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Melanie Klein, Drug Crimes, and Women

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Due to changes made to drug laws in the 1970s and 1980s the population of women serving time in prison has skyrocketed. This article uses material verbatim from court cases and public discourse about reform of drug laws in New York State to examine the psychodynamic processes that seem to be undergirding our discussion about and projections onto women arrested for drug crimes. Primarily drawing on Melanie Klein's theories concerning the paranoid-schizoid and depressive positions, it explores society's deep ambivalence about the lives and fate of these women.

In 1971, Nixon launched what he called a “new, all-out offensive” against drug abuse, or “America’s public enemy number one.” As part of the changes made under his and Reagan’s administrations the main criterion for culpability in sentencing for drug crimes was placed on the amount of drugs present rather than the actual role or level of involvement of the person arrested. As a result, people with minor or marginal involvement with the crime were and still are often given sentences equal to or potentially even longer¹ than persons more centrally involved. Because these laws were enacted two things have happened: the population of women in prison has grown by over 800%, twice the rate of men, to more than 200,000 in prison or jail,² and the mention of women has become expected and ubiquitous in the debate surrounding drug law reform.

This article seeks to examine the psychodynamic processes that appear to be undergirding our discussion around the fates and projections onto the character of these women against the backdrop of the harsh sentences demanded by current drug laws. I do this through close readings of two different sources. The first is the words of the people who make this decision on a practical basis: the judges overseeing the sentencing of the defendant. Although, as mentioned, the sentences are mandatory, the judges can decide whether or not to grant what is known as a “downward departure” or a reduction in sentencing based on “special circumstances.” Why

¹The Correctional Association provides insight as to why these sentences are often longer: “Aware of the law’s emphasis, drug kingpins are rarely foolish or reckless enough to be caught carrying narcotics. Yet a young mother, employed as a courier by that same kingpin, is more likely to be picked up and charged with a serious felony for having a small amount of drugs in her possession. . . . Another problem with the laws is that major dealers often take advantage of provisions permitting lifetime probation sentences in exchange for cooperation in turning other offenders over to the authorities. Less culpable persons, very often women, generally do not possess information that would be useful to law enforcement officials. These people often decline to plea bargain and insist on a trial instead” (SenGupta and Peterson, 1999, p. 26).

²According to the Bureau of Justice 2008 midyear report (West and Sabol, 2009).

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do the judges decide or not decide to make these decisions? What do their words reveal about their conscious and unconscious motivations?

Second, I examine the discourse by activists and public officials in New York State surrounding reform of the Rockefeller Drug Laws, which have the distinction of being the toughest of all drug laws in the country. In 2004, after years of hard work by many advocacy groups, New York made limited reforms to these laws. I look at the discussion surrounding the push for reform and the response in the wake of changes made. How did the rhetoric concerning and portrayals of women play a part in this push for reform? How did this portrayal promote or impede significant progress or truly meaningful reform?

As I show, both the court decisions and the political discourse in New York reveal a similar process and attitude toward these women: a deep ambivalence about their lives and fates, a splitting and disintegration similar to that which Melanie Klein (1935, 1946) describes as the paranoid-schizoid position. In each there can be seen competing but copresent tensions, wrapped up in identification with the split mother figure: a divide between a patronistic protection of the good mother and retaliatory persecution of the bad mother.

The actual women, their lives and stories, their realities and backgrounds, are curiously absent in this dialogue, and that, I suggest, is exactly the problem. I posit that the trend we see in both our courts and our public discourse reveals how much we have become stuck in a societal schizoid position, a situation that prevents us from challenging gender inequities, from granting women agency, from integrating our own neuroses, and thus also from achieving meaningful sentencing and prison reform. In addition, as long as we remain dominantly in this position, our response to crime will involve a process of sentencing that is one-dimensional and definitive, a moralistic “ranking” of a crime and a criminal by a number of years to be served and a limiting of possibilities for creative or rehabilitative solutions.

What is this paranoid-schizoid position? Melanie Klein (1935) discusses how as newborns we are bound to our mother in a sense of universal unity and bliss; we are fed, we receive pleasure, we are practically one organism. Yet almost immediately our desire becomes frustrated; the mother (represented by the breast at this early stage) cannot fulfill our exact wishes all the time. And so our attachment to our mother becomes conflicted, a conflict fueled by our innate aggression and destructive tendencies. We experience two realities of the mother: the “good mother” who nurtures and feeds us and the “bad mother” who frustrates us, and as we perceive her, intentionally persecutes us. We enter the paranoid-schizoid phase when, as a result of these conflicted feelings, we separate these objects from one another and understand them as independent agents. There is a good mother and there is a bad mother. “From the beginning the ego introjects objects ‘good’ and ‘bad,’ for both of which the mother’s breast is the prototype—for good objects when the child obtains it, for bad ones when it fails him” (p. 262).

Thus the basic, almost primordial experience of life, directed toward the mother, results in this splitting of good and bad. Then though, the process is immediately aided and abetted by the ego; it is augmented through what Klein calls “the mechanisms of introjection and projection” (1935, p. 262). In other words, it is made more intense. We perceive that the “bad mother” is not only inattentive but also actually dangerous—she is a “persecutor who [the infant] fears will devour it, scoop out the inside of its body, cut it to pieces, devour it” (p. 262). We react with persecutory fear. Into or onto the bad mother we put our fears and anxieties; we project our “harmful excrements, expelled in hatred, split-off parts of the ego” (Klein, 1946, p. 8). And then, because the mother now contains those contents that we hated the most in

ourselves, because she is now the vessel for these contaminated goods, we must control her, we must persecute her, or rather, what we have made her.

In the same way, we intensify and augment the process toward the good mother, purifying her, and disavowing any recognition that she could or would ever do any wrong. We idealize her; the “good aspects of the breast are exaggerated as a safeguard against the fear of the persecuting breast” (Klein, 1946, p. 7). In this way, she writes, “two interrelated processes take place: the omnipotent conjuring up of the ideal object and situation, and the equally omnipotent annihilation of the bad persecutory object and the painful situation” (p. 7).

Klein’s description of this phenomenon has resonance with the extreme splitting that can be observed in the sentencing procedure for women charged with involvement in drug crimes. As I mentioned, under federal and state guidelines, defendants can file for a downward departure from their mandated sentences if there are “aggravating or mitigating circumstances.”³ During these cases, more often than not, the decision comes back to what kind of “mother” the woman is.

In 1989, Jo Ann Sailes was arrested after two bags of cocaine were found in her residence, later discovered to be the possession of her oldest child. Sailes pleaded guilty to the crime with the request that her sentence be on the lower end of the range. She told the judge, “The less sentence that is possible would be a real glory, because I really need to help take care of my kids” (*U.S. v. Sailes*, 1989). The judge declined and awarded her the maximum sentence, explaining,

The reason I have picked that figure, primarily, is because I think you have been extremely culpable in allowing your son to get to the position that he now finds himself in. . . . I attribute his involvement in [drug crimes] in some significant part to your failure to raise him the way he should have been raised and to exercise the role that you should have exercised over him in your home [*U.S. v. Sailes*, 1989].

One can just hear the hurt, disappointment, and even rage of the judge toward this woman; she epitomizes a failure of what a mother should be, a failure perhaps deeply resonant with our personal and societal images and experiences of maternal failure.

In contrast, let us look at a case where downward departure (reduced sentencing) was granted by a judge.⁴ Susan Pozzy was arrested under charges similar to those Sailes faced: a package containing cocaine was intercepted on the way to her house. Also like Sailes, Pozzy pled guilty, admitting that she benefited financially from her husband’s drug business, even though this financial gain was the extent of her involvement with the crime. At the time of her trial Pozzy was pregnant. The judge, granting the reduction in sentencing, told the court,

Any departure downward that I give to this lady because of her pregnancy is not given because of her. It’s given because of the child. It’s not given because she has a physical disability. It’s given because she has a child. And I think that child’s rights should be given some consideration [*U.S. v. Pozzy*, 1990].

Pozzy, to the judge, exemplified the “good mother.” She was a woman, she was pregnant, and thus her ability to provide and nurture needed to be protected. We pity the “good mother,” we fight for her.

³Sentencing Reform Act of 1984 18 U.S.C. § 3553(b).

⁴Interestingly enough, this decision was later overturned when it was determined that the judge had overstepped his discretionary bounds.

We find such language echoed in another case where the downward departure was granted and remained. As reason for reduction, the judge cited the fact that the mother had raised three children. “This factor,” he wrote, “coupled with the fact that an exceptionally promising future of the older two children would be threatened by the prolonged incarceration of this mother, drives the court to conclude that a downward departure is warranted” (*U.S. v. Handy*, 1990).

Note that a woman doesn’t actually have to technically have borne children to become a “good mother” to the court (or to us). In Pozzy’s decision, the unborn child is cited, but another factor is present also: her relationship with and, in a sense, mothering of her husband. The judge says, “I think the conclusion is inescapable that she got into this matter because she loved her husband and because he had a drug habit, and he wanted her to do it, and she really had no alternative but to leave or stay there and participate” (*U.S. v. Pozzy*, 1990). This is idealization: the judge cannot imagine that a good mother would willingly participate in a crime; he depicts her as trapped, bound by her commitment and love to an imperfect person.

A “bad mother” can be convicted on the basis of her relational choices also. Women have been, Haneefah Jackson (2003, p. 537) tells us, convicted upon “the theory that ‘birds of a feather’ flock together; thus a defendant may rightfully be convicted for the crimes of her boyfriend because only an unrighteous woman would be involved with a criminal in the first place.” Leah Bundy is an example of a woman who was prosecuted because she was associated with a drug dealer (*People v. Bundy*, 1997). Although Bundy had no control over the apartment where drugs were produced, she dated the man who lived there and occasionally visited. The court itself admitted during argumentation that “the evidence supported no inference other than that, rather than being a drug dealer herself, the defendant was dating a drug dealer” (*People v. Bundy*, 1997). Despite this caveat, Bundy was convicted and given a prison term of 15 years to life.

Similar to the rationale of the judges who granted downward departures, much of the strategy of those advocating against the Rockefeller Drug Laws in New York State involved (and still involves) invoking the lives and fates of women sentenced under these laws as innocent, helpless, in need of protection. As position papers were written, newspaper exposés published, organizations formed, rallies held, almost always mentioned were two specific statistics: first, the massive population explosion of women in prison since the enactment of these laws and second, that between 70 and 80% of these women are mothers.

As Leslie Eaton surveys after the fact, “Few newspaper articles or television reports about New York’s Rockefeller-era drug laws were complete without a visit to the state’s only maximum security prison for women, for an interview with an inmate longing to go home to her family” (2005, para 2). Bob Herbert (2002), in a *New York Times* Op-Ed, contrasts Kenia Tanis, a “mother of three” and a “nonviolent narcotics offender with no prior criminal record,” to more hardened and violent criminals (2002, para 6). The Correctional Association cites “the plight of a female ‘drug mule,’ who was apparently coerced by narcotics dealers into carrying drugs into this country and who was caught and treated harshly by New York’s criminal justice system” as a “not uncommon situation . . . made worse by the state’s mandatory Rockefeller drug laws, passed in 1973” (Ganga, 1993, para 1). Drop the Rock, a campaign to repeal the laws, has concentrated on the voices of these mother’s children, for example, by citing Leonette A., a 13-year-old girl whose mother went to prison for unknowingly holding drugs for a drug-dealing friend. There is almost no Web site or piece of journalism related to these drug laws that does not mention such a case.

In 2004, growing public sympathy in this regard at last pushed the legislature toward reform, culminating in a reform act signed by Governor Pataki.⁵ And in a certain sense, the activists got what they asked for: the legislation created a new category for first-time, nonviolent offenders and created “good-time” allowances for folks already in prison.⁶ Essentially the legislation answered the charge set forth by the activists—save the “good mothers”: those whose crimes are “nonviolent,” who had no prior convictions, potentially those who were smuggling drugs to get money for their family or blindly following their maternal instincts to house drug offenders instead of turning them out on the street. This legislation dealt with A-1 felonies, or the most severe cases; new legislation a year later applied to the A-2.

When these changes were enacted only 10 women serving long terms in prison were eligible for sentence reductions.⁷

It is possible that this small number reflects the tepidity of the legislature, and there are few legislators or activists who believe that there is no need for further steps. But I posit another explanation, perhaps one to be held in tandem: that the rhetoric surrounding these women had become so entrenched in the projection of the “good mother” that it had lost any grounding to the real—the real complicated world that the actual women being sentenced lived within. That by focusing on the most sympathetic cases, particularly those of helpless, hapless mothers, and allowing them to stand for all, the scope was narrowed for the rest of the heterogeneous assortment of women (and men) serving time for drug crimes. “A little, we got hoisted on our own petard,” activist Robert Gangi says of this use of portrayals of women: “It was too handy a tool, too obvious a tool to make your case” (Eaton, 2005, para 8).

Even the 10 who qualified had complications that mitigated or delayed their release from prison. *The New York Times* (Eaton, 2005) cites some of the hitches: one woman had a record of incidents or infractions while in prison, another fled the scene before her trial, one violated the terms of her parole, and still another was a parole officer when she was arrested on charges of selling cocaine to someone who worked in her office.

When the good object frustrates, Klein (1957) tells us, idealization can quickly flip to (or reveal itself as) persecution. As she writes, “Excessive idealization denotes that persecution is the main driving force” (p. 193). There is a response that continues to rationalize and idealize or to narrow the focus even more on women who appear have no “culpability” whatsoever. Another perhaps more common response is to flip the other way, to realize and insist that these women were surreptitiously “bad mothers” all along and had thus effectively betrayed the goodwill of folks looking out for them. *Time Magazine* quotes Bridget Brennan, a prosecutor who had actively worked against the reduction of sentencing: “There was a mythology about who is serving these sentences,” she says. “It was the image of a woman forced to be a drug courier. But when we looked at those applying to change their sentences, there were only two women: one who supervised the shipment of 155 kilos of cocaine and the other had more than a pound of cocaine in her apartment” (Gray, 2007, para 8). In other words, these women are con artists, no fools; they’ve been playing us all along. The pendulum swings simply and firmly to

⁵Drug Law Reform Act of 2004, L. 2004, Ch. 738.

⁶For a good overview of these see the Legal Aid Society’s special report 1 year later: <http://www.drugpolicy.org/statebystate/newyork/rockefellerd>

⁷According to *The New York Times*, there were around 1,000 women in prison or jail for drug crimes at that time (Eaton, 2005).

the bad mother, who is now additionally the betrayer, who even more needs to be feared and persecuted, who has stolen the father's penis.

Whether in the court system or in the world of activism and public discourse, it seems that there is a tendency for a woman who is a criminal to fall into one of two extreme possibilities. We love her, we appreciate her, and we feel the need to protect and even idealize her. Or she has deserted us, let us down, and we want to persecute, lash out in our hurt. We are in conflict, in a split state. And we cannot move the conversation to a point other than the debate between these two sides. Adrian Howe (1994) notes how most of the research on sentencing in the United States "is a hypothesis-testing mode of inquiry which remains preoccupied with now antiquated questions about the alleged impact of 'chivalry' and 'women's liberation' on the sentencing process" (p. 129). In other words, Howe tells us, the concern has rested on how stringent the sentencing is or should be, in my terms how much the bad mother should be punished or the good mother protected. In the courts and in our advocacy systems, the debate becomes framed through the qualitative and definitive bestowing of "time." More or less time in prison has become the sine qua non of moral judgment; depending what "side" you are on, you argue the number down or up.

The paranoid-schizoid position, the splitting of the world, as Klein tells us, is often inevitable and natural to our development. Thomas Ogden (1994) in fact envisions the paranoid-schizoid and the depressive as two poles that counterbalance and preserve each other. Yet, as Klein (1946) writes, "In normal development, the states of disintegration which the infant experiences are transitory. . . . If states of splitting and therefore of disintegration, which the ego is unable to overcome, occur too frequently and go on for too long, then in my view they must be regarded as a sign of schizophrenic illness in the infant" (p. 10). It is when we get stuck, when the split-apart threads of extreme good and extreme bad have become intractably knotted and unable to be reconciled in any form, that this position becomes pathological.

It is, I believe, important to see what has gone into this split mother complex from a societal level. Perhaps a seemingly obvious but potentially overlooked question needs to be asked: Why are these women repeatedly discussed and referred to as "mothers" when few men being discussed in a criminal justice context are ever explicitly given the corresponding label "father"? Shari Thurer, in her book *The Myths of Motherhood* (1994), traces the development of the concept of "the good mother" as it is culturally derived throughout history. "Each society has its own mythology, complete with rituals, beliefs, expectations, norms, and symbols. . . . The good mother is reinvented as each age or society defines her anew, in its own terms, according to its own mythology" (p. xv). Our cultural myth, she writes, "holds that the well-being of our children depends almost entirely on the quality of their upbringing (read *mother* since it is she who usually has primary responsibility for raising children)." As a result, "even as the mother is all-powerful, she ceases to exist. She exists bodily of course, but her needs as a person become null and void. On delivering a child, a woman becomes a factorium, a life-support system. Her personal desires either evaporate or metamorphose so that they are identical with those of her infant" (p. xvii). There is no woman, there is only mother.

Thurer's (1994) description is resonant with Nancy Chodorow's (1978) examination of how the concept of mothering is enmeshed in our developmental processes. "The sexual and familial division of labour in which women mother creates a sexual division of psychic organization and orientation. It produces socially gendered women and men who enter into asymmetrical heterosexual relationships; it produces men who react to fear, and act superior to women, and who put

most of their energies into the nonfamilial work world and do not parent. Finally, it produces women who turn their energies towards nurturing and caring for children—in turn reproducing the sexual and familial division of labour in which women mother” (p. 209). In other words, the system reproduces itself. And it is known and accessible to all, as it is the mechanism by which we are raised and through which we develop.

As such, the concept of mothering becomes distinctly related to the domestic sphere. “Woman’s mothering determines woman’s primary location in the domestic sphere and creates a basis for the structure differentiation of domestic and public spheres. But these spheres operate hierarchically. . . . Culturally and politically, the public sphere dominates the domestic, and hence men dominate women” (Chodorow, 1978, p. 10). Both of the decisions made for Pozzy and for Sailes, although they had opposite consequences, were rooted in the protection of the domestic sphere: Sailes was punished because she had defiled it, Pozzy protected in order to maintain it.

In addition, on a larger level, the domestic sphere is perhaps the first and most important “mitigating factor” establishing the connection between many women and drug crimes. If the borders of domesticity were not cast around them and around the crime, if there were not drugs in the home of which they were supposed to rein supreme over, it is questionable whether as many women would even be initially charged. As it stands now, though, the two are enmeshed: “Because of the ways in which women have been socialized to further their relationship with men, a woman’s mere presence in the home is easily seen as tantamount to membership in a conspiracy” (Raeder, 1993, p. 60).

Activists fighting for reform would take heed to remember that staying in line with the notions of gender identity as we have defined them is essentially staying in line with the Kleinian split position and thus potentially ineffective. As such the woman is always an object, and her choices are always limited to falling in lines of the gender constructs (and be good) or not (and be bad). In Klein’s terms, the woman is always exteriorized; she is always unintegrated with the ego. Adrian Howe (1994) calls this the “tyranny of culturally-defined femininity” under which girls are “disproportionally institutionalized on grounds of ‘moral danger’ ” (p. 185). In practical terms, the moment a woman steps out of the “line” of what we project the idealized “good mother” should be, she becomes a target, a deadweight, completely useless to the reform movement as a banner child or representative model.

It seems crucial to remember another point Klein (1946) raises—that the processes we project on others also affect our own internal structural composition. “The ego is incapable of splitting the object,” she says, “without a corresponding splitting taking place within the ego” (p. 6). As the New York State scenario illuminates, an activist movement that splits off the “good mother” as needing protection from the rest ultimately splits its own power and potential to make effective change. In a court, ultimately the splitting will undermine the effectiveness of the entire legal system. Ultimately, what society does to these women, it does to itself. “The phantasies and feeling about the state of the internal object” (women sentenced to drug crimes) “vitaly influences the structure of the ego” (the external composition of society) (Klein, 1946, p. 6).

A court or an activist or any institution that is unable to integrate the good and the bad of the mother itself remains in an unintegrated state. The mother is seen as separate from society, an aberration on its face, rather than a part of it. She contains the bad parts of our self, and we cut her out, we make her *the* bad self, in order not to deal with our own problems (Klein, 1946). What this means socially is that a woman’s deviance is seen as an independent phenomena and as the cause for social ill (she is persecuting us). We want to avoid the idea that the loss

of her had anything to do with our actions or that we are at all “culpable” in or responsible for her “deviance.” So there will be no greater fury than that against a deviant woman.

When we split the good mother off from ourselves, we do not admit the goodness or the strength without our own selves, thus reifying our dependence on her; she has become our ego-ideal, and we cannot function without her; she is our safeguard or our charity case. We seek to preserve her, we seek to control her, and we seek to protect her at any cost. We remain increasingly committed to and bent on the preservation of the boundaries that we have set for her as a “good mother.” And as pressure increases and the boundaries grow smaller and smaller, we find that she may be slipping through our fingers, idealized dust, never real in the first place.

Is there any hope for our courts, our circles of activism, or even society at large to become more integrated, to move toward what Klein (1935, 1946) calls the depressive position?⁸ This would mean that we would have to come to terms with the woman involved in drug crimes not as external objects but as part of ourselves. It would mean, in the words of Klein (1946), that we would assimilate our internal objects, risk and maybe even celebrate contamination, take back in ourselves the parts which we projected. The depressive position, she writes, “has the effect of integrating the ego, because it makes for increased understanding of psychic reality and better perception of the external world, as well as for a greater synthesis between inner and external situations” (1946, p. 14).

What would it look like if we took the idea of the good mothering that we projected upon others and claimed it for ourselves? Perhaps we could find those parts of the good mother inside ourselves. Chodorow (1978), for example, presents a vision of equal parenting, where both sexes have the opportunity to share in primary parenting responsibilities. “In this way, children would not develop fears of *maternal* omnipotence and expectations of *women’s* unique self-sacrificing qualities. This would reduce men’s needs to guard their masculinity and their control of social and cultural spheres which treat and define women as secondary and powerless, and would help women to develop the authority which too much embeddedness in relationship has often taken from them” (p. 218). We would all become healthier.

What would it look like if we took the idea of deviance and criminality and claimed them for ourselves? Perhaps we could find the ways in which we had been the bad mother. We might come to terms with ways in which we have ourselves become complicit with social inequities and embedded privileges. Kathryn Watterson (1996) reminds us, “When we are talking about crime in America, about prisons, we are talking about power and powerlessness” (p. 12). Angela Davis (2003) tells us a little more bluntly: “Prison construction and the attendant drive to fill these new structures with human bodies have been driven by ideologies of racism and the pursuit of profit” (p. 84). Can we, as Freud and Klein led us long ago, begin to comprehend an expanded definition of criminality that includes corporations, governments, groups, systems, and yes, even ourselves?

Michelle Fine, a longtime activist and scholar of prison issues, describes a talk she gave at Barnard College to a seemingly very affluent, charitable, liberal audience of mainly women (M. Fine, personal communication, October 2007). Don’t raise your hands, she told the crowd, but how many of you have been in prison or jail? How many of you have experimented with

⁸Neil Altman (2005) takes up this question from another angle: looking at American consumerism and capitalist competition as a manic denial of societal guilt encountered in the depressive position.

illegal drugs or know someone who has bought or sold them? How many of you knew people sent away for “rehab” or “treatment” in an agreement to avoid jail time? How many of you paid for expensive lawyers so that your children would not have to face the harshest penalty of the law? And then she says, are we all in the room?

Whether we see it or not, we are all in the room, and our concern as activists, as members of the court, as members of society, has to begin in the room. Klein (1935) writes, “It seems to me that only when the ego has introjected the object as a whole, and has established a better relationship to the external world and to real people, is it able fully to realize the disaster created through its sadism . . . and feel distressed about it.” Introjecting the object as a whole, moving to the depressive position, will do many things for us. It will allow us to mourn. It will allow us to become less anxious. And we will begin to make reparations.

Mourning in this sense is, as Klein (1940) cites Freud as saying, “the testing of reality” (p. 344). It means experiencing the grit, the grime, the real-life stories. It means going down into the thick of it and testing our assumptions about and projections on women in the criminal justice system against reality. In a survey done by the Sentencing Project of women in state and federal prisons, three quarters (74%) reported that they had used drugs regularly and three fifths (62%) had used drugs in the month prior to their offense. Nearly one quarter (24%) of women in state prisons are identified as mentally ill. They are 50% more likely than men to have AIDS. They have experienced dramatically high levels of physical and sexual abuse. One third (33%) of the women had been raped prior to their admission to prison (Factsheet 2005). There is plenty here to mourn about.

The process of mourning means taking these things into our consciousness. Klein (1940) writes that “the pain experienced in the slow process of testing reality in the work of mourning thus seems to be partly due to the necessity, not only to renew the links to the external world and thus continuously to re-experience the loss, but at the same time and by means of this to rebuild with anguish the inner world, which is felt to be in danger of deteriorating and collapsing” (p. 354). We are challenged to think about things in a new way and not just to decry the exterior conditions out there but also to rebuild a sense of our own outlook, our own culpability and thus responsibility.

And the process of mourning, the sorting out, as it relates to the full integration of our selves, will change our response to crime. Klein (1946) tells us that as this process takes place “anxieties lose in strength; objects become less idealized and less terrifying, and the ego becomes more unified. All this is interconnected with the growing perception of reality and adaptation to it” (p. 15). In the depressive position, as our anxieties lessen, we will be more able to respond to crime in general and women in relation to drug crimes in particular with what Sue Grand (2000) calls “objective hatred” rather than persecutory vengeance or stifling control. For the most important part of objective or object-related hatred is that it, according to Grand, “retains a vision of the perpetrator as a whole object: it regards the most heinous crime as the inhuman act of a human soul. This mode of address allows the culture to hate and to get over hating” (p. 158). It is again this complicated process of sorting out. It is becoming aware of our complexes instead of being driven by them.

Finally, in the depressive stage, we are driven to make reparations. This drive, Klein (1946) writes, “can be regarded as a consequence of greater insight into psychic reality and of growing synthesis, for it shows a more realistic response to the feelings of grief, guilt and fear of loss resulting from aggression against the loved object” (p. 14). Because we can act from the good

we have accepted within ourselves and toward the bad we have also accepted within ourselves, we are driven to make restitution for the harm we have caused. From this stage we can truly begin to make not just meaningful reforms to sentencing procedures but also attempts to transform economic, gender, and racial inequities. And again, this would be an action that would bring healing and repair to the women we now see not as an external object but as part of the whole society. As Klein (1935) writes, “Since the drive to repair or protect the injured object paves the way for more satisfactory object-relations and sublimations, it in turn increases synthesis and contributes to the integration of the ego” (pp. 14–15).

I fantasize that a society in the process of integrating its criminals would produce prisons that were places of objective hatred—holding spaces where people were offered a chance to come to terms with their actions and where the complicated process of sorting out personal and societal responsibility could begin.⁹ Prisons right now are chaotic and confusing; as sociologist Loic Wacquant (2001) writes, prison “no longer points beyond itself; it turns into a self-contained contraption which fulfills its function, and thus justifies itself, by its mere existence. And its inhabitants learn to live in the here-and-now, bathed in the concentrate of violence and hopelessness brewing within the walls” (p. 112). He quotes an inmate as describing the maximum security facility in which he was confined as “a place where men forgot about courts of law or the difference between right and wrong because they were too busy thinking about living, dying, or worse” (p. 112).

There needs to be security and predictability enough in the prison system that spaces can exist where inmates can take stock of their lives, can do self-work, can achieve a measure of power and agency and thus responsibility in their lives and for their crimes. Sadly, spaces like this are few and far in between. But they do exist, and when they are honest and open, they can allow people to understand their lives as connected to something past (and ahead of) the here-and-now, to understand personal selves as political and social beings in a wider context. One only has to look at few examples: Eve Ensler’s writing workshop held at Bedford Hills;¹⁰ the Bedford Hills college program, built up from scratch by a collective of inmates, prison staff, activists, and educators when the Pell Grants were pulled from the prison system;¹¹ or the Puppies Behind Bars program.¹²

Another of my fantasies would be a less punitive and one-dimensional sentencing process, one that offered social, health, or educational alternatives whenever possible. As we take a closer look at our selves and our systems we start to understand even with our best efforts to ostracize, we can never escape our self. In other words, the vast majority of prisoners (in fact around 1,600 a day) return home and back to society. We will start to realize that incarceration typically aggravates the problems it is expected to solve. This is especially true for low-income Black communities (Miller, 1997).

Finally, in an integrated position, we will understand that crime results from the failure of both individuals and society. Relationship has been broken down. Rehabilitation is required

⁹See J. Van Denend (2007), “Crime: Self and Society: Psychoanalytical Perspectives on Taking Responsibility and Moving Forward,” in *The Journal of Religion and Health*, 46, 63–74.

¹⁰For more information on this project, see <http://www.pbs.org/pov/pov2003/whatiwant>. The film produced is titled *What I Want My Words To Do To You*, directed by Madeleine Gavin and Judith Katz, writing credits: Gary Sunshine.

¹¹See M. Fine et al. (2001), *Changing Minds: The Impact of College in Prison*, www.changingminds.ws for the report and history soon after the resurrection of the program or <http://www.mmm.edu/study/resources/academicachievement/bhpc.html> for its status today.

¹²See www.puppiesbehindbars.com

on both the personal and the societal side. In my mind, the type of societal rehabilitation will result in wide-spreading transformation to, for example, mandatory sentencing minimums. Punitive drug laws, like the Rockefeller Drug Laws in New York, will be not only given mild cuts but also will be vastly depleted if not repelled. Capital punishment will be abolished because it cuts short the process of reintegration and transformation.

Societal rehabilitation will only be achieved through the forging and in some cases re forging of the link between activism and research. In the 1980s researchers and academics, specifically those in the social sciences, left the prisons in droves as institutions became less focused on rehabilitation and research became less about the prison system and more about individuals within it. Psychiatrists, psychologists, and social workers became the biggest culprits in this endeavor as their modality shifted almost primarily to a diagnosis of criminality, the application of labels to individuals that explains their individual neuroses (and thus validates their confinement). Integration will demand that researchers reenter the prison, both literally and within their work and psyches. It will also demand that they renew their alliances and relationship with activists working on the outside for change, who have been left isolated and uninformed.

These are my private speculations and hopes. As I said before, as with any treatment, it is impossible to guess exactly what healing will look like before the steps are taken to get there. Also like the psychoanalytical process, the struggle is that of increased awareness and integration, of taking the more difficult roads, of making the choices that aren't easy. And the hope is in the resiliency and healing power of the human spirit.

What I do feel with certainty is that this path toward hope and healing starts with the lives and stories of people affected. With this in mind, I end with the story of a woman who has suffered under the drug laws. If this article has convinced you of nothing in terms of rhetoric or abstraction, I hope that you might at least take Jan's story into your heart and mind. It is one of many recounted by researchers working for the Correctional Association of New York:

"You've gone through the looking glass when you come here," says Jan Warren about adjusting to life in prison. She says it without a hint of irony or self-pity. Jan is currently serving a sentence of 15 years to life for selling eight ounces of cocaine to a friend of a friend who was the target of an undercover sting operation. That was 12 long years ago. Jan was 35 and the single mother of a teenaged daughter when she was arrested for the first time in her life. She expects to be released from prison one month before her 51st birthday.

Jan's daughter, Erin, was 16 at the time of the conviction and was present in the courtroom when the verdict was read. "When the judge said 15-to-life, it hit me like a ton of bricks," Jan recalls. "The reality of it sank in almost immediately because I kept measuring it in terms of the life of my daughter. Her whole life as I knew it from the day she was born up through high school, that's what my sentence was. That was the reality of a 15-year sentence for me." The night Jan went into prison, Erin got on a plane and went to live with her father in Idaho.

Jan grew up in California. In 1969, the year she turned 18, she married a man returning from Vietnam. Three years later, Erin was born and the young family moved to a small town in Idaho. Unfortunately, the marriage slowly disintegrated because of her husband's drug and alcohol abuse. Seeking a better environment for herself and her young daughter, Jan finally separated from her husband 7 years after they married. Shortly thereafter, she met and married her second husband and the three of them moved to Bergen County, New Jersey, where her husband worked as a corporate consultant.

When her second marriage ended, Jan found herself without a stable income. Erin's father did not pay child support, and the money from Jan's job as a bookkeeper was barely enough to

make ends meet. She began dating a man named Jim. Although he was a drug dealer, he went to great lengths to shield both Jan and Erin from that aspect of his life. After they had lived together for 2 years, the relationship began to fall apart and Jan decided to move back to California. She needed money for the move and recalls that she was “too proud to ask for help from Jim or anyone else.”

When Jan’s cousin called from Rochester asking to buy cocaine for a friend, Jan decided to get the drugs from Jim and make the sale herself. She planned to use the money to take Erin back home to California with her. The transaction in Rochester was a sting operation, and Jan was arrested at her cousin’s home. It was her first and only drug sale. She was offered a plea bargain of 8 1/3 years to life in prison. However, a condition of the plea was that Jan provide authorities with information on other drug dealers. She was unwilling to offer any information about Jim and so refused the offer. After conviction, the judge sentenced her to the mandatory minimum of 15 years to life.

“Humiliation was the most shocking element of incarceration,” Jan remembers. “The daily degradation of having an 18-year-old guard regulating every aspect of your life is a difficult thing for me.” The process of acclimating to a long-term sentence has been an ongoing struggle. “First you feel sorry for yourself,” she says. “In a way it’s like dying and being reborn. You have to grieve for the life you’ve lost. I grieved for the first couple of years. I used to say that if tears were rocket fuel, I’d have been to Mars and back.” After grief, Jan went through a period of anger and then entered a phase where she became more in tune with what was going on outside the prison walls than with what was going on inside. “That’s still the phase I’m in now,” she says. “In time, the pain dulls. But it never goes away.”

The impact of Jan’s sentence on her relationship with Erin has been profound and is still a source of deep pain. Since the night of her conviction, Jan has seen Erin only six times, forced to rely instead on phone calls and written correspondence to maintain their long-distance relationship. When Erin went to live with her father in Idaho, she went from one unstable situation to another. Her father had remarried and that marriage, too, was coming apart. Erin’s father divorced and, after high school, Erin fell in with the wrong crowd and began using drugs. Her addiction culminated in a drug-related arrest. Jan’s eyes fill with tears as she describes the situation. “I feel very guilty about what happened,” she whispers. Erin has since completed rehabilitation and has been drug free for some time. She is now 26, married, and expecting her first child.

Jan takes responsibility for her actions. She believes, in fact, she should have been punished for her crime. “I don’t believe in saying, ‘I didn’t hurt anyone but myself and my child in doing this.’ That’s a cop-out. I have faced the truth about what brought me here, and I know it was wrong. But there also has to be room for common sense. A 15-year mandatory minimum doesn’t allow for common sense.” When asked how she has changed over the past 12 years, Jan becomes quiet. After a moment she says, “I notice that I don’t smile as much as I used to, and even when I do, it doesn’t quite make it to my eyes.” She pauses and then adds, “I wonder if I’ll ever get that back” [SenGupta and Peterson, 1999, p. 6].

We can take this story and understand that Jan is not our bad mother. She is not our good mother. She is simply a mother, a woman, a person. Like we are. Also like us, she operates in a state of gray and makes choices, some of which are good, some of which are not as good. We mourn with Jan and over Jan. We feel guilt for the ways we have damaged her. We might even feel anger at some of the things she has done. But we accept her as ourselves.

At the danger of causing Melanie Klein to roll in her grave, I finish with a quote. Although it sounds sentimental or naïve, it expresses a hope I have for the criminal justice system and for ourselves. Klein (1935) writes, “Full identification with the object . . . goes hand in hand with anxiety for it (of its disintegration), with guilt and remorse, with a sense of responsibility.

... These emotions, whether conscious or unconscious, are in my view among the essential and fundamental elements of the feeling we call love'' (Klein, 1935, p. 270). May we all learn to live this type of love toward others and toward ourselves.

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