Fair Fare?: Food as Contested Terrain in U. S. Prisons and Jails

Avi Brisman
Eastern Kentucky University

Follow this and additional works at: https://egrove.olemiss.edu/southernanthro_proceedings

Recommended Citation

This Article is brought to you for free and open access by the Southern Anthropological Society at eGrove. It has been accepted for inclusion in Proceedings of the annual meeting of the Southern Anthropological Society by an authorized editor of eGrove. For more information, please contact egrove@olemiss.edu.
Fair Fare?: Food as Contested Terrain in US Prisons and Jails

Avi Brisman

“The degree of civilization of a society is revealed by entering its prisons.”
– Fyodor Dostoyevsky¹

“No one truly knows a nation until one has been inside its jails.”
– Nelson Mandela²

I. Introduction

Prisons and jails, by their very nature, implicate power relations.³ Although attitudes toward conditions of confinement, as well as the conditions themselves, have changed over the years (evolved or devolved, depending on one’s perspective) and may differ depending on the nature of one’s offense, incarceration represents an exercise of power (by the State via its agents—prison wardens, prison officials, and correctional guards) over an individual (who has illegally exercised power over another).⁴ As Sykes (1958) writes, “The prisoner’s loss of liberty is a double one—first, by confinement to the institution and second, by confinement within the institution.” Similarly, Catrin Smith (2002, 210) explains: “Imprisonment, in a particularly acute way, challenges a person’s autonomy, privacy, control and bodily integrity.” Regardless of whether the imprisonment is correct as a matter of fact, or as a matter of law, the prisoner may, in turn, attempt to resist or rebel against this display of power in a variety of legal and illegal, overt and covert, ways.⁵
Despite such efforts at resistance, power relations in carceral institutions may seem like fairly straightforward and imbalanced affairs. But Wolf’s (1990, 590) observation that “power balances always shift and change, its work is never done; it operates against entropy” is as applicable inside the prison walls as outside. This paper endeavors to show that not only are power relations in prisons dynamic and complex, but that the very notion of prison as a unitary institution is problematic. Using food as a lens, this paper examines prison power nexuses and contemplates the ways in which prisons are produced by mundane, daily practices and activities and shaped by processes of negotiation, contestation, and variation. The focus is decidedly on US prisons, but examples are also offered from Great Britain, Canada, the Congo, Iraq, Israel, Sierra Leone, South Africa, Turkey, and Uganda.

Part II of this paper begins with a discussion of why food serves as a useful heuristic device for examining dimensions of power in prison. From there, the discussion turns to ways in which the State exercises power over inmates with respect to food practices, including (1) when meals are served, (2) where meals are served, (3) types of food available, and (4) quantity of food.

In Part III, this paper contemplates a five-pronged taxonomy of food-based inmate resistance, considering the significance and efficacy of these individual and group acts of defiance, as well as the types of responses they elicit. In so doing, it endeavors to expose how these tensions contribute to the reproduction of the prison institution.

Part IV offers instances where food functions as a source of “mutual convenience” (R. Martin 1971, 243)—as a means of facilitating the goals of both the State and the prisoner. It looks first at certain types of food-related employment that can provide prisoners with skills upon reentry, thereby improving inmate morale, reducing
recidivism, and affecting the public’s conception of offenders and ex-offenders. Next, Part IV considers ways in which prisons can positively affect the overall health and nutrition of inmates, thereby benefiting the inmates themselves, their families, and public health in general. Here, food becomes less central and functions as a component of salubrious living and well-being.

Part V concludes with suggestions for further research and study.

II. State Exercises of Power Over Prisoners: Depriving Inmates of Choice

Food is a particularly useful tool with which to investigate power relations in prison because “notions of the body, hunger, food, and power are all closely associated with one another” (Godderis 2006 266n2). Although “food and eating practices have, in recent years, become central to concerns in western societies about the body, health and risk” (C. Smith 2002, 199), the relationship of food to power is not a new phenomenon. For example, the Boston Tea Party (December 16, 1773)—in which American colonists destroyed crates of British East India Company tea to protest British decisions to tax the colonies despite a lack of representation in the Westminster Parliament—and the Tea Act—which allowed the East India Company to undercut the prices of colonial tea merchants—sparked the American Revolution.6

The Book of Genesis, to offer another example, describes how God explicitly forbade Adam (and by extension, Eve) to eat from the Tree of Knowledge (2:17); when Eve, and then Adam, ate the forbidden fruit from the Tree of Knowledge (3:6) after being tempted by a serpent (3:1–5), they became aware of their nakedness (3:7) and were banished from the garden, forced to survive through agriculture “by the sweat of [their] face,” and made unable to eat from the Tree of Life and live forever (3:19-24). While eating from the Tree of
Knowledge may have resulted in humans having to toil and sweat in the fields, not all sweat and strain has been rewarded equally. Today, farmers in developing countries—most of whom work tiny plots of land without much modern technology, and certainly without satellite imagery to mete out fertilizer—compete with farmers in far wealthier developed countries, whose products are heavily subsidized by their governments. In theory, developing countries should have an advantage in agriculture because of low production, land, and labor costs. But agricultural subsidies allow farmers in developed countries to export their crops cheaply—often for less than it costs to grow them—depriving developing countries of the ability to export crops (Rosenberg 2003; Becker and Thompson 2003; Editorial 2007). At least one commentator has suggested that if the United States ended subsidies for agribusiness, it could reduce immigration by Mexican farmers fleeing the countryside for US cities—“far more effective than beefing up the border patrol”—another issue and locus of conflict and struggle (Rosenberg 2003, A22).

Understanding the prominent emblematic cross-cultural role of food can further illuminate its utility in the exploration of power relations in prison. Morse (1994, 95), for example, contends that food is “the liminal organic substance at the boundary between life and death, need and pleasure; it is also the symbolic medium par excellence.” Visser (1991) argues that individuals develop habits of eating certain culturally specific foods in childhood and that the desire to eat these foods becomes an important and powerful form of identity. Similarly, Lupton (1996) maintains that food and eating are fundamental to our sense of self and our experience of embodiment. Likewise, C. Smith (2002, 201-2) asserts that “food, eating habits and preferences are not simply matters of ‘re-fueling’ or alleviating hunger pangs. For most of us, mealtimes represent a break in the day, often a period of sociability. Occasionally, meals are looked forward to
as opportunities to (over-)indulge ourselves. Eating habits also serve to mark boundaries between cultures and religions, to distinguish rituals, traditions and festivals, as well as times of the day.” Godderis (2006, 255) adds that “eating is not something that just happens to us; on the contrary, all of us ‘do’ food in some way or another…. The foods we eat, how and where we eat them, and under what circumstances we consume are based on a political, cultural, and familial heritage that extends far beyond our biological need for fuel.” And Mintz (1985, 5) proffers:

Our awareness that food and eating are foci of habit, taste, and deep feeling, must be as old as those occasions in the history of our species when human beings first saw other humans eating unfamiliar foods. Like languages and all other socially-acquired group habits, food systems dramatically demonstrate the infraspecific variability of humankind. It is almost too obvious to dwell on: humans make food out of just about everything; different groups eat different foods and in different ways; all feel strongly about what they do eat and don’t eat, and about the ways they do so…. [Human beings’] food preferences are close to the center of their self-definition: people who eat strikingly different foods or similar foods in different ways are thought to be strikingly different, sometimes even less human.7

These broad comments about food and power provide a backdrop considering how food in prison has been a source of conflict—first as a device of oppression or control, and then (in Part III) as a means of or grounds for rebellion and revolt.8 In the world outside the prison walls, many of us take for granted the opportunity to choose when (both time and frequency), how much, with whom, and what we eat. Where we select to eat may implicate further choices, such as how
we eat (e.g., pizza with our hands, Asian food with chop sticks), and even what we wear while we eat (e.g., shorts and a ball cap to a summer barbeque, a coat and tie to restaurants with dress codes). People with culinary proclivities (regardless of skill) enjoy experimenting in the kitchen and serving their creations to friends and family. Many cooks with such tendencies, as well as many without, take pleasure in varying their diets. Some individuals, for religious or health-related reasons, require certain foods or specific types of food preparation and refrain from certain others. When we lack control over these choices, or when our preferences are ignored, we may become frustrated, angry, or hostile. Almost everyone has encountered an unpleasantly long wait at a restaurant, serving sizes that were too small or too large, and painful meals with in-laws or other dining companions.

Inside the prison walls, food functions “as a symbol of the complexity of power relations between inmates and staff, and between individuals and groups of inmates in this segregated institutional environment” (Valentine and Longstaff 1998, 132). Godderis (2006, 256) writes that “manifestations of institutional power and prisoner insubordination are multi-dimensional and operate on a variety of interacting levels that influence one another. . . . Food inside prison is one of these elements that acts as a site of contention where struggles over power, and identity (de)construction and maintenance can be played out. . . . Because of the symbolic power that food possesses, it is a form of communication through which expressions of domination and resistance can be made.”

More specifically, the State exercises food-related control over prisoners by depriving them of choice (cf. Valentine and Longstaff 1998, 146). C. Smith (2002, 202) is instructive on this point: “In prison food assume[s] enormous importance, symbolically representing, in many respects, the prison experience. In outside society, dietary
habits serve to establish and symbolize control over one’s body. In prison, that control is taken away, as the prisoner and their [sic] body become the objects of external forces. Eating choices and preferences are restricted, and the bodily experience of eating becomes mediated and controlled.” Indeed, inmates experience little variety in the types of food and meals they receive, and in how the meals are prepared; they possess little autonomy over when, where and with whom they can eat and how long they can take for their meals. They are frequently subjected to rules regarding how they must be dressed when they eat (Foucault 1977, 236; Valentine and Longstaff 1998; C. Smith 2002; Godderis 2006; Blumenthal 2007). But as the following examples illustrate, this power over choice is measured. While possessing the capacity for complete control, the State rarely exercises it, neither repressing to the point of fomenting rebellion, nor offering too many glimpses of freedom that could undercut discipline. Rather, the power exercised is delicately balanced to ensure submission and docility.

When Meals are Served

With respect to when meals are served, Valentine and Longstaff (1998, 137) discuss how the timing of meals in the British male prison that they studied acts as an instrument of control over inmates: “Food is a basic raw material of the body. Through the meal system, the prison regime can therefore literally be inscribed upon the bodies of the inmates. The timing of the meals—inmates are fed earlier than most of them would choose to eat on the ‘outside’, at 8-8:30 am, 12-12:30, 4-4:30—alters the men’s body clocks. There is a sixteen-hour gap between dinner and breakfast, so new inmates must learn to eat when they are not hungry in the morning and afternoon and to control or suppress their bodies’ demands for food during the evening.” This spacing of meals allows prisons to use food for
dual purposes—as something that inmates intensely crave (i.e., in the morning) and something that they might wish to reject but know they cannot (i.e., lunch, served only a few hours after breakfast, and dinner served only a few hours after lunch). Inmates must thus endure the physical discomfort of eating or not eating when they would prefer the opposite, as well as the psychological pain of losing the ability to choose when to eat.

Where Meals are Served/With Whom Inmates May Eat

While prisons and jails differ with respect to where and with whom inmates can eat, all possess some rules relating to these matters. For example, Jose Padilla, the enemy combatant the Bush Administration had accused of plotting a dirty bomb attack and had detained without charges,\(^{11}\) receives his meals in a slot in a door of his cell (Sontag 2006). Camp 6, the new detention facility in Guantanamo Bay, Cuba, was built with stainless steel picnic tables where detainees were supposed to be able to share their meals. Attacks on guards and inmate suicides have led authorities to clamp down, however, meaning inmates will not be sharing their meals with each other (Golden 2006). In comparison, California law provides that “inmates shall not remove any food from the dining room, kitchen, or food storage areas except as specifically authorized by facility staff” (15 CA ADC § 3055). But in the British male prison that Valentine and Longstaff (1998) studied, inmates spend most of their time locked in their cells. Meals are served from trolleys, with the inmates collecting their food and taking it back to their cells to eat with their cellmates. Although many inmates regard meals as an important break in the boredom of the day and as an opportunity to “create or exploit possibilities to subvert the surveillant gaze of the prison officers,” many of them are relieved that they do not have to eat with a large group of prisoners, where tensions can run high and inmates may “beat and bash
the shit out of each other for a ladle of milk” (Valentine and Longstaff 1998, 134, 143). The likelihood of violence increases exponentially when dining halls are overcrowded. Wright (1998a) discusses the prison riot that took place on September 26, 1995, at Clallam Bay Corrections Center (CBCC) and reports that the riot stemmed, in part, from the fact that the chow halls could only accommodate approximately ninety prisoners but that guards packed more than twice that number (198 prisoners) into the halls at once. While the actual rules regarding where and with whom inmates eat are prison specific, such rules reflect the broader management role of the prison as well as its goal of punishment through confinement. Not only do rules pertaining to the location of meals reveal the extent to which the prison restricts inmates’ abilities to exercise choice, but they underscore the degree to which the prison controls bodily movement.

Types of Food

The US Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” The Supreme Court has held that while “prison walls do not form a barrier separating prison inmates from the protections of the Constitution,” many rights are “subject to substantial restrictions as a result of incarceration.” Because “running a prison is an inordinately difficult undertaking that requires expertise, planning, and the commitment of resources,” great deference is granted to prison officials.

Whether inmates are entitled to special meals in accordance with their religious beliefs is a matter with which courts have grappled. For a prison regulation that impinges on inmates’ constitutional rights to pass constitutional muster, “there must be a ‘valid, rational connection’ between the prison regulation and the legitimate governmental interest put forward to justify it.” A regulation will not be upheld
“where the logical connection between the regulation and the asserted goal is so remote as to render the policy arbitrary or irrational.”

Courts weigh three additional factors to determine whether a prison regulation that interferes with an inmate’s free exercise of religion is reasonably related to legitimate penological interests: (1) “whether there are alternative means of exercising the right that remain open to prison inmates”; (2) “the impact accommodation of the asserted constitutional right will have on guards and other inmates, and on the allocation of prison resources generally. In the necessarily closed environment of the correctional institution, few changes will have no ramifications on the liberty of others or on the use of the prison’s limited resources for preserving institutional order. When accommodation of an asserted right will have a significant ‘ripple effect’ on fellow inmates or on prison staff, courts should be particularly deferential to the informed discretion of corrections officials”; and (3) the absence of ready alternatives as evidence of the reasonableness of a prison regulation; “the existence of obvious, easy alternatives may be evidence that the regulation is not reasonable.”

Applying these standards, the US Court of Appeals for the Third Circuit in DeHart v. Horn reversed a decision by the US District Court for the Western District of Pennsylvania, which had found that the refusal by the Pennsylvania State Correctional Institute (SCI) at Greene to accommodate a Buddhist inmate’s request for a special diet did not violate his free exercise of rights. The Third Circuit determined that the penological interest in simplified and efficient food service and the avoidance of resentment and jealousy on the part of other inmates constituted legitimate penological concerns under Turner.

Next, the DeHart court concluded that the inmate possessed some alternative means for expressing his Buddhist beliefs. He was afforded other opportunities for religious expression, including
prayer, recitation of Sutras, meditation, correspondence with practicing Buddhists, and the opportunity to wear canvas, as opposed to leather sneakers. The fact that vegetarianism is neither a central part of Buddhism nor a commandment of that religion further contributed to the Third Circuit’s deciding against an impingement of the inmate’s rights under this prong. But noting that DeHart could receive individually prepared foods under an existing administrative process at the SCI at Greene and that inmates at other correctional institutions are served kosher meals would appear to impose a greater burden on prison efficiency and to bring about a similar risk of jealousy, the Third Circuit reversed and remanded the case.

In Williams v. Morton, another Third Circuit case, more than two hundred Muslim inmates at the New Jersey State Prison (NJSP) claimed that prison officials violated their constitutional rights under the Free Exercise Clause of the First Amendment by failing to provide them with Halal meat meals in conformity with their religious beliefs and their equal protection rights under the Fourteenth Amendment, and by providing Kosher meals with meat to four Jewish prisoners, without providing Halal meat to Muslim inmates.

In ruling against the Muslim inmates, the Third Circuit held that: (1) the NJSP’s decision to provide a vegetarian meal, rather than one with Halal meat, was rationally related to the legitimate penological interests of simplified food service, prison security, and budgetary constraints; (2) the Muslim prisoners possessed other means of religious expression, including a weekly congregational prayer service (known as the Jumu’ah); the opportunity to study Arabic and to observe Ramadan by providing a special meal enabling Muslims to comply with the holiday’s fasting requirement; the opportunity to pray five times during each day, and the chance to observe the five pillars of the Islam faith; the chance to celebrate Eid—an another Muslim holiday, by allowing them to cook their own meals containing...
Halal meat\textsuperscript{28}; (3) providing Halal meals with meat to such a large population would impose budgetary burdens, create additional security concerns, and cause a considerable disruption to the prison’s daily operation in ways that the prison does not experience by providing Kosher meals to only a handful of inmates\textsuperscript{29}; and 4) the NJSP could not accommodate the Muslim prisoners’ request for Halal meat meals at a \textit{de minimis cost}.\textsuperscript{30} Finally, with respect to the Muslim inmates’ Equal Protection claim, the Third Circuit held that there was no evidence that Jewish prisoners received meat in their Kosher meals, that all inmates in need of a religious diet are provided vegetarian meals, and thus the prison did not treat Jewish and Muslim prisoners in a “disparate and unequal” manner.\textsuperscript{31}

While such holdings indicate that prisons and jails are not required to serve inmates special meals in accordance with their religious beliefs, a number of states attempt to do so. Under Nebraska law, “provisions shall be made for special diets required by an inmate’s religious beliefs where reasonably possible” (81 NE ADC Ch. 11, § 006). Similarly, California law provides that “each institution shall make reasonable efforts … to accommodate those inmates who … require a religious diet” (15 CA ADC § 3054[a]). Unlike Nebraska, California takes matters a step further, requiring each correctional institution to provide religious awareness training for custody and food service staff (15 CA ADC § 3054[b]), and specific training for those involved in the supervising, ordering, preparation, and serving of kosher meals (15 CA ADC § 3054.2[f]). Jewish inmates incarcerated at an institution that does not provide kosher meals may be considered for transfer to another institution that can provide the Jewish inmate with a kosher diet, provided that the classification of the receiving institution is appropriate (15 CA ADC § 3054.2[b]). In addition, religious groups are permitted two events per year where foods with religious significance are provided by the institution in place
of the regularly planned meal (15 CA ADC § 3053[a]), with Passover constituting a single religious event (15 CA ADC § 3054.2[e]). Finally, where food contains pork or pork derivatives, institutions must identify such foods on the menu with a “P” and offer pork-free alternatives to those inmates who do not eat pork because of religious concerns (15 CA ADC § 3051).

Although adhering to religious dietary customs and eating religiously significant food can help inmates maintain some of their (cultural) identities and connection with their pre-incarceration selves, inmates encounter difficulties accessing ethnic nonreligious dishes (Godderis 2006, 258). Valentine and Longstaff (1998, 136) discuss how the refusal to serve certain ethnic foods helps create disciplined and “docile” bodies: “By embodying a ‘traditional’ English identity, the prison meals represent one example of a process of Othering, marking those who do not share a taste for this food as ‘different’, in which difference is constructed as negative and inferior. Thus the meals provide a vehicle for prison officers and inmates to articulate disparaging, often racist comments, towards those who express a preference for other types of food, while also denying these inmates the opportunity to express their own identities through the food they consume” (Said 1986). Not only may this result in disciplined or “docile” bodies, but the removal or blockage of positively valued stimuli (i.e., ethnic foods) and the presentation of noxious stimuli (i.e., negative or hostile relations with disparaging and racist guards) may create strain for the inmates and lead to aggression and violence (e.g., Agnew 1992, 2006).

Many prisons and jails in the United States and Britain further remove inmates’ capacity for food choice by prohibiting friends and family of inmates from bringing food to the people they are visiting (usually for fear of breach of security and food poisoning), while subsequently placing financial burdens on visitors to purchase
“exorbitantly overpriced” food from prison vending machines (Shafer 1991; Grinstead et al. 2001, 67; Domanick 2004, 232; Tewksbury and DeMichele 2005, 305).33 This impedes prisoners’ ability to maintain their cultural identities and connections with the world outside the prison walls, leaves inmates without an occasional dose of variety, and renders them completely dependent on food provided by the prison (Valentine and Longstaff 1998, 134; Eves and Gesh 2003, 168). Hot pots (hot plates) and stingers (immersion heaters used for boiling water) afford some prison inmates the opportunity to exercise a modicum of control over their food intake, but inmates are limited by the foodstuffs offered by the prison commissary—options that may be reduced at any time—and may have their hot pots and stingers confiscated with little or no warning and without recourse (Stough and Pens 1998). However, completely removing choice by closing the commissary or canteen, as it is referred to in British prisons, would be counterproductive. As Valentine and Longstaff (1998, 140) explain, “To the prison officers the canteen is a means to keep inmates docile. They dare not suspend it for fear of inciting trouble.”

One of the few instances in which prisoners can select what they eat is when they are on death row and are afforded the opportunity to pick their last meal.34 But even the last meal is subject to carceral control. Price (2004, 2005), who cooked over two hundred last meals while serving a sentence for sexual assault at the Walls Unit in Huntsville, Texas, explains that condemned inmates often receive something other than what they requested, especially if there are less expensive or more accessible alternatives.35 Texas Department of Corrections policy provides that only food items kept on hand in the Walls Unit kitchen commissary and butcher shop can be used, meaning that a condemned inmate requesting lobster would receive a filet of processed fish. Lawrence Buxton, executed in February 1991, and for whom Price (2004) cooked his first last meal, received
a T-bone steak in place of his requested filet mignon. In 1998, Da-
vid Allen Castillo requested twenty-four soft shell tacos, six tostadas,
two whole onions, five jalapenos, two cheeseburgers, one chocolate
milk shake, one quart of milk, and one pack of Marlboro cigarettes.
He received four hard shell tacos, six enchiladas, two tostadas, two
whole onions, five jalapenos, one chocolate milk shake, and one
quart of milk.36 Despite the discrepancies between what an inmate
might request and what he might receive, in Texas, at least, last meal
requests are released to the media exactly the way the State receives
them (Price 2004).37 This simultaneously distorts the notion that
condemned prisoners receive some comfort during their last hours
and revives the “spectacle of public punishment” that Foucault (1977,
9) claims has disappeared.38

This, of course, speaks nothing to the issue of quality. While Ne-
braska law mandates that meals “be prepared with consideration for
food flavor, texture, temperature, appearance, and palatability” (81
NE ADC Ch. 11, § 003) and California clarifies sanitation standards
(15 CA ADC § 3052), the reality is that complaints of rotten, moldy,
or contaminated food are as common in Arizona as in Kurdish pris-
sons in Iraq (“Sheriff” 2003; Sifakis 2003, 123; Chivers 2006).

In apartheid South Africa, the quality of food was linked to race,
with white prisoners receiving more nutritious and better-quality
food than black prisoners. According to Masha (2004):

In the food area, where prisoners collected their food
from trolleys before moving off to eat in the yard or cells,
food drums display the ghastly menu selections prison-
ers were faced with. African National Congress stalwart
Joe Slovo describes the motive for the drums in his un-
finished autobiography: “The first drum, marked ‘Con-
gress One’, contained cooked chunks of beef or pork for
white accused. The ‘Congress Two’ drum, for coloureds
and Indian prisoners, contained either porridge or boiled vegetables on top of which floated a few pieces of fatty meat that were most probably from the discarded cut-offs from ‘Congress One’ drum. The ‘Congress Three’ drum (for black prisoners) was always meatless and the contents alternated between a plastic-textured porridge and a mixture of boiled mealies and beans.”

In the United States, under the mid-nineteenth-century reign of Elam Lynds, known as the “Whip of Sing Sing,” inmates of this Upstate New York prison purportedly received food unfit for pigs. According to Sifakis (2003, 152), “Garbage swill from the convicts’ food that was sold to pig farmers proved inferior. The problem was solved by dumping half of the prisoners’ rations directly into the garbage so that it would be good enough for pigs. The inmates were simply given less to eat themselves.” In 2000, inmates of the US Penitentiary Administrative Maximum Facility (ADX) in Florence, Colorado—a supermax prison that houses some of the most notorious US prisoners, including Theodore Kaczynski (the “Unabomber”), Zacarias Moussaoui (September 11, 2001, conspirator), Terry Nichols (Oklahoma City bombing conspirator), Richard Reid (the “Shoe Bomber”), Eric Rudolph (Olympic Park bomber), and Ramzi Ahmed Yousef (1993 World Trade Center bombing mastermind)—alleged that guards had mixed waste into inmate food (Sifakis 2003, 250). Pens (1995-96) reports claims by Texas prisoners that VitaPro—a soy-based meat substitute—tasted like dog food and caused diarrhea, skin rashes, and other ailments. In 2004, fecal coliform and E. coli were found in the water system at the McNeil Island Correction Center (MICC) near Steilacoom, Washington; E. coli was also found in about 6,000 pounds of ground beef produced at a meat processing plant on the Island prison (R. Smith 2005). Some examples to the contrary exist. I recall meeting an ex-offender—a huge individual nicknamed

https://egrove.olemiss.edu/southernanthro_proceedings/vol41/iss1/6
DOI: 10.56702/MPMC7908/saspro4101.5
“Steroids,” about ten years out on parole for assaulting four police officers—who spoke highly of his prison dining experience. “They feed you good in prison,” he told me one day. But the overwhelming majority of current and former prisoners consider the food to be poor, with some regarding the low quality as punitive. As C. Smith (2002, 204) recounts, “at the end of the day, steak or Spam, prison food is prison food.”

Despite instances of contaminated prison food and negative sentiments about its quality, for many inmates, the issue is not so much actual food, but again, the lack of power and control (Foucault 1977, 236; Valentine and Longstaff 1998, 135; C. Smith 2002). For the female British inmates who served as the subject of Smith’s (2002) study, “Food thus becomes symbolic of the fact that life has become restricted and previous values of independence and individualism combine to heighten the pains of imprisonment. . . . Prisoners are relegated to a child-like state—told when and what to eat—and food becomes associated with penal authority and denial” (C. Smith 2002, 203, 210). Williams (2002a, 299) echoes this analogy, observing that “the prison authorities dictate when prisoners get up, what they wear, what they eat, where they go, with whom they can and cannot speak, and what they can possess. This loss of control infantilizes and dehumanizes prisoners, and it can cause tremendous stress, anxiety, depression, humiliation, and anger.” Similarly, Sykes (1958) states that “the frustration of the prisoner’s ability to make choices, and the frequent refusals to provide an explanation for the regulations and commands descending from the bureaucratic staff, involve a profound threat to the prisoner’s self-image, because they reduce the prisoner to the weak, helpless, dependent status of childhood.” Thus, prison food practices, like so much else about prison life, including bathing and sleeping, function as part of the machinery of control over the minute details of an inmate’s daily existence.
The fact that the control is pervasive and constant is key. As R. Martin (1971, 247) concludes, “If power is a property of a specific relation between specific individuals or groups in a specific situation, the frequency of the occurrence of that situation is of crucial importance.”

**Quantity of food**

Although carceral exercises of power over type of food—either by serving food of poor quality or by refusing to accommodate religious dietary requests—may be the most common, or at least, the most publicized form of food-related control in prisons, correctional institutions may also manifest their dominion over inmates through food quantity. During the era of Elam Lynds at Sing Sing, prisoners who had money to pay the warden could enjoy double food rations (Sifakis 2003, 152). Similarly, at California State Prison-Corcoran, inmates have received extra food from guards in return for “checking” (beating and raping) other inmates (Wisely 2003a, 249). And Alcatraz, known in its time for being the harshest federal prison, was also recognized as being the best prison for “eats and smokes”—federal prisoners received 3,100-3,600 calories a day (far in excess of the federal guideline minimum of 2,000 calories per day), as well as three packs of cigarettes per week, and unlimited loose tobacco (Sifakis 2003, 10-11). Such “perks” contributed to an element of docility in the prisoners, and with the liberal smoking program, “cigarettes lost the currency value and bribing power they enjoyed in other prisons” (Sifakis 2003, 11). More often, however, prisons exercise control over inmates with less food, rather than with more.

For example, in March 1554, the Oxford Martyrs, Bishops Hugh Latimer and Nicholas Ridley, and Archbishop Thomas Cranmer, were confined at Oxford in the care of city officials until their executions in October 1555 (Latimer and Ridley) and March 1556 (Cranmer). Hammer (1999) reviewed surviving Oxford bailiffs’ accounts
for Latimer and Cranmer and found that their diets conformed to the general conventions of the period. While individual tastes and situations were accommodated (Hammer 1999, 657-58) and variations in meals served related to both natural seasons and liturgical seasons, with religious influences possessing greater influence than seasonal dietary ones (Hammer 1999, 677), both Cranmer and Latimer ate at a dietary level significantly below that authorized for persons of their status, and Cranmer’s precedence as archbishop was not recognized (Hammer 1999, 665). As Hammer (1999, 680) concludes, “In a society as sensitive to small hierarchical distinctions of honor as was Tudor England, there must have been an inescapable sense of meanness about a dietary regime which did not recognize Cranmer’s status as an archbishop. Thus, his diet may have incorporated a subtly coded message of humiliation.”

To offer a more contemporary example, in the pre-1950s solitary units in Pennsylvania, described as “four-by-four-by-fours” (representing the full dimensions of the cell in feet), prisoners’ meals were limited to two slices of bread and water twice a day. Every third day the inmate received a full meal (Sifakis 2003, 111). Today, many states have prison and jail standards for the quantity of food to be served to inmates (Wakeen 2006). Nebraska, for example, requires jail inmates to receive at least three meals per day, one of which shall be hot (81 NE ADC Ch. 11, § 002). In addition, Nebraska jails must meet the dietary allowances as set forth in the Recommended Dietary Allowances, National Academy of Sciences, by serving each inmate the specified serving from each of the five food groups: meat or protein group (two servings per day), milk group (two servings per day), vegetable group (three servings per day), fruit group (two servings per day, both of which could be citrus or tomato juice), and cereal or bread group (three servings per day of whole grain or enriched products) (81 NE ADC Ch.11, § 004). Furthermore, Nebraska
law explicitly states that “food shall not be withheld, nor the menu varied, as a disciplinary sanction” (81 NE ADC Ch.11, § 009).

Similarly, California law provides that each inmate shall receive “a wholesome, nutritionally balanced diet. Nutrition levels shall meet the recommended daily allowances established by the Food and Nutrition Board of the National Research Council” (15 CA ADC § 3050[a]). Although California does not codify the number of servings from each food group that an inmate shall receive, it requires that two of inmates’ three daily meals be hot (15 CA ADC § 3050[a]) 2). But not all states have such regulations, and even in those that do, compliance may fall short. Wright (1998a) discusses assertions by Clallam Bay Corrections Center prisoners regarding reductions in the quantity of food received. Maricopa County (Arizona) Sheriff Joe Arpaio famously cut caloric intake on the nearly nine thousand jail inmates in October 2003 from 3,000 to 2,500 calories per day (Crawford and Scutari 2003; “Sheriff” 2003). Arpaio justified the caloric reduction on health-related and budgetary grounds. “Do you hear me?” he was quoted as telling inmates. “You’re too fat. I’m taking away your food because I’m trying to help you. I’m on a diet myself. You eat too much fat” (“Sheriff” 2003). Arguing that he was saving the county about $300,000 a year in food costs, Arpaio boasted: “I got meal costs down to 40 cents a day per inmate. It costs $1.15 to feed the department’s dogs” (“Sheriff” 2003).

While Arpaio might wish to further reduce the cost of meals per day per inmate, he would eventually reach a threshold by which the food supplied, or lack thereof, would violate the inmates’ rights under the US Constitution. Indeed, with respect to all four categories discussed in this Part—when the meals are served, where the meals are served, types of food available, and quantity of food—there exists a line that the State may not cross without incurring a lawsuit. Thus, to offer an extreme example, the State could not serve all three meals
within one hour of each other. Gone, too, are the days of bread and water diets. Thus, while the State possesses the capacity for complete control of inmate food practices—a point noted at the outset of this Part—in this country, it effectively cannot exercise this power because of the rights safeguarded by the Constitution and federal and state statutes. This next Part considers inmate responses to actual and perceived infringement of these rights. In so doing, it alludes to the question of whether the ambiguous location of the line between the State’s constitutional exercise of power and unconstitutional encroachment on prisoners’ rights actually affords the State greater control than if this boundary were certain.

III. Food-Related Inmate Resistance

Foucault (1978, 86) contends that “power is tolerable only on condition it mask a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms.” Foucault maintains that power’s success lies in its ability to be anonymous (Rabinow 1984, 19; Garland 1990, 136). In prison, however, power is anything but hidden. The source and mechanisms of power (exercised primarily by the State through wardens, prison officials, and guards, although also manifested by inmate hierarchies) are quite clear. As a result, prison is often intolerable for many individuals. How then does this imbalanced dynamic persist?

Foucault discusses how the prison has been retained despite its failures (Foucault 1977, 271-72; Garland 1990, 149). While this explanation may be useful in understanding why the State has not replaced it with something else, it does not explain why prisoners infrequently rebel.

For Weber (1947, 152), “Power (Macht) is the probability that one actor within a social relationship will be in the position to carry out his own will despite resistance, regardless of the basis on which this
probability rests.” As Arens and Karp (1989, xiii) describe, Weber’s conception of power focuses “primarily on the pursuit of individual rather than collective goals.” This is exceptionally true in prison, where inmates lack a sense of “we-ness” (Desjarlais 1996, 887) and adhere to the “inmate code” of “do your own time.” As Sykes (1958) explains, “The inmate population is shot through with a variety of ethnic and social cleavages which sharply reduce the possibility of continued mass action called for by an uprising. The inmates lack an ideological commitment transcending their individual differences, and the few riots which do occur, are as likely to collapse from dissension among prisoners as from repression by the custodial force.”

Combining these perspectives, one could assert that the prison has been retained by those in power because of its failures and has not been overthrown by its detractors because of a lack of unity. (Foucault might suggest that the lack of unity among prisoners, who overwhelmingly represent lower classes, is another reason why the prison has been retained.) Consider Foucault’s discussion of Bentham’s Panopticon—the circular prison design that provides correctional officials with complete visibility into every cell, “establishing surveillance as a mechanism of disciplinary power without the aid of any physical instrument other than architecture and geometry” (Valentine and Longstaff 1998, 132). Foucault regards the Panopticon as paradigmatic of disciplinary technology over the body. As R. Martin (1971, 250) describes more generally, “The receivers of power signals may anticipate the exercise of power and act accordingly.” While some versions of the Panopticon-like centralized circular prison designs do exist, the goal of the prisoner “becoming his own guardian” (Rabinow 1984, 19) has been achieved not by geometry and architectural design, but by the lack of unity in prison. Prisoners must watch their own backs, leading some commentators to suggest that some inmates, especially vulnerable ones, welcome the Panoptic
gaze as a form of protection against inmate assault (Valentine and Longstaff 1998, 146-47).

Correctional officers, in turn, recognize this lack of unity and use it to their advantage. While certainly wary of turning a blind eye to gang-related tensions, they realize that permitting some elements of inmate hierarchies and some degree of illegal activity and avoiding crackdowns aimed at complete control and peace may help prevent collective inmate resentment and cooperation that could threaten the (delicate) balance of power and successful operation of the prison (see Valentine and Longstaff 1998, 148-49).

With this tension in mind, this paper turns to inmate “food-based resistance” and the diversity of ways inmates “locate and create consumptive spaces of resistance within the confines of the institution” (Godderis 2006, 255, 265). Godderis (2006, 259-264) categorizes inmate resistance as either “individual” or “group,” and further subdivides these categories into four distinct forms of resistance: (1) individual adaptations and adjustments, (2) individual displays of opposition, (3) legitimate group activities, and (4) illegitimate group activities. This paper employs Godderis’ typology but offers additional examples and adds an additional category of resistance. In so doing, it attempts to reveal how the prison as an institutional entity is as varied as the tensions within it.

*Individual Adaptations and Adjustments*

Inmates exist in a world that is neither entirely solitary nor entirely social. On the one hand, unless the inmate is in solitary confinement, prison is a profoundly social experience, with frequently overcrowded living conditions and virtually no privacy. But on the other hand, inmates must constantly watch their own backs and must do what is in their own self-interest in order to survive. Furthermore, Godderis (2006, 257) notes that “how a prisoner chooses to react
to the restrictions and deprivations of institutional life is not only based upon the structure of the institution but also upon his or her own unique character and sense of self.” This statement echoes Sykes (1958), who writes that not “all prisoners perceive their captivity in precisely the same way. It might be argued that in reality there are as many prisons as there are prisoners—that each man brings to the custodial institution his own needs and his own background, and each man takes away from the prison his own interpretation of life within the walls.” Thus, the “inmate code” of “do your own time” and “every man for himself,” coupled with the fact that each prisoner experiences prison differently, underscores the solitary nature of prison.

Even though individuals experience prison in very different ways, Godderis (2006, 259) draws some generalizations about inmate coping techniques and discusses how the prisoners she studied would often employ “cognitive tricks” in order “to prevent the distress that was created by the memory of foods and food-related rituals that they used to engage in.” Such tricks included actively avoiding cues, such as coupon books, food flyers, and television commercials, that would remind the inmates of food choices unavailable to them in prison, as well as the freedom to take “a trip to the grocery store and purchase the foods that they crave” (Godderis 2006, 260). C. Smith (2002, 139), however, draws a somewhat different conclusion, implying that if a prison canteen offers particular foods that hold “autobiographical meanings” for inmates—foods that remind them of family, home, and important occasions in their lives—inmates will purchase them in an effort to recapture aspects of their pre-incarceration selves. But Smith recognizes that the prison canteen can neither completely satisfy their cravings for certain foods nor alleviate their pain and longing for food rituals associated with family and home. As Smith explains, the inability to access desired foods
means that “food fantasies are as common as sexual fantasies in prison” (C. Smith 2002, 139). Although some prisoners attempt to eat foods that hold “autobiographical meanings,” cooking in one’s cell presents a number of challenges. Cells do not contain kitchens, meaning that prisoners must cook the foodstuffs they procure from the canteen with hot pots or stingers. But as Angelo (2003, 36-41) describes, inmates are remarkably resourceful, heating food with toilet paper “bombs” (made by loosely wrapping toilet paper around one’s hand 12-15 times and doubling it over), “steamer-cookers” (made using three Tupperware bowls and a stinger), and even using the lighting in their cells to heat up sandwiches.

Employing “cognitive tricks” to adjust to the absence of certain foods, on the one hand, and eating foods that hold “autobiographical meanings,” on the other hand, represent adaptations by inmates to the types of food in prison. Inmates must also adjust to the quantity of food they receive. As noted above, inmates in some prisons receive their meals in their cells. According to Angelo (2003, 42, 46), one inmate with a metabolic need for large quantities of dairy products would use extra milk obtained from other inmates and kitchen workers to make cottage cheese and yogurt (because the cells lacked refrigeration to keep the excess milk properly). Another inmate would occasionally drop his tray after receiving it through the slot in his door. The inmate would then pick up the tray, return it to the guard, and receive a second tray. While the guard delivering the food would often respond to the dropped tray with annoyance, the dropping of the tray was never intended as an act of defiance. Rather, the inmate, who would meticulously sweep and wash the floor of his cell—from five to eight times a day—would scoop up the food that had fallen and add it to the portion on his second tray, thus allowing him to eat more of a food that he particularly liked.
One final adaptation bears mention. Art in prison has been touted for its ability to help inmates cope with prison life, overcome deprivation, channel anger in positive ways, reduce stress and violence, alleviate depression, enhance levels of patience, produce a calming effect, increase self-respect and confidence, and provide a form of recreation. Art can also afford inmates a means of reflection, foster their creativity, generate a small source of legitimate income, or serve as a commodity (e.g., portraits and greeting cards) that can be exchanged in the prison economy (Durland 1998; Hillman 2002; Thompson 2002; Williams 2002a, 2002b, 2002c; Angelo 2003; Haskell 2003; Williams and Taylor 2004; Carr 2006; Schrift 2006). In addition, art can help inmates replace the label of “I am a criminal” or “I am a prisoner” with “I am an artist” (Thompson 2002, 49). For Donny Johnson, who has not touched another human being in seventeen years, due to his confinement in an 8-by-12-foot concrete cell in the Security Housing Unit of the Pelican Bay State Prison (California), art serves as a solace; his medium is dye from M&Ms, occasionally mixed with coffee or Kool-Aid to produce different colors (Liptak 2006a, 2006c).

Until recently, Johnson, who paints on postcards, would send his finished works through the mail to family and friends. But after his paintings were exhibited at the YAM Gallery in San Miguel de Allende, Mexico, where twenty of them were sold for $500 a piece, prison officials barred Johnson from sending further works through the mail. They charged that Johnson had engaged in a business, defined as “any revenue-generating or profit-making activity,” without the warden’s permission. Though the proceeds from the exhibition were donated to the Pelican Bay Prison Project, a nonprofit group that helps the children of prisoners, at the time of this paper, Johnson can no longer send his art to his supporters. Whether prison officials lift the restriction, further curtail his privileges, or even extend his
sentence, is still to be determined, as is the possibility that Johnson might bring a legal challenge.

**Individual Displays of Opposition**

For Godderis (2006, 260), inmates frequently challenge institutional dominance with explicit and visibly defiant behavior toward authorities. Such displays of opposition may be short verbal exchanges between the inmate and a guard and often do not lead to systemic changes. But, she claims, “They provide evidence of prisoners’ refusal to just be obedient and their rejection of the process of institutionalisation” (2006, 262). As an example, she describes how prisoners in maximum- and medium-security institutions across Canada are often responsible for preparing the food for both prisoners and staff. “Rumours about the contamination of food demonstrate how prison power dynamics remain in constant flux and how easily power can shift from institutional authorities to prisoners. . . . The idea that prisoners could have been polluting the guards’ food created the perception (regardless of the reality) that the prisoners were now in control and able to make decisions about something that was vital to the guards’ health and well-being. . . . Ultimately it was the mere potential for contamination that allowed for the reversal of power to occur” (2006, 261).

Other examples abound. Inmates who receive their meals in their cells may attempt to make shanks out of the plastic from the trays (Rhodes 2004, 41). Some prisons attempt to discourage this practice by using a particularly rugged and durable tray called the Tivoli III. But because the tray by itself may be used as a weapon (Valentine and Longstaff 1998, 142), inmates must return their trays after meals. Some inmates, however, may refuse to return their trays to provoke guards into entering their cells (Rhodes 2004, 41). Because a specific protocol must be followed for guards to enter an inmate’s
cell—usually a team of five or six guards donning full gear (akin to a SWAT team) is required for entry—the simple act of withholding one’s tray and inconveniencing the guards serves as a statement. Some inmates have no intention of fighting with guards; they just refuse to return their trays and then, when the guards enter, they become passive and allow the guards to cuff them and take the trays. Other inmates, however, want to fight. They know that physical force will be returned, but they hope that they can get in a blow or two—especially if the guard who provoked them is part of the team entering the cell. As Rhodes (2004, 43) explains, “Both sides [guards and inmates] are compelled to respond to the symbolic as well as the overt content of the gestures of antagonism that gather around their points of contact. The apparently trivial tray—the only thing the prisoner can get his hands on—takes on a charge of defiance.” While the refusal to return one’s tray may serve as a symbolic act of defiance, there is nothing covert about “sliming,” whereby an inmate hurls a mixture of “food waste” (Morse 1994, 110)—urine and feces—at guards. Although inmates hope to hit guards in the face with their excrement, burning their eyes, and may attempt to improve the splatter effect by doctoring their concoctions with eggs (Rhodes 2004, 44), “humiliation is the name of the game and is one of the few ways prisoners have to degrade their keepers” (Sifakis 2003, 238). As Rhodes (2004, 45) explains, “In a world where the head of your bed is next to your toilet, where your toilet paper has to be requested, throwing shit says something.”

*Legitimate Group Activities*

A prison’s refusal to serve certain ethnic foods can deny inmates the opportunity to express their identities and cultural heritage through the food they consume, creating additional strain for the inmates. At the Canadian prison where Godderis conducted her research, one
“legitimate” form of resistance entailed “ethnic-based food groups.” These food groups—formed with the approval of the prison—would coordinate monthly orders of culturally appropriate foods. Food group members could then “either come together to cook an ethnic meal in the kitchen or prepare the food individually in their own units (unless the authorities deemed that the security risks were too high)” (Godderis 2006, 262). Putting aside the issue as to whether actions undertaken with “approval” may properly be considered “resistance,” the likelihood of many ethnic-based food groups forming in US prisons is slim because of budgetary burdens on states with overcrowded facilities, security issues, and concerns over disruption to the prisons’ daily operations—points raised by the New Jersey State Prison in response to the request by Muslim inmates for Halal meat meals, discussed above.

By far, the most common form of legitimate resistance is complaints, which C. Smith (2002, 205) describes as “endemic in large institutions such as hospitals, schools, and particularly prisons where such complaints [about food] constitute one (legitimate) means of expressing dissent.” Complaints can range from simple verbal expressions of displeasure to written grievances within the prison to food-related prison lawsuits. With the Supreme Court’s holding in Cooper v. Pate that prisoners may sue prison officials for violation of constitutional rights under 42 U.S.C. § 1983 (which provides that any person acting under color of state law who deprives another person of rights guaranteed by federal law shall be liable to that person), prisoners have turned to litigation seeking legal remedy for constitutional violations (L. Anderson 2000, xiii-xiv).

Recently, in a case entitled Jones v. Bock, the Supreme Court noted that prisoners’ lawsuits account for nearly 10 percent of all civil cases filed in federal court. Not all of these cases concern food (see Anderson 2000, xiv). Nor are all cases meritorious. In fact, the
Jones opinion, authored by Chief Justice Roberts, states that “most of these cases have no merit; many are frivolous.” While many of these cases do indeed lack merit and while some do sink to the level of frivolous—a point to which this author can attest, having served as a judicial law clerk for the US District Court for the Southern District of Florida—a significant number do raise serious claims, as asserted by Sifakis (2003, 95-97) and as evidenced, in part, by the discussion of DeHart and Williams above. Resistance, however, need not be measured by successful litigation. While certainly some complaints require court-ordered remedies for constitutional violations, some prisoner-litigants may achieve their desired result simply by filing the case. Even the most frivolous case can inconvenience prison staff, judicial staff, and judges. Indeed, the Prison Litigation Reform Act of 1995 (PLRA)—the subject of the Jones lawsuit—was enacted specifically to respond to the large number of prisoner complaints filed in federal court. Even if his case stands on flimsy ground, an angry inmate with a bone to pick can successfully hamstring a court through the legitimate means of litigation.

**Illegitimate Group Activities**

While any kind of behavior involving multiple inmates that is “not endorsed, or approved of, by institutional authorities” (Godderis 2006, 263) constitutes “illegal group activities,” two practices in particular bear mention: (1) the “bootlegged food market” (Godderis 2006, 253) or “black economy” (Valentine and Longstaff 1998, 142), which includes the sale of food products illegally brought into the prison, as well as food stolen or hoarded from the prison kitchen or canteen, and (2) food-related riots. As noted throughout this paper, prisoners exercise little choice over the types of food they eat—a phenomenon that is exacerbated if the prison prohibits family members
and friends from bringing inmates food from outside institutional walls. Prison canteens can offer prisoners some avenues for accessing foods that they crave or associate with home or their cultural heritage. But often, the only way to obtain such items is through the underground prison economy. Those inmates who possess the connections to the outside world and the means to bring such items into the prison illegally (often with the help of guards or staff who receive a “cut” for their efforts) control both admission to the market, the nature of the currency, and the rate of exchange—factors that may be difficult to gauge given that “meanings are transient, with products having different meaningful properties for different owners” (Valentine and Longstaff 1998, 140). Nevertheless, these market conditions influence the extent to which the inmate-merchant—Valentine and Longstaff refer to such individuals as “barons” (1998, 142)—is revered or reviled, and with it, the degree of authority within inmate hierarchies. Those inmates who possess the wealth (in whatever form of currency) to buy in this illegal market can resist or at least circumvent some of the oppressiveness brought about by the prison’s control over food-related choice.

Aside from food items unavailable through the prison kitchen or canteen, inmates’ “black economy” also includes items that are available through these avenues. Kit Kat chocolate bars, for example, can be purchased at many prison canteens. But because the silver foil in which they are wrapped can be used for taking drugs, the bars are stockpiled and traded at exorbitantly high rates, especially if the limit on the number of bars one can purchase at the commissary is low (Valentine and Longstaff 1998, 140-42). For inmate body builders and those involved in the prison gym culture, protein-rich foods and other dietary supplements are highly desirable. The inmate who can acquire such items, frequently by theft from the kitchen, can secure the good graces and protection of those inmates in need. The
inmates who can purchase such items “signal wealth (in terms of accumulation) and social standing (in terms of differentiation)” (Valentine and Longstaff 1998, 141). Finally, fruit bought at the canteen or taken from the mess halls can be illegally turned into alcohol, called “pruno,” (Valentine and Longstaff 1998, 140; Angelo 2003, 46), which can be traded, sold, or consumed by the vintner, providing a temporary escape (especially if consumed on a holiday or other celebratory occasion).

To some extent, the underground prison economy could be considered a form of indirect resistance. While multiple inmates take part in this illegal group activity for a variety of reasons (status, wealth, hunger, addiction, psychological escape, cultural and personal identifications with pre-carceral lives), the resistance is directed toward the abstract fact of incarceration and the conditions that accompany it, rather than toward a specific individual (such as the warden) or group of individuals (such as the guards). That prison staff may be complicit in dealing contraband, or may turn a blind eye to these dealings of the inmates, underscores the extent to which some people may view the “bootlegged food market” as harmless and even as a necessary means to reduce inmate frustration at their imprisoned existence. Some correctional officers may regard the underground prison economy as vital to preserving the peace, provided that inmates refrain from or limit their disputes over quality and quantity of food items and rates of exchange and provided that the flow of illegal goods into the prison does not seriously undermine prison security. While possessing the potential to virtually entirely shut down these illegal markets, they abstain from doing so in order to avoid illegal group activity directed at guards and other prison staff.

Despite such efforts, prisoners do occasionally focus their anger and frustration at guards and other prison staff, engaging in a direct
form of resistance to prison authority and control. Some riots are planned or coordinated events intended for specific purposes (such as to exact revenge on someone or as a response to changes in prison policy). Far more often, they are impromptu events, such as the famous Super Bowl Sunday Chicken Riot at the Graterford State Prison in Pennsylvania, where inmates attacked some guards and locked them in cells in response to an inmate’s unsuccessful effort to bring a plate of chicken back to his cell to eat during the Super Bowl (Sifakis 2003, 248-49). In fact, many riots may not be precipitated by an act or actions of prison employees. As C. Smith (2002, 205) explains:

Mealtimes in prison can be tense occasions where emotions such as resentment, anger and frustration often find expression. Prisoners may express their feelings by leaving the table, shouting, banging trays, spitting food out, or throwing it at staff. Such outbursts are not just about the food itself (which to the outside observer on the whole seemed to be quite good), but rather are about power and powerlessness. In this context, food acts as a prop to establish [prisoners’] refusal to bow under authority. It becomes one means of countering attempts to dictate how [prisoners] should conduct their bodily activities.

Similarly, Valentine and Longstaff (1998, 145) quote a prisoner who wrote that mealtime “can be a time of tension because people are more likely to express discontents when there are a lot of other prisoners together.” And Godderis (2006, 263-64) discusses how sitting in a seat that has been occupied by another prisoner is frequently interpreted as a sign of disrespect that may result in a fight. Given the assertion that “people become easily angered by food-related problems” (Godderis 2006, 264) and the fact that a large number of individuals are confined in the small space of a prison cafeteria—recall
Wright’s (1998a) discussion of the prison riot that took place on September 26, 1995, at Clallam Bay Corrections Center (CBCC) stemming from an overcrowded dining facility—the smallest slight between two individuals can quickly escalate into a fight drawing in more and more individuals. Because not all inmates will know what prompted the fight, they may become involved if they think that the fight is geared toward guards, especially if they see them intervene. Other inmates may view the fight between a couple of inmates as an opportunity to assault guards and staff—a greater possibility if the ratio between inmates and staff is significantly disproportional. Recognizing the potential for rioting in the dining halls—Valentine and Longstaff (1998, 142-43) note that the metal trays used for carrying one’s food can serve as dangerous weapons—some prisons have undertaken measures to reduce the risk of injury to both inmates and staff. For instance, officials at the Louisiana State Penitentiary, Angola, to mix meal ingredients together and bake them into splatterproof loaves as a disciplinary and precautionary measure designed to take the fun and danger out of food fights (Chaudhry 1991).

The underground prison economy represents an ongoing, habitual, indirect act of resistance to the fact of incarceration and the conditions brought about as a result. Food-related riots represent infrequent, short-lived, direct acts of resistance with far greater potential to cause injury and death and to temporarily disrupt the power relations between inmates and staff. While both of these illegal group activities involve multiple players, neither really symbolizes conscious collective action on the part of the inmates as an expression of a shared ideological position. The “black economy” frequently serves to satisfy real and perceived physical and emotional needs; riots stem from frustration and uncontrolled anger. As stated by Sykes (1958), ethnic and social cleavages in prison reduce the likelihood of mass action resulting in an effective uprising, and ideological disparities
(assuming that prisoners even possess formulated ideologies) rarely transcend individual differences. One type of activity does merit discussion for its potential to serve as an illegal group activity built on common philosophical grounds: hunger strikes. But because individual prisoners can undertake this type of resistance, a new category must be added to Godderis’ (2006) typology.

Combined Individual and Group Displays of Opposition: Hunger Strikes

Although the term “hunger strike” may seem self-explanatory, a number of sources provide subtly different definitions worthy of mention. The United States Code of Federal Regulations regarding hunger strikes in federal prisons defines an inmate as being on a hunger strike: (a) “when he or she communicates that fact to staff and is observed by staff to be refraining from eating for a period of time, ordinarily in excess of 72 hours,” or (b) “when staff observe the inmate to be refraining from eating for a period in excess of 72 hours” (28 C.F.R. § 549.61). Oguz and Miles (2005, 169) describe a “hunger strike” as “an action in which a person or persons with decision-making capacity (often, but not always, in prison) refused to ingest vital nourishment until another party accedes to certain specified demands.” They describe a “hunger striker” as “a mentally competent person who has indicated that he has decided to embark on a hunger strike and has refused to take food and/or fluids for a significant interval.” For them, two key elements constitute a hunger strike: “the fasting and the statement by the striker to another party that the striker will refuse some or all forms of nourishment or hydration until a specific condition is met” (Oguz and Miles 2005, 169). They further explain that hunger strikes do not entail a complete rejection of all food and water and usually “include the ingestion of
some water or other liquids, salt, sugar, and vitamin B1 for a certain time without asserting intent to fast to death” (2005, 169).

Many hunger strikes have been undertaken by prisoners in order to protest the conditions of their confinement, to make political statements or to convey a message about a special cause, or to gain public attention for causes or beliefs important to them (Bennett 1983, 1157; Ludwig 1983, 169; Sunshine 1983, 423; Sneed and Stonecipher 1989, 550; C. Smith 2002, 207; Oguz and Miles 2005, 170; Silver 2005, 632). Bennett (1983, 1157n1) classifies hunger strikes according to four overlapping categories: (1) strikes related to frustration, (2) strikes intended to gain attention, (3) strikes used as a bargaining tool and (4) strikes with irrational suicidal aims. C. Smith (2002, 207) acknowledges these categories, but adds that for some inmates, “the struggle with the body becomes . . . symbolic and some women prisoners seek self-control by deliberately attacking their bodies through self-starvation or binge eating” (C. Smith 2002, 207). For Smith, the refusal to eat food is actually akin to excessive eating, as well as to illegal drug use and deliberate self-harm—all serve as a means for the prisoner to exercise an element of control over his or her body in response to the lack of control over so many other aspects of their incarcerated lives.

When people are living in an environment in which everything else seems out of their control, where the expression of emotions such as anger and frustration carry their own penalties, certain behaviours, including those often considered “risky” or “unhealthy”, can be understood as constituting a rational means of release, a way of coping and of holding on to a sense of self. The pleasures and consolations of such behaviours lead to definitions of “what it is to be healthy” that challenge the dominant meanings constructed in health promotional discourse.
Thus, certain behaviors, such as self-starvation or “comfort eating”, or other health-related behaviors such as illegal drug use and deliberate self-harm, may actually be seen—however paradoxically—as health enhancing in this context. (C. Smith 2002, 210)

This notion of using food to effect control over one’s corporeal self is echoed by Silver (2005, 632), who writes that “fasting can . . . be the only plausible way for a prisoner to intentionally bring about his or her own death.” Smith and Silver’s points notwithstanding, the majority of hunger strikes are undertaken as an effort to bring about change—either within the prison, outside of it, or both.

Historically, self-starvation dates back hundreds of years—as a “practice of the self,” as well as “a means of constructing subjectivity” (C. Smith 2002, 207). But as a political weapon, the hunger strike is only slightly more than a hundred years old, with the earliest recorded prison hunger strike taking place in tsarist Russia in 1889, when social revolutionary Vera Figner protested against the unfair manner in which the prison director exercised his authority (Bennett 1983, 1157n1). Gandhi was famous for using the hunger strike as a means of calling attention to his campaigns; between 1918 and 1948, he engaged in some fourteen hunger strikes (although most occurred outside the prison context) (Erikson 1969, 351).

Other notable solo fasters include Nelson Mandela, who fasted in opposition to apartheid (Cave 2006, WK4); Nabil Soliman, who prior to his June 2002 deportation to Egypt refused to accept a tray of food from the Immigration and Naturalization Service because he believed doing so would constitute acceptance of his “illegal detention” (Dow 2003, 269); and Saddam Hussein, who fasted four times to protest his trial and the level of security afforded his defense lawyers (Cave 2006, WK4).
More often, politically driven hunger strikes have been undertaken not as individual displays of opposition but as part of a collective effort to protest a situation or event or to bring about some sort of change. For example, on August 27, 1971, Attica prisoners called a hunger strike in honor of George Jackson, the revolutionary prisoner in California, who was murdered by guards during an escape attempt; only thirteen men ate breakfast and only seven ate lunch (Burton-Rose, Pens and Wright 1998, 217). On June 1, 1992, seven hundred of the eight hundred prisoners at the Waupun medium-security prison in Wisconsin went on a one-day food strike, boycotting the dining hall. Inmates were protesting a mid-May 1992 rule created by the Wisconsin Department of Corrections restricting the total amount of property that a prisoner could possess to a footlocker measuring 32 x 16 x 16. Although the stated purpose of the rule was to reduce theft and gambling, Lomax (1998, 225), a Wisconsin prisoner, claims it was geared toward jailhouse lawyers and prisoner writers who accumulate books and paperwork.

Outside the United States, on March 1, 1981, Irish Republican Army (IRA) prisoner Bobby Sands initiated a seven-month-long hunger strike protesting the British government’s failure to officially recognize them as “prisoners of war” rather than as “criminals” (Silver 2005, 635; Cave 2006, WK4). Sands and his followers ultimately succeeded in being allowed to wear their own clothes and were no longer required to work in prison, but they were never able to regain their desired political status, and ten prisoners, including Sands, eventually starved to death in protest (Silver 2005, 635). In the Middle East, Palestinians have occasionally used hunger strikes to oppose their treatment by their Israeli captors: a starvation campaign in 1980 by Palestinians held in an Israeli prison led to force-feeding and the death of two prisoners (Cave 2006, WK4), and in 2004, three
thousand Palestinian inmates from several prisons initiated a hunger strike demanding better conditions in Israeli jails (Silver 2005, 634). At the American military prison at Guantanamo Bay, Cuba, detainees held by the United States have fasted in protest of the conditions and the length of their confinement (Silver 2005, 633; Cave 2006, WK4; Golden 2006, A1, A12).

While virtually every region of the world has now witnessed some individual or group of individuals starving for a cause, two notable examples come from Turkey. From April 25, 1996, until July 27, 1996, 355 Turkish prisoners in forty-three prisons around the country undertook a hunger strike to protest the transfer of political prisoners from Diyarbakir E-Type Prison to Eskisehir Prison, a notorious high-security prison known as “The Coffin” (Benyon 1996, 737). The hunger strikers demanded repeal of the transfer order, an end to the severe beatings during transfers to and from court or hospital, a stop to the policy of sending remand prisoners to prisons far from their families and legal counsel, and a cessation of ill-treatment to relatives who visit political prisoners. In a negotiated settlement, 102 political prisoners who had been transferred to Eskisehir Prison were sent back to prisons in and around Istanbul, but not before twelve prisoners had died and 170 had received medical care. Many of the survivors were left with damaged internal organs, particularly to the brain, as well as metabolic disorders. As Benyon (1996, 737) concludes, “In a state where intimidation, detention, torture, and extra-judicial killings are used to silence dissent, the hunger strike is the prisoners’ best hope to focus international attention on human rights abuses in Turkish prisons.”

Similarly, in 2001, nationwide prison reforms in Turkey (specifically the replacement of dormitory-style prisons with one- and three-man cells) sparked strikes that lasted for months (Silver 2005,
Scott Anderson (2001, 42-47, 74, 124-25) describes this strike as the longest and deadliest hunger strike against a government in modern history. Aside from the length of the strike and the sheer number of people who died, what makes the 2001 Turkish hunger strike noteworthy is that it was undertaken by a combination of current inmates, former inmates, and individuals outside prison who had no direct connection with the inmates in the new prisons. As Anderson (2001, 42-47, 74, 124-25) explains, many of the strikers outside the prison were young individuals from poor backgrounds with little education and few prospects; striking provided them with a sense of identity and purpose.

Speaking more generally, Anderson (2001, 42-47, 74, 124-25) observes:

A hunger strike might seem to be an act of ultimate desperation, a weapon of last resort for the powerless, but the reality is a bit more complex. Politically motivated hunger strikes tend to occur in a very specific kind of society and at a very specific time: namely, in places with a long history of official repression, but where that repression has gradually begun to loosen. If it is the institutionalized nature of abuse that fuels the strikers to such extreme action, it is the cracks of liberalization that lead them to believe that such a course might shame the government into change—and often they are right.

Because hunger strikes—“one of the few weapons available to prisoners” (Powell 1983, 714) and “one of the few ways in which a person without access to weapons or poisons can make a life or death decision” (Oguz and Miles 2005, 170)—have proven to be potent tools for effecting change (Ansbacher 1983, 99), they occur frequently. While most are of brief duration, occasionally, as in some of the incidents
described above, prisoners have risked or suffered serious health impairment or death from prolonged hunger strikes. In these situations, prison officials have attempted to force-feed inmates.  

Force-feeding—essentially, any “undesired artificial feeding” (Ansbacher 1983, 99-100n7)—is generally accomplished using one of the following three methods: (1) nasogastric tube feeding, which is performed by inserting greased tubes through the nose, down the esophagus, and into the stomach, (2) intravenous feeding, which requires the insert of a catheter into a blood vessel that leads to the heart and (3) gastrotomy, which necessitates direct surgical access to the stomach, and is considered an option of last resort (Ansbacher 1983, 124-25; Greenberg 1983, 750; Powell 1983, 725; Sneed and Stonecipher 1989, 553n34; Silver 2005, 637-38). All three methods involve varying degrees of physical intrusion. Gastrotomy, as noted above, is the most intrusive. Intravenous feeding is the least obtrusive of the methods, but it is slow and cannot be performed safely on a struggling prisoner, and thus can be used only on an inmate who is too weak to resist or who has been sedated (Ansbacher 1983, 124; Powell 1983, 730; Sneed and Stonecipher 1989, 553n34; Silver 2005, 637-38). Many doctors, on both medical and moral grounds, oppose putting a hunger striker in an artificial unconscious state in order to feed him intravenously (Ansbacher 1983, 124; Powell 1983, 725). In addition, the procedure carries the risk of infection (Silver 2005, 637-38).

In contrast, inserting a nasal gastric tube through the nose and into the stomach is the most commonly employed method, and the one preferred by many prison officials (Ansbacher 1983; Powell 1983, 725; Silver 2005, 637-38). But this method also requires cooperation from the prisoner and may cause pain, illness, or death (Ansbacher 1983, 125; Powell 1983, 730; Silver 2005, 637-38). Even if the prisoner does not resist, the risks are considerable: the tube may choke the
patient; its removal often induces vomiting; vomit may enter the lung along with hydrochloric acid attached to the end of the tube from the stomach lining, leading to pneumonia (Ludwig 1983, 172n16).

Because eating is such a normal and necessary activity (see, e.g., Ansbacher 1983, 105), inmates have challenged prison officials’ attempts to force-feed them, claiming that they should be allowed to determine for themselves what beliefs are worth dying for (Cantor 1973, 244) and that force-feeding a competent inmate violates that inmate’s fundamental privacy rights and rights to autonomy (Sneed and Stonecipher 1989, 553; Silver 2005, 632, 661). Unlike in Great Britain, which has officially recognized a prisoner’s legal right to starve (Silver 2005, 635), in the United States, nearly fifteen state and federal courts have declined to recognize a prisoner’s right to refuse invasive medical treatment (regardless of the individual’s status as a convicted inmate, a pretrial detainee, or a person being held pursuant to a civil contempt order (Silver 2005, 638)). These courts have held that prison officials may force-feed a hunger-striking prisoner despite the health and safety risks involved in the above-mentioned highly invasive methods (Silver 2005, 632). In general, these courts have tended to find that the government’s interests in the preservation of life and in maintaining prison security and effective prison administration outweighs prisoners’ due process and First Amendment rights (e.g., Bennett 1983, 1230; Sneed and Stonecipher 1989, 561-62; Silver 2005, 661). Or, as one journal claimed in the mid-1970s, “To accede to the prisoners’ demands as a result of a hunger strike would establish an altogether too easily invoked Court of Appeal by Hunger, enabling any prisoner with determination and a long sentence who had run the full course of the legal process to reopen his case” (“Force Feeding” 1974).

Given the virtual unanimity on the issue of force-feeding, some authors question whether inmates will continue to rely on hunger...
strikes as a political weapon. Cave (2006), for example argues that the hunger strike is losing its strength as a political weapon: "Fasting for a cause is less novel, what constitutes a fast is more loosely defined, and the technology of force-feeding has grown less barbarous. . . . Like all forms of protest, the hunger strike is only as successful as the protester or cause is sympathetic. The largest obstacle to rallying support for [individuals such as Saddam Hussein] is the man himself." But for others, hunger strikes will continue to play an integral role in prison-based political discourse. As Oguz and Miles (2005, 170) contend, "For prisoners, conventional means of political expression such as voting, donating to political organisations, publishing, or national organising are greatly diminished. They are obstructed, impracticable, or illegal. Under these circumstances, a hunger strike asserting bodily integrity is one of the few tools for strong political expression." Hunger strikes thus play an interesting role in the typology of prison-inmate power relations. Because hunger strikes may be undertaken for a wide range of reasons, including frustration, a desire to gain attention (for a particular cause), or as a bargaining tool, and because an inmate can fast alone, in concert with fellow inmates, or with individuals outside the prison, the hunger strike has varying potential as a challenge to State authority. How the State chooses to respond to the hunger strike affects the strength of this challenge, although as Oguz and Miles (2005, 170) contend, "Any response by the state including neglect, negotiation, or forced feeding is a form of dialogue with the strikers and with the broader audience of the strike." Allowing the hunger striker to die, they continue, "ratifies the charge that the authority does not value the personhood of prisoners." But on the other hand, "forced feeding to ‘save life’ draws attention to the way the diminished quality of life has inspired the protest" (Oguz and Miles 2005, 170).
The attention that force-feeding may bring to the issue that has engendered the strike may in some ways favor the prisoners in the prison-inmate power seesaw. But it is important to consider that the State’s response to this form of prisoner dissent constitutes not only physical intrusion into the inmate’s body but also intrusion into the individual’s decisionmaking about the self. Regardless of the attention that force-feeding may bring to the inmate’s cause, force-feeding still represents a shift in the power relations over the prisoner’s body, with the State once again asserting its dominance. The inmate is then left with the option of challenging the force-feeding in court. But this action turns an illegitimate activity—the hunger strike—into a legitimate one—the court challenge to the forced ending of the hunger strike. More significantly, whatever attention might have been paid to the issue that spurred the hunger strike is likely to dissipate—both as a result of the shifted attention to the case, rather than the cause, and because litigation is far more time-consuming, far more abstract, and far less visceral than fasting. The only real hope for the protestors to keep the attention fixed on the cause is if individuals outside the carceral system (who have broader rights than prisoners) fast as well. Not only are such instances rare, but as the fasts continue over days, weeks, and months, and as the number of deaths increases (a situation that occurred with the 2001 hunger strike in Turkey), the focus invariably shifts to the fact of not eating, rather than the reason for it.

In this light, hunger strikes, more so than individual adaptations and adjustments, individual displays of opposition, legitimate group activities, and illegitimate group activities, represent the greatest gamble for the prisoners involved. While the potential payoff is great—attention within and outside of the prison to the inmates’ cause, sympathy from the public, embarrassment to the prison, and the success of achieving the desired change(s)—the risk is immense.
Force-feeding, perhaps more so than the examples offered in Part II, intrudes on the body but impounds the soul. Foucault claims that “punishment as a public spectacle of violence against the body” was replaced by punishment “aimed to affect the ‘soul’ of the offender” (1977, 7-23; Garland 1990, 135-36). Force-feeding may achieve both and, depending on the circumstances, may remove the public spectacle, leaving only the violence against the body and the soul.

IV. Power Relations of Mutual Convenience

For R. Martin (1971, 243), some “power relations may be relations of mutual convenience: power may be a resource facilitating the achievement of the goals of both A and B—in the same way as money may facilitate the achievement of the goals of both borrower and lender in a credit relation.” Although power relations in prison typically involve exercises of control (over inmates) and attempts at resistance (by inmates), there are a few instances in which goals of both the prison and the inmates are achieved. This is not to suggest that power is absent on such occasions, nor is this to imply that a measure of equality is achieved. Rather, the following examples represent situations that are beneficial to both the prison and the inmates.

Prison labor usually does not conjure up images of friendly workplaces with employees content with their salaries, benefits, and hours. Foucault (1977, 243) asks, “What, then, is the use of penal labour? Not profit; nor even the formation of a useful skill; but the constitution of a power relation, an empty economic form, a schema of individual submission and of adjustment to a production apparatus.” With the growth of the private prison industry, penal labor frequently generates tremendous profits for corporations. At the same time, penal labor allows the State to receive something in return for the expense of feeding, housing, and clothing its prisoners, while also functioning as means of inmate control—“a schema of

At the Seminole County Correctional Facility in Sanford, Florida, where inmates have been growing their own vegetables for over ten years, inmates raise two types of “beneficial bugs”—one that preys on insect pests and another that feeds on troublesome weeds. The insects raised by inmates reduce the need for chemical pesticides and, if the project continues to develop, could save taxpayers money in the fight against new invasive pests. Inmates, on the other hand, receive training and certification from the University of Florida’s Institute of Food and Agricultural Sciences, which could help them secure employment upon release from the correctional facility.

In a somewhat similar vein, correctional facilities in Connecticut, Georgia, and Indiana have employed inmates to grind, mix, monitor, and turn nitrogen-rich vegetable scraps from food service programs (Allen 1994; Block 1997; “Waste Wood” 2001). By diverting organic waste from landfills, thereby reducing waste and conserving water, such prison composting programs reduce organic loading (nitrogen and BOD—biochemical [biological] oxygen demand) and produce better landscaping through compost application. Inmates, in turn, learn meaningful skills that they might be able to use upon release. Equally important, if not more so, prison composting has improved public perception of the correctional system (Block 1997), which
helps ex-offenders avoid some of the stereotyping, stigmatization, and negative labeling that accompanies a prison record (Livingston 1996; Brisman 2004).

While certain types of food-related prison employment can help meet the goals of both the prison and the inmates, prisons offer the opportunity to positively affect the overall health of inmates. Following through on this opportunity can benefit the inmates (a segment of the population arguably most “at risk” for ill health) and their families (upon the inmates’ return to their communities), can relieve burdens on community health care systems, and can save taxpayers money in health-related costs for prisoners and former prisoners (C. Smith 2002, 198). As C. Smith (2002, 198) explains, “Prisoners, on the whole, seem to be a pretty unhealthy lot. There is evidence that the physical and mental health of the prison population is worse than that of the general population.” The fact that many prisons offer nutritionally deficient food or foods high in starch and fat content does not currently seem to help matters (Sifakis 2003, 281). Godderis (2006, 258) refers to the “monotonous and repetitive nature of the food served” in the Canadian prisons she studied, adding that inmates were frustrated by their inability to direct how the food was cooked, for example, baking versus deep-frying, which subsequently prevented them from being “in full control of their own health.” Likewise, Valentine and Longstaff (1998, 138) have found that the lack of control over how meals are prepared, combined with the lack of exercise as a result of sedentary lifestyles, results in a deterioration of the inmates’ bodies in the form of weight gain, a change in the pallor and condition of their skin, constipation, or diarrhea (which is particularly feared because inmates experience shame and embarrassment using the toilet under the surveillant gaze of prison officers). But the potential for promoting healthy eating practices—as part of overall strategies to improve inmates’ nutrition and health—exists.
Although prison may be harrowing for men and women alike, regardless of their family situations, “incarceration of pregnant women may emotionally traumatize the women through environmental restrictions, separation from family/friends, and concerns regarding the placement of the expected baby (newborns are usually placed with the women’s families soon after delivery)” (S. L. Martin et al. 1997, 1526). Such trauma is often increased through the practice of shackling female prisoners during labor, delivery, and recovery (Editorial 2006; Liptak 2006b). While most pregnant inmates are nonviolent offenders who pose little risk of flight or attack on hospital staff, prison rules are frequently exported to hospital settings, meaning that inmates must deliver their babies (about two thousand babies are born to American prisoners each year) without anesthesia while strapped to delivery tables (Editorial 2006; Liptak 2006b).

Putting aside the issue of shackling and anesthesia, which present risks for both the inmate giving birth and the infant, S. L. Martin et al. (1997, 1531) found that “infants born to women incarcerated during pregnancy were not significantly different from infants born to never-incarcerated women in terms of their birthweights; however, the birthweights of infants born to women incarcerated at a time other than during pregnancy were significantly lower than the birthweights of both infants born to never-incarcerated women and the infants born to women incarcerated during pregnancy.” Such findings led the authors to conclude that incarceration may actually enhance the health of some pregnant women and may foster healthy pregnancy outcomes. Although “prison is no panacea for the problems of high-risk pregnant women, including substance-abusing or substance-dependent women. . . . incarceration may improve women’s health by supplying these often high-risk women with shelter and regular meals, restricting their alcohol and illicit drug use, limiting physically demanding work, eliminating sexual intercourse with
male partners, and eliminating physical/sexual abuse by their male partners. Furthermore, prisons are required to provide all pregnant inmates with appropriate prenatal health care services” (S. L. Martin et al. 1997, 1530-31). While prison health care is often substandard (see, e.g., Cusac 2003; Herivel 2003; Sherwood and Posey 2003; St. Clair 2003: Talvi 2003; Wisely 2003; Young 2003; Pfeiffer 2004; Editorial 2005; von Zielbauer 2005a, 2005b, 2005c; Urbina 2006), for some women, it may be the only prenatal health services they receive. If such health promotion includes nutritional eating practices before delivery and carries on afterward, then health promotion in the prison context should be regarded as a matter of public health, not just prisoners’ health. This should hold true for women who are not pregnant as well. As C. Smith (2002, 198) points out, “Women prisoners . . . have been identified as a group for whom health promotion is seen as especially important, not merely for their own benefit but also because of their assumed responsibility for the health of others”—a responsibility that they may be more willing to accept and assume given that for many mothers, “not knowing or having control over the lives of their children is one of the most frustrating parts of being incarcerated” (Williams 2002c, 142).

Whereas a healthy diet in prison may benefit women, regardless of pregnancy, both during incarceration and after (if they continue to eat well) and holds the potential to positively affect their families upon release (if the released women transmit nutritionally responsible eating practices to their families), the impact of a healthy diet in prison for men is somewhat different. For example, Hibbeln, et al. (1998) have found that low concentrations of docosahexaenoic acid, a polyunsaturated omega-3 fatty acid, may increase predisposition to hostility and depression and that abnormalities in essential fatty acid metabolism may be present in violent offenders. Gesch et al (2002), in an experimental, double-blind placebo-controlled, randomized trial
of nutritional supplements on 231 young adult prisoners, comparing disciplinary offenses before and during supplementation, found that antisocial behavior in prisons, including violence, is reduced by vitamins, minerals, and essential fatty acids, with similar implications for those eating poor diets outside prison walls. Although Gesch et al. (2002, 26) were careful not to attribute antisocial behavior entirely to nutrition, they asserted that “the difference in outcome between the active and placebo groups could not be explained by ethnic or social factors, as they were controlled for by the randomised design.” They concluded that supplementing prisoners’ diets with physiological dosages of vitamins, minerals, and essential fatty acids (omega-6 and omega-3, which foster the growth of neurons in the brain’s frontal cortex—the portion of the brain that controls impulsive behavior) caused a reduction in antisocial behavior to a remarkable degree. They suggested that further reductions in antisocial behavior could be achieved by providing violent subjects with foods containing proportionally more fatty acids and advocated additional research to understand how food may improve understanding of established risk factors (2002, 26-27).

The “potential implications of diet on behavior” (Eves and Gesch 2003, 168) can be regarded as interesting and exciting from a public health perspective, but intervention in the lives of captive populations raises a number of concerns, especially with respect to the power relationships between prisoners and the State. First, the history of the Tuskegee syphilis study has left many African Americans, who are disproportionately represented in US prisons and jails, with distrust for research and treatment (Washington 2007). Second, prisoners of all ethnicities who do not generally distrust research and treatment and who might actually participate in research outside the prison walls may be unwilling to participate inside the prison as a way of demonstrating and affirming their agency in their
sense of capacity to choose. The potential for such a response is particularly great if the foods being introduced do not possess ethnic significance or if the foods being replaced do—“for those who would change . . . eating habits . . . there is always the problem of tradition and identity” (Dewan 2006). In order to prevent inmates from viewing interventions as “culinary hegemony,” C. Smith (2002, 199) urges researchers “to consider personal health belief systems and the relative values individuals attribute to health.” Third, those who do take part in prison-based research and treatment might associate certain eating practices with prison and find themselves disinclined to continue such practices upon reentry in order to erase painful memories of incarceration, thereby minimizing some of the potential public health gains. Finally, Smith (2002, 199, 211) notes that some inmates may simply not be interested in changing their eating patterns, “It remains a paradox that while people may be well aware that certain behaviours are ‘risky’ and may lead to illness, disease and even death they continue to engage in them. . . . Knowing that certain behaviours are potentially self-harmful may be considered a precondition for taking them up in the first place and/or maintaining them. . . . The more a behaviour is denounced as unhealthy, the more pleasurable it becomes, especially for those with few alternative avenues of pleasure, such as prisoners.”

In addition to the obstacles that researchers may encounter with respect to inmates, the public may also balk at the notion of attempting to change violent behavior through food. As Mihm (2006) contemplates, “What would it mean if we found a clear link between diet and violent behavior? To start with, it might challenge the notion that violence is a product of free will. . . . The belief that people choose to be violent may be irrelevant if the brain isn’t firing on all cylinders. This may especially be the case for impulsive acts of violence, which are less a choice than a failure to rein in one’s worst
instincts.” For an example, recall that in the 1979 trial of Dan White for the shooting deaths of San Francisco Mayor George Moscone and Supervisor Harvey Milk, White’s counsel offered the “Twinkie Defense,” suggesting that junk food was partially to blame for his “diminished capacity” (Fleetwood 1987; Pogash 2003; Dreeben 2006). The jury believed the argument that a poor diet contributed to White’s compromised mental state and found him guilty of only voluntary manslaughter. Instead of the death penalty, White received a sentence of fewer than eight years, for which he served five years, one month, and nine days. Although White’s allegedly poor diet actually played a minor role in his attorneys’ attempt to explain White’s depression (Dreeben 2006), the media jumped on the concept of the Twinkie Defense. Outrage in the California state legislature over the White trial led to the abolition of the “diminished capacity” defense, but the term “Twinkie Defense” lives on and is used to describe “a seemingly absurd defense strategy that somehow works” (Dreeben 2006, 348 n.5). That the Twinkie Defense leaves a bad taste in the mouths of many people may serve as an indication of public response to attempts to alter violent behavior through food. As Mihm (2006) contends, “There’s something that many people may find unnerving about the idea of curing violent behavior by changing what people eat. It threatens to let criminals evade responsibility for their actions.” More controversial, he goes on to suggest, “is the brave-new-world idea of using diet to enforce docility and conformity to the rules, a sort of state-sponsored version of that timeless parental demand to children everywhere: ‘Eat your vegetables.’”

Relations of “mutual convenience” may emerge in food-related prison employment and in the promotion of healthy eating practices as part of overall strategies to improve inmates’ nutrition and health. But such relations should not be mistaken as devoid of power or as egalitarian. Rather, they simply, temporarily, and in a very limited
way, shift the penal system from punitive to corrective—from a system intent upon dispensing punishments to one intent upon “producing normal, conforming individuals” (Garland 1990, 136). As such, they may offer on some levels a qualitatively different prison experience for some inmates, but it is not an experience lacking the processes of negotiation and contestation between prison authorities and prisoners, and between prisoners and each other, that shape the modes and varieties of domination inside the institutional walls.

V. Conclusion: Directions for Future Research

Using food as a domain through which meanings, practice, identities, and relations are defined and contested, this paper has attempted to set forth a conceptual framework with which to understand power dynamics in prison. While the focus has clearly been on the ways in which food mediates power relations within the prison, it speaks to and may be a part of broader issues of power, such as the relationship between the prison and the community in which it is situated and the ways in which prisoners are conceptualized within society. Two potential avenues of future food-based inquiry may help shed light on these broader prison-community and prisoner-society relationships.

First, Block (1997) found that prison composting has improved public perception of the correctional system. Additional research should be conducted to further comprehend the ways in which the relationships between prisons and prison communities and between prisoners and non-prisoners contribute to or decrease power inequalities. Although poor rural communities in cash-strapped states frequently woo private prison companies in the hope of boosting sagging economies (Pens 1998a; Silverstein 1998; Crawford and Scutari 2003; Abramsky 2006), such communities frequently regard prisoners as chattel or commodities and prisons in purely economic
terms. While studies should continue to explore these types of relations, research should also examine interactions between prisons and prison communities that may serve to reconceptualize inmates in more positive terms. For example, Brown (2006) discusses the garden operated by the nonprofit Food for Thought organization in Sonoma County, California, that provides fresh produce for people who have HIV or AIDS; she reports that the garden “is part of a broader move to bring organic food and a bit of the wild into places where it has been lacking, among them schools and prisons.” Research could examine the circumstances under which organic food is brought into prisons and jails, how this process affects the conceptions of criminals and inmates by those who grow and deliver the food, as well as whether the inmates regard the extramural world and its more conventional values differently as a result of interactions with organic food aficionados.

Second, in the field of criminology, labeling theories posit that arrest, conviction, and imprisonment and the accompanying process of defining the individual as a “criminal,” “delinquent,” “felon,” or “offender” may push that individual toward committing further crimes—essentially a self-fulfilling prophecy. As Livingston (1996, 379) describes, “Other people will respond to the label rather than to other facts about the person, and this response will make it more difficult for the labeled person to move easily into noncriminal society.” Zernike (2005), however, examines a situation in which labeling theory does not apply. She reports how the Minnesota Correctional Facility in Shakopee, Minnesota, which lacks a wall or fence separating the facility from the community residents, rents plots of land to local gardeners and allows neighbors to bicycle and jog through the prison grounds. The inmates used to keep a farm where they raised chickens and milked cows, and for a time, they ran a day-care center. Residents of the community have balked at proposals to put a fence
around the facility, noting that when inmates come out to play ball, they see neighbors cutting their lawns and performing other tasks involved with home ownership—activities that provide the inmates with positive images of noncriminal lives. Additional research is needed to examine prisons and jails, such as the one in Shakopee, to understand how efforts to break down the literal and figurative walls between prisons and the surrounding communities—how attempts to foster positive relations between prisoners and residents of the communities where prisons are located—can help reduce the labeling effect that frequently comes with the moniker “criminal.”

These two inquiries could beget a third. At the outset, this paper noted that “food and eating practices have, in recent years, become central to concerns in western societies about the body, health and risk” (C. Smith 2002, 199). Such heightened concern has led to bans on trans fats and increased attention to where food comes from, as evidenced by the growing popularity of local and organic produce and meats and the emerging consideration of food labor practices. But what is considered to be a healthy diet and responsible eating is frequently determined by the “dominant class” (Bourdieu 2000, 206) and beyond the reach of those with low incomes (C. Smith 2002, 211). As a result, low-income individuals are not only unable to engage in salubrious eating habits, but must suffer the ignominy of eating foods that are neither hip nor healthy.

Bourdieu (2000, 205) asserts that “aversion to different life-styles is perhaps one of the strongest barriers between classes.” Research is needed to explore the extent to which power inequalities with respect to food outside prison contribute to or even exacerbate power inequalities inside the prison walls and vice versa, especially given that “lower socio-economic and otherwise marginalised groups are over-represented in the prison population” (C. Smith 2002, 198). A greater understanding of the ways in which attitudes toward food...
and eating practices permeate prison walls in both directions could shed light on macro-level social interactions and the ways in which other contemporary techniques of power and control operate.

Notes


1. Dostoyevsky (1923, 76).


3. Although “prisons” refer to state or federal facilities of confinement for convicted criminals, especially felons, and “jails” refer to places where persons awaiting trial or those convicted of misdemeanors are confined, unless otherwise indicated, this paper will use the term “prison” as a shorthand to refer to both types of facilities. Nagin (1998, 1) provides a succinct description of power relations in the criminal justice system: “The criminal justice system threatens punishment to law breakers—through the police power to arrest and investigate, the judicial power to adjudicate and sentence, and the corrections agencies’ power to administer punishments.”

4. For example, Daly and Wilson (1997, 53) state that “crime consists overwhelmingly of self-interested action conducted in violation (or reckless disregard) of the interests of others.” Similarly, Arens and Karp (1989, xv) contend that “power may always involve the exercise of an individual’s will over another’s, but the rationale and basis for domination, acquiescence, and resistance may vary considerably from one cultural setting to another.” And Ferrell (1994, 176) discusses how crime can be an act of political resistance and rebellion in some instances, but that in others, such as with rape, crime perpetuates “violent, hierarchical arrangements.”
5. Compare Foucault (1978, 95), who succinctly asserts, “Where there is power, there is resistance,” with Abu-Lughod (1990, 42), whose provocative essay posits, “Where there is resistance, there is power.”

6. The Boston Tea Party has inspired other acts of resistance and rebellion, including the Indian salt protest campaign (also known as the Salt Satyagraha and the Salt March to Dandi) led by Mahatma Gandhi against the British in 1930 (Erikson 1969, 448).


8. For Foucault (1978, 93), this is obvious, as evidenced by his contention that “power is everywhere.”

9. See, e.g., Freeman v. Berge, 441 F.3d 543 (7th Cir. 2006) (discussing prison’s feeding rule requiring that, when meals were delivered to an inmate’s cell, the inmate had to be wearing trousers or gym shorts in light of security issues and respect for female security officers’ privacy, and determining that prison officials’ withholding of food from an inmate when he wore a sock on his head when meals were delivered to his cell did not constitute the use of food deprivation as punishment, for purposes of Eighth Amendment prohibition against cruel and unusual punishment, and was a reasonable condition to the receipt of food, in light of security issues presented by the possibility that the sock could be used as a weapon if something was inside it).

10. Note that the timing of meals may differ from institution to institution, but that virtually all prisons serve evening meals at early times. Some jurisdictions in the United States recognize the difficulty of lengthy waits between the evening and morning meal and legislate maximum gaps. Under Nebraska law, for example, the breakfast meal shall be served not more than fifteen hours following...
the previous day's evening meal (81 NE ADC Ch. 11, § 002). In California, no more than fourteen hours may elapse between the evening meal and breakfast in jail (15 CA ADC § 3050(a)(2)).

11. In late 2005, Padilla was indicted on terrorism conspiracy charges that do not include the dirty bomb plot.


13. Turner v. Safley, 482 U.S. 78, 84 (1987); see also Sunshine (1983, 439), who states that “the prisoner . . . does not shed all of his rights at the prison gate.”

14. Safley, 482 at 95.

15. Id. at 84-85.

16. Id. at 89.

17. Id. at 89-90.

18. Id. at 90.

19. Id.

20. Id.


22. Id. at 52-53.

23. Id. at 54.

24. Id. at 56 n.4.

25. Id. at 59-60.


27. Id. at 217-19.

28. Id. at 219.

29. Id. at 219-21.
30. *Id.* at 221.

31. *Id.* at 221-22.

32. In contrast, relatives of prisoners in Goma, Congo, are permitted to bring food to their loved ones. But war in the region makes visits difficult and without food from relatives or handouts from good Samaritans, prisoners must rely on food from the government, which is delivered erratically to prison authorities (who themselves face hunger because of lengthy delays in paychecks). As Lacey (2004) describes, “If there is a worse place on earth than a Congolese prison, stay well away. The prisons in this country are dank, violent places. A prisoner can spend years in a cell with only the vaguest notion of what he did to get thrown inside. The punishment for many, regardless of the crime, can be slowly wasting, by starving to death.”

33. The expensive food from prison snack machines, combined with the costs incurred for traveling to prisons (many are located in rural areas far from urban areas, necessitating lengthy trips and overnight stays) creates obstacles for families and friends wishing to visit inmates. Tewksbury and DeMichele (2005, 295, 308) suggest that such impediments may be counterproductive given that “an inmate’s connection with the outside, through visitation programs, could greatly reduce inmate tensions and in turn reduce the likelihood of riots, disturbances, and deviant behavior,” and that “inmates receiving visitors are found to better integrate themselves into society on release, hence reducing their potential to recidivate.” See also *id.* at 294, 308 (noting the “powerful potential possessed by family visitation programs to maintain inmates’ social ties with their families through visits” and the fact that visitation programs “are related to enhanced social adjustment for both the period of incarceration and release,” and pointing to studies that have found a “reduction of institutional infractions and diminished perceptions of overcrowding on the part

34. For a brief explanation of when the last meal tradition began, see, e.g., Treadwell (2001, 64); Black (2003, 9). For a somewhat humorous fictional account by a death row chef, see Giles Smith (2000).

35 Cf. Black (2003, 20), who claims that “no dollar limit is placed on an inmate’s last meal request. But food items must be readily available in the prison kitchen.” Price (2005) notes, however, that staff members would sometimes purchase items that were unavailable at the prison kitchen commissary and give them to Price to prepare for the inmate’s last meal.

36. Two sources suggest that Castillo actually received twenty-four tacos, in addition to two cheeseburgers, two whole onions, five jalapeno peppers, six enchiladas, six tostadas, one quart of milk, and one chocolate milkshake (Treadwell and Vernon 2001, 37-38; Black 2003, 60-61.

37. According to Treadwell and Vernon (2001, 142), Virginia is the only state where the condemned inmate may keep his or her choice of a last meal hidden from the press.

38. In another example of spectacle, then-Governor Bill Clinton interrupted his New Hampshire primary campaign in 1992 to fly home to Arkansas to preside over the execution of Rickey Ray Rector—a man so severely brain-damaged (his attorney referred to him as “truly zombied out” and “a human blank”) that he saved his pecan pie for after his execution and indicated that he would vote for Clinton even after his request for clemency was rejected (and despite the fact that Arkansas prisoners, like those in forty-seven other states, are barred from voting while incarcerated). That Arkansas law did not require Clinton’s presence in the state for the execution adds to
the argument that such an act served as a political display of toughness on crime (Cohen 1993; Frady 1993; Coyne and Entzeroth 1996, 43-44; Entzeroth 2002, 307n64; Sifakis 2003, 216-17).

39. For some inmates, the infantilization continues even after they are released. Because ex-offenders frequently encounter difficulties finding housing and employment upon reentry (see, e.g., Brisman 2004, 2007), many former inmates wind up in homeless shelters where they are subject to “parental” treatment by staff (Dejarlais 1996, 884).

40. Note that in sub-Saharan African countries such as Sierra Leone and Uganda, government food deliveries to prisons are erratic. When there is no food, prisoners frequently attempt to escape. When there is food, prisoners are less inclined to attempt escape (Wines 2006). Such a phenomenon is familiar in discourses about power. As Ortner (1995, 175) explains, “the dominant often has something to offer, and sometimes a great deal (though always of course at the price of continuing in power). The subordinate thus has many grounds for ambivalence about resisting the relationship.”

41. The hierarchic character of Tudor England was reflected in its cuisine. In fact, in May 1517, Henry VIII issued a royal proclamation that dictated in minute detail the number and composition of dishes suitable for important persons, with cardinals at the top (Hammer 1999, 664).

42. Writing more broadly, Ortner (1995, 175) contends that “there is never a single, unitary, subordinate, if only in the simple sense that subaltern groups are internally divided by age, gender, status, and other forms of difference and that occupants of differing subject positions will have different, even opposed, but still legitimate perspectives on the situation.” This is not to suggest, of course, that collective resistance is impossible. Despite Sykes’ (1958) generally
correct observation that the ethos of distrust and individualism in prison mitigates against the kind of inmate cooperation necessary to rebel, Valentine and Longstaff (1998, 145) note, “Food is such an important part of the material culture of the prison . . . that grievances about food can spark rioting and collective action by the inmates to overpower the officers.” And Garland (1990, 172) explains, “In many disciplinary situations, such as the monastery, the school, or the factory, the individual co-operates in his training because, at least to some extent, he shares the goals of the disciplinary process (to overcome the flesh, to become educated, to earn a wage). The key problem for the prison as a form of discipline is that individual prisoners may have no inclination and no need to take an active part in the process. . . . Resistance to official authority occurs most frequently and most effectively in those prisons where an alternative inmate culture offers oppositional identifications, roles, and forms of support for those who adopt them.”

43. Note, however, that food fantasies, if shared with other inmates, can offer prisoners a psychological escape and foster a sense of camaraderie. In Frank McGuinness’ play, Someone Who’ll Watch Over Me, the characters Adam, Edward, and Michael have all been kidnapped and imprisoned in Lebanon. To help overcome the loneliness and despair of their condition, the three pretend to drink alcoholic beverages, with Edward playing the role of bartender, serving martinis and sheries (McGuinness 1992, Act. I, Scene 5).

44. 378 U.S. 546 (1964).

45. Jones v. Bock, 549 US (2007). The Supreme Court noted that this number excludes habeas corpus petitions and motions to vacate a sentence. If these filings are included, prisoner complaints constituted 24 percent of all civil filings in 2005. Id. at n.1. For a brief discussion of this case, see Greenhouse (2007).
46. It bears mention that some cases may be considered frivolous or otherwise lacking in merit simply because prisoners frequently lack the funds to hire counsel and must file their complaints pro se.


48. Like a “hunger strike,” a “death fast” may also involve the ingestion of water, salt, sugar, and vitamin B1 in order to decrease the chance of permanent nutritional disability (such as neuropathy or congestive heart failure) (Oguz and Miles 2005, 169). But in contrast to the hunger striker, the death faster “asserts that the fasting will continue to death unless the aims of the strike are met.” As the authors further explain, “Most hunger strikers are trying to effect political change rather than trying to become martyrs, commit suicide, or maim themselves with nutritional deficiencies. A death fast increases the pressure on the negotiation.”

49. The issue of whether a prisoner has a right to bring about his own death has recently arisen in a different context—capital cases. Some inmates, unwilling to spend years on death row while their attorneys pursue appeals on “little procedural errors,” have argued for the right to withdraw appeals (Liptak 2007, A14)—a position that is gaining support among some scholars (see, e.g., Blume 2005; Blank 2006).

50. Cave (2006, WK4) presents slightly different data, claiming that Gandhi survived seventeen hunger strikes during his campaign for India’s independence from Britain.

51. Scott Anderson (2001, 42-47, 74, 124-25) notes that the 2001 strikers learned a lot from the 1996 hunger strikers, including ways to slow down muscular atrophy. Although techniques such as replacing sodium chloride with potassium chloride and refined sugar with crude sugar help reduce daily weight loss, which is important if the
strike ends, prolonged “ketosis” or “self-cannibalization”—the process by which the human body metabolizes its own proteins for food during the prolonged absence of normal nutrition (Sunshine 1983, 426 n.40)—is exponentially more painful.

52. Scott Anderson (2001, 42-47, 74, 124-25) explains that under Turkish government policy, hunger-striking prisoners are often granted medical leave in the hope that the freedom will make them quit their strikes; they are then reincarcerated when they recover. Great Britain has also tried this approach (Ludwig 1983, 171).

53. Scott Anderson (2001, 42-47, 74, 124-25) adds that the “advancements” in fasting techniques (see n.50) lead to intense hunger, the excruciating ache of muscle deterioration and constriction, followed by the internal bleeding of organs—making it too hard for an individual to bear by himself or herself and virtually necessitating a collective approach.

54. For a history of force-feeding in the United States, see Bennett (1983, 1159n4).

55. Note, however, that A. Eves and B. Gesch (2003), in a study of 159 British prisoners between the ages of eighteen and twenty-one, found that the food provided to the prisoners by the prison kitchen met nutritional requirements but that the quality of the actual diet consumed, which was determined by the choices made by the prisoners (i.e., extra items purchased from the prison shop), often revealed poor food choices (e.g., fat intake exceeding the recommended percentage, low intake of Vitamin D, sodium in excess of the recommended amount.

56. Similarly, Sifakis (2003, 281) discusses the need of prisoners to exercise because prisons offer a sedentary environment with food that is often high in fat and cholesterol.
57. The federal Bureau of Prisons and twenty-three state corrections departments have policies that expressly allow restraints during labor. California and Illinois are the only two states with laws forbidding the practice of shackling prisoners during labor (Liptak 2006).

58. Cf. C. Smith (2002, 199), who contends that prison health promotion initiatives “may go some way towards preventing the revolving door syndrome, encouraging women to adopt a ‘healthier lifestyle’ following discharge from prison.”
Works Cited


