



Heroes or villains? Investigating Intersectional Female Identities in Orange is the New Black¹

ABSTRACT: This paper investigates the first five seasons of Netflix original series *Orange Is the New Black* (2013-2019) through an interdisciplinary perspective that combines some critical approaches and tools from cultural studies, gender and feminist studies (primarily intersectionality), and cultural criminology. The study aims at understanding and accounting for the complex phenomenon of female violence from a different angle and devises new critical instruments to approach narratives of women who commit crimes that challenge deeply ingrained stereotypes and frame the possibility and construction of criminal women's agency.

KEY WORDS: Intersectionality; *Orange Is the New Black*; criminal women; agency; storytelling; complexity

¹ This study only deals with seasons 1-5 (2013-2017).



INTRODUCTION: AN INTERSECTIONAL PERSPECTIVE ON FEMALE VIOLENCE

Contemporary western news media as well as different kinds of fictional narratives have been increasingly dealing with female victimisation in its various forms (domestic violence, harassment, rape, murders, etc.), foregrounding this critical social issue and calling for the need to handle it with the utmost promptness. Reports and representations of such episodes are certainly disturbing, oftentimes distressing; however, they do not challenge social perceptions and expectations about how a woman ought to behave. Male violence is to some extent normalized within culturally ingrained understandings of masculinity (Peter 283), whereas women are normally perceived as victims, as they are thought to be gentler, weaker, and naturally not prone to violence. The representation of women who have committed a crime,² on the contrary, is at once troublesome and appealing, in that it requires one to question deeply rooted assumptions about gender performance and appropriate feminine behaviours, while at the same time urging that those assumptions be challenged in order to understand the reasons behind female criminal actions. As will be shortly discussed, even practitioners have long failed to give satisfying explanations of female violence. For example, early criminologists simply dismissed it as impossible, as the fruit of bodily or mental dysfunctions, or tried to explain the phenomenon with theories constructed for males (Belknap 5). In general, criminal women were considered by both the expert and the layman as “unnatural and betrayers of womanhood” (Peter 286), and they have come to be normally excused through labels such as “mad” (i.e. their behaviours are linked to physiological, mental or psychological illness), “victim” (usually of male violence, their violent or illicit actions being framed as a direct consequence of victimisation), or “bad” (picture, for example, the hyper-sexualized *femme fatale*, who is so wicked and dangerous because she embodies all the tantalizing threatening traits of unbridled female sexuality).³ Besides the construction of their criminal behaviour as the outcome of “madness”, of “victimisation” (Peter 284), or of the inherent threats of their sexuality, among the worst, but most common, dangers of approaching female violence with a trite, taken-for-granted set of assumptions is the denial of women’s agency (i.e. failing to recognize that they can commit violent acts as active, rational human subjects—Kruttschnitt and Carbone Lopez 322).

This paper sets out to engage with an investigation of the first five seasons of Netflix original series *Orange Is the New Black* (OITNB, 2013-2019) which puts forward new tools to reflect on and understand the complex phenomenon of female violence from a different perspective and devises new critical instruments to approach similar narratives of women who commit crimes. So far, the reception of the TV show has been controversial to say the least. The debate among the general public as well as scholars is considerable, especially when it comes to assessing the extent to which (or even whether or not) the series engages with social criticism and encourages social change, or rather plays with and “spices up” urgent, if thorny, issues such as the flaws of the

² All the more when they are serving time in prison because of it, so there is a fair degree of certainty about their guilt.

³ See Peter, with a specific focus on criminal mothers and women who commit sexual abuse.



Prison Industrial Complex (PIC), American social inequality and the connections among social injustice, drug addiction, crime and imprisonment—thus contributing to spread even more stereotypes. Apart from its provocative tone and intricate attempts to demonstrate or to disprove its engagement and political relevance, part of the appeal of *OITNB* is definitely to be traced back to its focus on the everyday lives of convicted criminal women.

Even if I will refrain from a lengthy assessment of the show's feminist commitment to advocate for positive "social" improvement, I postulate that as an exceptionally popular TV show,⁴ it has the merit of giving visibility and according a certain degree of agency to female inmates in a minimum security prison (Fernández-Morales and Menéndez-Menéndez 544), a category of unquestionably marginal(ized) people. More to the point, the series has brought to the fore some social, economic, cultural, and moral problems linked to the PIC;⁵ it has stirred awareness and reflection on the ways in which sexual, ethnic, social, religious and even psychological differences are dealt with, while unbalanced power distribution and injustice are condoned in the context of the tougher turn taken by the American prison system after the "war on drugs" issued by the US government (McCorkell). Last, but not least, *OITNB* encourages a reflection on criminal women's agency by allowing the public to witness inmates' everyday routines and activities while also glancing from time to time at their (more or less ordinary, serious and scary) criminal pasts. As a result, the audience is allowed to appreciate the extremely diverse socio-cultural backgrounds of the protagonists, the ties among those backgrounds, women's disparate positionings and the crimes they have committed, as well as the decisions they made or could not make with the (usually little) power they could manage to exercise.

This kind of storytelling, especially the flashbacks on the past of the protagonists of *OITNB*, occupies a sizeable portion of most episodes of all the seasons under investigation, and is the point of departure of my analysis. As *diversity* is one of the most outstanding traits of the show, it appeared particularly suitable to a kind of reflection which accounts for the complexity of the identities of the inmates by unveiling the tangled interrelations of different dimensions of oppression in their experience. I will thus engage with storytelling in *OITNB* by drawing on some critical notions developed in the domain of intersectionality. More specifically, I will try to show how the recollections of the protagonists' personal stories before and after they were incarcerated reveals the impact of interlaced social positions on their lives, and specifically on their criminal behaviours. An intersectional analysis of the *petit récits* (Lyotard) of some of Litchfield's inmates, manages indeed to expose—albeit with some reservations, which will be discussed in short—the different interlacing layers of structural oppression which characterize the experience of these women in the American society, as it is reproduced, with all the due adjustments, in the microcosm of the show's not-too-fictional prison. Such an approach is able to cast light on the complexity of the *criminal/heroines* in the series both in terms of their individual identity

⁴ Although Netflix does not disclose ratings for its shows, it is estimated that 6.7 million people watched season 4 première, thus placing *OITNB* among the most watched shows on cable (Holloway 2016).

⁵ For a thorough investigation of this issue, see Gennero.



construction and development, as well as in regard to the development and negotiation of collective identities. Most notably, the narrativisation of some characters' performance will shed some light on the construction of their agency, in some instances generating what can be considered "heroic" behaviours (regardless of their criminal record and past wrong choices).

This attempt is part of a larger project which aims at studying popular fictional texts by incorporating different methodological domains in order to build a more comprehensive, less taken for granted and stereotypical understanding of female violence and criminality. Such an approach is even more urgent as it is now established (Berns 263) that people turn ever more frequently to the media as primary resources for understanding social issues. That is why it is so important to problematize popular fictional representations of issues like female criminality, in order to be able to assess whether such narratives can shift collective, long-held perceptions about a phenomenon—or at least manage to gather mass attention and spark debate.

THE TAXONOMY OF THE FEMALE CRIMINAL: INTERSECTING REPRESENTATIONS IN CRIMINOLOGY, THE LAW AND THE MEDIA

Images of female victims and offenders are the product of complex mutually-reinforcing social and institutional assumptions which have contributed to fix female identity in stable, easily understandable and easy to process profiles (Rafter and Stanko). While it is true that the ways in which female victims and offenders are viewed and treated in the criminal justice system are influenced by social perceptions (Belknap 12), it is also undeniable that media representations contribute to shape and to adapt those perceptions (Peter). Rafter and Stanko produced a taxonomy which articulates the paradigmatic dichotomy "Madonna-or-whore", and is indicative of the most widespread and ingrained stereotypes about women in contemporary western societies. They identified six main female types:

- 1) *Woman as the pawn of biology* (when woman's behaviour is considered the outcome of biological forces "beyond her control");
- 2) *Woman as impulsive and non-analytical* (that is, illogical and prey to instincts);
- 3) *Woman as passive and weak* (both physically and psychologically, which is why she is easily victimized and prone to "blindly follow criminal men into a life of crime");
- 4) *Woman as gullible and easily led astray*;
- 5) *The active woman as masculine* (an image which aptly explains how, when women break from their naturalized passivity, weakness and gullibility and start being active, "analytical" and resourceful, they are variously viewed as unnatural, unwomanly, lesbian, deviant and thus likely to be criminal);
- 6) *The criminal woman as purely evil* (which implies that it is worse for women to be criminal than it is for men, because besides—and worse than—breaking the law, they are challenging stereotypical role boundaries). (Belknap 12-13)



Interestingly, it can be argued that early criminological views reflected these stereotypes and most popular media and fictional accounts of female offending tended (and still tend) to reinforce them.⁶

Criminology—theoretically constructed “by men and for men”—has historically excluded women from the majority of its research questions (Belknap 21-22). Its founding fathers (most notably Cesare Lombroso) and other eminent thinkers who dealt with female deviations (such as Sigmund Freud, W. I. Thomas and Otto Pollak) established that female criminality could be explained by biological determinism. In general, women were believed to turn to crime because of their “perversion or rebellion against their natural feminine roles” (Klein in Belknap 22). As effectively summarized by Belknap (22), the main assumptions informing classical criminology postulated that crime was a matter of individual responsibility and not a product of joint social conditions and individual agency; that all women shared an identifiable, essential nature; and that offending women were not real women, and it was their masculine performance which led them to break the law. The latter point is significant, as it reduces the complexity of female criminal behaviours to women’s defiance of traditional gender roles and challenge of social expectations.

The evolution of criminological studies found other explanations to criminal behaviours, ranging from psychological, socio-cultural, political and economic causes (Belknap 39).

Until the mid-1970s, nevertheless, criminological theory was not gender-specific, and simply tried to fit women’s criminal behaviours in models designed for males. Ironically, even when gender-specific attempts were made to locate distinct causes for female criminality, they were imbued with stereotypes about female sexuality or based on erroneous assumptions about the feminist movement. Emblematic to the latter instance are the cases of Freda Adler’s *Sisters in Crime* and Rita Simon’s *Women and Crime*, both published in 1975, which forwarded the so-called “women’s liberation theory” or “emancipation hypothesis”, identifying the causes of female criminality in the increasing freedom, self-awareness, opportunities and emancipation achieved thanks to the feminist movement.

From the 1980s onwards feminist criminology has worked to counter similar limited and limiting visions in order to account for female specific patterns of lawbreaking. Among these, particularly interesting to our case is Kathleen Daly’s study (1992), which identifies five categories of women who break the law. Even if the first four categories (i.e. *street women*, *harmed-and-harming women*, *battered women*, *drug-connected women*) still trace lawbreaking back to the inherently threatening nature of female sexuality, to some form of dependency, mental illness and/or addiction, or to previous victimisation, the fifth, vaguely labelled as “other”, finally breaks the old pattern. It designates “economically motivated” crimes driven by greed or by pressing economic circumstances, but anyway emphasises that lawbreaking is the outcome of women’s agency *outside* “histor[ies] of abuse or problems with drugs or alcohol” (Belknap 261). In the early 1990s, as Daly argues, the *street woman* pathway was perhaps the most commonly taken by convicted women. Statistics reveal that since the mid-

⁶ Notable exceptions to this trend can be found in a number of contemporary TV Series, such as *The Bridge* (2011), *The Killing* (2011) or *Happy Valley* (2014).



1980s, the majority of the female prison population in the US has been convicted for drug-related crimes (McCorkel 9).⁷ Regardless (for now) of the changing common circumstances of convict women (which are context-specific), the significance of Daly's theoretical framework is that it challenges "anti-agentic" explanations of women's criminality and counters the social drive to "abnormalize" women's violence which "endangers traditional scripts about women's appropriate place in society and gendered social boundaries" (Kruttschnitt and Carbone-Lopez 322).

As Kruttschnitt and Carbone-Lopez argue (326): "the problem with an approach that pits the aggressive and inherently evil female offender against the victimized or incapacitated offender is that it ignores the complexity of gender identities and fails to see women as active subjects and responsible human beings". Their sociological study—an analysis of 106 narratives in which women describe their acts of violence—is illuminating as it manages to move beyond the aforementioned stereotypes and to explain women criminal behaviours by taking into account social forces, victimisation and dependence, but also by adding intersecting layers of structural oppression, agency and an individual dimension of identity construction to the picture. Such research is far-reaching in that it recognizes the role of institutions in producing and reinforcing power and gender hierarchies, and acknowledges that the media, the courts and social science research heavily influence, and at times submerge women's narratives, while confirming existing gender stereotypes and power arrangements. Furthermore, the study tries to account for gender-specific dynamics in which female agency can be exercised in a criminal environment, and turns to intersectionality as a useful tool to "further our understanding of women's violence" (323). This means that violent actions are not considered as the sole product of gender, class or race alone, but rather at the intersection of different, overlapping, social positions.

Carrying out an intersectional analysis of the personal background stories of the protagonists of *OITNB* could similarly prove useful to investigate the issue of female criminality, of its roots, of its manifestations, of the weight of intersected layers of structural subordination, and of the space left for women's agency and autonomous decision in the process. Moreover, it provides a picture of current popular perceptions about the American female prison population and perhaps could encourage (Netflix's vested interests aside) a more or less progressive or subversive reflection on some issues that otherwise would go undetected. Given the fact that "individuals use the media to make sense of social problems, it is important to understand how these media construct [and not simply *represent*] images of an issue" (Di Ciolla and Pasolini 138). The growing number of stories featuring criminal women for one "reflect[s] a growing public concern for behavioural dynamics which are universally considered as uncharacteristic, hence dysfunctional and profoundly disconcerting, but simultaneously enable[s] readers and viewers to exorcise those concerns, and the disturbance they encode, by situating them in a textual or televisual *elsewhere*". More to the point, in the light of the mutual influence and interconnection of social perceptions, media representations and criminological and legal theory and practice (Ashe; Rafter; Rafter and Brown), the potential of fictional narratives like *OITNB* "to support practitioners, as well as the

⁷ McCorkel estimates that since the so-called "War on Drugs" has started (that is mid-1980s), the number of incarcerated women has increased by over 400% (9).



general public, in their understanding of offenders and their crimes, should not be underestimated or underexploited" (138).

PIPER CHAPMAN: "FISH OUT OF WATER" AND/OR "TROJAN HORSE"?

In spite the dramatic subject, *Orange is the New Black* is commonly considered as a "dramedy" or "dark comedy" (Caputi 1130) because of its overall *tone* and pervasive irony—more often than not imbued with political incorrectness and cynicism. The show gives the audience access to the everyday lives of a group of inmates incarcerated in Litchfield minimum security prison (a fictional transposition of the real Danbury Prison) and to a wide range of issues related to prison life (Terry 553), such as drug addiction, harassment and other forms of victimisation, the (inappropriate) treatment of mental illness and the lack of therapy and support for the transgender body, the difficulty of being a mother, as well as unconventional gendered performances. The fact that the series is based on real facts (i.e. on Piper Kerman's bestselling memoir *Orange Is the New Black: My Year in a Women's Prison*, published in 2010) has often prompted criticism towards its creators for their failure to draw a realistic, politically engaged and by no means sensational picture of female prisons and of the social problems related to the American PIC. In particular, series creator Jenji Kohan has been variously criticized for the WASP protagonist Piper Chapman's (a cool white, blond, middle-class Smithsonian graduate New Yorker) colour blindness,⁸ and accused of reinforcing television's privilege for a white middle-class public as its ideal or prospective viewers, which would primarily encourage white audience identification. Besides failing to acknowledge underlying racism and the structural oppression of black women and of the inmates belonging to other so-called minority groups, *OITNB* would exploit intersectional identities in Netflix's advertising campaigns (DeCervalho and Cox), and in general be subservient to a neoliberal post-feminist agenda (Schwan; Belcher). In particular, Jenji Kohan's famous contention that Piper was her "Trojan Horse" has catalysed the criticism of several detractors:

You're not going to go into a network and sell a show on really fascinating tales of black women, of Latina women, and old women and criminals. But if you take this white girl, this sort of fish out of water, and you follow her in, you can then expand your world and tell of those other stories. But it's a hard to sell to just go in and try to sell those stories initially. The girl next door, the cool blonde, is a very easy access point, and it's relatable for a lot of audiences and a lot of networks looking for a certain demographic. It's useful. (Gross)

⁸ The notion of "colour blindness" is often invoked in discussions around *OITNB* (as shown by the frequency with which the term recurs in reviews and critical essays dealing with the series). Perhaps, the most compelling reflection on the issue is carried out by Michelle Alexander's bestselling book, *The New Jim Crow: Mass Incarceration in the Age of Colour Blindness* (which, significantly enough, was published in 2010, the same year as Piper Kerman's memoir). The provocative, but certainly fitting decision of comparing contemporary attitudes towards race within the American legal system (especially when it comes to incarceration) to Jim Crow Laws reflects the impression that racial segregation has been merely redesigned, and replaced by mass incarceration as a means of social control. For an interesting development of the topic, see in particular Gennero.



Piper Chapman certainly is a “fish out of water” and her character is far from representative of the American prison population (Schwan 474). While Kohan’s claims might confirm some of the critics’ doubts about the good intentions and the socio-political relevance of the show, it is undeniable that it succeeds in showcasing (at times abruptly, violently and painfully) diversity and marginal realities. In other words, *OITNB* engages with urgent social problems which would otherwise go unnoticed, while its “comic frame” instead of promoting colour blindness, results in a subtle criticism of American post-racial fantasies (Enck and Morrissey).

As a matter of fact, the series’ focus progressively shifts from Piper’s circumstances (which take up most of season 1) to the stories of the other prisoners (individual, before they were incarcerated, as well as collective, that is the “tribal”⁹ dynamics and relationships within and among the ethnic groups in the prison), which gradually get to occupy a big part of the other seasons (Artt and Schwan 468). Seasons 2, 3, 4 and 5 get increasingly more overtly political, dealing respectively with the failures of the PIC through the privatization of Litchfield (Season 2) and the recruitment of under-trained and unprepared COs and administrators (Seasons 3 and 4), to climax with a riot sparked from the accidental killing of a prisoner by a guard (Season 5).

Kohan’s strategic choice to use Piper Chapman as a way of “sneaking in” “stories of silenced others” is often treated as questionable also because it would cast the protagonist in the role of the cultural imperialist, unconsciously feeding structural oppression (Caputi 1133). However problematic this choice might be, it nonetheless brings the stories of *different*, and otherwise neglected characters to the fore. “Diversity in representation does matter”, all the more as “Representation in the fictional world signifies social existence [...whereas] absence means symbolic annihilation” (Caputi 1130). Despite all the flaws and limits of the series as far as its political agenda is concerned, it ultimately does represent diversity in a way that makes it visible, lively and complex, especially when it lingers on the personal stories of the protagonists in which we can find “welcome occasions where *OITNB* does provide insight into actual social conditions” (1136).

⁹ An actual feature of minimum security female prisons reported by Kerman in her memoir is the division of the prison population in three big “tribes” (Caucasians, Blacks and Hispanics, regardless of evident internal differences of national identity and social status in each group), plus a mixed tribe composed of women belonging to “other” minorities, whose organization reflects the typical structure of a family. In each tribe there is a “mother” who provides for her daughters, leads the network of solidarity among them and decides who deserves to be part of it and who does not. In *OITNB*, the Caucasian tribe has an undisputed leader since the beginning, Red, whereas the Hispanic tribe sees the gradual emergence of Gloria Mendoza as the Mother of such a diverse conglomeration of ethnic identities (Season 2). As for the Black group, the situation is slightly different, as it seems to be organized in a more egalitarian way, as a sort of inclusive sisterhood, at least up to the end of season 1. In Season 2 the leading role is indeed taken up by ruthless Vee, who goes back to Litchfield and immediately starts to rule as she used to. Her behaviour does not match that of the other mothers, as she is cruel, manipulative, serves her own interests (and in fact ultimately ends up dead). From season 3 onwards, it could be claimed that young Taystee is gradually constructed, if not as the actual “leader” of the black tribe, as sort of “big sister”.



INTERSECTIONALITY AND CRIMINAL WOMEN'S PATTERNS TO CRIME

Interestingly, the flashbacks which tell the stories of the protagonists' past lives prior to their incarceration are original elements of the show. Kerman's memoir revolves in fact solely around the inmates' "life in prison", and it is repeatedly emphasized that the narrator would not dare ask the reasons why a woman was convicted or the circumstances of her life prior to incarceration unless she did it spontaneously. This utter taboo (Kerman) is broken by the televisual adaptation of the novel, whose emphasis on the past occurrences of the criminals stresses the social as well as personal circumstances which led them to commit crimes, highlight the specificity of the intersected layers of the women's structural oppression, and account for their remarkably diverse life experiences and "patterns to crime".

The significance of the flashbacks gets even more explicit if they are read within the framework of intersectionality, as it helps disclose the interplay of crime, victimhood and agency with social inequality and injustice, discrimination, and the unbalanced power distribution engendered by the joined action of interrelated power axes, always with special attention to "the experiences and struggles of disenfranchised people" (Hill Collins and Bilge 36). As Hill Collins and Bilge (2) aptly summarize in their influential study:¹⁰

Intersectionality is a way of understanding and analyzing the complexity in the world, in people, and in human experiences. The events and conditions of social and political life and the self can seldom be understood as shaped by one factor. They are generally shaped by many factors in diverse and mutually influencing ways. When it comes to social inequality, people's lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other. Intersectionality as an analytic tool gives people better access to the complexity of the world and of themselves.

In short, intersectionality's core insight is that subject positions along the major axes of social division (like class, gender, race, age, dis/ability religion, age, just to name a few) "operate not as discrete and mutually exclusive entities, but build on each other

¹⁰ I chose the definition given by Collins and Bilge in their recent volume on intersectionality because of its comprehensiveness and clarity. Intersectionality, however, is far from being a univocal notion. Definitions of intersectionality on the contrary proliferate, and something that critics agree upon is the concept's elusiveness and the lack of a rigorous, cross-disciplinary methodology to carry out intersectional analysis (see in particular Nash and Hill Collins, "Intersectionality's"). Although homogeneity as far as a definition and a shared methodology are concerned is very difficult to attain due to intersectionality being applied to a range of different academic and non-academic domains, it is a fact that scholars are still debating on whether intersectionality as a theoretical framework focuses on the particular positions of women of colour or it can be extended to any other positionalities, both advantaged and disadvantaged (Yuval-Davis 201). This paper clearly endorses the latter assumption, as "Categories are broader issues situated in the relation between actors and between different distributions of power. Social categories do not count only for the Others, the non-powerful and the non-privileged: they also count as conditions for the more privileged and powerful people" (Staunaes 105). In addition, it is acknowledged that intersectionality as a theoretical framework has deeper and tangled roots, going further back than 1989, when Crenshaw coined its name (Crenshaw, "Mapping"; Hill Collins, "Intersectionality's").



and work together” (Hill Collins and Bilge 4). *OITNB* shows a similar standpoint, for example when it discloses poor black women’s typical self-damaging spiral through the experience of young Janae, who was influenced by a “bad boy” and lost the opportunity of improving her life by becoming a collegiate runner. A careful analysis of the intersecting forces which led Janae to take the detrimental decision to rob a shop would reveal that unwitting self-sabotage is common among poor and battered African American women, who adopt risk-taking behaviours “as a way to sabotage their success and allow them to remain in the ‘boundaries of expected gender behaviour and racial/ethnic stereotypes’” (Richie 52-54). In other words, Janae’s background story suggests that what could simply seem a “bad choice”, the result of inexperience and adolescent whimsies is in fact the product of intersecting social forces and pressures. She is an exceptional student and a track star, so everything in her life suggests that she could improve her position, but she comes from a strict Muslim family who lives in a rather poor black neighbourhood (S01 E07). Her self-destructive actions stem from her rebellion against her family and from the realization that she will never be able to follow her dreams and receive the quality education that she deserves. When she takes a tour of an elite prep school (S05 E05), she sees everything that she desires but knows she will never attain due to the intersection of her disadvantaged social standing (which prevents her from ever being able to afford such a school) and the consequent lesser education she has so far received (that will never allow her to be admitted to the prestigious school, as admission standards are extremely competitive). Interestingly, during the tour she watches the rehearsal of *Dreamgirls* in which white girls sing in afro wigs, thus race becomes a signifier of her being out of place on the premises, and of the impossibility for her dream to come true.

Janae’s background story is just one of the many instances which reveal how turning to the critical reflections offered by intersectional theories elucidates some of the complexities of *OITNB*’s protagonists. Moreover, such an angle enables one to assess the extent to which the narrative focus on the marginal lives of these women can contribute to challenge rather than reinforce some deeply ingrained stereotypes, try to advance a different vision of female criminals, and/or advocate for social change. Most importantly, the numerous instances of individual as well as collective agency and resistance detailed in the show, which oftentimes result in empowering, even “heroic”, actions, sustain intersectionality’s calling as form of *critical praxis* besides a tool for *critical enquiring*, which “explicitly challenge[s] the status quo and aim[s] to transform power relations” (Hill Collins and Bilge 33).

AGENCY, RESISTANCE AND HEROISM IN *OITNB*

Litchfield Prison’s inmates occupy markedly heterogeneous positions along social axes of power and are characterized by varying degrees of Otherness. Since the “matrix of domination” (Hill Collins, “It’s All”) assigns a privileged location to “wealthy, heterosexual, white, male, Christian, young and slim people” (Staunaes 102), it is easy to see why most of the characters embody troubled subject positions, challenging as they do discursively constructed ideals of normal, disciplined performances. Even for the



simple fact of being female convicted criminals, they transgress both socially established borders of proper behaviour and stereotypical expectations about femininity.

Litchfield's ethnic composition does not exactly mirror American (female) prison population, which counts an overarching majority of black women,¹¹ but reflects the case of Danbury's prison as reported by Kerman, with a majority of Latin American women. The picture is nonetheless representative of the general tendency of mass incarceration, which disproportionately affects women who belong to minority groups (Bell 107).

Significantly, the show is true to other documented features of the American Justice System. To begin with, flashbacks on the backgrounds of the characters often show a link between social injustice or disadvantage, abuse, victimisation in the home and criminal offending (Bell 113) by disclosing the intersections of race, gender and class in the process. Among the other problems generated by the oppressive matrix of the American Prison Industrial Complex which are insistently addressed by *OITNB* is the fact that "the prison actually disciplines and polices gender and racial identities" (Bell 113), therefore inmates who have a different sexual identity than that prescribed by heteronormative standards and those who belong to racial minorities tend to be treated in a harsher way. "Seen as defying normative gender identities" (i.e. white and straight) they are "disproportionately subjected to various forms of harassment and violence within the prison" (Bell 113).

The tendency of the PIC to discipline and police gender identities (Bell 113) on account of the direct link established by normalizing hegemonic discourses between inappropriate sexual performances and criminality is epitomized by the relationship between Piper and CO Healy. During their first meeting as her assigned counsellor, CO Healy reassures Piper with sexist remarks: "No one's gonna mess with you here unless you let them. This isn't Oz.¹² Women fight with gossip and rumors" (S01 E01), a contention which will be proved wrong throughout the show (in fact, Piper will realize soon enough that women fight in many other, often violent, ways). After warning Piper against being fooled into giving other women money for commissary (on account of her being "peg[ged] as rich"), Healy goes on to spell out what he must believe is the worst threat for a nice, white, rich and straight girl: lesbians. "And there are lesbians. They're not gonna bother you. They'll try to be your friend, just stay away from them. I want you to understand, you do not have to have lesbian sex". Later on, the counsellor establishes that they are on the same level (basically, because of their whiteness and education) by pointing to the inferiority of the other inmates "they are not like you and me. They're less reasonable, less educated" (S01 E05). Towards the end of the season, Healey gets very disappointed in seeing Piper engaged in a sexy dance with Alex, and sends her to the SHU (Special Housing Unit, aka solitary confinement) for "lesbian activity" (S01 E09). Why just her and not all the other, overtly lesbian, inmates? In the counsellor's eyes, Piper's transgression is all the more serious as it disrupts patriarchal

¹¹ According to the Bureau of Justice Statistics (2015), as a result of US Government's war on drugs, black women are up to three times more likely to be incarcerated than white women (Bell 106).

¹² Interestingly, Bailey assumes that Piper's idea of how a prison works would draw on a popular HBO TV series.



expectations about the behaviour of a *normal*—that is, WASP—girl. These scenes confirm while also exposing and challenging (through Piper's incredulous expression when she is listening to Healy) the link established by widespread stereotypes between unruly and transgressive female sexual performances and criminal behaviour.

The show also discloses intersections of disadvantage and abuse which involve white but *underprivileged* women, and challenges yet another stereotypical kind of female criminal: the drug-addicted whore, as aptly exemplified by "Meth-head" Tiffany "Pennsatucky" Doggett, a white girl who comes from an extremely disadvantaged rural area in Virginia. Once more, the narrativisation of the character's background points to the need to look at the convergence of different positions in order to grasp the interrelated causes and expressions of her marginalization and criminal behaviour. Pennsatucky is racist, homophobic and uneducated, just like her loyal followers Leanne and Angie. Her criminality and drug addiction are framed within the limited amount of choices offered her by her poverty and lack of education, and her sexual performance (as a teenager, she used to exchange casual sex for drinks, and she never fights back when she is raped, either as a girl and in prison) is not simply dismissed as the cause of her criminal behaviour, but problematised as a site for power struggle and negotiation. In Season 1 Pennsatucky is portrayed as a recovering "meth-head" who pretends to be a Christian fundamentalist. As she impersonates common stereotypes of American white trash, she is the ideal antagonist to Piper's progressive liberal whiteness, and as such she is cast at the beginning of the series. In line with the anti-hero role she must play, the flashback which reconstructs her background in season 1 shows how she shot a nurse who had criticized her for undergoing her fifth abortion (S01 E12) and then took advantage of a Christian anti-abortion group who believed that she killed the nurse as an act of protest against abortion. Needless to say, Pennsatucky was not particularly religious until the group offered her pro-bono legal help. Her character, however, progressively improves, mainly thanks to her friendship with Big Boo, which casts some positive light on her and allows some humanity to emerge out of the villain. Hence, Season 3 constructs her victimisation, both inside and outside of prison; having been assigned to drive the prison van, she is raped by CO Coats, who had been spending some time with her and whose behaviour was interpreted by the woman as (a sort of perverse) romantic interest. The rape episode is interspersed with flashbacks from Pennsatucky's past which confirm her victimisation by showing her teenage self exchanging sex for drinks, and then being raped by one of those boys. Her identity development challenges common stereotypes about white trash as well as naturalizing assumptions about criminals' fixed subject positions and predictable behaviours without completely clearing her ambiguous and troubled mind frame. Towards the end of season 5, during the prison riot, she is tried by the other prisoners for having released one of the guards who were held hostage. Although the scene is disturbing because the guard she released (and sexually fantasizes about) is the same man who had raped her (which puts into question her mental health but also points to the extent of the trauma she has suffered), Pennsatucky is made to denounce one of the most pressing systemic problems that female criminals coming from disadvantaged backgrounds typically face: not being allowed to tell their stories, to speak for and defend themselves.



How many of y'all took the stands at your all's trials? Raise your hand. [nobody does]
Wow! Ain't that some bull? Well, neither did I.
'Cause my lawyer told me that I was a detriment to myself. Now, at the time, I didn't take offense, because I was rather high most of the time. And you know my brain wires weren't firing correctly, if you know what I mean. But today, I'm standing here, right, and I'm looking around at all of y'all. And I'm thinking we can do better. (S05 E06)

Tiffany's speech is particularly powerful not only insofar as it discloses the way(s) in which underprivileged criminal women are deprived of their voices and prevented from standing up for themselves by the very people who should enforce and protect their rights, but also and most importantly as it reclaims her right to speak and be listened to on account of a newly acquired agency, legitimised by her efforts to recover and redeem. The distance between the convict's best interests and her lawyer's priorities is encapsulated in the choice of the words "I was a detriment to myself", which clearly clash with Pennsatucky's usual vocabulary.

OITNB'S (CRIMINAL) HEROES

OITNB frames criminal women's identities as multilayered, as the provisional and changing outcome of personal choices, socio-economic circumstances as well as psychological peculiarities at the intersection of different positionings. The show's narrativisation of criminal women's identity journeys also, and most significantly, provides examples of agency, expressed through occasions when they take difficult but autonomous decisions, often in the name of solidarity. Fernández-Morales and Menéndez-Menéndez analyse some scenes in *OITNB* where Litchfield's inmates were able to take action against injustice and thereby become "active agents of change of their conditions" (535). By turning to an adaptation of Foucauldian discourse about the "techniques of the self", they locate inmates' (individual and/or collective) agency in their ability to negotiate with powerful figures within the prison's system (like administrators, counsellors or COs); in the creativity with which they reinvent or make the most of the little resources they have; or in the potential of the show itself to challenge and change the status quo through the representation of such forms of agency (which is grounded in the ability of televisual fiction to change social perceptions and attitudes).

Some of these instances of resistance, creative reinvention and transformative drive can arguably be considered "heroic" in that they grow out of multilayered oppression and powerless positions, and result from a kind of agency which was negotiated from articulate but irremediably subaltern positions. That is certainly the case for the motherly strong-minded, proud and fierce leader of the Caucasian tribe, Red, and the equally strong-minded sister-like lively, bright still-in-the-making young leader of the Black tribe, Taystee.

The first flashback of the series not focused on Piper Chapman is devoted to Red, the elderly Russian inmate who heads the group of Caucasian women and runs the kitchen, and who is respected and feared by all the prison "tribes" because she is also the undisputed leader of the prison's black market (she smuggles in all sorts of



forbidden items through food suppliers). Her criminal past and the “bad decisions” that led her to prison are framed at the intersection of gender, class and national identity. Emigrated to the USA, she runs a small convenience shop / diner with her husband. The place is clearly culturally marked as Russian through the background music and the language spoken by the customers. The audience also knows that the action takes place in an Anglophone country (supposedly America) because Red and her husband speak a mix of Russian and heavily accented English. Red’s husband seems to be dissatisfied with their social position, and asks her to try to make connections with the wives of the customers. The latter clearly belong to a higher social standing: they wear sophisticated make-up, a lot of jewels and exhibit expensive clothes and hairdos, which mark a sharp contrast with Red’s simple and somehow old-fashioned look. Red’s husband does not seem to notice the differences between those women and his wife, and persuades her to establish a friendly relationship with them (he assumes that it will be easy for the women to find common grounds, and that thereby he will be allowed to join the circle of the “boss”—presumably an important businessman). “Gender”, as it comes out, is the only thing that Red and these women have in common. Negligible as it may seem, the unbridgeable difference between their social standing and the importance that it has for the “classy” wives of the businessmen, is the reason why Red has to commit a crime and is sent to prison for a very long time. In another flashback (S01 E02) Red is shown walking with the women in the park, and the contrast in their demeanour becomes even sharper. When Red makes an unpleasant joke, she is frowned upon by the others and is finally alienated by them (they call her “the one without culture”). When she realizes that they have excluded her, she confronts the leading vamp in the group, hits her and pops her breast implant. Back at home, she fights with her husband, who obviously blames her for her impulsive reaction, and she bitterly acknowledges: “No matter how hard you try and how much we want it, there’s the people who serve the bread and the people who eat the bread”. These words openly frame the difference between herself and the boss’ wife in terms of class (and expose her husband’s blindness to it, on the assumption that their common femininity would have made the relationship easier). Red’s husband is asked 60,000 dollars in damages, a sum which they obviously cannot afford. Instead of paying, they are asked to hold mysterious packages—that look very much like corpses—in their cellar.

Different episodes throughout the series confirm Red’s leadership thanks to her agency and to the “heroic” actions she often performs in order to help and protect her “daughters”. In Season 1, for example, she is able to manipulate powerful counsellor Healy into buying a new freezer, she becomes a better substitute for Nicky’s mother and actually helps her deal with her drug problem, and she strongly resists CO Mendez’s pressure to use her contraband network to smuggle drugs into the prison, even if it means losing her job as head of the kitchen. The extent of Red’s agency and her power as a charismatic leader become even more evident towards the end of Season 5, when Piscatella (the ruthless leader of Litchfield’s COs since season 4, now gone crazy) cruelly sets out to subdue her defiance. He traps the elderly woman together with other inmates (mainly belonging to the white tribe), vilifies and tries to subdue her by cutting her hair, taking off her make-up and humiliating her femininity with remarks on her age, her fragility, and her ultimate powerlessness. His purpose is to mortify Red in front of her daughters and thereby obliterate her agency. When Piscatella threatens her with a



knife and all the other girls are screaming and weeping, she calmly tries to negotiate with him: "Go ahead. Do whatever you want, but let them go. You don't really want witnesses." To which he replies:

Oh, but see, that's the whole point. I want everyone as a witness when I tear off that mama bear costume you strut around in so proud. [*He starts cutting her hair with a knife*] [...] I'm showing your family who you really are. You're a vain, weak, pathetic, frail old jailbird. You can dye your hair, paint your face but it doesn't change the truth underneath. Here is your fearless leader, inmates. (S05 E10)

The ultimate heroic act on Red's part is her decision, once the prisoners have managed to take Piscatella down, tied him up and made him temporarily inoffensive, to spare his life. This turn once more endorses her agency and her power, as her measured mercy marks a sharp contrast with Piscatella's uncontrollable thirst for revenge, which drives his actions and leads him to his eventual defeat.

OITNB offers plenty of examples of how the PIC tends to "discipline and police" racial, besides unruly gender identities, always with an eye on the mutually influencing interaction between other axes of social positioning. It addresses (challenging or at least exposing, rather than sustaining, as some critics argue) stereotypical representations of black women in hegemonic popular culture, which spring from their supposedly inherent violence, their being "dirty, sick, and sinful", variably ranging from the "welfare queen" to the "crack whore" (Caputi)—formulae, that is, which are grounded in the combination of black women's race, their gender and their social standing.¹³

At the very beginning of the show, black inmate Tasha Jefferson (aka Taystee) is used to establish a sharp contrast with Piper's positioning and to emphasise the shocking difference between the latter's privileged life and habits and the prison environment (Caputi 1135-1137). In the series' first episode, when Taystee aggressively approaches Piper in the shower and makes ironic comments on her breasts, and later on, when she cuts a lock of Piper's hair to clip it to her own, she apparently matches the stereotypical traits of the average "black criminal": inherently violent, loud and rude. It soon becomes clear, however, that such identification is showcased to be subsequently challenged. In season 1 we also learn that Taystee was granted parole but willingly committed a crime in order to be brought back to prison. The episode denounces the lack of social support and chances of rehabilitation even for women who would want to 'start over'. Taystee explains the situation to her friend Poussey, who cannot believe that she is back to prison and is angry at her.

Taystee: What they don't tell you when you get out? They gonna be up your ass like the KGB. Curfew every night, piss in a cup whenever they say, you gotta do three job interviews in a week for jobs you never gonna get. Probation officer callin' every minute, checkin' up. Man, at least in jail you get dinner.

Poussey slaps her angrily

Poussey: Man! What the fuck? Man, where do you think you at, Paris Hilton? Yo, it's bitches in here doing 15 years for lettin' their boyfriends do deals in the kitchen 'cause they was afraid of getting beat if they said no. And there's bitches ain't seen their kids since they was babies, and

¹³ For a discussion of popular stereotypical representations of black women, see Patricia Hill Collins' (*Black*) and Richie.



them kids got they own babies now, or they're runnin' around the street carryin' guns and shit, no one watching over 'em. Yo, I been in here two years and I got four more. Eight months ago when I was waxin' fuckin' floors in the cafeteria, my moms passed. And I wasn't there to say the shit you supposed to say to your mom before she gone. So I know you ain't tellin' me in my face right now that you walked back in this place 'cause freedom was inconvenient for you? It ain't like that, P.

Taystee: Minimum wage is some kinda joke. I got part-time workin' at Pizza Hut, and I still owe the prison \$900 in fees I gotta pay back. I ain't got no place to stay. I was sleepin' on the floor in my second cousin apartment like a dog, and she still got six people in two rooms.

One of the bitches stole my check. I got lice. Everyone I know is poor, in jail, or gone. Don't nobody ask about how my day went. Man, I got fucked up in the head, you know? I know how to play it here. Where to be, and what rules to follow. I got a bed. And I got you. I really missed you. (S01 E12)

Significantly, the reason why Poussey cannot understand and make sense of Taystee's choice is that she is the educated, middle class daughter of a US Army General. Even if she shares Taystee's racial marginality and is a lesbian, thus subaltern for her sexual orientation, she is privileged when it comes to social standing, which clearly emerges from her surprise at hearing Taystee's explanation (and even before that, from the very need of such an explanation).

Two flashbacks, in season 2 (E02) and in season 5 (E06), reconstruct Taystee's past and reveal the intersection between race and class which led her to join a drug business and later on to choose prison over a free life. She was a poor black girl who was abandoned by her mother and grew up in a group home. Never chosen by any family for adoption and disappointed when her biological mother showed up but refused to take her in, she is approached by a drug dealer, Vee. Vee offers teenage Taystee a home and a job in her drug business, but most importantly she acts as, and ends becoming, a sort of mother figure, which is the main reason why the girl decides to stay with her.

In spite of all the odds, Taystee proves to be smart and resourceful, and in season 4 gets to become the warden's personal assistant. Among the episodes which testify to the girl's agency and heroic action, the most outstanding and entertaining are the numerous instances in which she brightly addresses the intersection of gender stereotypes, class élitism and racism by impersonating upper-class Amanda and MacKenzie with Poussey and the enervating negotiations with the prison authorities that she leads during the riot in season 5.

Amanda and MacKenzie are the WASP alter egos which Poussey and Taystee use to make fun of—but most notably also to address and resist—white universalising stereotypes and the problems that they engender (especially for black people, but also for the prison system and society at large). Season 5 (E06) reports the occasion when the alter egos were created; Poussey is now dead, and Taystee enters the library where her dear friend used to work and remembers.

Poussey : Amanda, I will not stop until my ass is so small it disappears entirely. You heard about this new diet where you eat cookies and ice cream and you still lose weight? It's called bulimia! I love it so much, it's a miracle!

Taystee: Oh, Mackenzie. I've always been jealous of your willpower. I'm like a house ever since Mark invested in that new American bistro up the street. You would die for their artisanal sodas. Peach lavender rose petal, yes please!



In one of their most famous sketches, Amanda and MacKenzie ironically frame the prisoners' inadequate access to healthcare within intertwined issues of class and race. They are sitting at the prison canteen, discussing politics with Sophia (a transgender, which explains the reference they make to a man representing them and to a "plastic pussy") in the context of the upcoming elections for the Women's Advisory Council:

Taystee: If y'all want a man representing you, be my fucking guest. That bitch got a plastic pussy or some shit.

Sophia: You wanna see it?

Taystee: Please! You flash that shit like it's made out of diamonds. I done seen it about 10 times already today.

Sophia: Listen, honey, I know all you care about is what you get to watch on the TV, but me and my diamond kitty here wanna prioritize things around this place, like health care, basic human rights.

Taystee: You ain't never gonna change that shit. You think this white people politics? Let's talk about health care, Mackenzie.

Poussey: Amanda, I'd rather not. It's not polite.

Taystee: Well, did you see that wonderful new documentary about the best sushi in the world? Of course, now that I'm vegan, I didn't enjoy it as much as I might have before.

Poussey: You know, I just don't have the time. Chad and I have our yoga workshop, then wine tasting class. And then we have to have really quiet sex every night at 9:00.

Taystee: But did you hear that piece on NPR about hedge funds?

Poussey: Amanda, let me ask you, what do you think about my bangs these days? I mean, do you like 'em straight down, or should I be doing more of a sweep to the side?

Taystee: Sweep to the side. (S06 E05)

Season 5 shows the culmination of Taystee's identity journey; as the episodes go by, indeed, her character evolves: she is able to defeat evil Vee and to deal with the demons of her past, she proves to be intelligent and skilled, and gradually realizes that the other black women see her as a sort of leader. Until, in season 5, she also actually starts behaving as one.

Besides acting as a leader in the negotiations with the authorities during the riot, the heroic quality of Taystee's agency emerges through the words with which she addresses the fellow inmates when trying to convince them that the prisoners' requests met by the Government so far (that is, sending them a few boxes of chips), are laughable, and their other, more important, claims deserve to be taken seriously: "I don't see how some snacks equals our hostages" (S05 E06). Then, when the Governor's spokeswoman tries to persuade her with trite rhetoric which clearly assumes her gullibility, she replies: "Do you think I'm not smart? You think I don't hear those trick words 'Do our best' [...]? 'Do our best' ain't good enough no more".

The most revealing example of Taystee's agency, however, is the speech she delivers to the press in Season 5 (E05). The speech is meant to reassure the press and the American public that high-profile TV celebrity Judy King (who ended up at Litchfield for committing financial fraud) has not been harmed during the riot and has not been held as a hostage, as well as to reaffirm the centrality of the riot and of the inmates' demands as the media were mainly focusing on Judy's situation alone.



Taystee: My name is Tasha Jefferson and I'm an inmate here at Litchfield. Two days ago, our friend and fellow inmate, Poussey Washington, was murdered by a prison guard.

[*camera shutters clicking*] Poussey Washington. And I'm sayin' her name again because it can't ever be said enough. Now, as you can see, Judy King ain't injured and she ain't a hostage. And she has a statement that she'd like to make at this time.

Judy: And good morning, my fellow Americans. "This prison has put me through unimaginable suffering. And I am not a victim of this riot".

Taystee: No, [*stutters and grabs the microphone*] she will not. She is not gonna be making a statement. Sorry. She will not be speaking for us because Judy King can't speak for the inmates of this prison. She was kept separate from us, held in a private room with better treatment and a seltzer-maker. And moments after our friend, Poussey Washington, was murdered by a guard for doing nothing wrong, Judy King was packing her bags to go home on early release. Because she's rich and white and powerful.

[*camera shutters clicking*]

Now, our fight is not with Judy King. Our fight is with a system that don't give a damn about poor people and brown people and poor brown people. [*sobbing*] Our fight is with the folks who hold our demands in their hands. Which you people need to read, by the way, and stop watching this fool shit comin' out of here online and get a hold of our demand list because those demands are fair and necessary, and show that we intend to keep this demonstration peaceful and focused on change.

Now, Judy King is free to leave. She's not a hostage and you can have her back. Judy, get the hell out of here.

[*reporters clamoring*]

Taystee's brave and moving words forcefully spell out the everyday problems that women have to face in the PIC, and denounce the discrimination and injustice they have to endure by disclosing the intersection of the different disadvantaged positions which build up their marginalization. By so doing, they also manage to voice otherwise silenced claims and to challenge hegemonic power arrangements and institutional praxis. Taystee's words are even more empowering in that she actively chooses to speak them herself: despite the initial intention of having Judy read the speech, she changes her mind and grabs the microphone. Interestingly, this act could be symbolically read as the ultimate proof that the show no longer needs Trojan Horse Piper Chapman to mediate subaltern women's experiences, but that they can take hold of their narratives and speak for themselves with their different voices.

CONCLUSION

Mainstream popular representations of criminal women and their social perceptions feed off one another and have the power to influence the ways in which institutions and practitioners deal with the problem of female criminality. Therefore, media and fictional narratives which conform to simplistic and reassuring assumptions can reinforce deeply entrenched stereotypes and impact on the actual measures with which critical phenomena are understood and dealt with. Among the major faults of similar, limited and limiting representations is the underlying idea of identities as monoliths, which constructs subject positions as naturalized static features, in order to keep at bay and marginalize disturbing and subversive performances, thereby preventing those who embody unruly features from improving their position.



Rather than simply sustaining stereotypes, it could be claimed that *OITNB* plays with them, especially when it comes to Trojan-Horse-Piper-Chapman's colour blindness and her role as privileged "mediator" of the prison experience, at once reproducing a likely image of the actual reality of US society, mocking its levity and questioning deeply-ingrained stereotypical assumptions. The show ultimately manages to offer an intersectional perspective on the American prison system and on the lives, the struggles, the losses, the pain, but also the agency, the negotiations and the achievements of women who reflect a wide range of variously intersecting positions along established axes of power. Accordingly, *OITNB* is particularly suitable to a kind of analysis which does not level the profiles of female criminals so that they simply fit the "mad", "bad" and/or "victim" type, but on the contrary aims to bring out the complexity of their experience, the feelings, circumstances and motives which led them to commit crime, and accords them the possibility of rehabilitation, of resistance, even of heroic action.

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