

INTRODUCTION

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Criminalizing women has become an increasing and widespread phenomenon, as women are the fastest growing segment of the prison populations in Western industrialized countries such as Canada, the United States, Britain, and Australia (Sudbury 2005b; CAEFS 2003; Bloom, Owen, and Covington 2003). For those of us seeking answers as to why this is the case, turning to the media might seem an obvious move. Over the last decade, media accounts have proclaimed that “sugar and spice is not so nice,” and that women are now men’s equals in violence and are “getting away with murder” (Laframboise 1997 and 1999; Pearson 1993, 1995, 1998). Adding fuel to such pronouncements were the tragic deaths of three young women in Canada in the 1990s. The convictions of Karla Homolka for her part in the deaths of Kristen French and Lesley Mahaffy in Ontario and Kelly Ellard for hers in the beating death of Reena Virk in British Columbia were the bread and butter of media tabloids. Even Hollywood got in on the action, releasing the blockbuster film *Monster* — the story of Aileen Wuornos, a woman executed in the United States after robbing and killing seven men, earning her the label of America’s first female serial killer.¹

But feminists working as advocates for criminalized women inside courtrooms, jails, and university classrooms knew there was another story to be told — one of social exclusion brought on by poverty, racism, and the trauma of sexual violence. Many of these pathways into crime and criminalization were not new to feminist criminologists, who since the 1980s had been documenting how social conditions framed women’s choices. However, by 2005 something was different. It seemed that despite two decades of dogged activism, research, and policy-making, other details about criminalized women’s lives were not being heard, including:

- In 1990 a survey of federally sentenced women² exposed how little was known about women in conflict with the law in Canada. Some two-thirds of the women surveyed reported being physically abused as children; over half of them said they had been sexually abused. The numbers were even more startling for Aboriginal women: 90 percent said they had been physically abused — usually regularly

over long periods — and 61 percent said they were sexually abused (Shaw et al. 1991). Many women reported chronic cross-addictions to prescription and street drugs, as well as alcohol. Incarcerated women were also more likely to be diagnosed with a mental illness. A majority of women prisoners were single mothers and likely to have only a grade 8 level of formal education and little work experience.

- In 1993 the first national Violence Against Women Survey revealed the degree and frequency of violence in many women's lives across Canada. The survey found that 51 percent of Canadian women had experienced at least one incident of physical or sexual assault since the age of 16; 10 percent had been victims of violence in the twelve months preceding the survey. Some 39 percent of the women reported experiences of sexual assault, and 29 percent of ever-married women had been assaulted by a spouse (including common-law relationships) (Johnson 1996).
- A study of provincially incarcerated women in Manitoba (Comack 1993b, 1996) found that 565 of 727 (78 percent) women prisoners admitted to prison between 1988 and 1993 reported being sexually and/or physically abused in their lifetimes. Some 33 percent of the women told of three or more abusive relationships. Women's accounts of their lives revealed profound neglect and isolation. Some women talked about imprisonment as another form of abuse, but some, sadly, spoke of prison as a safe place.
- On April 26, 1994, at the federal Prison for Women in Kingston, Ontario, an all-male Institutional Emergency Response Team was called in to forcefully remove eight women prisoners from their segregation cells and conduct a strip search, including body cavity searches. A Commission of Inquiry headed by Madam Justice Louise Arbour was appointed to review the events that took place at the Prison for Women. After an extensive and thorough examination, Justice Arbour released a report of her findings that widely condemned the Correctional Service of Canada (CSC) for its disregard for the human rights of prisoners. The Commissioner of Corrections was forced to resign.
- On August 9, 2001, in Sudbury, Ontario, Kimberly Rogers, a single mother who was eight months pregnant, died in her apartment. She had been confined there under house arrest during a stifling heat wave after having been convicted of welfare fraud for collecting social assistance as a full-time university student. A coroner's inquest recommended that the zero tolerance lifetime ineligibility for social

assistance as a result of the commission of welfare fraud, as set out in the neo-conservative Ontario Works legislation, should be eliminated. The government was not found responsible for Kimberly's death.³

- In May 2005, Sandy Paquachon, an Aboriginal woman who had spent most of her life as a prisoner of the residential school and prison systems, was involuntarily transferred from a women's prison in Edmonton to a psychiatric centre in Saskatoon. During the transfer she was physically and chemically restrained and, while left in an unconscious state, she aspirated into her lungs, causing pneumonia. Unconscious and in need of intensive care, Sandy was transported to hospital, where she was placed on a respirator. Throughout this ordeal she was kept in handcuffs and shackles. Although the restraints were later removed, the CSC continues to treat Sandy as a maximum-security prisoner, regardless of the seriousness of her injuries.⁴

What do these events and circumstances reveal about the conditions of criminalized women's lives in Canada? Clearly, they reveal the systemic nature of violence, racism, and poverty in Canadian women's lives — and the consequences to women who resist these conditions, as well as the political silence that surrounds their treatment. Still, while women inside and outside the criminal justice system share a proximity to violence as well as poverty and the failure of the state to remedy conditions of inequality, criminalized women have oftentimes been considered by politicians, policy-makers, and criminologists as “too few to count” (Adelberg and Currie 1987a) or “more mad than bad” (Allen 1987).

Part I of the book begins (chapter 1) with an intellectual history of feminist criminology that highlights the various ways in which criminalized women have been represented and understood. Feminist criminology has assumed different epistemological positions over the decades and has provided several analytical tools that reveal who criminalized women are and how they come to be criminalized. The chapter opens with an outline of the invisibility of women in the research and theory-building of criminologists such as Robert Merton (1938), Edwin Sutherland (1949), Travis Hirschi (1969), and Howard Becker (1963) (see also Leonard 1982; Naffine 1987). Even radical criminologists who roundly criticized the criminological canon overlooked women entirely (Taylor, Walton, and Young 1973).

Disenchanted with conventional approaches of criminology, feminists began to transgress the boundaries of the discipline through the use of standpoint methodologies that revealed the prevalence of male violence

against women and poverty in the lives of criminalized women, and a postmodern epistemology that drew attention to questions of how women and girls were constituted or defined by professional discourses and how particular techniques of governance (in a number of different sites) work to contain, control, or exclude those who are marginalized in society. The chapter also discusses how the knowledge produced about criminalized women is always framed by the socio-political context. In these terms, the shift from a social welfare to neo-liberal and neo-conservative rationalities of governance have had a profound impact on how several events that occurred in the 1990s — the Karla Homolka case, the killing of Reena Virk, and the use of the male Institutional Emergency Response Team at the Prison for Women in April 1994 — came to be framed in the public discourse. This shifting socio-political context created a powerful backlash against feminist knowledge claims, especially the efforts by feminist criminologists to draw connections between women's experiences of marginalization and victimization and their involvement in crime.

In Part II the discussion moves into an investigation of the nature and extent of women's involvement in crime and explores the issues of women and poverty and the overrepresentation of Aboriginal women and women of colour in the criminal justice system so that we can better understand how class, race, and gender intersect in the lives of criminalized women. Each of the chapters in Part II takes up an issue that enables us to question the common-sense understandings and representations that prevail about criminalized women and girls. In their discussions of the "erring female" of an earlier era, women who work in the sex trade, Aboriginal women and girls' participation in "gangs," and women's involvement in the drug trade, the authors also allow us to reconnect the choices that women make to the conditions of their lives.

Part III focuses on the various techniques of regulation — including psychiatric, welfare, and penal regimes — that have been used against women and girls from the early twentieth century until now. In particular, we see how certain representations of women as incorrigible, dangerous, dependent, and risky frame the changing modes of regulation. Throughout the chapters we are reminded of the implications of engaging with the state, such as the emergence of gender-responsive programs in prisons and secure-care regimes for young women on the street. It would seem that neo-liberal governments are likely to appropriate feminist knowledge claims to construct women as damaged and in need of therapy rather than providing affordable housing and meaningful employment to end the cycle of violence and poverty. Feminists are caught in the paradox

of relying on the legitimacy and resources of the criminal justice system to provide safety and assistance to women, while important public resources such as income assistance, shelters, food banks, and day-care centres are collapsing under the ruinous economic policies of neo-liberal provincial governments. Fuelled by an anxious middle class fixated on their own economic uncertainty, governments have successfully launched new crime-control strategies, such as welfare-fraud snitch lines that disproportionately place women at greater risk of being criminalized. Further economic savings have been achieved by off-loading greater responsibility for the care and control of women in their communities through strategies of transcarceration.

Finally, in Part IV, we are left to determine what possibilities exist for making change in these neo-liberal times. Much has happened in the nearly forty years since the first feminist scholarship emerged in Canadian criminology. Feminist criminology has gained importance in the specific contexts of university teaching and research. However, feminists remain on the margins of important political discussions about what to do about the issue of “law and order.” Laureen Snider (2003) points out that feminist academics and activists have yet to become “authorized knowers.” Snider maintains that feminists are on the defensive as they face the brunt of powerful neo-conservative claims-making. The task now is to re-imagine a feminist criminology that can capture the necessary institutional resources — and the moral and social capital — required to draw attention to the perilous impact of neo-liberal policies on women. Exciting possibilities lie in the forging of international connections with other social justice organizations, as well as the implications of bringing international law to bear on the Canadian government to hold it accountable for its mistreatment of criminalized women.

In sum, this book is about trying to make sense of the impact on women and girls of neo-liberal economics and concomitant neo-conservative crime-control agendas. It seeks to provide a space for “subversive tales” (Ewing and Silbey 1995) about criminalized women to be told as a way of countering the hegemony of women as “misfits” or “monsters.” In the process, the chapters in this collection provide a thoughtful yet rigorous accounting of the gendered conditions of poverty, violence, racism, and the regulation of women in Canada.

NOTES

1. As one illustration of this attention, an Internet search of Canadian web pages showed 55,500 hits on Karla Homolka, 1,430 on Kelly Ellard, and 840 for Aileen Wuornos.

2. In Canada, offenders sentenced to two years or more are sent to federal prisons, while those sentenced to two years less a day serve their sentences in provincial institutions.
3. For more details on the Kimberly Rogers case see http://dawn.thot.net/Kimberly_Rogers/. (Accessed October 17, 2005.)
4. For further information on the treatment of Sandy Paquachon, see <http://dawn.thot.net/sandyp.html>. (Accessed October 17, 2005.)