

Situating Myself

I am a 4th year co-op student at the Elizabeth Fry Society of Peterborough, Ontario, working through Trent University and the Trent Centre for Community Based Learning. I also continue to serve as a member at large on the Board of Directors for Elizabeth Fry, something I started several months prior to the co-op.

I became involved with E. Fry through running bingos for the Kawartha Sexual Assault Centre whose bingo ran directly before E. Fry's. At the time, I was searching for some capacity in which to work with women in conflict with the law, as I hope to practice law in the future. I approached the women running their bingo for more information. They encouraged me to submit a resume and I was invited to join the board and I also helped run bingos for them initially. Despite that I was on the board, I felt that there was still a lot I did not know about the issues criminalized women face and I wanted to understand more. Such a research project allowed me to make time to review the literature and discover for myself the factors that influence criminality. Still, I wondered if I was gaining any real insight into the issues or solely taking on an academic (di)stance. I have since done court support several times which has helped me to get a better sense of who these women really are while at the same time bringing home the fact that I have been very sheltered and fortunate for my (unearned) privileges in life.

As a white, middle-class, educated woman, I am in no position to claim to know what women in conflict with the law need or want. They must be their own authority. As they often are denied a chance to speak, I will relay what I have learned from them, and from my research and attempt to make sense of it all. At all times during this eight month long project I have kept in mind "Who are criminalized women?", "What are their issues?" and "How are these issues linked?" and from the answers I have realized that my project will extend itself to be a lifelong commitment to learning about and from these women.

Overview- Who Are Criminalized Women?

Globally, women account for the fastest growing prison population. However, the women who are making up this growing population are for the most part poor, young and racialized, with mental health problems.¹ Increasingly, the poor and marginalized are being punished in Canada under a system that calls itself just.

There is a misconception that once a person commits a crime, they forgo their right to have rights. Not only is this brutish and untrue but it fails to consider that many of the people who commit crimes never exercised their rights in the first place, and were certainly not born into an equal setting where they had as much chance as anyone to “make it”. The best way to prevent crime is not to promise harsher sentences, as the current Conservative government touts, but rather to acknowledge and redress the inequalities that exist that encourage lawbreaking. Politicians offer simple solutions that sound convincing but are hollow and misinformed. Attacking the symptom of the problem, that is the actual lawbreaking, while ignoring the root of the problem, unequal distribution, is only going to serve to exasperate conditions and distance the people that need to be reached. “Government spending is always directly related to political priorities.” (p. 129, DeKeseredy, 2000) It may be easier to attack a fallacy- like crime is on the rise and criminals are inherently bad, than to begin to tackle the multiple compounded ways that some people are disadvantaged. Female incarcerates are already made invisible and it is the Canadian general public who is blind to their plight.

¹ Elizabeth Fry Week -Fact Sheet. (2005). World Wide Web. Accessed on 8/25/2005.
<http://www.elizabethfry.ca/eweek05/factsht.htm>

The lower socio-economic status of Canadian women in general is due in part to ongoing paternalism and gender-based roles that remain in economic activities, which limit their advancement. Many causes contribute to the likelihood of a woman coming into conflict with the law. Normally, there is a combination of factors that affect a woman's chances of lawbreaking. These multiple, overlapping disadvantages increase the risk of illegal behaviour. The risk factors that are prevalent in many female lawbreakers lives often go unmentioned, as do the women themselves. There needs to be more of an understanding of the issues affecting women's lives in Canada and steps need to be taken to ameliorate their situation. The Elizabeth Fry Society is an organization committed to revealing such issues and forging real change in the lives of criminalized women.

Brief History of Elizabeth Fry and her Namesake Agency

Elizabeth Fry was a Quaker woman born in 1780 in England. Quakers believed in the equality of all people, including women, long before the rest of the world has begun to catch up. As a young woman, she visited the Newgate Prison in London and found the conditions to be deplorable. She advocated for segregation of the sexes, the teaching of skills to achieve gainful employment, a ranking system depending on degree of the crime and female supervision of the inmates.² She was diligent in her efforts at penal reform, however, change is slow. While the separation of the sexes in prison has

² Elizabeth Fry Society Official Webpage. (2003). World Wide Web. Accessed on 8/25/2005.
<http://www.elizabethfry.ca>

occurred, a ranking system is in place and female offenders are supposed to be supervised by female officers, the implementation of proper programming is still not cemented.

The organization that bears Elizabeth Fry's name shares her commitment and dedication to prison reform. The first Elizabeth Fry Society was formed in British Columbia in 1939. There are now 25 member agencies across Canada. The Canadian Association of Elizabeth Fry Societies (CAEFS) mandate is "... to ensure substantive equality in the delivery and development of services and programs through public education, research, legislative and administrative reform, regionally, nationally and internationally."³

Types of Offences, Sentencing and Theories About Crime

Only 15% of people under correctional supervision in Ontario are women and of them, 80% are there for economic related crimes.⁴ The increasing crime rate statistics for women must be considered in light of the new challenge that feminism poses to the social order.⁵ The perception and fear of rising crime is increasing much faster than the actual crime rates.

The two most common offences that women are incarcerated for provincially are drug offences and theft. Women are less likely than men to be incarcerated for interpersonal offences. (Federally, 64% for women and 74% for men and provincially,

³ <http://www.elizabethfry.ca/>

⁴ *Fact Sheet*, p.17

⁵ Adelberg, E. (1985) *A Forgotten Minority: Women in Conflict with the Law*. Ottawa: Canadian Association of Elizabeth Fry Societies.

28% for women and 34% for men.)⁶ Most of the women serving sentences in prison are there for property offences, not violent crimes. Female offenders are less likely to recidivate, tend to be more socially and economically marginalized and have higher needs than male offenders.⁷

The average prison sentence for an offender in Canada is 44 days.⁸ Two years is the threshold sentence length that determines where an offender is sent. Those given two years less a day are sent to provincial custody. More than that sends them to a federal institution. In Canada in 1989, 203 women were in federal institutions. Data from 2001 shows a total of 370 women incarcerated in federal institutions with an additional 500 serving the remainder of their sentences in the community.⁹ The growth in the number of female prisoners can be seen as a result of the dismantling of social and health services and programs while an increase in surveillance is occurring at the same time.¹⁰

The reasons why women might commit crimes or how they might need to be dealt with in a different manner than men is not frequently questioned. The fact is that many criminalized women are simultaneously victims (or survivors) of crimes and perpetrators.¹¹ The majority of federally sentenced women have been physically abused, although in the case of Aboriginal women specifically the number is highest. The need for healing is much more prominent than the need for further punishment.

⁶ Council of Elizabeth Fry Societies of Ontario, Canada. (2003). *Facts & Figures*. World Wide Web. Accessed on 8/25/2005. p.2 www.web.net/~efryont/facts&figures.html

⁷ *Facts & Figures*, p. 3

⁸ *Facts & Figures*, p.2

⁹ *Fact Sheet*, p.3

¹⁰ *Fact Sheet*, p.2

¹¹ Boritch, H. (1996). *Fallen Women: Female Crime and Criminal Justice in Canada*. Toronto: ITP Nelson. p.230.

Traditional theories of criminality lacked insight into any substantive differences in the social status and economic positions of men and women. Historically, prison reform efforts have been gender-neutral. This led to androcentricity, overgeneralization and gender insensitivity which results only in formal, and not substantive, justice. Judges and magistrates may not take any individual differences into consideration upon sentencing a person, or worse yet, be biased against them due to race, class, age. However, often gender is left out of the discussion in sentencing reform forums, even when race, class, age, etc. are taken into account, again because traditionally women were considered too few to be significant. The starting point for a thorough reform should include women's experiences and voices.

Self-regulation, according to some feminist academics, is evidence of a program of power working. Resistance to state-endorsed dependence, conscientiously or not, may lead to illegal behaviour and thus an evaluation of racism, however subtle or dormant it might be, is in order within the penal system.¹²

Class

Almost half of single women, widowed older women and Aboriginal women live in poverty as do more than a third of women of colour. Poverty contributes to the likelihood of women committing crimes.

In 1996, the Canada Assistance Plan was eliminated, federal money became virtually non-existent and transfer payments were dramatically cut. Provinces had to

¹²Pollack, S. (2003). *Focus-Group Methodology in Research with Incarcerated Women: Race, Power and Collective Experience*. "Affilia." Volume 18, Issue 4, p.9.

make up the difference or cut down on social spending. They did the latter. The amounts people can receive now are lower in BC than they were twelve years ago, not even taking inflation into account.¹³ The process of seeking income is so difficult that it “is systematically excluding from assistance many of the very people most in need of help. (Wallace et. all, p. 3) The spin the government puts on it is that more people have found work and are thus not needing to access welfare. Evidence from Freedom of Information disputes this. It is not that more people are leaving welfare because they have found work, but that fewer people are entering into the system due to the systematic barriers.

The barriers to welfare that the study is referring to are many. There is a three-week wait which is unethical considering welfare is understood to be a last resort after all other options have run out. This three week wait is supposed to be a time to seek a job, which by the previous understanding, has probably been attempted. This wait seems to be a punishment and also based on an assumption that people seeking welfare “just haven’t tried hard enough.” The negative connotation attached to welfare recipients is that they are lazy and this practice just supports that stereotype. The next barrier does something similar. It requires applicants to prove they worked 840 hours for two consecutive years to be eligible. Barriers that are connected to this are a the lack of a permanent address or skills that are considered worthy of a resume that exclude the resourcefulness of someone who has lived on the streets or unpaid work like looking after children or parents, which are things women are more likely to have to do than men. In addition, it assumes everyone is employable and ignores the fact that many people have

¹³ Wallace, B, Klein, S, Reitsma-Street, M. *Denied Assistance: Closing the Front Door on Welfare in BC*. Summary. An Economic Security Project Report funded by the Social Sciences and Humanities Research Council of Canada. (2006). p. 2.

disabilities, young children to take care of and addictions.¹⁴ Finally, the new electronic service delivery systems which include a compulsory on-line orientation and a 1-800 number will be a huge deterrent for many people living without shelter, or resources. There is an emergency Needs Assessment option, but it seems this is not told to anyone, it must be specifically requested.¹⁵

Abuse, Mental Health and Substance Abuse Problems

Many women who go to prison were physically and sexually abused as children and often subsequently became involved with abusive partnerships as adults. Girls and women are the victims of abuse by partners, family members and friends much more often than are men. Women are far more often the victims in spousal abuse incidents.¹⁶ Yet, women are sometimes punished as well in such cases due to zero tolerance and what are being called “gender-neutral” policies which involve automatically charging both people involved in the domestic dispute. This accounts for part of the reason why women’s “crime” is on the rise.

Due to the physical and sexual abuse which many incarcerated women experienced as children, many develop emotional and psychiatric conditions.¹⁷ The availability and accessibility of counseling to overcome the trauma of such abuse is not guaranteed and usually out of reach due to low-income and safety concerns. Despite the prominence of mental health issues related to abuse and trauma, there are few programs

¹⁴ Wallace, Klein, Reitsma-Street, p. 6

¹⁵ Wallace, Klein, Reitsma-Street, p. 5

¹⁶ *Fact Sheet*, p.12

¹⁷ *Facts & Figures*, p.1

and counseling services for women prisoners.¹⁸ Unfortunately, woman at high risk of self-harm and suicide tend to be the ones in higher classification ratings due to their difficulty in adjusting to prison conditions. They have such difficulty adjusting normally because of their untreated mental health issues. As a result of their misbehaviour, they are kept in isolated and segregated areas which serves to worsen their problems.¹⁹ Their needs are thus further ignored and their chances of feeling isolated and rejected increase which lead to their misbehaviour.²⁰

Hand in hand with mental health issues are substance abuse problems. Many women who have been physically and sexually abused as children go on to develop substance abuse problems to cope with the trauma that was never dealt with properly though counseling.²¹ This explains the propensity for women to be convicted of drug offences as many of them use drugs as a temporary escape from their negative feelings.

As a result of the problems that arise from abuse, girls and women tend to go through various institutions, agencies and organizations in an attempt to get the care and resources they need. This could include foster care, sexual assault centres, mental health organizations and doctors besides correctional facilities. “Pathologizing” occurs when expert after expert informs a person of her or his “problems” until the person sees themselves this way, as sick or a victim.²² While this may be true, the juggling back and forth and recycling through the system can do more harm than good because there can be gaps in services, contradictions in diagnosis’ and a lack in concrete programming geared towards necessary life skills. In addition, individual therapy can become

¹⁸ *FactSheet*, p.16

¹⁹ *FactSheet*, p.1

²⁰ *Fact Sheet*, p.16

²¹ *Facts & Figures*, p.1

²² Boritch, p.229.

counterproductive if it is not coupled with group work and motivation to seek employment.

Age and Motherhood

Women in prison tend to be young, with the average age being about 30.²³ Many of these women are also single mothers, or at least the primary caregivers to their children. Half had their first child as a teenager.²⁴ In fact, 71% of incarcerated women have children and 80% of them were the sole caregivers at least some of the time.²⁵ The subsequent disruption to the family unit after a woman is incarcerated is long-term. Many women risk losing their children permanently if they are placed in foster care and eventually adopted.

According to a study conducted by the London Centre for Children and Families in the Justice System, parental separation due to incarceration has different effects on children than separation caused by other reasons.²⁶ Furthermore, separation due to maternal incarceration is more destabilizing for children than when the father is imprisoned, because in North American society, there is a greater emphasis on mothering

²³ *Facts & Figures*, p.3

²⁴ *Facts & Figures*, p.4

²⁵ *Fact Sheet*, p. 3

²⁶ Cunningham, A.& Baker, L. (2003). *Waiting for Mommy: Giving Voice to the Hidden Victims of Imprisonment*. London: Centre for Children and Families in the Justice System. p.17.

The methodology for this study consisted of two different surveys, interviews with children and adolescents who had mothers that had been in prison, and a review of current program models. The surveys were distributed through the Elizabeth Fry Societies in Toronto and in Peel/Halton and Elgin Middlesex. The first component of the study involved a survey of incarcerated mothers with children under 18. These 40 ed on average of 12 weeks in custody. The next part of the study consisted of surveying mothers recently released from provincial custody. The main component of the study engaged children and adolescents of women who had come into conflict with the law. Unfortunately, the sample size was very small: only 6 children and one adolescent were interviewed.

than fathering. Often, there are already stresses within a family before the mother comes into conflict with the law and these are exasperated by the criminal justice process.²⁷

K. Faith, a criminology professor at Simon Fraser University, brings up an important point about criminalized women who are mothers: their status as criminal is first and foremost in the eyes of the law and more generally, society. It is a commonplace presumption that a woman who has stolen, prostituted herself or been on drugs is an unfit or bad mother. That many women have committed crimes in order to support their children is often unacknowledged.

The current situation is exacerbated by the fact that there are few prisons for women (as few crimes are committed by women) and so in Canada a woman may be institutionalized far away from her children, making visitation more difficult. Very few women's institutions in Canada allow women who give birth while serving a prison sentence to keep their infants with them. Faith's thesis is that whatever crimes a woman may have committed, it is unjustifiable to separate her from her children unless she is proven to be unfit as a mother. Faith does express that not all women want their children with them, as prison can be a degrading environment.

That women in prison have been systematically disadvantaged affects not only them, but their children who are subject to the same disadvantages.²⁸ This demonstrates the cyclical and systematic nature of criminalization and oppression in Canada and points to a need for intervention to break the cycle.

Race

²⁷ Cunningham, A. p.18

²⁸ *Facts & Figures*, p.1

Black women are far more often admitted to provincial custody: approximately 7 times more often than white women while Aboriginal women are admitted 5 times more often.²⁹ Aboriginal women represent 29% of women in federal prisons while they account for only 2% of the female population in Canada.³⁰ Racism is one of the ongoing effects of colonialism. The trend of double charging in domestic abuse cases is part of the reason why women's "crime" is considered to be on the increase. Aboriginal women especially are charged due to reacting to abuse.

The situation of Aboriginal women in Canada is evidence of racism, classism and sexism at work. Their communities are often ravaged by unemployment, which is a stronger motivation for criminal behaviour than is women's "newfound freedom". Equality has not been achieved, hence, it is not a cause of increased female crime, rather systematic inequality bolsters lawbreaking.

Minority women are faced with at least two kinds of discrimination, sexism and racism. Many are of low socio-economic class as well as a result and are more vulnerable to abuse. Aboriginal women are subjected to assaults that are racially-motivated as well as the violence that unfortunately is not uncommon among all women.³¹ This illustrates how race and gender discrimination can be compounded.

Aboriginal practices strengthen connections with others, with children and with oneself. Such feelings of acceptance can lead to healthier and more supportive lifestyles, although this is not to say that that alone will overcome discrimination and oppression. Protracted and systematic racism is a huge barrier in avoiding criminalization.

²⁹ *Facts & Figures*, p.4

³⁰ *Fact Sheet*, p.6

³¹ *FactSheet*, p.15

Education and Vocational Opportunities

Partly due to the expectation that women will leave work to have children, they form the majority of part-time workers. The average woman sent to prison was unemployed upon arrest and the employment records such women have tend to be in jobs that are unskilled and pay minimum wage.³² Thus, women earn less than their male counterparts and are less often eligible for benefits.³³ As the social safety net is being shredded, the need for benefits is dire and yet out of reach for many women, whether they have children or not. Women who do have children are less likely to be employed at all than women without children.³⁴

With less than a grade nine education, the average woman in prison has few opportunities to improve her situation upon release. In addition, the implications of having a criminal record are far-reaching because of the misconceptions and stereotypes surrounding women who have come into conflict with the law.

Stereotypes and Myths

Besides concrete disadvantages such as racism, classism and abuse, stereotypes and myths about women, particularly women lawbreakers, abound. These stereotypes serve as barriers to women attempting to enter the working world or move up in it, as well as potentially barring them from proper education and adequate health services.

³² *Facts & Figures*, p.3

³³ *Fact Sheet*, p.17

³⁴ *Fact Sheets*, p.2

One common stereotype about women in general but that particularly affects certain criminalized women is the virgin/whore dichotomy. This is the idea that a woman can only fit into one of two categories- the good woman or the bad woman. The virgin/whore myth is often used to explain prostitution. Only “bad” women are prostitutes, ones that are overly sexual, promiscuous and even evil. Such a stereotype neither takes into account that men are the main clients of prostitutes are, nor that prostitution is more often a means of survival when not many others exist for some marginalized women. Women sell themselves as a survival technique, not out of an innate promiscuousness, or defective personality. The fact is, society often values women more for their sexuality than for their skilled labour.³⁵

Another common stereotype about women and crime is that as women’s emancipation spreads or increases, so too do women’s crime rates. However, there is no proven correlation and no way to measure one anyway, of women’s crime increasing parallel to their parity levels. In addition, crime rates tend to reflect simply who the police are targeting at the time and obviously only crimes where people get caught. H. Boritch, a professor in the Department of Sociology at the University of Alberta, writes about the reasons why women are less often involved in crime, despite their changing place in society. She says that women’s crime has increased slightly, but remains different in its patterns from male crime. American criminologist Cathy Spatz Widom contends that the increasing crime rate statistics for women should be considered in light of the new challenge that feminism poses to the social order. Such things as which

³⁵ Johnson, H. ; Rodgers, K.; (1993). “A Statistical Overview of Women and Crime in Canada”, in Adelberg, E. & Currie, C. eds., *In Conflict with the Law: Women and the Canadian Justice System*. Vancouver: Press Gang Publishers. p.101.

crimes get reported, how often charges are dropped and who the police may be targeting needs to be noted.

There is not enough research into any aspect of women's criminalization, as such research has only recently begun mainly in the 1990's, and there is definitely a need to explore crime as a form of resistance and female criminals relation to feminism. More often, women are studied as victims and not as perpetrators and the fact that the line is very blurry is usually unacknowledged even by feminists and criminologists. One commonly ignored feature of women's studies is that of feminist criminologists giving much more "attention to women's victimization rather than their lawbreaking because it is more easily linked to patriarchal relations of power." (p.14. Daly and Chesney-Lind 1988, paraphrased in Hannah-Moffat and Shaw, 2000) The secrecy surrounding correctional regimes is another possible reason why women's criminality is often underrepresented in feminist research and academia.³⁶

Part of the reason why women's lawbreaking has not been studied as much as men's, is that they are far fewer. This is in addition to the sexism and the androcentricity that prevails. Due to the lack of understanding of the issue and the overrepresentation of men in prison another stereotype is fueled; that women who break the law are masculine and butch. While there is nothing wrong with being masculine or butch, it is not the case that female offenders are either any more than other women.

The way stereotypes work is to simplify and reduce the issues surrounding crime to place the responsibility squarely on the shoulders of the lawbreaker. A narrow view of

³⁶ Hannah-Moffat, K; Shaw, M. (2000). *An Ideal Prison: Critical Essays on Women's Imprisonment in Canada*. Halifax: Fernwood Publishing.

criminality is one which expounds the idea that people commit crimes solely due to personal character defects and moral lapses.

The identity of a violent female offender is a social construction based on two stereotypes- that of the helpless victim or the evil villain. The weak, submissive, peaceful stereotype of a woman is pushed in our capitalist, patriarchal society in order to reproduce itself and to maintain the status quo. This has to do with the division of labour and women and men's roles in society. Despite that violence is not generally considered a positive thing, it is however, linked with men and control and power. To allow that women can also be violent is to allow that they may be powerful and a challenge to the current order of things.³⁷

Elizabeth Fry Societies' Services in the Broader Socio-Political Context

The lack of funding for non-profit agencies dampers their effectiveness. That it is predominately women who volunteer and work in the third sector at such low-paying or non-paying jobs is telling. "Women's work" is traditionally underpaid and undervalued. Through a constant struggle to survive, non-profit women's centers often lose their ability to be proactive and advocate and rather must be solely reactive. This undermines their feminist values, which are to challenge the status quo and bring forth change in society.

Some of the services available from most of CAEFS member agencies are anger management, stop shoplifting, art therapy, court work, counseling, pre-release

³⁷ Corsianos, M. & Train, K.A. (1999). *Interrogating Social Justice: Politics, Culture and Identity*. Toronto: Canadian Scholars Press Inc.

programming, probation and parole services and advocacy. More funding for services is required but never guaranteed partially because this type of philanthropy is atypical in its plight to raise money and awareness for reform. The misconceptions about women's guilt and blame are abundant, as is the tendency to view women's lawbreaking as a purely personal shortcoming, rather than a larger societal issue.³⁸

The Peterborough Elizabeth Fry Society, for example, depends on monies raised through running Bingos, grants, an annual run and individual donations which of course are rare. Non-profits effectively are made to compete with each other for funds from granting agencies which is counterintuitive and problematic.

Alternatives to Prison

The culmination of societal problems can be viewed in prisons.³⁹ In prison, the invisibility some women face as members of minority groups and low socio-economic class is compounded when they are shut away from the rest of society. It is an institution that was designed with men in mind and women's specific needs are not met there.

The criminal justice system need not be the only place to deal with crime and it should be a last resort. Community based work options, or particular programming geared at job skills as an alternative sentence to women would be very valuable. First time offenders especially could benefit from such a program as it would allow them to avoid having a criminal record which limits future possibilities for employment.

³⁸ Sangster, J. (2004). *Reforming Women's Reformatories: Elizabeth Fry, Penal Reform, and the State, 1950-1970*. "The Canadian Historical Review." The University of Toronto Press. 85.2. pp. 227-252.

³⁹ Norwich, M. (1997). *When Will Prison Reform See the Light of Day?* "Herizons." Winnipeg. Vol.11, Issue 2, p.24.

Community based alternatives to prison are not only more just and likely to prevent recidivism, but they are also more cost efficient. Options such as bail supervision, probation and community supervision work orders cost between \$5 and \$25 a day while incarcerating a woman in Ontario provincial institutions costs \$138 per day in 2001-2002.⁴⁰

Long-term Goals

Elizabeth Fry believed that women needed to learn skills for gainful employment and that is still a necessary part of the reintegration process. Although prison is not the ideal place to learn job skills it would be better that such programs were in place in every prison to begin to remedy the women's circumstances. A job skills program would be useful along with other optional classes and services like counseling, parenting classes and more to alleviate boredom and depression and promote reintegration upon release.

Ideally, Elizabeth Fry Societies should maintain several transitional housing units within their district to provide accommodation for women reentering the community after incarceration. As well, Elizabeth Fry could provide funds or bursaries for women seeking to upgrade their education. Within every local society there ought to be at least one permanent volunteer coordinator, at least one full time court support worker, an executive director, a president, a treasurer, a bookkeeper and a large body of volunteers. It would be fitting if Elizabeth Fry Societies had enough funds to employ some of their clients in various capacities in order to help them build up their resumes and experience

⁴⁰ *Fact Sheet*, p.1

and give them some money. These goals however, are very distant and almost unattainable due to chronic under-funding.

Cutbacks in healthcare and social services, along with the increased institutionalization and monitoring of women's lives have made reintegrating women into their communities more challenging and are likely the cause of much of the lawbreaking to begin with. Affordable childcare is one area that is sorrowfully lacking in Canada and thus if Elizabeth Fry Societies could provide subsidies for women in the community to attain daycare for their children that would be ideal. The burden should rest with the federal government, however, the government has been shirking its responsibilities to citizens with the dismantlement of the welfare state and the progression of the neo-liberal regime.

Recommendations

As women tend to be the primary caregivers and there are many single mothers, free, national childcare is imperative in order to allow some basic level of equality between the sexes so that women have a better ability to pursue jobs.

The high incidence rates of abuse among these women points to a need for gender specific programming both in jail and in communities.⁴¹ There is a powerlessness enveloping many women in conflict with the law which began with childhood abuse and is coupled with a sense of invisibility as a marginalized person socio-economically. This is reinforced by being further hidden in prisons. There is a need to counteract the sense of powerlessness women experience from the criminal justice system and the stigma

⁴¹ *Facts & Figures* p. 2

attached to them because of it. Programs that stress empowerment and positive change are necessary.

Unique programming for Aboriginal women in institutions is essential and other women can benefit from such models as well. A commitment to include Aboriginal ways of life into practices, having Aboriginal steering committees in the organization, and alternative recruitment processes for organizations is necessary to begin to reverse the overrepresentation of Native women in prison.

Finally, there is a need to ensure that suitable caregivers are available for children of mothers who are incarcerated. In addition, visiting and parenting programs (namely for those who may be at risk of abusing their children) and planning for reintegration upon release are important. Methods of avoiding recidivism to minimize the effects of separation on children, and the importance of early intervention into the family system to prevent women from coming into conflict with the law in the first place are imperative.

Conclusion

All of the factors affecting women's likelihood of committing crimes are related and linked. The problems faced by federally and provincially sentenced women are present everywhere, in every community in Canada. Poverty, violence against women, racism, underemployment and unemployment are widespread and pervasive and urgently need to be changed. Basic human needs have to be met before a person can thrive.

Policies need to address social, cultural and economic factors that steer women into crime, rather than simply enforcing stricter sentences or pouring more money into

punishment. Mental health problems must be acknowledged without shame and blame attached to them. The particular healthcare needs of this vulnerable segment of the population must be met if any healing and change are to occur.

More broadly, societal values must be reviewed to allow all women to exist in their complexities, and not to simplify them to fit the stereotypes. More funding needs to be allocated for social programs and research. Education and understanding are key to overcoming the discrimination and stereotyping of women in conflict with the law as well as redistribution and redress. Systematic inequality promotes lawbreaking and thus systematic inequality needs to be on trial, not women.

The Elizabeth Fry Society of Peterborough

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Assists Women in Conflict with the Law:

- Provides counseling
- Runs programs like stop shoplifting
- Does advocacy work
- Provides court support

Did You Know?

- 80% of women are imprisoned for economic crimes
- Only 15% of adults under correctional supervision are women
- More than 75% of federally sentenced Women have been abused as children

Criminalized Women Are Often:

- Young
- Poor
- Survivors of abuse
- Many are mothers
- Subjects of racism
- Uneducated
- Unemployed

How You Can Help:

- Educate yourself on the issues
- Do not be part of racism, sexism or any type of prejudice
- Be critical of media & stereotypes
- Write letters and ask questions
- Volunteer at the Elizabeth Fry Society

Literature Review

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Annotated Bibliography

Adelberg E. & Currie, C. (1993). *In Conflict with the Law: Women and the Canadian Justice System*. Vancouver: Press Gang Publishers.

This book challenges the notion that women's crime rates increase parallel to women's level of emancipation and parity. American criminologist Cathy Spatz Widom contends this by pointing out that many female offenders tend to be conservative compared to other non-offender women, and certainly cannot be characterized as radical feminists. The increasing crime rate statistics for women should be considered in light of the new challenge that feminism poses to the social order. Such things as which crimes get reported, how often charges are dropped and who the police may be targeting needs to be noted.

The very definition of crime changes depending on where and when one looks in history. (i.e. prostitution and abortion have at various times been crimes). Criminologists understanding of female crime has been limited, and often contradictory, as exemplified by the physiological explanations of women's crime. Such things as premenstrual syndrome or, on the other hand, the lack of "feminine" qualities, like passivity, are seen as precursors to women's involvement in crime. This conceals a stereotype of men as well- equating masculinity with a predisposition to crime. The authors argue that not only is the question of gender too often ignored, but also that of class and race. The situation of Aboriginal women in Canada is evidence of racism, classism and sexism at work. Aboriginal women are far overrepresented in prisons across Canada considering

they are relatively few in the entire Canadian population. Their communities are often ravaged by unemployment, which is a stronger motivation for criminal behaviour than is women's "newfound freedom". Equality has not been achieved, hence, it is not a cause of increased female crime, rather systematic inequality spurns lawbreaking. As one of the authors in the book writes, "...we need to look beyond the formal sanction of the criminal law to understand the oppression of women." (p. 227, S. Gavigan cited in Adelberg E. & Currie, C., 1993)

Awakening the Spirit: A Process for Change. (1995). Unpublished evaluative project undertaken by the Elizabeth Fry Society of Edmonton.

This qualitative inquiry into the difference Aboriginal cultural spiritual events make for women in trouble with the law and for their children was undertaken for the purpose of influencing future programming of Elizabeth Fry Societies. It does not follow the typical format of academic essays, because it highlights the different approaches Aboriginal cultural groups may take in looking at women in conflict with the law. To exclude such inquiry would be to devalue a different conception of knowledge making and understanding. From this study comes the insight that there is a need for unique programming for Aboriginal women in institutions but also that they can be beneficial to other women as well. The evaluation compared the effect Aboriginal cultural spiritual practices (such as campouts and sweats) had on different women: Aboriginal women raised in white homes, Aboriginal women with traditional upbringings and federally or provincially sentenced white women. Aboriginal practices strengthen connections with others, with children and with oneself. Such feelings of acceptance can lead to healthier and more supportive lifestyles, although this is not to say that that alone will overcome

discrimination and oppression. Some recommendations this inquiry made for the Elizabeth Fry Society and for all people who work with women in contact with the law, are the need for a commitment to include Aboriginal ways of life into practices, having Aboriginal steering committees in the organization, and an alternative recruitment processes for organizations.

Boritch, H. (1996). *Fallen Women: Female Crime and Criminal Justice in Canada*. Toronto: ITP Nelson. pp. 219-237.

Boritch, a professor in the Department of Sociology at the University of Alberta, writes about the reasons why women are less often involved in crime despite their changing place in society. She says crime committed by women has increased slightly, but remains different in its patterns from male crime. The book includes an overview of female crime, explanations for it and a critique of the biological account from the historical to contemporary. The pathologizing effects on female criminals through their recycling through the system is mentioned along with the effects of socialization, and women's victimization in contemporary Canadian society. The book more broadly takes a look at perspectives on gender: conservative, liberal, Marxist, radical and socialist. It compares women in the beginning of their journey through the criminal justice system to what is often the result: women in prison. It is very in-depth and suggests future policy options.

The fact that many women are simultaneously victims (or survivors) of crimes and offenders is dealt with in this book.

Comack, E. (1996). *Women in Trouble*. Halifax: Fernwood Publishing.

Comack, a professor at the University of Manitoba in the Sociology Department, addresses the issue of how so many women in prison were physically and sexually abused as children and often subsequently became involved with abusive partnerships as adults. The book attempts to draw attention to both the high occurrence of abuse among these women and also the invisibility they face; first as members of minority groups, low socio-economic class, poorly educated or young mothers, (or a combination of such risk factors) and again as inmates that are shut away from the rest of society. Comack illustrates this through stories of actual women in conflict with the criminal justice system. Professor Comack has also published a book with Gillian Balfour, President of the Peterborough Elizabeth Fry Society called *The Power to Criminalize: Violence, Inequality and the Law*.

Corsianos, M. & Train, K.A. (1999). *Interrogating Social Justice: Politics, Culture and Identity*. Toronto: Canadian Scholars Press Inc.

This book looks at the relationship between identity and criminality in Canada. It suggests that the identity of a violent female offender is a social construction based on two stereotypes- that of the helpless victim or the evil villain. The weak, submissive, peaceful stereotype of a woman is pushed in our capitalist, patriarchal society in order to reproduce itself and to maintain the status quo. This has to do with the division of labour and women and men's roles in society. Despite that violence is not generally considered a positive thing, it is however, linked with men and control and power. To allow that women can also be violent is to allow that they may be powerful and a challenge to the

current order of things. Various feminist accounts of women and crime throughout the 20th century are included as well.

Council of Elizabeth Fry Societies of Ontario, Canada. (2003). *Facts & Figures*. World Wide Web. Accessed on 8/25/2005.
www.web.net/~efryont/facts&figures.html

This website focuses exclusively on provincially sentenced women. The fact sheet identifies a need for more research in the development of a profile of women in prison, particularly in Ontario. It reiterates what the larger studies have shown; that women make up only a small portion of people in correctional centers, nationally and provincially. It illuminates some things that other readings take for granted, such as the fact that most women in provincial custody are not just under sentence but on remand or waiting for transfers to other facilities or federal custody. Female offenders are less likely to recidivate, tend to be more socially and economically marginalized and have higher needs than male offenders. The figures are particularly helpful as they are very up-to-date.

Cunningham, A.& Baker, L. (2003). *Waiting for Mommy: Giving Voice to the Hidden Victims of Imprisonment*. London: Centre for Children and Families in the Justice System.

The methodology for this study consisted of two different surveys, interviews with children and adolescents who had mothers that had been in prison, and a review of current program models. The surveys were distributed through the Elizabeth Fry Societies in Toronto and in Peel/Halton and Elgin Middlesex. The first component of the study involved a survey of incarcerated mothers with children under 18. These 40

women had completed on average of 12 weeks in custody. The next part of the study consisted of surveying mothers recently released from provincial custody. The main component of the study engaged children and adolescents of women who had come into conflict with the law. Unfortunately, the sample size was very small: only 6 children and one adolescent were interviewed.

Some interesting findings of this study are that parental separation due to incarceration has different effects on children than separation caused by other reasons. Furthermore, separation due to maternal incarceration is more destabilizing for children than when the father is imprisoned because of the emphasis on mothering over fathering. Often, there are already stresses within a family before the mother comes into conflict with the law and these stresses are exasperated by the criminal justice process. An examination into the various impact this has on children, according to their age, is undertaken as is a look at the factors of the current system that minimize the impact of a mother's incarceration. There are many program model suggestions regarding information, visiting, mentoring, and intervention. There are recommendations made based on the findings, such as alternatives to incarceration, and the need to better ensure that suitable caregivers are available for children. In addition, visiting and parenting programs (namely for those who may be at risk of abusing their children) and planning for reintegration upon release are stressed. Methods of avoiding recidivism to minimize the effects of separation on children, and the importance of early intervention into the family system to prevent women from coming into conflict with the law in the first place are also suggested.

This study is useful to look at what programs are in place at the local Elizabeth Fry Society and how they compare to some of the recommendations made in the study. A breakdown of age and effects on children of incarcerated mothers is included.

DeKeseredy, W. (2000). *Women, Crime and the Canadian Criminal Justice System*. Cincinnati, OH: Anderson Publishing Co.

This essay is about the way the Ontario Provincial government, specifically the Harris government but also political parties in general, “deal” with the issue of crime. The author argues that politicians offer simple solutions that sound convincing but are hollow and misinformed. DeKeseredy, a professor who specializes in the study of violence against women at the University of Ontario, touches upon policy issues that are effective and others that are ineffectual and based on stereotypes. The author argues that policies need to address social, cultural and economic factors that steer women into crime, rather than simply enforcing stricter sentences or pouring more money into punishment. An important note the author makes is that “government spending is always directly related to political priorities.” (p. 129, DeKeseredy, 2000) Also, the criminal justice system need not be the only place to deal with crime. Four main factors in female involvement in crime are detailed in the essay: family violence, woman abuse in dating, poverty and unemployment.

Dell, C. (2003). *Kim Pate: A Canadian Activist Working With and On Behalf of Criminalized Women and Girls*. *Women & Criminal Justice*. Binghamton. Vol. 14, Issue 4; pg.13.

This article on Kim Pate, long-standing Executive Director of the Canadian Association of Elizabeth Fry Societies (CAEFS) is about her commitment to working with and on behalf of girls and women in, or at risk of being, in conflict with the law. Her impact on the Canadian Criminal Justice system and her efforts to enact penal reform are impressive and inspirational. This article is useful for its detailed and personal nature- it shows a cycle of women being energized and mentored by one another. Pate's mentors, Anne Derrick and Christine Boyle are distinguished Canadian feminists and Dell refers to Pate as her own mentor. Pate is a lawyer, teacher, activist and to read about her achievements is to read about the history of penal reform in Canada in the last 20 years because she has been so heavily influential and involved in it.

Elizabeth Fry Week 2005-Fact Sheet. World Wide Web. Accessed on 8/25/2005.
<http://www.elizabethfry.ca/eweek05/factsht.htm>

This fact sheet comprises many different aspects of women and prison. The high fiscal costs of prison compared to the low costs of community-based options like probation, bail supervision and community supervision work orders. The importance of community options is detailed with bulleted facts including that women are less likely to be employed than men, regardless of their education, and even more so if they have children. Also, that there is inadequate day care possibilities is emphasized. Despite the importance of work skills for reintegration into the community, women prisoners have few opportunities to gain such skills while incarcerated; these women, however, are the ones most in need of it as only approximately 50% of them have progressed beyond ninth grade, while for the general population of adult women the number is more than 80%.

The increase in crime, which the media and politicians often exaggerate, can be attributed not to the women's liberation movement as has actually been suggested, but rather to the cutbacks in healthcare and social services, along with the increased institutionalization and monitoring of women's lives. Actual crime rates have been dropping while perception and fear of crime has been on the rise.

This fact sheet goes on to delineate the statistics of women in prison, social conditions, abuse, trauma and violence against women and its effect on women's and health, economic position and susceptibility to breaking the law. This material is useful because it connects women in the general population to women at risk or who have already come into conflict with the law, through an examination of the factors that increase the likelihood of lawbreaking and how they are present everywhere, but are compounded for certain groups.

Faith, K. (1993). *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang Publishers.

Faith, a criminology professor at Simon Fraser University, brings up an important point about criminalized women who are mothers; their status as criminal is first and foremost in the eyes of the law and more generally, society. It is a commonplace presumption that a woman who has stolen, prostituted herself or been on drugs is an unfit or bad mother. That many women have committed crimes in order to support their children is often unacknowledged. Much attention has been paid to the effects of the incarceration of men, as husbands and fathers on their families, with support services provided, but the same is not true of wives and mothers. Yet, more incarcerated women

are mothers than incarcerated men are fathers. Furthermore, women are single parents more often than men. Faith also explains the origins of women being separated from their children due to incarceration; it is due to the reformers of early British prisons for both administrative and moralist reasons. The current situation is exacerbated by the fact that there are few prisons for women (as few crimes are committed by women) and so in Canada a woman may be institutionalized far away from her children, making visitation more difficult. Very few women's institutions in Canada allow women who give birth while serving a prison sentence to keep their infants with them. Faith's thesis is that whatever crimes a woman may have committed, it is unjustifiable to separate her from her children unless she is proven to be unfit as a mother. Faith does express that not all women want their children with them as prison can be a degrading environment.

One particular chapter that is relevant to the study of criminalized women in Ontario, is the one on the Grandview School for Girls. Often Native women's experiences in the criminal justice system are ignored or misrepresented. Native women are overrepresented in prisons, and in fact, one thing this essay puts forth is that some of these girls who attended the school later ended up at the Prison for Women in Kingston. These girls were in an institution where they were being punished for "unmanageability, potential for sexual immorality and running away" among other things. (p. 248. K. Faith, 1993) It just underlines the cyclical and systematic nature of criminalization and oppression in Ontario and is necessary to think about in order not to exclude the most over-represented group of women in prisons in Canada.

Hannah-Moffat, K. (2004). *Losing Ground: Gendered Knowledges, Parole Risk, and Responsibility*. "Social Politics." Oxford University Press. Volume 11, Number 3. pp.364-385.

According to Hannah-Moffat, assistant professor in the Department of Sociology at the University of Toronto, there are four factors used by the Canada's National Parole Board to assess risk, in such matters as parole decision making and the perceived likelihood of recidivating: criminal history, victimization, mental health and responsibility. (p. 2. Hannah-Moffat, 2004) Institutionalized gender strategizing results in policies that reframe issues such as mental health and trauma into vocabularies of "responsibility" and "choice", part of the neo-liberal discourse. While efforts to reform the National Parole Board's risk assessment process, to make it more sensitive to women's needs have been made, these changes tend to be tacked on and Board members are not necessarily incorporating them into their discretionary decisions. As the author elucidates, "The absence of concrete guidance on how to use and integrate gendered knowledge with existing law and policy produces inconsistencies and confusion." (p. 367. Hannah-Moffat, 2004) This journal article shows how decisions and policies implemented from the top down are not always made by people in tune with women's needs at the bottom, where they are vulnerable to the real risks of poverty and racism, and sometimes see no other "choice" than to break the law.

Hannah-Moffat, K. (2001). *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*. Toronto: University of Toronto Press.

Hannah-Moffat explores institutional power relations and how the system is resistant to reform. She does an empirical analysis of expert, non-expert and other forms

of knowledge which she claims affect strategies of imprisonment. She reviews a history of social reform techniques, namely Christian mothering/maternal treatment and Elizabeth Fry's (the woman) own methods. She discusses the instatement of separate prisons for women which were based on maternal strategies and whether or not such strategies work. Also, the effect of feminist reformers and the goal of empowerment is talked about. Most importantly, she delineates the growth of Elizabeth Fry Societies which contextualizes how their ideals have progressed since their inceptions. Finally, she charts some of the implications of neo-liberal governance on incarcerated woman, notably the trend of "responsibilization."

Hannah-Moffat, K; Shaw, M. (2000). *An Ideal Prison: Critical Essays on Women's Imprisonment in Canada*. Halifax: Fernwood Publishing.

The book begins by explaining that the feminist agenda is concerned with social change for women but that tackling change in the justice system has been slower than in other areas of social policy. The author goes on to elaborate that historically there have been few theories put forth to explain female crime and those that were put forth were stereotyped and based on biological constructions. Such stereotypes of women as pathological, demonical and sexually depraved were common. All of these theories lacked insight into any substantive differences in the social status and economic positions of men and women. The consequences of such omissions were at both the offending level and the administration level as no one took into account why women might commit crimes or how they might need to be dealt with in a different manner than men. The book illuminates the attempts of early feminist critiques to finally use standpoint theory to examine women's experiences with crime and deviance starting in the 1970's. The

evolution of feminist theories continues with the mention of later feminists' attempts to incorporate racial and cultural experiences, age, ability and sexual orientation on women's lives as a response to the criticisms of North American and Western European feminism's tunnel vision. Most importantly, this is one of the few books that begins to detail a commonly ignored feature of women's studies- that of feminist criminologists giving much more "attention to women's victimization rather than their lawbreaking because it is more easily linked to patriarchal relations of power." (p.14. Daly and Chesney-Lind 1988, paraphrased in Hannah-Moffat and Shaw, 2000) Another reason given for the absence of women in criminology is the loss of public interest in cases (if they even do manage to arouse public interest in the first place) after the trial. The secrecy surrounding correctional regimes is cited as a further basis for why women's criminality is often underrepresented in feminist research and academia. The book offers ideas on reforming taken-for-granted ideals, considers Aboriginal women's unique circumstances, discusses disorders and dependencies in female prisoners, the governing of female inmates by psychological sciences and, notably, an essay on feminist therapy in prison by Gillian Balfour, the President of the Elizabeth Fry Society of Peterborough.

Ignagni, S. (2001). *Needs Assessment of Women with Matters Before the Criminal Court in Peterborough*. Unpublished document prepared for the Elizabeth Fry Society of Peterborough in partnership with the Trent Centre for Community-Based Education and Trent University.

This needs assessment was undertaken by a Trent Centre for Community Based Education placement student at Elizabeth Fry several years ago. It involved interviewing local women who had matters pending before the Criminal Court in Peterborough. Research on provincially sentenced women is hard to find (information on federally

sentenced women is more readily available), so this very localized look at women in conflict with the law is of interest. Ignagni interviews local women to see who are eligible to use the services offered, and whether or not they are accessing them. She covers such areas in her questionnaires as lawyer-client relationships, education and training, income and employment, housing and food, parenting, addictions, stress and instances of abuse. From the highlights of the survey findings in this needs assessment clearly indicates, the problems faced by federally and provincially sentenced women are present everywhere, including this community. This helps illuminate the widespread and pervasive nature of issues such as poverty, violence and discrimination. Ignagni makes recommendations as well, one of which is that the local Elizabeth Fry Society attempt to achieve greater visibility within the community. Education and understanding are key to overcoming discrimination and stereotyping of women in conflict with the law.

Mohr, R. (1995). *Sentencing as a Gendered Process: Results of a Consultation*. In Larsen, N. (Ed.), "The Canadian Criminal Justice System". Toronto: Canadian Scholars Press Inc.

Mohr writes about sentencing reform efforts in Canada. She explains that historically they have been gender-neutral. This led to androcentricity, overgeneralization and gender insensitivity which results only in formal, and not substantive, justice. She focuses mainly on judges and magistrates who may not take any individual differences into consideration upon sentencing a person, or worse yet, be biased against them due to race, class, age. However, often gender is left out of the discussion in sentencing reform forums, even when race, class, age, etc. are taken into account. Mohr emphasizes what many other authors on the subject have said, that

traditionally women were considered too few to be significant. The starting point for a thorough reform should include women's experiences and voices. One reason this essay is particularly pertinent is that it discusses a study conducted by the Canadian Association of Elizabeth Fry Societies. From this study, it was learned that despite the vastness of the country, and the differences in community size throughout, the major issues raised were the same from the West to the East. The three primary areas in need of change, as stated by the directors or board members of 18 of the 19 Elizabeth Fry member agencies that responded, were education, communication and social services. There is an obvious "reality gap" between social values and women's actual experiences. This is not only within the criminal justice system, but is part of a general lack of understanding the social significance of gender in Canada more broadly.

Norwich, M. (1997). *When Will Prison Reform See the Light of Day?* "Herizons." Winnipeg. Vol.11, Issue 2, p.24.

This article deals with how women in prison are a hidden segment of the Canadian population. There are less prisons for women than there are for men, as there are less female offenders than male. Thus, prisons for women tend to be few and far between and as a result, the women placed incarcerated in them are often far away from their own families and communities. Most of the women serving sentences in prison are there for property offences, not violent crimes. There has been a change in focus among many activists from maintaining or ameliorating conditions in prisons to preventing women from having to enter them in the first place.

Prison is described in this article as a place to view the culmination of societal problems. The majority of federally sentenced women have been physically abused, although in the case of Aboriginal women specifically that number is highest. The need for healing is much more prominent than the need for further punishment. These issues are brought to light after the episode at the former Prison for Women in Kingston in 1995, when eight female inmates were brutally stripped and cavity searched by male guards. Rarely is the general public made aware of the existence of incarcerated women, let alone are they normally interested in upholding the human rights of prisoners. Out of this infraction and subsequent media attention, came the Arbour Report, by Justice Louise Arbour. The report contained many recommendations for prison reform, most of which have been ignored and forgotten, much like the women themselves. This essay is interesting because it looks at the case of incarcerated women through the lens of human rights discourse. There is a great need for a change in perception about women in conflict with the law; often there is a misconception that by breaking the law, one loses any recourse to basic human rights, which simply is not the case.

Pollack, S. (2003). *Focus-Group Methodology in Research with Incarcerated Women: Race, Power and Collective Experience*. "Affilia." Volume 18, Issue 4, pp.461-472.

Feminist researchers use focus groups to understand the collective nature of marginalization and criminalization in women. Group work helps shift power to participants, wherein it typically lies with the researcher. To lend some balance in power relationships makes understanding the unique circumstance of female inmates easier as

they are more likely to open up. Focus groups were used in conjunction with the more common individual interviewing style, which can sometimes individualize societal problems and “pathologize” women. This essay deals specifically with Black Canadian women in prison, a group very often ignored in an already uncommon subject area. (Women in conflict with the law.) Black Canadian women are overrepresented in prison, as are Aboriginal women and cultural minorities in general. This article explores race, gender, sexuality and class dimensions, which are layered and are factors in oppression and, in turn, affect the likelihood of lawbreaking. This focuses very much on the common collective identities of women in prison. They tend to be young, with little formal education, poor, uneducated, from a minority group (because belonging to such a group involves protracted and systematic racism) and were often abused as children and formed abusive relationships as adults. In keeping in mind the question, “Who are criminalized women?” the author maintains a broad perspective. She says women are subject to “...the connections between socioeconomic and gender marginalization and how resistance to these circumstance may lead to criminalization.” (p. 3. Pollack, 2003) Resistance to state-endorsed dependence, conscientiously or not, may lead to illegal behaviour and thus an evaluation of racism, however subtle or dormant it may be, is in order within the penal system. (p. 9. Pollack, 2003)

Reeve, P., et al. (1996). *Working Effectively with Women in Conflict with the Law*. Unpublished Manual.

This manual combines the knowledge of many contributors, from corrections and security officers, social workers, prison reformers, activists, nurses and others who work

with women in conflict with the law. That it is focusing mainly on Ontario is especially beneficial for my essay. It initially takes a historical perspective of female offenders in Ontario and states how only recently have the issues particular to female prisoners been brought to light, namely in the 1990's. It goes on to outline the current institutional program needs and details some of them, such as anger management. Further, it gives guidelines for staff supervision that are feminist and respectful of the women and their health care issues. Particularly useful are the chapters on mental illness, eating disorders and lesbian and bisexual female offenders, as these are areas not covered by many other books. This manual is primarily meant for women working with female offenders, while some of the other manuals, articles and books are simply *about* them from a critical, academic (dis)stance.

Sangster, J. (2004). *Reforming Women's Reformatories: Elizabeth Fry, Penal Reform, and the State, 1950-1970*. "The Canadian Historical Review." The University of Toronto Press. 85.2. pp. 227-252.

This journal article by Trent University professor Joan Sangster is about the origins of Elizabeth Fry Societies, their original intentions and the changes that have taken place. It captures the fluctuating place Elizabeth Fry Societies have held in the history of Canadian women and the feminist movement. Both maternalist and feminist rhetoric is considered within the context of historical and ongoing penal reform. The fact that this type of philanthropy is atypical in its plight to raise money and awareness for reform is discussed- a fact often forgotten. The misconceptions about women's guilt and blame are abundant, as is the tendency to view women's lawbreaking as a purely personal shortcoming, rather than a larger societal issue. Sangster's article includes an analysis of

women's criminality, advocacy and recommendations for reform, particularly on behalf of Native women, and a critique of the state.

Wine, S. (1992-93). *A Motherhood Issue: The Impact of Criminal Justice System Involvement on Women and Their Children*. Corrections Branch, Ministry of the Solicitor General of Canada.

This report was prepared for the Corrections Branch of the Ministry of the Solicitor General of Canada and it addresses the issues that surround motherhood and imprisonment. There was a need to recognize the special circumstance of incarcerated women who have children, due to their likelihood of being the primary caregiver. The report is based on forty-one female interviewees at various stages in the criminal justice process who were referred to the author mainly by the Elizabeth Fry Society. All of them were mothers. The issues discussed are the custody of children, how children are affected by their mother's involvement in the criminal justice system, the reasons for the mothers committing crimes and the mother-child relationship prior to the infraction with the law. Many criminalized women are mothers, and the implications of this are far-reaching. Wine further explores the relationship between motherhood and criminality through such issues as different living arrangements, how easily can these women transition back into the community and into family life, the sense of powerlessness women experience upon entering the criminal justice system and the stigma attached to them because of it. Lastly, suggestions for improvement, assistance and reform are made in areas of physical and psychological health for the women and their children, programs that may be beneficial if provided while the women are incarcerated and afterwards, in

the areas of education and counseling. Recommendations for amelioration of circumstances within prisons for women's access to their children are also made.

Worrall, A. (1990). *Offending Woman: Female Lawbreakers and the Criminal Justice System*. New York: Routledge.

This book examines claimants of "expert" knowledge concerning female lawbreakers and the effect their claims have on these lawbreakers when the knowledge is translated into policies. Expert knowledge is held high in law, yet Worrall questions the neutrality of the justice system, namely in the case of "gender blindness". Her account includes a look at the medicalization of crime, which she says has to do with this reliance on expert opinion and truth claims. Scientific discourses are used to "prove" things beyond a reasonable doubt and not leave any room for debate, yet she claims there is a need for checks and balances. Race and class dimensions are also taken into consideration. Real women's cases are used to examine the instance of pathologizing female lawbreakers.

"Pathologizing" occurs when expert after expert informs a person of her or his "problems" until the person sees themselves this way- as sick or a victim, etc.

Worrall claims knowledge is a precondition of power and that female crime is a sort of resistance to programmes of power. Self-regulation, according to her, is evidence of a programme of power working. She questions who has the right to control and intervene in women's lives.

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