *Maternal Thinking*, 40–46.

[299] Dorothy E. Roberts, "Prison, Foster Care, and the Systemic Punishment of Black Mothers," *UCLA Law Review* 59 (2012): 1476.

[300] Concepcíon Yagüe, interviewed by the author, January 18, 2010.

listen. In fact, we know what the answer is supposed to be, what our 'listening' should reveal."[301]

We must question the feasibility of women having the power to speak up and be listened to in the context of a prison. As we have seen in women's decisions about the hours of the hair salon, women in this program are permitted to speak more than in prison—but only when staff want their opinion.

Under these circumstances, women must comply with particular programming that reinforces specific, classed ideals of mothering. The ways in which the program incorporates a cultural and class-specific vision are clearest through the mothering school, mentioned in chapter one. It teaches a particular type of parenting as the norm to which all mothers should aspire, without considering the specific backgrounds of the women in prison or leaving space for the legitimization of their own practices. Yagüe argued that the mothering school was necessary because of the deficiencies of the women in prison. She explained how, in Mallorca, mothers would attend a community course in addition to receiving attention inside by psychologists:

> *We always work inside the centers with NGOs, associations, specialized personnel, psychologists, teachers, and pediatricians. But right now we're trying to get this to happen on the outside. […] And later, our psychologists are going to maintain all of the programs on strengthening mother-child relationships, on parenting, on hygiene, and on nutrition. Why? Because we know that many of these women come with really strange and unhealthy habits with regards to nutrition. They're very apt to give their kids solid food during the first few months of life. Or give them lots of junk. Or not have an eating schedule. Our educational work within hygiene and nutrition is very serious.[302]*

The obligatory nature of parenting classes sustains the notion that there is one correct way to parent, based on expert advice. Moreover, the fact that the mothering courses are required of all women suggests that the Department of Prison Services assumes that incarcerated women are not competent mothers, regardless of how many children they have had. I will further explore this topic in the following chapter in terms of staff perceptions; for now, it is important to recognize that

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[301] Cynthia Wood, "Authorizing Gender and Development: 'Third World Women,' Native Informants, and Speaking Nearby," *Nepantla: Views from South* 2, no. 3 (2001): 433.
[302] Concepcíon Yagüe, interviewed by the author, January 18, 2010.

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women are subjected to a middle-class, expert ideology on how to mother, without appreciation of cultural differences in the women's mothering practices.

An examination of both the courses that the cofounders hoped to incorporate into the units and the courses that were actually offered at the time of my interviews exposes the ideologies present in the program. Yagüe had envisioned that the women would learn computer skills, further their formal education, and take other workshops to train them for the job market. This methodology responded to the statistics on incarcerated women in Spain that show a severe lack of education that limits the women's possibilities to support themselves and their family. The very fact that the cofounders expected the incarcerated mothers to take courses reveals the belief that a lack of education had led to their involvement in crime and that increasing their formal labor skill set would aid the women in breaking out of poverty and crime. This belief aligns with feminist pathways theories of crime and deviates from notions of female criminals as evil or incorrigible. At the same time, it assumes that the women in charge of know what skills and values the incarcerated women require to change their lives and places responsibility on the imprisoned women to conform to these specific, white, middle-class values and ways of life. This individualization of responsibility simultaneously ignores larger structures also involved in causing the women to end up in prison.

More significantly, my interviews from 2010 in Palma and Seville indicated that the courses the incarcerated women could access in reality differed greatly from the cofounders' aspirations. Interviews revealed that it was difficult for women to access community courses, which I will elaborate on in the following section, and the courses offered within the units were dictated by the desires of the NGOs involved. This resulted in courses in the units that primarily focused on sewing, cooking, caring for animals, and cutting hair. Adriana, a mother in the unit in Palma, described all of the available courses:

Adriana described the classes they had in Palma:
> We have a dog haircutting course, haircutting, English, yoga…what else is there? Cooking. There's a girl who gives cooking classes on Mondays. [...] We have a course on hygiene and health habits that the Red Cross gives. [...] There's a self-confidence workshop. Ah,

Fridays we have a workshop with the psychologists, which is like a group therapy. A sewing workshop, too.[303]

In practice, the programming within the units hardly changed the prior tendency of teaching traditionally feminine skills rather than preparing the women for careers and to support their family. Almeda's critique of such programming in the previous prisons is still accurate for the situation in the units: "We should be aware that this type of sexist programming not only does not prepare women for the workforce, but it also further ties her to the home and domestic sphere" (translation mine).[304] Therefore, the potential for the program of the external units to prepare the women to get jobs and break out of marginalization was weakened by the ideologies of NGOs that chose to prepare the women for homemaking and feminine, often underpaid jobs. These issues can be traced back over centuries in Spain; Concepción Arenal had already advocated for teaching incarcerated women lucrative skills rather than feminine ones during the First Spanish Republic, and yet, NGOs responsible for programming have persisted in molding incarcerated women into better homemakers, much like women's prisons have tended to do in Spain since their inception.

Almeda has contended that programming that focuses on homemaking skills has a classed element, positing that it is more in line with middle-class expectations for women to care for the home and specifically does not reflect the needs of the lower-class women in prison. Speaking of similar programs in other women's prisons, she wrote, "as [the average woman in prison] is precisely the type of woman who, in the majority of cases, has rejected the most conventional feminine role, in reality [the programming] responds to the standard expectations of middle-class women" (translation mine).[305] Although the cofounders may have wanted to teach the incarcerated women more lucrative skills, then, the programming that they allowed through relying on NGOs to direct many of the activities tended to reinforce middle-class homemaking expectations. The incarcerated women, then, had to adapt to a type of programming that was not in line with their needs and that continued to teach a specific vision of femininity.

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[303] "Adriana" (incarcerated woman in Palma), interviewed by the author, May 9, 2010

[304] Almeda, *Corregir y Castigar*, 52.

[305] Ibid.

More broadly, it is worth questioning the implications of feminist involvement in the prison system. The extent to which the units can be considered an attempt to combat societal inequalities is limited by the fact that the project cannot challenge sentencing practices that systematically incarcerate certain groups. As indicated in chapter one, the units house poor, minority women, often from developing countries, who have been sentenced for nonviolent crimes. Regardless of improved conditions, this imprisonment itself perpetuates systems of power within society, controlling the bodies of some and removing them from their friends and family, which is known to be pernicious for wider communities. Kimberlé Crenshaw argued,

> "There are many ways that surveillance and punishment are intersectionally scripted, including the ways in which race, gender, or class hierarchies structure the backdrop against which punitive policies interact. […] These intersections are constituted by a variety of social forces that situate women of color within contexts structured by various social hierarchies and that render them disproportionately available to certain punitive policies and discretionary judgments that dynamically reproduce these hierarchies."[306]

Although the programs are accompanied by attempts to keep mothers of small children out of prison, the profile of the women in the units illustrates an overrepresentation of poor, immigrant and Roma women, which demonstrates that the units continue to form part of an institution that systematically oppresses certain groups, without addressing this or its implications.

Arguably, by designing improved units for the mothers, the prison system appears to better fulfill its rehabilitative objectives while maintaining intact discriminatory sentencing trends and without questioning larger structural injustices. Interviews did not reveal that this was a primary intention of the units, but it can be argued that they do in fact legitimize the work of the Department of Prison services while setting up a system that controls poor women and teaches them to adopt middle-class values. By only offering the program to mothers of small children in the prison system, it sustains the idea that women gain their value through motherhood and are only worth rehabilitating when they have young children. In fact, the cofounders believed that motherhood softened female criminals, making them easier to reform:

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[306] Crenshaw, "From Private Violence to Mass Incarceration: Thinking Intersectionally About Women, Race, and Social Control," 1427.

Sometimes the women who are the worst behaved during their sentence later return to us with new sentences, now pregnant. And their behavior is totally different. Totally different. Maternity really changes women's behavior. They end up putting the maternity above everything else. We've been so surprised by these women where before we had said, "My god, this woman is impossible," and then they come back pregnant, and their mentality is totally different. They're motivated. Maternity motivates and modulates behavior so much.[307]

These beliefs uphold the oppressive nature of the institution of motherhood in judging mothers differently from other women and giving them greater value in society.

4.4   Logistical Problems Based on External Factors

Similar to previous female prison initiatives in Spain, the units' operation was contingent on external support from NGOs, public services, and local governments. The reliance on outside sources, which implied fostering support for a sector of society that is traditionally overlooked and stigmatized, proved problematic. The program exists within a wider society in which incarcerated women are not valued.

At the time of the 2010 interviews, an overall lack of backing had resulted in difficulties in fulfilling the program objectives. Local governments had not provided adequate land for constructing the buildings or public transportation, and community courses were unable to accommodate the women. By the 2013 interviews, a change in political climate had ultimately paralyzed the program, as I will discuss below.[308]

Because of a dependence on government resources, the units were built in such a way that access to community programs and jobs, and even the possibility of mothers bringing their children to school, was, in some cases, impossible. A volunteer explained:

When you bring this project to an autonomous community and tell them that it has to be done, they are obligated to do what the Spanish state demands. But what happens? When they have to give the land, they say, 'I'm going to do this in a place where the land is worth a quarter what the other land is worth.' I can't say it clearer. And the place where the land is worth a quarter of what it's worth in other places is next to the prison. Because not even God wants to build there.[309]

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[307] Concepción Yagüe, interviewed by the author, January 18, 2010.
[308] Concepción Yagüe, email message to author, April 5, 2013.
[309] "Elena" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 20, 2013.

Local governments allocated land for the units that thwarted the realization of the founders' goals. This was especially true in Seville, where the external mother unit was built directly next to another prison and without any public transportation options. At the time of my visit, which was shortly after the unit had opened, no one had been able to leave for classes or work.

Distance not only affected the women's ability to participate in the community but also resulted in greater difficulties for families. Remote locations aggravated by a lack of public transportation hampers family members' ability to visit, further isolating the women inside. Consequently, the goals of sharing parenting responsibilities with family members were unfulfilled. While the description of the female incarcerated population indicated that many of the women in the external units were either single mothers or were primarily responsible for their families, we have also seen that poor women and women of color tend to share parenting responsibilities with others in the community.[310] The fact that the external units isolate women with their children arguably exacerbates the expectation for them to parent without help; it precludes mothers from sharing the weight of childrearing with other family members or outside friends, relegating them to the role of sole caregiver.

Regarding community courses, jobs, and workshops, although Yagüe argued that communities must accommodate the women as they would any citizen, interviews revealed that this did not occur. Beyond a lack of transportation to get to the classes, community course often did not have openings. Foreign women had additional difficulties gaining access to courses because of their citizenship statuses.[311]

We have seen in chapters one and two that the treatment of female offenders in Spain has shifted historically as a result of changing political and economic conditions. Certain trends have persisted, such as the tendencies to pay greater attention to male delinquency, to portray female offenders as particularly evil when they do not comply with gendered expectations, and to confine

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[310] Kinser, *Motherhood and Feminism*, 15.
[311] "Paula" (Director of Palma), interviewed by the author, May 10, 2010.

them with the aim of reforming them into good mothers and wives. Nonetheless, governments have paid different amounts of attention to female offenders, and attempts to improve women's prison conditions have often been quashed by changing political environments.

The entrance of the right-wing government of the People's Party (*Partido Popular*) in 2011 resulted in a return to conservative politics that vilify women and toughen sentencing policies.[312] Moreover, the government has cut back the external unit project.[313] When the People's Party entered power, three of these six units (Palma, Seville, and Madrid) were in use. The unit in Alicante had been finished, and the construction of Tenerife was advanced. In León, the project had stalled in the planning phase. According to Yagüe, the new government does not want to open to unit in Alicante due to a lack of personnel. They have slowed down the construction in Tenerife and have canceled the project in León. Consequently, they have needed to maintain the prison nurseries in Aranjuez and Valencia and have reopened the nursery in Alcalá de Guadaíra.[314] Thus, the future of the external mother units is unknown, but Yagüe is confident that a change in governments could result in new support:

> *As soon as the financial crisis palliates, and a less conservative and less retributive government returns, I am sure the project will be taken up again.[315]*

Clearly, the external mother units' success will be limited by the support it receives from the government and greater society.

4.5   Conclusion

The founders of the program continued a line of women who have worked to improve female prison conditions. They wanted the units to form part of a plan to stop cycles of marginalization, poverty, and incarceration by providing women with training so they could support their children upon leaving prison. Beyond constructing facilities aimed to be more

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[312] Ediciones El País, "Contra la crisis, más cárcel."
[313] Concepción Yagüe, email message to author, April 5, 2013.
[314] Ibid.
[315] Concepción Yagüe, email message to author, April 7, 2013.

adequate for the female population and imparting more specialized treatment, the founders recognized the challenges of mothering in prison. Certain initiatives addressed issues feminists have highlighted as problems for all mothers, such as a lack of autonomy and support.

Simultaneously, the cofounders enforced a situated feminist vision of motherhood and rehabilitation. Through obligating all women involved to attend mothering school and providing courses in traditional feminine skills, a maternalistic environment has developed in which staff can determine who should mother and how. NGO-courses promote traditional homemaking skills rather than aligning with goals of training the women professionally. Overall, it appears that a specific type of salvation is imposed on the women, which is very different from discourses regarding the punishment of male criminals.

The fact that the cofounders took into consideration the women's own views indicates a desire to recognize the experiences and knowledge of the women for whom the units were built, but the overall context in which this occurred limits possibilities for agency and exchanges. As U.S.-Indian theorist Gayatri Chakravorty Spivak argued, "It seems to me that finding the subaltern is not so hard, but actually entering into a responsible structure with the subaltern, with responses flowing both ways: learning to learn without this quick-fix frenzy of doing good with an implicit assumption of cultural supremacy which is legitimized by unexamined romanticization, that's the hard part."[316] The cofounders were situated within an institution, as well as in a different realm of society, that limited their ability to learn from the incarcerated women. Moreover, while the program effectively takes into consideration issues faced by women in prison and offers possibilities to change the situation, it continues to house poor women and separate them from their communities, thereby sustaining the greater system of incarceration.

The program's ability to address inequalities for women in prison, provide an atmosphere more based on women's needs, and prepare the women to support their children is also hindered by the dependence on a larger structure. As the program relies on NGOs and government support, it

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[316] Gayatri Chakravorty Spivak, *The Spivak Reader*, ed. Donna Landry and Gerald MacLean (New York, NY: Routledge, 1996), 293.

reflects larger ideologies that limit the types of rehabilitation and support available. This is most evident through the fact that the program is now losing support from the government and may struggle to survive.

Chapter 5: How the Incarcerated Mothers were Viewed

When I embarked upon the project of interviewing staff and volunteers in Spanish prison nurseries and the external units, my interest lay in their opinions of the centers. I wanted to discover whether staff and volunteers identified improvements in the new facilities in terms of mothering. However, as I conducted my interviews, it became impossible to ignore the ways in which these individuals portrayed the mothers with whom they worked. Their testimonies indicated that they were invested in the project and committed to creating a different type of facility that would present new opportunities for imprisoned mothers and children, yet they often spoke with condescension about the women, and their opinions tended to overlook crucial aspects of mothering in prison that the imprisoned women brought up in their interviews.

These portrayals offer a key element to my analysis. They illustrate not only current Spanish societal attitudes towards incarcerated mothers but also the critical role of class and race in positioning subjects and in interpreting motherhood. Overall, the ways in which the staff and volunteers viewed the imprisoned mothers reveal that they judged the women against traditional white, middle-class ideals of motherhood and criticized them for not living up to the image of the "good mother." Through depictions of the women, the staff and volunteers reinforced differences between the prisoners and themselves and forged identities as charitable caregivers with the mission to care for and teach the women. Their criticisms served to justify maternalistic programming geared at reforming women through instilling in them a middle-class view of parenting and work ethic.

I will begin this chapter by demonstrating that the staff and volunteers were dedicated to the program goals, which implies that their outlook and beliefs conformed to the ideology behind the units. Turning to their views of the women, my interviews indicated a tendency to criticize the women for being infantile, dependent, and selfish and accredit bad mothering to these traits. These denunciations suggest that they viewed the women as childish rather than evil and judged them

against the dominant expectations of the good mother, who is selfless and competent at lone mothering.

5.1 Dedication to the Program Goals

Staff and volunteers did in fact believe in the program goals of rectifying gender inequalities faced by women in prison, focusing on the rehabilitation of these mothers, and improving the conditions of children in prison. As previously stated, all individuals employed in the external units had been selected based on a particular profile and a commitment to the project. Beyond having experience working with mothers in prison nurseries, guards, social workers, and other prison staff tended to be aware of the challenges of mothering in prison. Volunteers also demonstrated an alignment with the goals of the program. While volunteers were selected by NGOs and not subjected to such rigorous screening, it became clear through their interviews that they exhibited optimism towards the intentions behind the program and an understanding of the barriers women traditionally faced in prison. Elena, a volunteer in Madrid who had been volunteering in a prison nursery for fifteen years before the external units opened, summed up the enthusiasm demonstrated by many of the volunteers:

> *The idea for the external units is spectacular. They are such a change from the prison nurseries, and they offer so much potential.*[317]

Lourdes' description of her progressive involvement in the external unit in Madrid encapsulated the dedication to the project espoused by many volunteers:

> *I spend all of my time there. When I first decided to volunteer in prisons, I thought that I would go once a week to spend a couple of hours there. Now I'm at the unit every day, either running activities or accompanying women who have to go to the doctor, to an embassy, or on other errands. They can't go alone, so they need me to come. It was when I saw the mothers with their kids running around everywhere that I realized, 'This is where I want to be.'*[318]

Volunteers tended to get involved more than they had initially expected and stay in contact with the mothers long after they were released from prison. We can conclude that the staff and

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[317] "Elena" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 20, 2013.

[318] "Lourdes" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 24, 2013.

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volunteers alike believed in the goals of the units. Therefore, their perceptions were not incidental but rather reflective of the program ideology.

5.2   Views of the Incarcerated Women

Staff and volunteers' accordance with program ideology permeated their portrayals of the incarcerated women. They offered informed understandings of how greater structures of exclusion often influenced women's involvement in crime:

> *These women have gotten into a vicious cycle of poverty and crime, and we want to get them out of it. We don't want their kids to fall into the same cycle.*[319]

> *The girls here have had such hard lives. You can't imagine their stories of abuse and poverty. And I hope through my workshops, I can make things a bit better for them.*[320]

These visions concur with feminist contributions to criminology emerging in the 1980s that advocated for a more nuanced view of female offenders as products of patriarchal classist and racist societies that offer limited options rather than as monstrous because of their deviance from gendered roles. Staff and volunteers acknowledged the constraints in the women's lives and did not portray the women as worse than male offenders.

Referring to the ramifications of discourses that frame female criminality exclusively in terms of disadvantage, feminist scholars such as Daly and Juliano noted the tendency to victimize women and ignore their agency.[321] Interviews with staff and volunteers confirmed this fear. While they diverged from traditional discourses that spoke of female criminals as evil, they instead described the women as incompetent and childish.

This infantilization was pervasive in the interviews, with staff and volunteers referring to prisoners as "girls" ("*niñas")* instead of "women" *("mujeres")* and arguing that they were incapable of solving their own problems, choosing partners, or making good decisions. Lorena, one of the guards, summarized this attitude:

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[319] "Sonia" (Volunteer in Palma), interviewed by the author, May 9, 2010.

[320] "Lourdes" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 24, 2013.

[321] Daly, "Gender, Crime, and Criminology"; Juliano, *Excluidas y marginales: Una aproximácion antropológica.*

They don't think things through. In general, they're very juvenile. These are people who are immature.[322]

Silvia, a guard in the external mother unit in Palma, complained about the fact that the women lied and did not take advantage of opportunities, implying disappointment in the women:

> *The thing is that the women tell you what you want to hear, which isn't the same thing as the reality. So they lie to you a lot. Sometimes you have to have really low expectations. For example, the child will have diarrhea, and they give them the same food again. Sometimes you wish they'd go to school and take advantage of their time because they have the daycare and everything. They should take advantage a bit of their time here and not let the time pass. They don't take any of the opportunities we give them. And they have a lot of opportunities.*[323]

Silvia blamed the mothers for not improving their conditions through available opportunities. Simultaneously, she criticized their mothering skills in her reference to the women feeding sick children the same food that had made them sick.

Infantilizing discourses reinforced gendered stereotypes of women as childish and passive. American scholars Ferraro and Moe wrote, "Women are portrayed within the legal system in ways that are consistent with paternalistic hegemonic standards of passivity and weakness, and, as such, are unable to be held fully accountable for their criminal activities."[324] Unlike male prisoners, who are often discussed as dangerous and in need of punishment, women prisoners in the units continue to be seen as childish. Staff comments evoked a discourse of care rather than of rights and justice, which has significant impact on the rehabilitative nature of the program. According to Bosworth, "Women [in prison] are often assumed to be less confident, less autonomous and more passive than men. […] Overall, there was a sense that they needed to be looked after rather than punished."[325] Viewing the women as children rather than as agents with free wills who had made choices in their lives justified programming in which the women needed to be monitored, cared for, and taught self-esteem. It set up a dichotomy between staff and volunteers, who were seen as caregivers, and the women who required services for their own benefit rather than custody.

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[322] "Lorena" (Guard in Aranjuez), interviewed by the author, April 29, 2010.

[323] "Silvia" (Guard in Palma), interviewed by the author, May 9, 2010.

[324] Kathleen J. Ferraro and Angela M. Moe, "Mothering, Crime, And Incarceration," *Journal of Contemporary Ethnography* 32, no. 1 (February 1, 2003): 11.

[325] Bosworth, *Engendering Resistance*, 58.

5.3   Views of the Women as Mothers

Beyond describing the women as infantile, staff tended to criticize the imprisoned women's mothering abilities. The attitudes that they primarily criticized reveal that they based their judgments on white, middle-class standards of intensive mothering that require mothers to be selfless and self-sufficient at providing the care themselves. Andrea O'Reilly has argued that all women are judged by this ideology, despite whether they personally prescribe to it:

> "The ideology of natural-intensive mothering enacted in the patriarchal institution of motherhood has become the official and only meaning of motherhood, marginalizing and rendering illegitimate alternative practices of mothering. In doing so, this normative discourse of mothering polices *all* women's mothering and results in the pathologizing of those women who do not or can not practice intensive mothering."[326]

Essentially, all mothers are compared to the same standards and categorized depending on how well they live up to the expectations. These standards are particularly difficult for mothers in prison, given that the "good mother" ideals are also based on an identity as a white, middle-class, heterosexual, married, non-offending woman, which does not match the identities of the women in prison.

It is worth mentioning the diversity in opinions and characterizations. In terms of mothering itself, some staff and volunteers were careful to not generalize about the women with whom they worked. They acknowledged the diversity among the women and cautioned against thinking of all the women as good or bad mothers:

> *There are good mothers and bad mothers, just like on the street. Some of the women hit their kids and yell at them too much and don't really know how to raise them. But that's just because of the way they were raised themselves. Really, the mothers worry about their kids a lot and care about them.*[327]

> *There are some mothers who play with their kids more than others, who stimulate them more. Like everywhere.*[328]

Nevertheless, certain themes emerged in the discussions of the incarcerated women, their decisions to bring their children with them or in some cases get pregnant in prison, their efforts to maintain

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[326] O'Reilly, "Introduction," 2004, 7.

[327] "Silvia" (Guard in Palma), interviewed by the author, May 9, 2010.

[328] "Cristina" (Teacher in Aranjuez), interviewed by the author, May 18, 2010

contact with older children, and the ways they raised their children. Fundamentally, the volunteers and prison staff tended to censure the women for being dependent and selfish.

5.3(1) *Mothers as Dependent*

Guards, social workers, and volunteers often noted that mothers were highly dependent on those around them, both for material goods and emotional support. Dependency was framed as an attitude that needed correction so that, after leaving prison, the women would be able to function independently and care for their children alone:

> *Here there are women who have a lot of children but who have never personally raised any of them. There are girls here who have a ton of kids, but really, the kid who is here with them is the first one who has ever lived with them. So we have to prepare them for later: 'Listen, later no one is going to say to you what you have to do. Because later no one is going to solve your problems.' They have to learn to solve their problems. Because up until now, we hear, 'My kid has this problem' and, 'I need this,' and the institution resolves all of their problems. But they have to learn to solve their own problems in the street and with their kids.*[329]

> *I've noticed that the mothers ask us for everything. They need help solving all of their problems and expect us to mediate when they get into silly arguments with each other. It happens all the time.*[330]

Interviewees saw the mothers' reliance on the institution and dependency on the prison staff as a sign of incompetent mothering, rather than recognizing it as an inherent part of the prison system. Given that prisons are closed institutions, the women are kept captive and cannot fulfill their basic needs without the support of the institution. According to American criminologists Merry Morash and Pamela Schram, "Prisons create a forced dependency that is antithetical to caring for a child. Inmate-mothers become dependent upon the institution for survival and are unable to take responsibility for themselves or for their children."[331] In the new units, the mothers were theoretically allowed to go out, but at the time of my interviews, none of the women had been able to work outside the units and therefore could not be expected to earn money to buy anything for their children. Moreover, the women adhered to a strict schedule and had little power to make

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[329] "Gabriela" (Social Worker in Seville), interviewed by the author, March 25, 2010.

[330] "Carmen" (Volunteer in Madrid), interviewed by the author, April 23, 2013.

[331] Merry Morash and Pamela J. Schram, *The Prison Experience: Special Issues of Women in Prison* (Prospect Heights, IL: Waveland Press, Inc., 2002), 81.

decisions regarding their space, time, or lives. This prohibited them from taking initiative, being independent, or earning money. Staff criticisms of this type of dependence fail to recognize the institutional factors that affect the women.

In terms of dependence for solving non-material mothering problems or asking for advice, this critique of women for being too dependent on the staff and volunteers also reflects larger notions present in feminist critiques of motherhood that mothers should be the sole people responsible for their children's upbringing. As discussed in chapter two, dominant ideologies of motherhood expect women to mother in isolation rather than sharing the work.[332] Prison staff perceived instances in which incarcerated mothers turned to them for advice, support, or help with their children as an inability to fulfill mothering roles.

This critique of dependency reflects the contradictory expectations previously explored that women be married but still provide all the care. Expectations for mothers to not exhibit dependency on others has been shown to not represent the experiences of many groups who have traditionally shared child-rearing responsibilities communally.[333] Thus, when staff chastised incarcerated women for being dependent, they judged them for not living up to a particular white, middle-class and Western set of expectations for mothering.

5.3(2) *Dependence on Male Partners*

Notions of the women as dependent extended beyond the units' walls and appeared linked to both bad mothering and the women's involvement in crime. Staff and volunteers believed that many of the women had ended up in prison because of an earlier dependency on men:

> *The women come from rough backgrounds and get involved in crimes because of the men around them.[334]*

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[332] Fiona Joy Green, "Feminist Motherline: Embodied Knowledge/s of Feminist Mothering," in *Feminist Mothering*, ed. Andrea O'Reilly (Albany, NY: SUNY Press, 2008), 161–176; Shelley Martin, "Feminism, Motherhood, and Possibilities in the Writing of Bronwen Wallace," in *Feminist Mothering*, ed. Andrea O'Reilly (Albany, NY: SUNY Press, 2008), 61–74.
[333] Hays, *The Cultural Contradictions of Motherhood*.
[334] "Elena" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 20, 2013.

These women were often tricked into committing crimes. Or they followed orders of the men they were dating. They listened to them…and look which one ended up in prison.[335]

Chapter two highlighted the fine line between recognizing women's often-secondary roles in crime and in employing victimizing discourses to take away women's agency, which further justified middle-class involvement in teaching the women different values.[336] The staff and volunteers recognized how women had been excluded from society and sometimes forced into crime, and these realizations condoned maternalistic programming focused on rehabilitation and building self-esteem.

In one instance, a volunteer related dependency to race and ethnicity. Elena argued that women from Latin America were particularly prone to be dependent on men:

Given the society they live in, those men tend to abandon them or look for other women. That's normal in their environment. We teach them to not be dependent on men. I find the Africans have a higher level than the South American… I've found Africans with a lot more desire to work and get an education than South Americans or Eastern Europeans. The South American women and the Eastern European women are much more apathetic and passive than the Africans.[337]

Elena was the only worker to mention race when discussing the women, but at least in her case, race and ethnicity further shaped how she viewed the women. She used these factors to justify savior discourses in which the women needed her and the program to break free from their cultures and male partners. Rather than blame the women for their criminal records, she spoke of them as victims of their cultures, employing colonialist discourses to legitimize her interventions with the women. Her involvement in the center and with the women can thereby be seen to be a civilizing mission.

Staff and volunteers further considered dependency on male partners to be an impediment to being a good mother:

Most of the women are dependent on men for everything. They think they need a man to support them and their children. So they look for men near them. They don't think they're worth anything without a man.[338]

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[335] "María" (Volunteer in Soto del Real and Madrid), interviewed by the author, January 19, 2010.

[336] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*.

[337] "Elena" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 20, 2013.

[338] "Elena" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 20, 2013.

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> *One of the biggest issues for the women is their dependence on male partners. When they get to prison, the men are the first people they want to call. Last month, I had one woman here who got here and needed to deal with where her children were going to stay, but instead, she wanted to call her partner.[339]*

Dependence on was equated with a preference for, and staff implied that women's relationships with men prevented them from providing for their children. Moreover, while Natalia did not further elaborate on her anecdote, and it is thus impossible to know whether the woman's phone call to her partner would have indeed involved arrangements for her child, it appeared that Natalia found the woman's decision to call her partner particularly problematic because the partner was not the child's father.

Concepción Yagüe noted dependency as a chief hindrance in convincing women to move from the prison nurseries to the external units. She recognized that some women would have to leave behind their partners they had in prison and framed the desire to stay with male partners as dependency rather than a choice:

> *You know that the girls are often very dependent on us, which is something we have to work on a lot. That dependence on the boy, on the boyfriend, et cetera. We'll work with them so they understand that for their kids, the external units are better—although they can maintain regular contact with the boyfriend.[340]*

Staff members were interested in teaching the women to choose their children over their partners and considered putting partners first to be symptomatic of dependence.

Critical comments surrounding the incarcerated women's dependency on male partners apply a double standard and veil women's responsibility for their families' survival. All relationships involve dependency, and gender hierarchies throughout the world result in many women being dependent on male partners. When volunteers such as María—who was herself financially supported by her husband—judged incarcerated women for being dependent on men, they demonstrated how women in prison and other socially marginalized women must live up to particularly strict standards. Moreover, as mentioned in chapter one, the majority of incarcerated

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[339] "Natalia" (Social Worker in Soto del Real), interviewed by the author, March 8, 2010.
[340] Concepción Yagüe, interviewed by the author, January 18, 2010.

women were not in fact economically dependent on men; rather, they were responsible for the economic survival of their entire families. To label them as dependent on men, then, is to obscure the ways in which they exhibited agency and maintained their families.

Not only did staff chastise the women for being dependent on men, but they also criticized their choice of male partners and how they defended them:

> *The women defend their male partners to the end. For instance, I always tell the women, "You know that your kids can leave on the weekends, right? Where's their father? Why hasn't he come to take them?" And the fathers never, ever come to take the kids. Never. And yet the mothers defend the fathers to the bitter end, making up excuses about why they aren't coming.[341]*

> *Of course when they come at the beginning of the sentence, a lot of them are young girls and these relationships just form naturally with the boys. We don't think all of these relationships are so beneficial. Anyway. We also don't want to go against their wishes, but we explain it to them well—that they need to think first about their children.[342]*

Discourses critiquing women's ability to choose men and the belief that staff should participate in discouraging the relationships conjure Spivak's discussion of "women saving brown women from brown men" in the field of development.[343] Criticisms of women's' partners were not only maternalistic but further evoke a savior discourse. Rather than seeing the women as agents or as structurally oppressed by a global system, staff described them as victims to their male partners. Middle-class women become responsible for saving the poor women from the communities that have influenced their entryway into crime.

5.3(3) *Mothers as Selfish*

While depictions of incarcerated mothers as infantile and dependent denied the women agency, portrayed them as incompetent mothers, and set up a hierarchy in which staff and volunteers filled a maternal role in teaching the women to be autonomous, strong women, another theme emerged that slightly complicated this relationship. Staff and volunteers also commonly criticized the prisoners for being selfish. Selfishness is also a childish attribute that opposes

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[341] "Natalia" (Social Worker in Soto del Real), interviewed by the author, March 8, 2010.

[342] Concepción Yagüe, interviewed by the author, January 18, 2010.

[343] Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Cambridge, MA: Harvard University Press, 1999), 284.

expectations of the good mother, but it does not victimize the women or directly advocate for programming that raises their autonomy and self-esteem. Rather, it defends the need to monitor and control the women and change their inner values to be more in line with traditionally feminine values.

Selfishness is an attribute in opposition with the expectation for all women to give, sacrifice, and essentially live to serve others. Mothers are expected to make all decisions on the sole basis of the best interests of the children; according to Dorothy E. Roberts, "a mother is a selfless creature. […] Because society defines women as caretakers of children, it subordinates women's personal needs and desires."[344] When women made decisions based on their own needs or desires, they fail to embody the ideals of femininity or of being a good mother.

The theme of selfishness arose frequently in descriptions of the mothers. Lourdes, a volunteer in Madrid, emphasized her amazement at their selfishness:

> *They're all so selfish. I love them, but they're immature and selfish. They think of themselves before anything else. Oh, and the fights they get into because of their egos. Really, they're just so selfish.[345]*

Lourdes presented selfishness as a defining trait that determined how the women related to the world. Other references to selfishness were prominent in relation to the decision to come to the external units and, in some cases, the decision to get pregnant in prison.

(i) Selfishness in the Decision to Come

When referring to women who already had young children and decided to bring them to the units rather than sending them elsewhere, staff and volunteers employed the competing discourses of the need for children to be with their mothers and the idea that women only brought children for their own gains. The following quotes highlight the tendency to believe in the need for children to be with their biological mothers:

> *A mother's love is very necessary for the intellectual development of a child.[346]*

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[344] Dorothy E. Roberts, "Motherhood and Crime," *Iowa Law Review* 79 (1994 1993): 105.

[345] "Lourdes" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 24, 2013.

[346] "Elena" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 20, 2013.

It's clear that babies need their mothers.[347]

The mother is always the reference, you know? The reference and the connection…. So I think that in the first months of a child's life--the first year, even, it's good that the kid be here with its mom.[348]

This notion that children belong with their mothers supposedly supports women's decision to bring their children to the units but ultimately reinforces ideologies that naturalize mother-child relationships, tie women to the home, and alleviate others from parenting responsibilities.

Staff also exhibited sympathy towards women's decisions to bring their children to the units when they believed the women had made the best decision possible for their children. In these cases, they recognized that the conditions facing the women on the outside were challenging, and prison was sometimes the "lesser of two evils" for the child:

In terms of the situation here inside, I think some of them are much better here.[349]

In the case of kids who are very young, I think it's good for them to be with their mothers because they create a connection. In a lot of cases, the only alternative would be to go to a foster center. So if they had more family or if the father was on the outside, or I don't know, grandparents, then sure. There are mothers in situations where the kids could go out, but the mothers prefer the kids to be with the in here. It's good if the mothers take good care of them. Though as the kids grow up, they need more things.[350]

Nevertheless, women's decisions to keep their children with them were often seen to be selfish because staff and volunteers recognized that the external mother units signified largely improved living conditions from the normal women's prison modules and questioned whether women had chosen to come to the units for their own benefit.

Mothers keep their children with them for as long as possible because they live better here. They have better conditions here. There are fewer women, and there are fewer conflicts. The treatment team lends them a hand, you know? And so they have their kids here with them as long as possible.[351]

The mothers want to have their kids with them. Almost all of the mothers want their kids with them…. So they usually think of themselves before their children. Mine, mine, mine, mine, mine. …But, selfishly. I mean, some of them like [having their children with

[347] "Lourdes" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 24, 2013.

[348] "Cristina" (Teacher in Aranjuez), interviewed by the author, May 18, 2010.

[349] "Lorena" (Guard in Aranjuez), interviewed by the author, April 29, 2010.

[350] "Monica" (Teacher in Aranjuez), interviewed by the author, May 18, 2010.

[351] "Lorena" (Guard in Aranjuez), interviewed by the author, April 29, 2010.

*them]...others use their kids as an excuse.... They use them as an excuse to ask for more.
There are people where this isn't the case, who want their kids with them because they know
it's better for their kid to be with the mother, and that's where they should be. And others
who think only of how it will benefit themselves.[352]*

If women enjoyed being with their children in prison, their decision was described as selfish. Staff

established a dichotomy between the best interests of the child and the interests of the mother, and

once they determined that a mother benefited from the units, they deemed her to be no longer

acting in the best interests of her child. Thus, although individuals such as Gabriela believed that

children were better off with their mothers, they still blamed mothers for deciding to come to the

unit for their own benefit.

(ii) Selfishness in Women Getting Pregnant

The notion of imprisoned women being selfish was even more evident in discussions of

women who got pregnant in prison. In some instances, volunteers and staff argued that incarcerated

women had gotten pregnant specifically to qualify for the mother units, where they would enjoy a

higher quality of life:

*There will be some who use this to their benefit—having kids as an excuse—who will later
abandon them, just to be comfortable during their time there.[353]*

*There are mothers who have kids to improve their situation in prison. It's crazy because the
kids last your entire life.[354]*

*One of them got here on the first day and said, 'Damn! When my daughter leaves--since I'll
be in here for longer--I'm going to get pregnant again so I can stay here! It's such a great
place!' Get it? I'm telling you this so you understand the psychology of certain people.
There are selfish people and then people who had the misfortune of having a sentence at the
same time as having a child. But yes, having the child in here works well for them.[355]*

In general, the comments about women getting pregnant in prison to improve their living

conditions also alluded to a lack of foresight:

*I think there are a lot of women who have kids just to go to the mother units. I do think so.
And if they have long sentences and are later going to have to take their kid out then they
have another one. And that's it. They have another one. What happens to the first one? They*

[352] "Gabriela" (Social Worker in Seville), interviewed by the author, March 25, 2010.
[353] "Elena" (Volunteer in Madrid and Aranjuez), interviewed by the author, April 20, 2013.
[354] "Sonia" (Volunteer in Palma), interviewed by the author, May 9, 2010.
[355] "Gabriela" (Social Worker in Seville), interviewed by the author, March 25, 2010.

give it to some family member or social services, I don't know. Some of them think about right now and wanting to be [in the external mother units], and that's it.[356]

Some interviewees did in fact recognize that not all—or perhaps none of the women who had gotten pregnant in prison had done it only to improve their conditions:

I mean, you can't generalize, either. There are mothers who use their kids, who get pregnant to be in a better module. But we also can't say, 'This one did, this one didn't.' Because we don't know. Though we do have an idea.[357]

We were worried that women might get pregnant in prison to come here. But it hasn't happened. Because a lot of women have come from the big prison in Palma, but despite that, it hasn't happened. If it were easy to get here from the big prison, they'd get pregnant. But I'm telling you, in a year and a half, that hasn't happened. I don't know...here it isn't enough to just have a child. Here you need a very good profile to come. Not all of the women who get pregnant get to come here.[358]

While Paula did not believe any of the women had become pregnant to come to the units, she implied that this was because access to the units was contingent on more than simply having a child. In other words, she believed that many incarcerated women would get pregnant for their own gains if this were to allow them entrance to the units.

Nevertheless, the possibility of women getting pregnant to improve one's conditions was a recurring concern. Yagüe mentioned that people outside the prison system have feared the creation of the units encouraged women to get pregnant, which implies a distrust of imprisoned women's ability to decide for themselves to have children. Such assumptions also allude to the existence of right and wrong reasons to have children, begging the question of the "appropriate" reasons and circumstances for having children.

Questioning women's decisions to get pregnant in itself is a double standard; only certain women such as those in prison and in other precarious situations are expected to justify this choice. Similar justifications of women's choices to migrate, leave children behind in another country and bring children with them also illustrate the demands on women in prison—and on poor women who fall under state surveillance or who need support—to be accountable and legitimize their actions in

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[356] "Silvia" (Guard in Palma), interviewed by the author, May 9, 2010.

[357] "Cristina" (Teacher in Aranjuez), interviewed by the author, May 18, 2010.

[358] "Paula" (Director of Palma), interviewed by the author, May 10, 2010.

ways not expected of middle-class women. Although all mothers fall under the gaze of society, the very fact that the women are in prison, much like women under other types of surveillance, implies that they are constantly under a gaze that judges and demands justification for all of their decisions.

Yagüe offered a more nuanced and sympathetic view of the decision to get pregnant in prison:

> *Okay, more than a pure strategy [of getting pregnant to come to the external units]—I'm not saying that this hasn't ever occurred—is that the mothers know that if they're planning on being mothers at some point, or that they want to have another kid, well, they understand the prison conditions are going to allow for a healthy pregnancy and safe childhood. So they make that decision. Being incarcerated isn't going to stop them from being mothers. Why? Because they know they're going to be in very good conditions. They also know that we're more benevolent with the mothers. That's obvious. But they also know that the mothers are required to have much better behavior. They get pregnant and become mothers in a healthy environment. So it's really every woman's personal decision, but they know that they are going to be very controlled. It's no cushy deal.[359]*

Rather than attributing giving birth in prison to a lack of education or selfishness, Yagüe noted women's agency and framed the decision as a strategy taken after weighing various factors. Overall, however, staff and volunteers judged women on how they ended up in the units.

(iii) Selfishness within Units

Staff and volunteers believed that the women continued to exhibit selfishness within the unit, as well:

> *Some of them aren't good mothers. They don't pay attention to their kids. I'm a mother, and I pay attention to my kid. My daughter is the first person I think about. That's not true with these women. The first thing they think about is their 'furloughs', their things, their husbands, what they have here...before their child. There are women where this isn't the case. There are women who behave phenomenally and realize that their child's necessities are the most important. But many of them don't do that.[360]*

If women did not put their children ahead of everything, they were considered selfish and thereby bad mothers.

Selfishness, or even apathy, was highlighted in terms of maintaining contact with older children. Previous studies in Spain and elsewhere have noted that mothers in prison tend to suffer a

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[359] Concepción Yagüe, interviewed by the author, January 18, 2010.

[360] "Lorena" (Guard in Aranjuez), interviewed by the author, April 29, 2010.

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double sentence due to the separation from their children, which will be further addressed in the following chapter through the testimonies of the mothers.[361] However, prison employees and volunteers voiced a different opinion about the relationships between incarcerated mothers and their children outside:

> *Another thing I've noticed is that the only kid who matters is the one who is here. And the kids from before? They're in the woman's country, with social services, or they're living with the grandmother...I don't know. They disconnect from their kids really easily. I don't get how they can do it. It might be a survival technique. But I think that they're very able to not think about the fact that a child is for the rest of your life, you know? And, I mean, there are always exceptions to everything we're telling you. There are some really good mothers, too.[362]*

Cristina recognized that women might disconnect from older children not because of selfishness, but rather as a survival technique, knowing that they cannot see or care for children on the outside. Yet she also returned to the idea of a lack of foresight, infantilizing the women and questioning their ability to make thought-out decisions. Comments such as Cristina's failed to recognize the negotiations women undertake in deciding to leave their children or that losing their child may be beyond their control. Kimberlé Crenshaw contended that poor migrant women "frequently face gendered double standards in that the sacrifices they sometimes make for their children—leaving them with relatives, working long hours to send money home, saving money so that they can be reunited with their children—are perceived negatively in women when the same behaviors in men would be considered heroic."[363]

Prison staff's criticisms about women's treatment of older children overlooked how the units do not mitigate the challenges of maintaining relationships with older children from prison, nor do they recognize the material dimensions that make it nearly impossible for the women to stay connected to their children. While the units allow women in certain circumstances to keep their children with them until the age of six, mothers are not able to live with older children.

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[361] See, for instance, Almeda, *Mujeres encarceladas*; Sandra Enos, *Mothering from the Inside: Parenting in a Women's Prison* (Albany, NY: SUNY Press, 2001); Nicolás Lazo and Bodelón González, *Género y dominación*; Ribas, Almeda, and Bodelón González, *Rastreando lo invisible*.

[362] "Cristina" (Teacher in Aranjuez), interviewed by the author, May 18, 2010.

[363] Crenshaw, "From Private Violence to Mass Incarceration: Thinking Intersectionally About Women, Race, and Social Control," 1448–49.

Furthermore, given the fact that there are only three units, mothers are more often separated from their older children, and beyond the theoretical possibility of being able to visit children occasionally, mothers are not supported in their ability to maintain contact. Phone calls are expensive, and no programs exist for bringing the children to the external units, so visits are only possible if the children's guardians are willing—and financially able—to bring the children to the units. Recognizing these conditions is necessary for contextualizing the staff's comments.

It is worth noting that stereotypes of selfishness have a class element, with selfishness in terms of mothering abilities often attributed to poor women. Speaking of U.S. discourses on poor mothers who receive state welfare, Tricha Shivas and Sonya Charles wrote, "Both [the 'welfare queen' and the 'drug mom'] are portrayed and viewed as selfish women who do not care about their children at all. […] The 'welfare queen' does not meet the romanticized ideal of motherhood; she is viewed a selfish, lazy, poor, and typically unmarried."[364] According to this image, the "welfare queen" uses her children for her own gains, and, in the process, passes on bad values. This image can be found in other Western cultures, and not only in terms of welfare. According to British scholar Val Gillies, "Disadvantaged parents are commonly portrayed as too selfish to care for others."[365] Similar depictions can be seen in the units, where staff and volunteers portrayed the women as using their children for their own interests while not embodying the expectations of unconditional love and selflessness.

5.4   Control

Overall, images of the women as infantile, dependent, and selfish conjoined to justify vigilance and care. Labeling incarcerated women as incompetent mothers due to their tendencies to consider their own needs and to depend on others establishes hierarchies. According to Angela Davis,

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[364] Tricha Shivas and Sonya Charles, "Behind Bars or Up on a Pedestal," in *Organizational Structure in American Police Agencies: Context, Complexity, and Control*, ed. Sharon M. Meagher and Patrice DiQuinzio (SUNY Press, 2005), 188.
[365] Val Gillies, *Marginalised Mothers: Exploring Working-class Experiences of Parenting* (Oxon: Routledge, 2007), 71.

> "Women's correctional institutions still incorporate and dramatically reveal their ideological links to the cult of motherhood. Even today, imprisoned women are labeled 'deviant,' not so much because of their crimes they may have committed, but rather because of their attitudes and their behavior are seen as blatant contradictions of prevailing expectations—especially in the judicial and law enforcement systems—of women's place. They are mothers who have failed to find themselves in motherhood."[366]

Staff must monitored the women so they make correct choice and teach them to overcome their pasts and their communities to acquire Western ideals of self-esteem and empowerment in addition to selflessness so as to be "good mothers," capable of taking care of their children on their own despite any adverse conditions, but still not considering their own needs first. These beliefs thus resulted in the pretext for elements of the external units' infrastructure.

As mentioned in chapters one and four, one of the ways in which the external mother units differ from prison nurseries is the methods of control. While the units may appear less guarded and permit women more freedom through possibilities to leave, guards monitor the women's behavior more closely than in the prison nurseries, especially controlling for drugs and fights. Multiple staff members espoused the belief that women were only good mothers because they were under constant control and vigilance:

> *The kids are taken good care of because we keep on top of the mothers…. We're a lot more severe with them.*[367]

Staff believed that women in normal prisons were aware that the external units were highly controlled and that this reputation was necessary for preventing the women from getting pregnant to go to the units:

> *It could happen [that someone would get pregnant to improve their conditions]. But the mothers also know that we're very demanding with the mothers.*[368]

Although the ability for mothers to have their children with them in prison is considered a right and not a privilege in Spain, one social worker indicated that that women were controlled through the threat of getting kicked out of the units or losing their children:

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[366] Angela Davis, "Outcast Mothers and Surrogates," in *Feminist Frontiers*, ed. Laurel Richardson, Verta Taylor, and Nancy Whittier, Fifth Edition (New York, NY: McGraw-Hill, 2001), 426.

[367] "Lorena" (Guard in Aranjuez), interviewed by the author, April 29, 2010.

[368] "Silvia" (Guard in Palma), interviewed by the author, May 9, 2010.

Sometimes they do fight. But usually where we don't see it. Because they know that if there's a fight, we can take the kid away from them, and they can get in trouble.[369]

The director of the unit in Palma stated that no mothers had been kicked out of her unit, but staff beliefs in the necessity of the threat illustrates a widespread mistrust of the mothers and legitimizes the role of staff and volunteers in controlling the incarcerated women. Power hierarchies are concreted as being in the best interests of the women and their children.

5.5   Consequences and Conclusions

Individuals working in the external units expressed a dedication to the mothers, yet they disdainfully labeled them as childish, dependent, and selfish. Not all of the testimonies were equally condescending, and some individuals recognized variation among the mothers. Nevertheless, staff and volunteers tended to attribute good mothering practices to the control and vigilance experienced in the external mother units.

Volunteers and staff presented homogenizing images of incarcerated mothers as coming from poor backgrounds, being dependent on those around them, and needing help to overcome their pasts. These images are reminiscent of Western feminist discourses on Third World women described by Mohanty: "By focusing on the representation of women in the third world […] it seems evident that Western feminists alone become the true 'subjects' of this counter-history. Third world women, on the other hand, never rise above their generality and this 'object' status."[370] Images of the incarcerated women as selfish, thoughtless, and dependent served to differentiate the volunteers and staff as better mothers, empowered to reach out and help the more needy women break free from their paths. In some instances, staff directly compared themselves to the women in prison, arguing that they were more competent mothers:

We give [the incarcerated mothers] the baby food. We give them the medicine, the diapers. We find everything for them. The food comes prepared. They have the option to study. Me, for example, when I'm outside, I have to take care of my daughter and organize myself if I

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[369] "Gabriela" (Social Worker in Seville), interviewed by the author, March 25, 2010.

[370] Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourse," 351.

> *want to do something else. Or I have to give up the chance to study more and do other things because I have to take care of my daughter.*[371]

This attitude not only failed to consider the ways that being imprisoned made mothering difficult but further showed that the women in charge defined themselves as competent subjects in contrast to the women in prison.

Much like van Drenth and de Haan argued that previous reformers such as Elizabeth Fry attained a new sense of self through her work with the prisoners, here, volunteers and staff defined themselves through their work and in contrast to the prisoners.[372] They forged a greater sense of identity as middle-class, non-deviant, white, "good mothers" by defining themselves in opposition to the others. These constructions legitimated the roles of middle- and upper-class women in the prison system, establishing them as authority figures and essentially saviors.

The criticisms staff and volunteers enumerated of the incarcerated mothers underscore the immense impact of the white, middle-class, intensive mothering ideologies discussed in chapter two. These ideologies were characterized by the expectations of women to be the sole caregivers and their children and not require help of anyone else (and yet preferably have good partners), to think of their children before anything else and give everything of themselves. The incarcerated mothers, who were, by definition, dependent on others for support or considered their own needs and desires, were viewed as less legitimate than other mothers. Staff and volunteers applied norms that were consistent with their own class, education, and race status to the incarcerated women, which may not correspond to the beliefs about motherhood held by the women themselves.

The perceptions held by volunteers and staff of incarcerated mothers not only illuminate how the dominant group views mothers from marginalized populations—but also shape how volunteers and staff treat incarcerated women. Chapter four established how the programming of the units was based on notions of care in addition to traditional prison discipline. Courses were intended to change the women's values, teaching a certain way to mother, which includes putting

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[371] "Lorena" (Guard in Aranjuez), interviewed by the author, April 29, 2010.

[372] van Drenth and de Haan, *The Rise of Caring Power*, 80.

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the child before all else, and to value certain types of work. Staff opinions of the women justify and support this programming by defining the women not as evil criminals in need of punishment and reclusion from society but rather as dependent, childish women who must learn to be self-sufficient but also self-sacrificing. Some of these issues will be explored further in chapter six, in which I turn to the experiences of the mothers in the units and some of the strategies they employ in the face of the prison conditions and the stereotypes about them.

Chapter 6: Incarcerated Mothers' Challenges and Negotiations

In this chapter, I aim to analyze the experiences and opinions of the incarcerated women in the external units to provide insight into ways in which the new facilities affect mothering conditions and the challenges and inequalities found in the prison nurseries. Interviews revealed that women overall found the units to offer a better environment and more freedom to live with their children than previous facilities. However, the women still had to negotiate the difficulties of parenting while separated from family and subjected to constant vigilance, censure, and the expectations to conform to middle-class ideals of mothering and rehabilitation. Their negotiations demonstrate far more complexity than understood by staff and volunteers. Moreover, they show that the mothers in prison facilities did not passively adjust to the programming and adopt the identities assigned to them but rather engaged in complex power relationships and showed small forms of resistance.

Before turning to my analysis of the interviews, it should be noted that, just as differing locations imbued with power dynamics complicated guards' ability to speak with and understand incarcerated women, my own meetings were wrought with challenge. Scholars such as the American professor Cynthia A. Wood have questioned whether the very notion of "giving voice" to disempowered individuals may be complicit with dominant power structures, highlighting only the voices that are convenient for those in power. In her critique of postmodern feminism applied to development, Wood challenged petitions to "listen to the previously silenced voices" of Third World women, arguing that this neither eludes the problematic of power in development nor is necessarily even possible.[373] In the case of this thesis, guards selected cooperative and supportive women to participate in my interviews, invoking Wood's critique of the engagement of Third World women in development discourse that "implicit in our new project is the demand that the

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[373] Wood, "Authorizing Gender and Development: 'Third World Women,' Native Informants, and Speaking Nearby," 429.

third world women perform for us, within the limits of our needs and desires."[374] I have aimed to listen to the women's side of the story, but it is necessary to acknowledge the limitations of this exchange.

6.1   Improvements over Other Facilities

Previous chapters of this thesis questioned the capacity of middle-class women working within the prison system to understand and respond to the needs of incarcerated mothers. Although the following section will demonstrate a gap between how staff perceived the women's lives and the negotiations the women claimed to undergo, the cofounders appear to have successfully engaged with the women in terms of identifying problems with prison nurseries and designing better facilities.

All of the incarcerated women I interviewed had previous been in prison nurseries, and some had also been in normal women's prisons in Spain or abroad, which allowed them to compare the facilities. Although some identified flaws, they all agreed that the external units bettered their living conditions:

> *In terms of the quality of life…I mean, I can't say that it's a palace because it still is what it is. But within the category of what it is, it's the best there is.*[375]

Valentina's opinion that the units were the best facilities available was representative of many of the women's testimonies.

Some of the primary improvements that the women identified corresponded to the goals of the cofounders. For instance, interviews revealed that the women were grateful for safety reforms, increased staff attention, extra space, additional activities, and possibilities for agency. In terms of security, the women confirmed that the security devices in the units were more appropriate and allowed them to worry less about their children's safety:

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[374] Ibid., 435.
[375] "Valentina" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

We don't have electric doors like in other prisons. In the normal prison, you had to watch your child because they close the doors sometimes, and it's dangerous. And the child would see the closed door. It's different here. Here we have bedrooms. It's really different.[376]

Women in Spanish prisons have traditionally received less staff attention than men, and mothers in prison nurseries frequently complained that this lack of attention resulted in problems in fulfilling their children's needs.[377] They indicated helplessness over their children's health, as they were dependent on the limited staff to determine whether their children needed to see a doctor and made arrangements. Lina, a woman still in the prison nursery in Aranjuez, lamented,

The one thing is, when your child gets sick, you want it to be immediately in a hospital for them to examine it really well. Here, it can take hours for them to take the kid, if they take it at all. Because here, they don't take them out on time. [...] I mean, for example, tomorrow my kid get sick, okay? They have to call the police, they have to call an ambulance, and with the police alone, they have to make time in their schedule to be able to come. Another thing, I go and tell the guard that my kid is sick. They say that they'll call in the order to take the kid, if the kid is still sick. It turns out that the kid is still sick, and the order doesn't do anything because they leave the kid here. This happened a couple of weeks ago [...]. It's awful to see how sick your child is and not be able to do anything. That's the bad thing here. To see your child sick and have them not bring it to the hospital.[378]

Mothers in the external units, on the other hand, did not cite similar concerns. Rather, the smaller facilities and greater staff attention permitted them to give their children the care they required, even though their position as prisoners still placed them at the mercy of staff members to authorize hospitalization. Several women recognized the benefits of this access to staff, especially in terms of meeting their children's needs:

It's nice to have such direct access to the assistant director or directly to the director. They're more accessible to us. In other centers, that isn't the case.[379]

One of the discrepancies leading to women suffering more in prison than men is women's need to worrying about their children's well-being. [380] In the units, women were still anxious about their young and their older children's welfare. Nonetheless, the improved conditions and greater access to staff alleviated some of their health and safety concerns.

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[376] "Victoria" (incarcerated woman in Seville), interviewed by the author, March 25, 2010.

[377] Yagüe Olmos, "Mujeres en prisión. Intervención basada en sus características, necesidades y demandas," 2–6.

[378] "Lina" (incarcerated woman in Aranjuez), interviewed by the author, May 18, 2010.

[379] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[380] Almeda, *Mujeres encarceladas*, 57–61.

The women also stated that mothering—and simply living—was easier when given more space and autonomy.

> *Here isn't bad. Some of the other places are, but here it isn't. Some are a lot smaller with a lot more people. Here there are fewer people, and it's bigger. You go out more. You're in the street all day long. You just sleep here. You basically get here in the afternoon, and then you sleep. Otherwise, you go out for walks with people who come to get you to take you on walks, to the beach [...].[381]*

> *[Before] the cells were really small. It was just a module. Not here. Here, this is a house.[382]*

Women in prison nurseries bemoaned the impossibilities of remaining calm and providing a good example for their children when they felt suffocated by the constant proximity to other women and children with a lack of activities, but women in the new units felt these problems had been mitigated.

> *Since we don't see each other much, there aren't reasons to fight or get mad at each other.[383]*

> *It doesn't make sense that in a prison you wouldn't have time. But here, there isn't enough time.[384]*

The mothers were able to stay busy and get along with the others, which made them feel more prepared to take care of their children.

The women also expressed gratitude for the ability to get involved in designing the units. Referring to the months following Palma's opening, Alicia said,

> *It was us who were giving [staff] ideas, saying "this could work like this…" We've gotten involved a lot. And of course, now they have it all running. We've done a lot—both the center and the women—to get it running and make it stable.[385]*

Although we have seen that most of the prisoner's involvement was symbolic, women appreciated the possibility to expres their opinions and felt more in control. Given the extreme lack of agency in prisons overall, any improvements in this area appeared magnfied. Therefore, the interviewed

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[381] "Rocío" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[382] "Patricia" (incarcerated woman in Seville), interviewed by the author, March 22, 2010.

[383] "Claudia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[384] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[385] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010

women concurred that the external units were better facilities for mothering, citing similar reasons to the objectives set forth by the cofounders.

6.2   Negotiations within the Units

Although women affirmed that the units were preferable to other facilities, and in these ways, staff had been able to listen to their needs, they still had to negotiate the challenges of mothering under adverse conditions. In some ways, the units even exacerbated problems. Interviews with imprisoned women revealed complex negotiations that they undertook in deciding to come to the unit, maintaining contact with children and other family members, balancing identities of mother and prisoner, and managing power relations in the units. These processes of balancing needs, desires, and responsibilities complicate the homogenous image presented by staff and volunteers of the women as selfish and dependent and instead show diverse individuals struggling to make the best of an unfavorable situation. Communications between staff and inmates were still strained because of the unequal power dynamics.

6.2(1) Deciding to Come to the Units

While staff generally attributed women's presence in the units to self interest, the women's decisions to come to the units rather than send their children outside were complex. Women considered many of the same factors as in prison nurseries, with the two caveats that the units provided somewhat better conditions and that the small number of units often increased distances from family members. They weighed their options and considered their own needs, the needs of their children, and sometimes the needs of their community.

For some women, the decision to have their children with them in prison was evident, stemming from either beliefs that children must be with their mothers, a lack of alternatives, or a desire to mother:

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Of course [I decided to have my daughter with me]. She's really little, and all she needs in the world is me.[386]

I don't know anyone here [in Spain]. If he wasn't with me, I guess he'd be with the state. But of course I wanted him with me.[387]

I [decided to have my son with me] because I don't separate myself from my kids. I felt obligated by my situation in Brazil to separate myself from my kids. But it's really hard for me to not be near them. I didn't want him far from me at all.[388]

These beliefs aligned to ideals that mothers never abandon their children and that no one else is equipped to raise children. They coincided with discourses espoused by staff and volunteers, who, while criticizing the women's mothering, still often argued for the need for children to be with their mothers.

In some cases, the mothers chose to bring their children because they believed it was in the child's best interest, even though they would have preferred to be alone. Referencing the difficulties of parenting from prison, Alicia stated,

I would have been better alone. The thing is, when I entered, I was already pregnant. […] But I would have preferred to serve my sentence alone, because being with my daughter means I [face] twice as many problems […]. I have to worry about her…it isn't the same. […] I'd prefer to not go out like I'm going out now and be alone than to be here with my daughter. Even though things are really good here. […] But I would have preferred to be alone. […] You have to worry about your daughter.[389]

This admission conflicted with staff conceptualizations of women entering the units for selfish reasons. Alicia chose to confront difficulties to meet the interests of her child, which illustrates one of the paradoxes incarcerated women face when deciding whether to bring their children with them; if they serve their sentence alone, they are portrayed as abandoning their children. Yet if they keep their children, they are depicted as selfishly improving their own conditions. Women's class statuses and criminal backgrounds resulted in them being labeled as inept mothers, and, as we saw, staff used their decisions to confirm their selfishness.

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[386] "Marta" (incarcerated woman in Soto del Real), interviewed by the author, March 8, 2010.

[387] "Victoria" (incarcerated woman in Seville), interviewed by the author, March 25, 2010.

[388] "Adriana" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[389] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010

While some women felt it was evident that their children should be with them, others underwent more intricate decision-making processes. When considering the best interests of their children, some spoke of guilt and concern for what their children would miss. This was more common in prison nurseries, where the modules still resembled prisons, and there were fewer opportunities for children to leave. Valentina explained her initial fears and her coping mechanisms:

> *In the beginning when you have him, it scares you a bit because you think, 'what future will he have?' If he needs things, what am I going to do to be able to buy them for him? But then, as time goes on, you can do different things. At the beginning, it's the fear of not being able to give your son what he needs. That's the first fear.*[390]

According to some mothers, guilt manifested itself in parenting. Lina, a woman with a nine-month-old child, thought that prison represented a punishment for children older a year old, and she posited that many mothers did not discipline their children because of guilt:

> *Imagine. The mothers have to think it's so bad being here that they don't want to discipline their children because they think it's already bad enough being here…I mean, if the mother lets her kids do everything they want because they feel guilty for them having to be here, then those mothers don't correct the kids like they should, you know?*[391]

The women not only had to cope with their own incarceration but also with the awareness that their actions had resulted in their child's imprisonment. Possibilities for children to go to daycare in the community and on fieldtrips mitigated guilt, but women were still aware that they could not provide their children with a "normal" environment.

Additionally, going to an external unit with their children commonly cost women proximity to community connections. Although women from areas nearby Palma, Seville, and Madrid benefitted from the new units, which afforded the possibility to visit family members more often than in normal facilities, the low number of units often resulted in greater separations from family and community connections in other regions of Spain. Carelia expressed frustration at having left her family and her deception of not being able to visit them:

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[390] "Valentina" (incarcerated woman in Palma), interviewed by the author, May 9, 2010
[391] "Lina" (incarcerated woman in Aranjuez), interviewed by the author, May 18, 2010

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> *I decided to come here [to Seville], but my family isn't here. My family is in Madrid. So now I can't see them. I wanted to stay in Madrid, but the committee said I had to move. So I decided Seville because Mallorca is an island, and then it would be harder to see my family. I thought if I came here, I'd be able to go out and see my family. But I haven't been able to leave, and I'm not sure what's going to happen.*[392]

I will return to the point that women could not to visit family as much as they had believed, but the decision to leave family behind plagued many of the women with connections in Spain. Begoña, whom I interviewed in the prison nursery in Aranjuez and who was being transferred to the unit in Seville, confronted similar concerns:

> *I wanted to bring him to Seville to have him longer with me, but my connections are here in Madrid. But no one comes before my son. If life circumstances go this way, what are we going to do?*[393]

Begoña chose to be with her son, embodying the ideal of intensive mothering of putting the child first.[394] Nevertheless, the location of the units intensified parenting difficulties for her. This was sometimes also true in the case of foreign women who had already established ties in Spain. Women's family members were often not able to visit them, so the separation potentially resulted in further isolation.

These negotiations of considering the welfare of children and the costs of distance from family members indicate that the women balanced more factors than staff and volunteers perceived. Although the external units allowed the women to worry less about their children's wellbeing than prison nurseries, they still had to cope with separation from friends and family. Essentially, they were forced to choose between being with their children and being within visiting-distance of others.

6.2(2) *Negotiating Contact with Older Children*

As women's roles in society dictate that they provide care and emotional labor for children and larger family and community circles, their incarceration and the resulting severing of these

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[392] "Carelia" (incarcerated woman in Seville), interviewed by the author, March 22, 2010.

[393] "Begoña" (incarcerated woman in Aranjuez), interviewed by the author, May 29, 2010.

[394] Hays, *The Cultural Contradictions of Motherhood*, 9.

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relationships has been shown to provoke a larger loss for them than for incarcerated men.[395] In terms of older children, Ferraro and Moe wrote, "Separation from children, either temporarily or on a long-term basis, is one of the most overwhelming and difficult aspects of incarceration (Pollock-Byrne, 2002; Ross, 1998)."[396] Connections with family members on the outside, including children, are important for both the women's welfare and for the survival of her community.

Concepción Yagüe insisted that the program of the external units endeavored to facilitate relationships between family members on the outside for both the imprisoned mothers and their younger children, indicating that the cofounders recognized the importance of family relationships and intended to help preserve them.[397] Simultaneously, staff criticized mothers for forgetting about or ignoring children on the outside, implying the mothers chose to reject available opportunities. Yet the incarcerated women's testimonies contradicted these notions; many mothers made efforts to maintain contact with older children but found the conditions to be constraining.[398] In this way, the units did not live up to one objective, and the staff appeared to have not recognized the difficult situation.

Although women employed a range of strategies and spoke differently about their children, many negotiated how to maintain contact in the face of adversity. For instance, many women dedicated their allotted phone time to their children:

> *I use all of my phone privileges to speak to my son. I give him messages for everyone else.[399]*

> *When they can, they come visit. And when they can't, I call the house every day.[400]*

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[395] Susan F. Sharp and M. Elaine Eriksen, in *Women in Prison: Gender and Social Control*, ed. Barbara H. Zaitzow and Jim Thomas (Boulder, CO: Lynne Rienner Publishers, 2003), 132.

[396] Kathleen J. Ferraro and Angela M. Moe, "Women's Stories of Survival and Resistance," in *Women in Prison: Gender and Social Control*, ed. Barbara H. Zaitzow and Jim Thomas (Boulder, CO: Lynne Rienner Publishers, Inc, 2003), 86.

[397] Concepción Yagüe, interviewed by the author, January 18, 2010.

[398] For instance, "Victoria" had two sons in Lithuania whom she had not seen in over three years. She says that she called them as often as possible, but that they rarely expressed interest in speaking with her (March 25, 2010). "Carelia" felt deceived by promises to be able to see her children and, despite her efforts to communicate with them regularly, she felt that the isolation of the center strained her relationships with her children (March 22, 2010).

[399] "Natalia" (incarcerated woman in Seville), interviewed by the author, March 25, 2010.

[400] "Begoña" (incarcerated woman in Aranjuez), interviewed by the author, May 29, 2010.

Nevertheless, the external units presented obstacles for maintaining contact. Plans for the units suggested that the primary ways women were expected to maintain contact was through visiting their family members on furlough.[401] This appeared successful in some situations: many women in the later stages of their sentences spent time outside, and Alicia, for instance—one of the few women in Palma's external unit from Spain—was planning a trip to see family in Barcelona at the time of our interview. However, the positioning of the external unit on an island made family visits nearly impossible. When asked whether other women had travelled to Peninsular Spain to visit older children or family member, Alicia responded:

> *To the peninsula? I don't think so. But I'm aware that in the other centers, they wouldn't allow me to. Here, the child is very important. So they try to protect family relationships. So they allow those things so that the child's relationships to the family aren't destroyed. Because despite his knowing that he has a family, it's hard if he doesn't see them. But the center does everything it can, depending, of course, on the sentence and on behavior and all of those things.[402]*

Alicia praised the center for recognizing the importance of family ties but also confirmed that few women had been able to travel to see family, illustrating a discrepancy between the program aims and execution.

Besides visits, which essentially were only feasible in the case of women from Spain or with children living there, phone calls and letters constituted the main ways of keeping in contact. Both phone calls and mail were more difficult in the units than in normal prisons, as companies had been less willing to provide inexpensive services to these smaller facilities. Adriana claimed that speaking on the phone was costlier in the Palma unit than in the prison, making it nearly impossible for her to stay in contact with family, including with her two children in Brazil:

> *Here in this center, [phones calls are] expensive. In the big prison, there was an agreement with [the phone company], so it was about 0.50€ for five minutes. Now here, a minute costs 1.50€. [...] And letters here take a long time. They take a really long time. I don't know if it's because there are very few of us…but it takes a long time.[403]*

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[401] Ministerio del Interior, Government of Spain, *Unidades externas de madres*.

[402] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[403] "Adriana" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

Contrary to staff perceptions, some women spoke of the heartbreak of not being able to speak with or visit their older children more often, as well as about concerns over regaining custody upon release and losing children emotionally.[404] In part, the conditions in the units facilitated better contact with family members and children because more women were allowed furlough to see their children. Yet effectively, women's financial situations hindered them from being able to maintain the contact that the program cofounders had envisioned.

6.2(3) *Negotiating Financial Burdens*

Economic considerations are always important in terms of providing for children and being deemed a "good mother" in the eyes of others. Ferraro and Moe wrote, "The ability to mother one's children according to social expectations and personal desires depends ultimately on one's access to the resources of time, money, health, and social support."[405] Not only were the incarcerated women poor, but prison exacerbated their financial problems. Women had fewer opportunities to acquire money in the units than in normal prisons. Due to the smaller size of the units, fewer jobs were available. As a result, unless women had outside sources of money, they were unable to visit family members or even buy necessary items for everyday life:

> *And then there isn't work here. There's very little work. And in a big prison, there's more work. Here there are two jobs that pay. So people who live here need to have money from the outside. […] You have to buy a lot of things. For instance, a cream for my child, trash bags, dish soap. […] You need money to go out on furloughs, too.[406]*

The structure, then, reinforced classism. Although the cofounders had hoped the program would help break cycles of marginalization—and Yagüe had insisted that the center would provide women what they needed—the experiences of women such as Adriana suggest that money continued to be a determining factor in women's ability to take advantage of programming. Given that the women with no other sources of income would not have been able to afford to call family

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[404] For instance, "Joy" described feeling "heartbroken" about having such little contact with her four-year-old daughter who was with her brother and her cousin in Italy. She called her when she could, but calls in Seville were too expensive. Moreover, she feared that her daughter would not remember her. (March 25, 2010).

[405] Ferraro and Moe, "Mothering, Crime, And Incarceration," 14.

[406] "Adriana" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

members, travel on furlough, or even take transportation to community courses, those in the most dire financial situations did not receive the same opportunities as individuals with slightly more money.

Foreign women found it particularly difficult to receive money in prison. They tended to have left their countries to seek better financial opportunities, implying that their families in their countries of origin may not have been able to support them if they needed help. When Sunnee was asked whether she kept in touch with her family in Thailand, she explained that calls were prohibitively expensive, and she struggled to obtain money:

I have no work here. I have no money. Only my guy, he works.[407]

Sunnee could only maintain contact with her family because of her boyfriend, who was also in prison but had more work possibilities. Thus, she was dependent on her boyfriend in ways staff criticized, but as a consequence of prison policies. Staff critiqued dependency in women's relationships without acknowledging the role the institutions played in increasing it. In cases such as Sunnee's, having a partner was a strategy women employed to better their situations.

6.2(4) *Negotiating Identities*

Women in the units faced the same challenges as women in prison nurseries of balancing their identities of mother and prisoner. As we have seen, the image of the "good mother" demands certain behaviors and attributes that conflict with images of criminals and inmates. Bosworth posited, "Prison somehow contradicts the ideals of motherhood."[408] Embodying both roles proved challenging for women, complicating how they explained their situation to their children and, at times, provoking clashes to get their children to respect and listen to them.

Although staff criticized women for lying to their children, for this reason, and because of not wanting to upset their children, some mothers chose to lie to their children about where they were:

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[407] "Sunnee" (incarcerated woman in Aranjuez), interviewed by the author, May 18, 2010.
[408] Bosworth, *Engendering Resistance*, 107.

> *He thinks that his mother is working out of the country and that she comes to see him whenever she can travel. It's the very common excuse of the mothers in prison. We don't want our kids to suffer. But it's difficult.[409]*

Many women employed similar stories of travelling or working abroad to protect their children. While staff had interpreted these stories as evidence of bad mothering, to women, they represented ways to protect their children and maintain intact their identities as mothers.

Other women chose to tell the truth. For instance, Lina told her five-year-old who was living with her sister the whole truth:

> *It's good. Good because she's a kid who understands a lot. She sees things very clearly and is really open-minded, so she knows the situation. Now that I'm going out on furlough, she knows that little by little…and she understand things well. And it's fine. She's a kid, but since she's really intelligent, she knows the whole situation, and I think she's better that way than if I lied to her. She understands that I can't go out, that I'm here as a punishment because I've behaved badly, exactly the same as how I teach her that she can't behave badly.[410]*

In the face of not being around older children and being in the inferior position as prisoner, women also struggled to exert control over their children. Although policies allowed some of the mothers to visit their families, mothers still had to fight to maintain control:

> *When I entered prison, I left her with my mother and my grandmother. And she'd listen to me, but not a lot. Now [that I see her more] she will. Now it's much better. Thank God.[411]*

These challenges were not addressed by programming, nor did staff acknowledge them when interpreting the decisions of the women.

Negotiating the roles and identities of mother and prisoner were challenges for all of the women in the units, affecting not only their relationships with older children but also their daily lives. Women were expected to always put their children first, smile despite the constant surveillance and broader conditions they faced. Women spoke of having to fulfill a particular role for their children that contradicted their role as prisoners. Some discussed the difficulties of being strong for a child:

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[409] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[410] "Lina" (incarcerated woman in Aranjuez), interviewed by the author, May 18, 2010.

[411] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

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For instance, with him, I can't cry. Because he's older now, and he asks. So I can't. I have to be okay for him. If I were alone, I'd be crying all day long, and I'd be unhappy. I wouldn't want to do anything. And with him, I know what I have to do. I have to be happy, and I have to be okay.[412]

Women faced (sometimes conflicting) expectations from prison staff as well as from family and communities that resulted in pressure.

6.3   Power and Resistance

In terms of abiding by rules, women in the external units had more at stake than individuals in other prisons, as their bad behavior or incompliance could additionally affect their children's lives. Just as Dolores Juliano posited that women commit fewer crimes and employ other strategies because of their obligations to their children, once in prison, it appears that women still obey because, to some extent, their children's welfare and their parental rights are contingent upon it.[413] At the time of my interviews, no child had been removed from the external unit in Palma, yet mothers still expressed fears that their children would be taken away if they did not behave appropriately.[414] Alicia, for instance, stated definitively that she believed she could lose her child if she did not obey rules or if she started fights.[415] This fear illustrates one way mothers are controlled differently from other prisoners. Mothers in prison must not only demonstrate good prisoner behavior but also must prove themselves as mothers.

Motherhood functions as a source of control in the units. This type of control can be seen as an extension of broader societal practices of surveilling lower-class mothers. It controls women, pitting them against the good mother ideal, which they already do not fulfill through their class, race, ethnicity, and criminal records, and then punishing them for not living up to impossible standards. Speaking of this type of control over poor women in the U.S., scholar Brigitte Berger stated,

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[412] "Lina" (incarcerated woman in Aranjuez), interviewed by the author, May 18, 2010.

[413] Juliano, *Presunción de inocencia: Riesgo, delito y pecado en femenino*, 62–66.

[414] "Paula" (Director of Palma), interviewed by the author, May 10, 2010.

[415] "Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010

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> "Whereas it is possible for strong middle-class parents to resist professional and state interferences in their family life, the poorer classes, lacking the protection of money, status, and verbal know-how, are thus particularly vulnerable to outside interference. More than anyone else, they become the powerless victims of 'friendly intruders,' as they and their children come under the tutelage of experts, agencies, and institutions."[416]

The women in the units are implored to behave in "acceptable" ways or lose their parental rights.

Women's policing of each other is an integral aspect of the power dynamics controlling the prisons. Women are not only under the surveillance of staff but also under the gaze of each other, which we have seen may result in an abdication of maternal authority.[417] Interviews revealed that women judged each other's parenting skills, at times calling others bad mothers or capable of getting pregnant to come to the units, something they argued they would never personally do:

> *There are people who would do it. People who think, "ooh, I have a long sentence. I'll get pregnant and great, I'll be able to go there." And they have kids. I don't understand it, but I think there are people who think that way.[418]*

In the face of these expectations and policing, imprisoned women must find ways to cope. Foucault has argued that resistance is inherent in all power relationships, and we can expect the women to employ modes of resistance to both program ideology and mothering expectations.[419] It is difficult to identify these forms of resistance within this project, as the women did not have an incentive to confide in an outside researcher. Nonetheless, their testimonies revealed forms of covert resistance, which, according to sociologist Yvonne M. Luna, "is often unnoticed and unpunished by the targets."[420]

In many cases, the women recognized that it was in their best interest to cooperate. They complied with staff demands, participated in classes, and stayed busy.[421] Some even went out of

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[416] Brigitte Berger, "On the Limits of the Welfare State: The Case of Foster Care," in *The American Family and the State*, ed. Joseph R Peden and Fred R. Glahe (San Francisco, CA: Pacific Research Institute for Public Policy, 1986), 373.

[417] Ruddick, *Maternal Thinking*, 112.

[418] "Rocío" (incarcerated woman in Palma), interviewed by the author, May 9, 2010.

[419] Foucault, *The History of Sexuality. Volume I: An Introduction*, 95.

[420] Ibid.

[421] Women recognized that it was in their best interest to behave so that staff would advocate for their early releases or even allow them to travel to see family. For example, "Joy," in Seville, had realized that the ability to take furloughs was contingent on staff opinions of the women and that it was in her favor to behave so she might be able to travel (March 25,2010).

their way to look committed to the rehabilitative program. For instance, Adriana explained why she

attended classes, including ones that did not interest her:

> *[The classes are] quote, unquote 'voluntary.' […] Because if you go to them, it's looked upon well, you know? If you don't go, fine, it doesn't matter. But if you go, they see you better.[422]*

Women such as Adriana were aware of how the system worked and chose to comply to potentially

be released earlier.

However, within this participation, small forms of resistance emerged. As we have seen,

programming in the units relies on caring power to control the women, urging them to reform their

inner values. Courses such as the ones offered in the mothering school promote inner changes

through teaching the women to reprioritize their children and adopt middle-class parenting values.

Staff members hoped for them to recognize their selfishness and dependency and to change their

inner values to be selfless mothers.[423] Sewing courses and the mothering school, according to

Bosworth, manifest "regimes of femininity [that] are meant to shape the women's identity and

presentation of self."[424] Forms of covert resistance existed in the ways that some women complied

with the general expectations of the program without adopting the underlying ideology or allowing

the staff and volunteers to dictate their identities or values. This was clear in how some women

rejected the notion that they were bad mothers, negated the idea that staff and volunteers always

knew best or were better mothers, and refused to terminate discouraged relationships with men.

Many of the mothers refused to adopt the identities imposed upon them as passive, selfish

women and bad mothers. Despite staff attitudes and an institution that ultimately work to erase

prisoners' authority and legitimacy, many mothers expressed confidence in their parenting skills.

Even though they did not embody the identities of middle-class, law-abiding, white, non-

immigrant, married women, they did not believe that they needed to change in order to be better

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[422] "Adriana" (incarcerated woman in Palma), interviewed by the author, May 9, 2010

[423] For instance, the volunteer "Lourdes" stated, "I know they're products of their childhoods just like you and me. But they're so selfish and have their priorities confused. We have to get them to reprioritize the things in their lives so they can be good role models for their children" (April 24, 2013).

[424] Bosworth, *Engendering Resistance*, 103.

role models and certainly did not think that staff members understood what skills they needed to teach their children. While mothers were hesitant to criticize staff or volunteers to me, they did complain of other mothers trying to tell them what to do. Patricia, for instance, insisted,

> *I don't need anyone telling me how to raise my daughter. I know what she needs. I've had four kids before her, and I will teach her what she needs to know.[425]*

Other women such as Carelia echoed this sentiment and furthered the legitimacy of their own practices through arguing that they knew what their children needed in order to survive.

> *This is our reality. I wish it were different, but it's not. So I'm going to teach Javi to fight. I know he's going to have to deal with a lot in his life, and I'm going to prepare him for our reality.[426]*

Some of the women noted that they were better prepared to equip their children with the values they would need than guards and volunteers who came from different backgrounds. This was not unanimous, but it did imply that some women reclaimed a sense of maternal authority and rejected the capacity of staff to impose their own ideologies.

Interestingly, one woman even referred to herself as a good mother in her interview. Laura, who was poor and single, had two children she had left behind in Colombia. She admitted that she spoke to them rarely, but she still described herself as "a good mother."[427] Despite failing to adhere to many of the attributes associated with the ideals of being a good mother, she still constructed her identity in these terms.

Hence, some women's relationships with their children became sites of resistance. Despite all of the challenges, constraints, and negotiations of mothering alone behind bars, some women also found a sense of authority in dealing with their children that was often lacking in prisons. In small ways, they found their relationships to offer space to legitimize their own values and prepare their children for their own realities.

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[425] "Patricia" (incarcerated woman in Seville), interviewed by the author, March 22, 2010.

[426] "Carelia" (incarcerated woman in Seville), interviewed by the author, March 22, 2010.

[427] This comment occurred in the context of discussing other women as parents in the prison nursery. "Laura" recognized diversity among the women and then referred to her own child as "lucky," in part because she was one of the "good mothers" (March 8, 2010).

Some women also stood up for the choices they made in terms of male partners, defending that the men were good for themselves and their children. For instance, Alicia argued that her boyfriend in the nearby men's prison had a "very positive" relationship with her son and stated,

> *My son obviously has his mother, but he's always been missing a paternal parent. And little by little, that's being filled. We wouldn't be able to do it without him.*[428]

Rather than letting the criticisms of staff members affect them, these women continued their relationships and did not appear to accept notions that they were incapable of choosing good partners or that staff member knew what they needed. They rejected the staff opinions and refused to let others dictate their relationships. Through these small actions, they retained autonomy and did not succumb to abandoning their own beliefs and desires.

In general, interviews revealed that the women in prison formed a diverse group with different priorities, outlooks, and mothering ideals. Some seemed to derive power within their roles as mothers, whereas others appeared to find their obligations to their children oppressive. Some adhered to traditional ideals of femininity and motherhood, speaking of how their children always came first. Others appeared to have different priorities. Yet even those who seemed enthusiastic about living for their children and learning homemaking skills arguably complicate hegemonic notions of what mothers look like and how mothering occurs. Their heterogeneous ways of coping with multiple forms of social exclusion and trying to raise a child inside a prison ultimately enrich visions of how women experience and interpret mothering.

6.4   Conclusion

Interviews with incarcerated mothers revealed that many concurred with staff about how the external units offered improved conditions for raising children. They found the facilities themselves, the increased staff attention, and the possibilities to leave and stay busy to result in better environments. Simultaneously, the women highlighted various negotiations that had to

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[428] Alicia" (incarcerated woman in Palma), interviewed by the author, May 9, 2010. Marta directly addressed staff criticisms, insisting, "People think the fact that my partner is in prison means he must be bad. But he's not. He treats me really well" (March 8, 2010).

undertake both in deciding to come and within the units a daily basis that staff and volunteers appeared to not notice or disregard when describing the women as selfish, incompetent, and recipients of conditions that made mothering easier than on the outside. This disconnect demonstrates not only the problems that have either persisted or arisen with the development of the external units but also the difficulties of communicating and working together when such strong power hierarchies exist between the prison staff and the prisoners. Concurrently, the women found small ways to resist. It is most likely that many other resistance methods also emerged but were not covered in the interviews, but even these few types of covert resistance that I have explored complicates notions of power and control to indicate that poor women in prison still find ways to assert their own beliefs and values without succumbing to all of the ideological impositions of those in charge.

Conclusion

When I began my research, I was optimistic about the potential of the external mother units. Previous literature in many Western countries had signaled the urgent need for new initiatives for incarcerated mothers, as both mother-child separation and raising children in normal prisons had proven problematic for women, children, and communities alike. Additionally, Spain had a history of incarcerating women for gendered crimes, subjecting them to religious training to transform them into good, submissive wives and mothers, and simultaneously denying them equal opportunities for treatment, jobs, and education. Thus, it sounded promising that two feminists held high-ranking positions in the Spanish Department of Prison Services and had designed facilities to better serve the needs of this population. Their work appeared to hold promise for revolutionizing how states handled imprisoned mothers and their young children.

The interviews I conducted with staff members, volunteers, and incarcerated mothers conveyed a sense of hope. Staff and volunteers were dedicated to helping the women break out of poverty to provide for their children. Citing additional space, better and more child-friendly facilities, and the freedom to access the community, many of the incarcerated women claimed the units mitigated some of the challenges they faced in prison nurseries. They worried less about their children, enjoyed greater access to staff, and were pleased to have played a role in deciding how programs would run.

Upon completing this thesis, I still believe that the external mother units improve the conditions for incarcerated mothers of small children in Spain. They provide the women with better facilities to raise their children and even address the lack of autonomy, agency, and support for mothering experienced in previous prison nurseries. In fact, many of the identified problems in the units, such as distance from community members, difficulties taking advantage of community courses, and problems keeping in touch with family members, primarily reflect an absence of governmental support, which suggests that they could be rectified with political shifts.

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Nevertheless, as I contemplate the women I have met, the stories I have heard, and the optimism and struggles conveyed, I recognize that this research offers a greater analysis of the significance of class, control, and care within this new system. The theoretical questions that have arisen, especially through employing an intersectional approach, have illuminated how the intentions behind the creation of the units and their execution have been informed by the classed positions of those in charge and have failed to fully address the positioned needs of the program recipients. The external units are not solely a feminist project but rather a middle-class feminist project that maintains dominant notions of how women should mother. The units impose a particular model of rehabilitation and mothering on poor women that does not necessarily align with their needs and positions the women in charge as experts.

Much like previous reformers, the cofounders of the program were middle-class, educated, non-Roma, Spanish women who acted from a place of power and established a program to accommodate lower-class, often minority, non-Spanish women with lower levels of education based on the assertion that they knew what the women needed to succeed. These efforts may have been intended to cross class barriers through caring for lower-class women and especially through listening to the needs of these women, but boundaries between prisoners and staff members based class and power differentials encumbered solidarity efforts. The individuals behind these units may have had good intentions, but they created facilities that never questioned their own social or cultural power. They instilled their own classed notions of what women needed to break out of poverty. Moreover, much of the rhetoric surrounding the units is arguably self-serving: volunteers and some staff members legitimize their roles in the units and reinforce their own expertise on issues such as mothering.

The pedagogy of the external units is based on an ethics of care and maternalism. Although the staff members acknowledged and wanted to address the inequalities that frequently contribute to women's imprisonment, the program requires gratitude from the women. In order to have opportunities for a brighter future, the women are to comply unquestioningly under the premises

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that they need help to raise their self-esteem, to parent properly, and to learn new skills. They must submit fully to a middle-class ideology in which they put their children first, mother without relying on outside help, and reject conducts not valued by the authority figures. Ultimately, the women are expected to change their life values and plans. These maternalistic practices maintain the status quo of who has the power to define how individuals should live and parent.

Certain programming elements in the external units do not respond to the realities of poor women, such as courses in homemaking skills rather than more opportunities to learn lucrative trades. More significantly, the structure of the external units intensifies financial difficulties. Money is necessary to take advantage of certain aspects of the program, such as staying in touch with family members and going on furlough—which is considered an important aspect of maintaining contact and rehabilitation. As the units are small, they present fewer job opportunities than normal women's prisons, which themselves offer less employment than men's prisons. In theory, women in the units were allowed to work in the community, but only if their schedules did not conflict with their children's. This was essentially impossible, as, unlike outside prison where women may have relied on community networks to care for their children while they worked, in the units, the women mothered alone, and none spoke of sharing the responsibilities among other incarcerated women. Beyond class, foreign women continued to face greater challenges, as they struggled to get permission to take furloughs, had more problems matriculating in community courses, and sometimes confronted more difficulties in staying in touch with family. A lack of work opportunities for them also might have impacted their ability to sustain their families.

A Foucauldian understanding of power and discipline is useful in interpreting the ways the units control the women. Security devices traditionally in place in prisons are superfluous in the new units because the women are under the gaze of staff and other mothers, which ultimately becomes internalized. This type of control is merely an extension of how poor women's mothering is always under public scrutiny in much of the West. Although the external units allow the women more freedom than in the prison nurseries by permitting them to leave, inside the units, the women

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still encounter constant inspection and mistrust from staff, volunteers, and other incarcerated mothers. Staff and volunteers in particular judged the women against middle-class notions of mothering, viewing women's dependency on others and choices to value relationships with certain men as incompetencies. Any attitude that implied ambivalence towards mothering was considered wrong and in need of correction, and mothers' needs were treated as secondary to those of their children. Idealizing the mothering practices of guards and volunteers and criticizing the mothering of the women in prison reproduces mothering and class hierarchies. The design of the units reinforces the belief that women are responsible for their children despite the adverse conditions they confront and constitutes a form of controlling poor women through their children.

Throughout this thesis, I have aimed to appreciate the complexities of the distribution of power. The women in the units may have been under state custody, as well as subjected to societal norms of how all women should mother, but these forms of control did not preclude resistance. Because my attention to resistance did not emerge until after completing interviews, I was unable to scrutinize the subject. Nonetheless, it was evident that the incarcerated women exercised forms of everyday, covert resistance. They complied with the program requirements because they knew it was in their best interest, but they did not always adopt the prescribed ideology. They did not accept that they were bad mothers if they put their own needs ahead of their children's and did not allow the authority figures to determine which relationships they valued and maintained. Rather, they adopted strategies to survive and care for their children and families.

When interpreting the aims and implications of the units, it is illuminative to examine whom this program excludes. Although children sometimes may stay in the external units until the age of six, children who are three at the time of their mother's sentencing may never enter, signifying that only mothers of very young children are eligible for the outward-looking program. Rehabilitation programs directed at mothers of young children reinforce the notion that these women are more worthy of rehabilitation than women of older children or women who are not

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mothers. Once again, women obtain their value through their mothering, defining women worth helping as those who fulfill their expected role as mother.

The issue of fatherhood has been notably missing from this thesis. Statistics show that women in prison were often the primary caregivers before entering prison, indicating a general absence of fathers. When asked about the fathers of the children in the units, staff argued they could theoretically visit or take their children home for vacations but that they were not interested in being involved in their children's lives. Nonetheless, the program also conceivably further excuses men from fathering duties. Many of the children's fathers were also in prison, yet the development of the external units only reached mothers. In some cases, women in the family unit in Aranjuez were even encouraged to leave their partners behind to parent alone in an external unit. Therefore, although prisons cannot force fathers to take a more active role in their children's lives, this program also does not encourage them to do so, thereby intensifying the necessity of women to parent alone. More research is clearly needed on the potential for fathering courses in men's prisons and programs to distribute parenting responsibilities more equally.

With the development of the external mother units, Spain's prison department progressed in acknowledging the unique needs of some female prisoners, constructing facilities specifically for this population for the second time in its history. Here, the cofounders of the units shifted the outlook towards rehabilitation and provided greater opportunities for this population. Additionally, they took the initiative of speaking with incarcerated women, allowing them to participate in the unit design. The fact that the Department of Prison Services recognized that inequities have led to the incarceration of certain groups of women and aimed to keep as many mothers out of prison as possible indicates a positive step. The external units marked a shift towards more gendered programming that also accounted for class and race in acknowledging the marginalization that many of the women had experienced. Efforts to keep mothers out of prison when possible began simultaneously, but judging from the population of the units, this was not enough. Spain's criminal

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justice system continues to incarcerate poor, minority, migrant women, subjecting them to vigilance and control in ways that maintain colonial relationships.

Ultimately, the external mother units offer programming that complies with the Department of Prison Services' objectives to rehabilitate and focus on reinsertion. It removes children from prisons while maintaining bonds between them and their mothers. More is needed, however, to challenge incarceration practices themselves, as well as the oppressive aspects of the dominant ideology of motherhood.

Appendix: Photos of the External Mother Units in Seville and Palma[429]

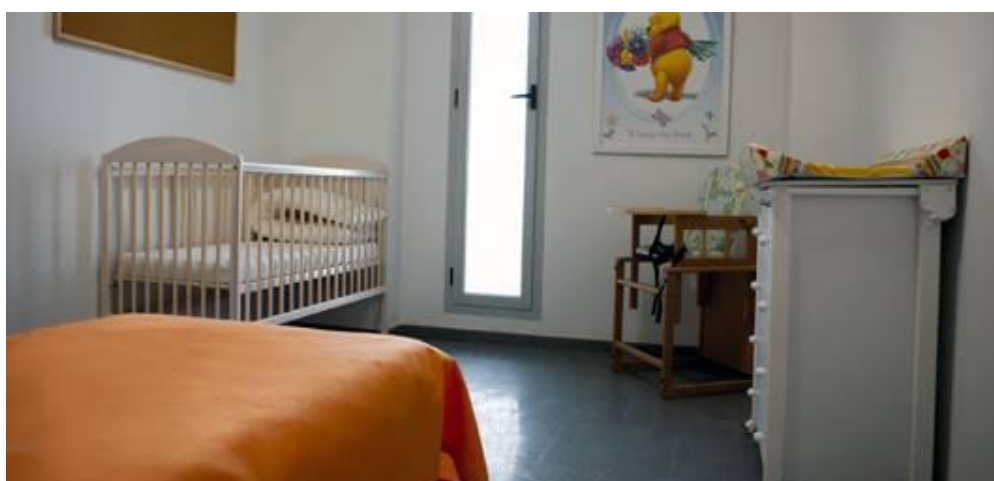**Figure 1: Outside view of external mother unit in Seville**

Figure 2: Monitoring room in external mother unit in Palma

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[429] All photos are courtesy of Spain's Department of Prison Services, and I have been granted use of them for this thesis.

Figure 3: Part of one woman's "apartment" in the external unit in Palma

Figure 4: Bedroom in one woman's "apartment" in the external unit in Palma

Figure 5: Colorful hallway in external unit in Palma

Figure 6: Indoor playroom for children in Palma

Figure 7: Playground in central patio in external unit in Palma

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