

1968: A Global Perspective

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Adria Battaglia and John McKenzie <adriabattaglia@gmail.com>, <jmckenzie2@gmail.com>
The University of Texas at Austin

“It does not seem like a prison until you try to break out”: Prison Reform versus Cultural Revolution in the 1968 repeal of the Muncy Act

On its fortieth anniversary, activists and theorists alike question what cultural theorist Slavoj Žižek terms “the ambiguous legacy” of 1968: have these revolutionary struggles capitulated to the compromises of reformism? Relying on a variety of poststructuralist perspectives on the prison industrial complex, we use the repeal of the 1913 Pennsylvania Muncy Act as a case study in which to consider the “really existing” material effects of reform in 1968 in context with the long term struggle over state injustice in the prison industrial complex. Operating under the belief that women took longer to rehabilitate in prison, the Muncy Act gave judges discretion to reduce the sentences of male prisoners, while giving no such discretion in the case of women. The result was that men often served half the sentence as women for the same crimes. As many women’s movements participated in the revolutionary tenor of 1968, the National Organization for Women (NOW) emphasized the power of legal reform to repeal the Muncy Act. In the case of *Commonwealth v. Daniels*, argued by NOW lawyers, the Pennsylvania Supreme Court found that the Muncy Act violated the equal protection clause of the Fourteenth Amendment and repealed the act. Consequently, almost 200 women were released who already had served terms longer than many of the men convicted of the same offenses. The case illustrates the potential impact of a reformist politics for women’s prison rights.

In broader context, the lesson of Muncy may articulate reform as a locus in which the potential for revolutionary change appears momentarily, at least until the spirit of capitalism recuperates it into a rhetoric of egalitarian and anti-hierarchical ideals.