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THE “GOOD”, THE “BAD” AND THE “CRIMINAL: A STUDY OF MOTHERS IN
PRISONS

by

Lilja Jonsdottir, B.A.

A thesis submitted to the Faculty of
Graduate Studies and Research in fulfillment
of the requirements for the degree of
Master of Arts
in Canadian Studies

Carleton University

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The undersigned recommend to the Faculty
of Graduate Studies and Research acceptance of the thesis

The "Good", the "Bad", and the "Criminal":

A Study of Mothers in Prisons

submitted by Lilja Jonsdottir, Hons. B.A.
in partial fulfilment of the requirements for
the degree of Master of Arts

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ABSTRACT

Mothers who break the law are constructed as “bad” mothers, and their voices and experiences have been marginalized. This thesis examines some of the issues concerning these “bad” mothers who are in prisons. The ideological construct of the institution of motherhood and the related stereotypes of “good” and “bad” mothers are used to explore the assumptions and goals informing the treatment of mothers in prisons. I look at the ways in which these assumptions and goals have shifted over time while continuing to enforce an idealized notion of motherhood.

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INTRODUCTION

Like all mothers, mothers in prisons are affected by the ways in which society defines, interprets and values motherhood. More specifically, their experiences in the criminal justice system are shaped by the ways in which women's roles as mothers are socially constructed. The ideology of motherhood promotes ideas and images which constitute the dominant ideals of motherhood against which women's lives are judged.¹ The expectations created by these ideals, or stereotypes shape the choices women make in their lives and form the dominant criteria for society's determination of "good" and "bad" mothering.² My main goal in this thesis is to examine how the stereotypes of "good mothers" and "bad mothers", as projected through the institution of motherhood, affect the manner in which mothers in prison are viewed and treated.

Contemporary feminists have only recently begun to acknowledge that racism, homophobia, abuse, illnesses, disability, classism, addiction and incarceration are some of the factors that shape women's experiences of motherhood.³ It is important to examine how mothers parenting in unconventional situations are affected by the images of the good and bad mother, images which are rooted in the institution of motherhood, because this in turn affects the way in which they experience motherhood. The social construction of motherhood is premised on a white, heterosexual middle class model. All mothers are expected to follow

the “good mother” stereotype, a goal which is impossible for most mothers and undesirable for many.

Mothers who break the law are constructed as “bad” mothers by the courts and society in general. Because of this their voices and experiences have largely been marginalized. In fact, the experiences of incarcerated women have received very little public attention. In the past few years, though, the concerns of federally sentenced women in Canada have become more visible, especially with the publication of the 1991 Task Force report, Creating Choices. The mandate of the Task Force was to examine the correctional management and the needs of federally sentenced women from the onset of incarceration until their release.⁴ This Task Force Report brought forth some of the experiences of women in prison, and has been the vehicle for significant changes for federally sentenced women. I will refer to this report throughout my thesis partially because of the changes that are taking place following the recommendations made by this Task Force.

When I was doing some preliminary research on mothers in prisons, the situation of mothers in prisons separated from their children caught my attention. As a mother I felt an emotional connection to the pain these mothers experience upon separation. While I have not been in the same situation, I felt strongly that issues concerning mothers in prisons were receiving little attention within feminist discourse. Therefore, when I first started thinking about my thesis I wanted to focus on the experiences of mothers in prisons. While the 1991

Task Force had allowed incarcerated women's voices to be heard, not enough space was given specifically to mothers and their particular needs. In order to adequately bring forth the experiences of mothers in prisons, interviews with incarcerated women would be essential. However, I came to realize that this would be too big a project for an M.A. thesis, considering both the ethical issues involved, and the difficulties of obtaining access to the women to be interviewed. My volunteer work with the Elizabeth Fry Society as a prison visitor also made me aware of the potential difficulties with conducting interviews.⁵ Interviews would be emotionally draining both for myself and of course for the women themselves. During my prison visits I realized that many of these women had personal, legal and other difficulties to sort through and I was worried that a project like mine would be perceived as being pretentious, if not patronizing. Hence, my focus shifted from the direct experiences of mothers in prisons to the more theoretical aspects of the institution of motherhood.

As my project evolved, then, I began to realize that my thesis was developing into something very different from what I had originally intended. The thesis has taken on a much more theoretical tone than I had envisioned perhaps because of the difficulties involved in attempting to discuss experiences which are not my own. Still, I think this theoretical approach has made me more aware of the complexities surrounding the issues that face mothers in prisons. Because of this, I now feel that I would be in a better position to do

interviews if I were to pursue this topic further. Hence, I see my work as a learning process, where, in addition to acquiring knowledge about issues concerning mothers in prisons, I have also had the opportunity to examine my relationship not only to this project but also to motherhood.

MY BACKGROUND

Before I start my discussion of mothers in prisons, I would like to place myself within my work. I am a white immigrant, heterosexual mother of two children. I had my first child at the age of twenty-three, the year before I started my degree in Women's Studies at Concordia University. During this time I received mixed messages about what being a new mother involved, especially a “young unmarried mother”. While I was, and still am, living with my partner, this arrangement was sometimes difficult to explain to people who expected me to be either a single mother or married. During my last year at Concordia I was pregnant with my second child, and in January gave birth to my son. For most of my pregnancy, my fellow students tended to ignore me. They seemed to feel uncomfortable asking about my pregnancy.

Although my experiences may have placed me somewhat on the margins, I still have the

“privilege” of being white, and a heterosexual woman in a relationship. As such, I am not exactly seen as a major threat to the dominant social constructions of motherhood. Nonetheless, I sometimes feel marginalized through my conscious choice not to marry. My experience as a mother who has chosen not to marry has made me aware of how the choices we make as mothers and the situations we are faced with shape our experiences of motherhood.

While enrolled in a sociology course at Concordia, I came across a brief discussion on the treatment of mothers in the justice system.⁶ I had by that time already explored many oppressive places from which mothers parent, but I had never imagined the hardships for women who try to parent while “locked up”. At that point, I decided that this was an area I wanted to explore further.

Shortly after I began my master's program I had the opportunity to do a placement with the Elizabeth Fry Society of Ottawa. This experience allowed me to meet women who are in conflict with the law. For one semester I worked as a workshop assistant at the Ottawa-Carleton detention Centre (OCDC).⁷ The workshops addressed issues such as self-esteem, STD's and anger. I also started volunteering for Saturday afternoon visits at the OCDC. During my placement and volunteer work I kept a journal. The following excerpt from my journal captures a great deal of what I have experienced and learned from my time with the women incarcerated in the OCDC.

SATURDAY NOVEMBER 11, 1995

This Saturday is a day that will probably stay with me forever. I did not write about this visit immediately because I was quite upset, depressed and frustrated for days after this took place. It started out like a regular Saturday visit, we brought in chips, and other goodies, and the women sat around, doing their nails, talking, eating chips and drinking juice and tea. I talked with the Russian woman a bit, her English is getting better, and found out that she and the Polish woman communicate in Russian. Also, one of the other inmates is picking up a few words in Polish. When conflict arises within the dorm a few of the inmates have taken to "protecting" the "foreign" women. An inmate explained that "they" were not like us, stating specifically that they were "good" women and resented when other inmates swore or teased them. [I found out later that the Russian, Polish and the Asian women were arrested for being in Canada illegally, and were most likely to be deported back to their home countries]. One of the women talked at length about how good the atmosphere was in the dorm. Apparently she has been at the OCDC a few times before and found that previously women were not so supportive and friendly as now. I was glad that these women were forming friendships and are taking care of each other. Again I was surprised when I learned that the Polish woman had three children. It still shocks me, all I could think was where are her children?, where is her husband?, are the children being held in custody somewhere? This just blows my mind, I can't imagine being able to deal with this, and

still come out sane!

After two nail polishing and talking sessions, another volunteer and I went to see three women who were being kept in the nursing station. They keep them in three separate cells, apparently in order to protect them, or protect someone in the dorm. Two of them were asleep, which is what I would spend my time doing if I was locked up. We talked to one of them for a few minutes, she seemed to be doing fine, so we headed towards the Young Offenders unit.

There was a seventeen year old woman in the Young Offenders unit, locked up in a tiny cell, with a toilet, a sink and a bed.⁸ We spent about an hour listening to her concerns. She complained mostly about the difficulties of spending 23 ½ hours a day in her cell. It really makes me mad that women are punished more harshly because there are more men than women in prison. It may take her hours to get the attention of one of the prison guards if she wants to use the phone. She is supposed to be allowed outside in the yard everyday but often the guards "forget" her, or they ask if she wants to go outside at eight o'clock in the morning. The boys spend their days watching t.v., playing Nintendo and socializing. She spends her day reading, writing, and crying.

This is the first time that I was very upset about visiting the OCDC, and all I could think was this is "really" unfair. I agree with the decision that women and men should be separated (which apparently is not always the case), but it does not make sense that because women do not commit as many crimes as men that they should be punished more harshly. The manner in which young women are punished, in comparison to young men, does not seem to have changed all that much in the last hundred years. This punishment is ultimately a method of control in which actions of girls who step out of the socially constructed boundaries of what is seen as

“feminine” and “good”, are punished. Once these girls step out of this strictly confined role, they are seen as “deviant”. Society punishes these “deviant” girls and women in different ways, and incarceration is the most extreme form of control.

By placing this young woman at the OCDC in a small cell, all by herself, she is being placed in an extremely restrictive environment, one in which she can hardly move. Her movements are therefore controlled completely. She can not watch t.v. or listen to the radio, therefore her contact with the outside world is eliminated. By placing her in a cell all by herself, all contact with other human beings is not only eliminated but also controlled.

Perhaps this is paternalism at its best? Although the system might consider itself to be in fact acting in the best interest of the girl (by protecting her), it is in fact making her life hell, threatening her sanity, and punishing her essentially for being female. This is perhaps representative of how our society deals with the violent behaviours of men, by making the victims suffer, and by making women feel that they are responsible for men's behaviours. In addition by not admitting, or confronting unacceptable behaviours of men, society almost rewards these behaviours. As in this case, the “problem” is solved by allowing the men to socialize,(I am not saying that their incarceration is completely painless)watch t.v. and play Nintendo. She told us that her mother was taking a leave of absence from her job in order to concentrate on her situation. I can't imagine seeing my daughter in prison, I found spending that time with her extremely heartbreaking, and when I think about her being in there while I sit here at my computer I feel pain.

This excerpt reveals my personal experiences as a prison volunteer where I was

confronted with women whose experiences differed very much from my own. At the same time, however, our lives seemed to coincide when we spoke of children. I had a strong reaction to the situation of the young woman in the Young Offenders Unit, especially when she spoke of her mother. That was a strong reminder of the fact that we may not all be mothers, but we are all born of mothers. This excerpt also conveys my feminist perspective. I reacted strongly to the sexism and unfairness in the treatment of the young woman and I understood that it was a systemic, not an individual problem.

THE NEW FACILITIES

In the latter part of my thesis I will discuss the changes currently taking place for federally sentenced mothers. Specifically, I will discuss the proposed mother-child programs to be offered in the new prisons. I think it is important to give a brief description here of the changes taking place. It is important to keep these changes in mind while reading my thesis because the changes taking place have a direct impact on mothers in prisons. The current reforms are, for the most part, a reaction to the recommendations made in the Task Force Report Creating Choices.

The Task Force Report on federally sentenced women, Creating Choices, echoed

numerous previous inquiries which had called for the closing of the Prison for Women (P4W) in Kingston, Ontario.⁹ The Task Force recommended that five regional facilities be opened across the country.¹⁰ They are to be situated on several acres of land with cottage style housing. Housing for family visits or for women to live with their young children is also to be provided. The new prisons are located in or near major cities in order for the majority of women to be close to their home communities.

Including the voices of Aboriginal women was one of the main concerns of the Task Force because a disproportionate number of Aboriginal women are in prisons. One of the recommendations was to establish a healing lodge for Aboriginal women which would work in conjunction with a local Native community and an Elder council.

The new facilities are in the process of opening their doors, and the inmates and the staff will both be testing new ground and facing new challenges. The most recently proposed closing date for the P4W is April 1997. Low and medium security inmates are being transferred to the new women's prisons in Edmonton, Alberta, Maple Ridge, Saskatchewan, Kitchener, Ontario, Joliette, Quebec, and Truro, Nova Scotia.

Although the new facilities have not been open for long, some have already experienced serious problems.¹¹ The Edmonton prison was the first to open, in April 1996. Already the facility has experienced a series of problems, the most publicized being the escape of inmates from the facility shortly after its opening.¹² In response to the events that have taken place

in Edmonton, Correctional Services announced early in 1997 that maximum security female prisoners will be moved to a separate building on the grounds of the men's Penitentiary in Kingston.¹³ I will discuss this proposal in further detail in my conclusion.

METHODOLOGY

It has only been recently that materials on federally sentenced women have explicitly included mothers. In the past few years Canadian writings on women in prisons have included references to mothers in prisons; however, for the most part, their concerns are rarely visible. I have relied in part on The Report of the 1991 Task Force Creating Choices because it is the most comprehensive report on the situation of women in Canadian prisons.

The 1991 Task Force Report is different from previous inquiries into prison conditions mainly because of its membership which consisted of voluntary organizations such as the Elizabeth Fry Societies and the Native Women's Association of Canada who worked with Correctional Services Canada. Another unique characteristic of the Task Force was the participation of women who had personal experiences of imprisonment.¹⁴

The Task Force Report provides essential information about all federally sentenced

women, including facts about mothers which have not been available in previous studies. Because Creating Choices is the best source of information on mothers in prisons in Canada, my work will focus on federally sentenced women in Canada: i.e., women who are sentenced to two years or more. However, because many federally sentenced mothers serve time in provincial institutions, references will also be made to provincial prisons. In addition, the lack of Canadian sources has forced me to examine literature on mothers in prisons in the United States and Britain. My discussion on reformatories in the United States and Britain around the turn of the century allows me to demonstrate the differences and similarities between these institutions and the ideologies on which they were based. Canadian sources on the history of women in prison are limited and mostly examine women in provincial prisons. This is because separate facilities for federally sentenced women were not made available until 1913 and because there are many more women serving time in provincial prisons than in the single federal prison for women.¹⁵

When I first started working on my thesis, I felt strongly that I should provide a separate discussion on Aboriginal women in prisons because they make up a large percentage of the prison population.¹⁶ As my thesis was changing and evolving from a focus on the experiences of mothers in prisons to a more theoretical project, I have struggled with the question of how I could make the readers of my thesis aware of some of the issues Aboriginal women face in prisons. However, such a discussion would need to take place within a

framework of analysis that included oppression, racism, Aboriginal traditions and cultures, as well as other factors. That kind of examination would require full detailed research and analysis and is beyond the scope of this thesis.

My decision to use the theoretical framework of the social construction of “good” and “bad” mothers to examine the treatment of mothers in prisons evolved over a period of time. As I started to focus on a more theoretical analysis it became clear that applying the constructed notions of “good” mothers and “bad” mothers, as existing on a continuum, would allow me to demonstrate the impact these socially constructed notions have on incarcerated mothers.

ORGANIZATION OF THESIS

In the following chapter, chapter one, I will provide a brief examination of the institution of motherhood and the ideal of the “good” mother which it promotes. My objective is to establish the groundwork for my analysis in succeeding chapters as I show how the ideal of the “good” mother affects the ways women in conflict with the law are perceived and ultimately dealt with when they are incarcerated.

Chapter two provides an historical analysis of the social reform movement's role in constructing and defining the “good” and the “bad” mother. Particular attention will be paid

to the impact of variables such as social status, race and sexual orientation on how mothers are perceived and how these variables affect mothers' experiences with the justice system. The latter part of this chapter examines the roles that nurseries may have played in “reforming” mothers in nineteenth century reformatories.

In chapter three I will look at the current situation of mothers in prisons. I will examine the issues surrounding live-in programs and visitation issues in the light of the future programs for mothers to be introduced in the new facilities. Although these programs may in fact be a positive move, I question how the correctional authorities will treat mothers whose behaviours are not consistent with those of the “good” mother as promoted by the institution of motherhood.

Finally, in my conclusion I will focus on recent changes in the justice system relating to federally sentenced women. Ultimately, I think there is a need to look for alternatives to imprisonment and punishment.

CHAPTER ONE

SOCIALLY CONSTRUCTED IMAGES OF “GOOD” AND “BAD” MOTHERS

In this chapter I will explore how the institution of motherhood is socially constructed based upon ideals and stereotypes derived from a white, middle class, heterosexual paradigm. I will show that the institution is fundamentally oppressive because it perpetuates unrealistic images that have little basis in reality. Images of mothers have been conceptualized into two opposing groups; this is the good mother versus the bad mother dichotomy which operates as a mechanism through which social conventions and norms are established. However, I will argue that the images of good and bad mothers are not diametrically opposed but exist on a hierarchical continuum.

Finally, I will explore how the socially constructed notions of the good and bad mother shape the perception the courts and society have of mothers who are in conflict with the law. When mothers do not meet the idealized image of the good mother, they are marginalized, considered deviant and even punished. Women who break the law and are thus already considered deviant and in need of punishment, and who are also mothers, are seen as the worst kind of mothers and are at the negative end of the good mother/bad mother continuum.

An important analysis of the institution of motherhood appeared in 1976 with the publication of Adrienne Rich's Of Woman Born. In her work, Rich distinguishes between the

experience of mothering and the institution of motherhood.¹ It is the institution of motherhood that ensures all women remain under male control. For some women this has meant that they have been left without control of their own bodies. In the name of motherhood, biological determinism has limited many women's choices in life. Rich argues that the institution of motherhood:

...has withheld over one-half the human species
from the decisions affecting their lives....
In the most fundamental and bewildering of
contradictions, it has alienated women from
our bodies by incarcerating us in them.....
But for most of what we know as the 'mainstream'
of recorded history, motherhood as institution
has ghettoized and degraded female potentialities.²

The institution has not only alienated many women from their bodies but has created social roles that have reduced women's potentials to reproduction and child-rearing. Reproduction and child-rearing have been touted as the goal, function and fulfillment of women. Motherhood has been idealized and then promoted back to women as the ideal and as natural. Women's choices have been restricted, even suppressed. But there is a discrepancy between the ideal of motherhood promoted by the institution and the reality of women's lives. Because the ideal is a social construct, it presents an unrealistic image of motherhood, one which few women emulate or even identify with. At the same time, the institution of motherhood is so powerful and pervasive that it is difficult to resist. The institution of

motherhood provides the framework within which society sees and judges women as mothers. Even women who reject the dominant ideal can be undermined by the institution. When we as women realize that our realities do not fit the ideal we often feel guilty and inadequate as mothers.

Even though the roles prescribed to mothers shape the circumstances of their lives, few mothers are able to relate to the dominant image of the ideal mother. Our realities vary and often do not correspond to the ideals prescribed by the institution. As Rich explains:

The institution of motherhood is not identical with bearing and caring for children, any more than the institution of heterosexuality is identical with intimacy and sexual love. Both create the prescriptions and the conditions in which choices are made or blocked; they are not "reality" but they have shaped the circumstances of our lives....the social institutions and prescriptions for behavior created by men have not necessarily accounted for the real lives of women.³

Ann Dally's work supports and furthers Rich's analysis of the institution of motherhood. In Inventing Motherhood Dally emphasizes the social construction of motherhood as an ongoing construct in which the contents of the construct vary according to time and place. Images and ideals projected by the institution of motherhood are often contradictory. While the notion of motherhood is both contingent and complex, at the same time it has the

appearance of a universal institution:

There have always been mothers but motherhood was invented. Each subsequent age and society has defined it in its own terms and imposed its own restrictions and expectations on mothers. Thus motherhood has not always seemed or been the same.⁴

The ideal of the “good mother” has its roots in the institution of motherhood. The ideal of the “good mother” is ever present in our society and is reflected through different mediums. Television, movies, the media and advertisers are constantly reminding us how good mothers behave; that is how one must behave in order to meet the ideal of the good mother and the ways in which one will be judged as a bad mother.

Several core expectations contribute to the dominant ideology of motherhood:

First, motherhood is understood as the natural desired and ultimate goal of all ‘normal’ women; in other words, a woman must be a mother before she will be considered a mature, balanced, fulfilled adult. This dictate of compulsory motherhood applies not only to pregnancy and birth but also to the matrix of behaviors deemed to constitute good mothering.⁵

Another expectation is that individual mothers should have full responsibility for their

children. A "good" mother puts the needs of her children before her own; she spends time with her children, keeps them and the home clean, and gives them guidance and love.⁶ All of this should of course take place within the context of the "ideologically dominant family, one that is heterosexual and nuclear in form, patriarchal in content, and based on assumptions of privatized female dependence and domesticity."⁷ Marlee Kline suggests that the role of mothers has been idealized in order to counter the lack of status accorded to motherhood.⁸

The "good mother" is white, heterosexual, educated, married, middle-class, preferably over the age of twenty-five, and financially secure. Although the ideal of motherhood is monolithic, it can also at times be contradictory. This is because the ideal does shift over time and contradictions can arise in the transition. For example, it is good in our society for mothers to have careers. Mothers who stay at home are often seen as lazy, not willing to "work for a living". However, it is bad to depend too much on daycare. Whatever mothers choose to do, whether it is out of necessity or not, there are always messages suggesting that their behaviours conflict with what a "good mother" would do. Therefore, realistically it is impossible for mothers to be the "good mother". Few mothers, if any, measure up to the standards of the "good mother". Mothers themselves are not immune from the power of the institution. Internalization of stereotypes of the good mother leaves most women not only questioning their parenting skills, but their life choices as well.

Mothers who deviate from the ideals of motherhood are constructed as "bad" mothers.

In her article “Racism and Patriarchy in the Meaning of Motherhood”, Dorothy Roberts suggests that:

Women who fail to meet the ideal of motherhood (unwed mothers, unfit mothers and women who do not become mothers) are stigmatized for violating the dominant norm and are considered deviant or criminals.⁹

The behaviours of “unwed” or non-mothers are judged harshly. These mothers are placed at the lower end of the “good”/“bad” mother continuum. Although motherhood has been constructed as compulsory, some women are not seen as “fit” to be mothers. Marlee Kline suggests that:

Motherhood has been ideologically constructed as compulsory only for those women considered ‘fit’, and women have often been judged ‘unfit’ on the basis of their social location. This has been the case (at various times during the last century and in different places) for disabled women, Black women, First Nations women, immigrant women, Jewish women, lesbian women, sole-support women, poor women, unmarried women, young women, and others.¹⁰

While mothers' realities vary according to class, race, age, and socio-economic situation, the institution does not acknowledge these different realities. This ignoring of difference, and the

perpetuation of unrealistic and rigid ideals are some of the most oppressive elements within the institution.

BLACK MOTHERS-LESBIAN MOTHERS

The dominant white middle-class feminist view, which acknowledged the negative impact the institution of motherhood had only with respect to white middle-class mothers, has both evolved and been challenged in the last twenty years. The experiences of women who by definition have been excluded from the ideal of motherhood, have traditionally been ignored. Only recently have their voices been heard. Black feminist writers, such as bell hooks, have shown how black mothers have experienced motherhood differently from non-black mothers. For example, many black mothers do not necessarily view motherhood as oppressive, at least not in the same way many white feminists have in the past. In her book: Feminist Theory: From Margin to Centre, hooks states:

Some white middle-class, college-educated women argued that motherhood was a serious obstacle to women's liberation, a trap confining women to the home, keeping them tied to cleaning, cooking, and child care....Had black women voiced their views on motherhood, it would not have been

named a serious obstacle to our freedom as women. Racism, availability of jobs, lack of skills or education and a number of other issues would have been at the top of the list-but not motherhood.¹¹

hooks' writings on motherhood are a response to the white feminist critique of their experience of motherhood (i.e. the oppressiveness of the institution of motherhood). Most white feminists felt that the institution of motherhood is (or was) oppressive because it kept women isolated in suburban homes. In contrast to most white-middle class women's experiences from the fifties to the seventies, most black mothers were forced to work outside their homes. Many black women saw the home as a "safe" place away from oppression and racism.¹² hooks makes it clear that black women's struggles have traditionally been different from those of white feminists; they simply do not coincide.¹³

Dorothy E. Roberts supports hooks' argument. She suggests that the institution of motherhood is shaped on the basis of race as well as gender. In North America the image of the black mother has always been different from, even contradictory to the image of the white mother.¹⁴ As Roberts explains black mothers cannot reach the ideal of motherhood contained in the institution, simply because of their race:

...Black women can never attain the ideal image of motherhood, no matter how much we conform to middle-class convention, because ideal motherhood

is white. The maternal standards created to confine women are not sex-based norms that Black women happen to fail. They are created out of raced, as well as gendered, components.¹⁵

It is impossible for black mothers to reach the ideal image of the good mother in a society that devalues black motherhood.¹⁶ The devaluation of black motherhood takes on various forms. One of the most extreme forms of this devaluation according to Roberts, is the coerced sterilization of black women in the United States. She suggests that the disproportionate sterilization of Black women demonstrates a societal notion that black women should not be mothers.¹⁷ If only some women are seen as “fit” to be mothers then motherhood is conceptualized as a privilege rather than as a right. As Marlee Kline has stated:

[t]hough there is variation along lines of race and class, young women who become pregnant and who choose to carry their fetus to term are often pressured, both externally and through the internalization of motherhood ideology, to give up their babies for adoption. When women considered unfit do have and raise children, it is difficult if not impossible, for them to meet the societal image of the good mother.¹⁸

Just as racism, classism and sexism permeate the institution of motherhood, so does heterosexism. Heterosexism is defined as:

the belief that heterosexuality is superior to other sexualities and involves an active promotion of it as the desired way of life.¹⁹

Institutionalized heterosexism and homophobia create and reinforce a societal view which sees lesbian mothers as bad. The dominant ideology of motherhood dictates that good mothers parent within the context of the ideologically dominant heterosexual family.²⁰ Homophobia has silenced the voices of lesbian mothers. Many lesbian mothers are afraid to speak out on lesbian parenting issues because homophobia is prominent in most of our communities and institutions. The risks of speaking out affect not only the mothers themselves but their children. Many lesbian mothers are silenced by the ultimate threat of losing their children.

In general, lesbian mothers are seen as bad mothers simply because they are not heterosexual. How “bad” they are varies according to their behaviour. Katherine Arnup's work, “Living on the Margins: Lesbian Families and the Law”, shows that judges make clear distinctions between “good” and “bad” lesbian mothers in the context of custody cases.²¹ In some cases a lesbian's status as a “good” or “bad” mother is established on the basis of how “out” she is. In order to be a “good” lesbian mother one must be asexual, preferably living alone (without a partner), and not participating in any pro-women's events.²² However, while these criteria set the standard for the “good” lesbian mother, they do not necessarily

mean that the woman will be considered a “good mother”. When a lesbian mother “hides” her sexuality, she is more likely to be seen as a fit mother by the courts and is more likely to be given her custody of her children. The fact that she must modify her behaviour indicates that she is still a “bad mother”. The lesbian mother, like the black mother, can never reach the ideal of the “good” mother.

Because lesbian mothers and black mothers are by definition not “good” mothers, when they break the law their status as “bad” mothers will have an impact on how they are seen and treated by the criminal justice system. They will be punished as bad mothers twice over because of their “criminal behaviour” and because of their race, and/or sexual orientation.

MOTHERS WHO BREAK THE LAW: PATERNALISM AND PUNISHMENT

It would appear that the institution of motherhood creates two types of mothers who are diametrically opposed: the good and bad mother. Rather than placing mothers into opposing and mutually exclusive groups, I see them as existing on a vertical spectrum or continuum within the institution of motherhood. Instead of having only two polarized groups, mothers are distributed along the continuum from good to bad. The ideal image of motherhood is essentially unattainable for the vast majority of women, and is in itself oppressive as an ideal. Because of class, race, marital status, sexual orientation and other variables, a large majority

of mothers find themselves situated toward the bad mother end of the spectrum.

Stereotypes of the good mother are omnipresent in our society. These stereotypes promote the idealized role of the "good" mother, while reinforcing stereotypes of "bad" mothers. In general the stereotype of the good mother consists of idealized notions of the heterosexual, white, middle-class, married woman. The stereotype of the bad mother is constructed around images of black, lesbian, young, poor, "lawbreaking", and other marginalized groups of women.

This social construction of the good mother acts as a means of social control. When mothers defy the social conventions of motherhood they are marginalized. As they are situated further along the spectrum toward bad mother, they are considered deviant and punished for being bad mothers. The stereotypes of the good and the bad mother patrol the boundaries of the female gender role, and while the stereotypes may seem subtle, they are coercive and even dangerous.²³ The stereotypes are subtle because of their pervasiveness and perceived naturalness.

Candace Kruttschnitt in her work, "Women, Crime , And Dependency: An Application of the Theory of Law" defines social control as:

The normative aspect of life or that which specifies what is right or wrong, what is violation, obligation, abnormality, or

disruption.²⁴

Kruttschnitt claims that the legal system exerts little control over women whose lives contain a mechanism of daily social control. For example, she suggests that economic dependence on men often results in lighter sentences for women who are convicted for criminal offences. Women who are economically independent usually receive harsher sentences.²⁵ It is not within the scope of my project to examine whether economic independence plays a role in the sentences women receive. However, what Kruttschnitt's work does suggest is that women who are married may be viewed with less concern by the courts as they pose less threat than women who are single. Further, when these women are mothers, I think women's independence, or marital status becomes a defining element in whether they are constructed as "good" or "bad" mothers.

Work of other criminologists making arguments similar to those made by Kruttschnitt led me to question what role paternalism plays in how mothers are treated in the justice system. Most studies that have been done to date have compared the treatment women receive in the courts to that of their male counterparts. This has led many criminologists to suggest that women's sentences are not as harsh as men's.²⁶ This has in some ways obscured our perception of how variables that define and shape women's lives, such as social status, race, sexual orientation and motherhood interact with the justice system, and the impact that

paternalism in the courts has on sentencing differences among women. Instead of examining how the treatment of women as a group varies according to race, class, and life experiences, the focus has been on the differential treatment of males and females.

Theories on paternalism and chivalry have been used to support claims of gender-based differences in sentencing.²⁷ Holly Johnson and Karen Rodgers in “A Statistical Overview of Women and Crime in Canada”, point out that historically, male offenders have outnumbered females, yet girls and women have been treated much more severely by the social welfare and criminal justice systems.²⁸ Johnson and Rogers argue that:

Girls were expected to be passive, obedient, and chaste, and when they weren't, the police and courts were quick to classify them as abnormal or disturbed. This practice has been defended under the guise of paternalism and a belief that the virtue of girls is more highly valued and in need of protection than the virtue of boys.²⁹

Recent studies have determined paternalism to be responsible for the harsh punishment of women offenders.³⁰ Girls or women who do not act according to stereotypical behaviours, (passive, obedient and chaste), are considered a threat and treated harshly, while those who conform to female gender stereotypes are treated more leniently. The paternalistic actions of the courts and the justice system in general have been rationalized as well-meaning

because they are intended to protect "good" women from unjust punishment. Ideal notions of what a "good" woman is exist within a framework of dominant ideologies of womanhood.³¹ Dominant ideals of motherhood intersect with the dominant ideology of womanhood within which every "normal" woman is constructed as a mother, or a "mother to be".

When women who are mothers break the law, they are not only acting in contradiction to stereotypical notions of the "good woman", but also the "good mother". Although a mother who breaks the law will inevitably be constructed as a "bad" mother, the lower on the good/bad mother continuum that the judge perceives the mother to be, the harsher the sentence she will likely receive.³² The stereotypes that make up the idealized notion of motherhood along with the good/bad mother continuum permeate our legal institutions. Evidence suggests that women are judged more on the basis of their social circumstances than on the basis of the crimes they commit.³³

In this way, paternalism poses a threat to mothers who come into conflict with the law as their actions are so remote from the ideals of motherhood. When a woman is sentenced, her "character" is often evaluated in terms of whether her behaviours conform to ideals of womanhood. If she is a mother, her parenting skills and behaviours as a mother will be examined in order to determine whether she conforms to the ideals promoted by the institution motherhood. Ania Wilczynski suggests that:

....courts put the woman 'on trial' not only for her legal infraction, but also for her compliance or variance with stereotypically female behaviour. That is, courts seek to establish whether or not she is a 'good' wife, mother and homemaker, honest, decent and moral, and above all feminine.³⁴

Similarly, Pat Carlen's study, Women's Imprisonment, shows that mother's appropriate gender role, wifehood and domesticity are factors that influence the court's perception of her. This in turn influences sentencing. Carlen quotes a magistrate who explained:

'If she is a good mother, we do not want to take her away. If she is not a good mother, it does not really matter'.³⁵

Bad mothers need to be punished, not only for the crime they committed, but for being bad mothers. Good mothers are treated more leniently and bad mothers more punitively. However, few if any of the mothers who appear as accused before the criminal courts would be considered "good" mothers. Those who might be seen as good mothers would be those who closely conform to the ideal notions of the "good" mother. The judge's dilemma is to decide how far along the spectrum of the bad mother the woman belongs.

The judge's perception of how "bad" the mother is, is related to the judge's perception of the crime of which the mother is accused, in other words, how the crime related to the

accused as a mother. Studies show that mothers may receive lighter sentences if they commit crimes in order to support their children.³⁶ If a mother is charged with shoplifting, or petty fraud, she is likely to be viewed with more sympathy if she conforms to proper domestic stereotypes, i.e., she is married and a “good wife”. Women's commitments to their roles as mothers and wives will affect the way they are treated all the way through the justice system.

In conclusion, I have given examples of how mothers who do not fit the ideal notion of the good mother are essentially constructed as “bad”. Few if any mothers fulfill the image of the good mother as promoted by the institution of motherhood. Thus most mothers are defined as not good enough mothers or bad mothers. Contemporary feminist analysis on motherhood demonstrates that not only individual women but also certain marginalized groups are constructed as “bad mothers”.³⁷ Most black mothers and lesbian mothers are constructed as bad. However, if their lifestyles emulate some of the stereotypes of the good mother, they may be considered “not so bad”. Still, mothers who break the law are rarely constructed as “good”; instead they are punished more harshly. When they are sentenced to prison they are seen as the worst kind of mother and are situated towards the bottom of the “good/bad mother continuum”.

The characterization of mothers who break the law is carried over into the prison setting, where they continue to receive unduly harsh treatment. In the next chapter I will examine, from an historical perspective, the impact that socially constructed images of good and bad

mothers have had on mothers who broke the law and were sentenced to imprisonment.

CHAPTER TWO

PUNISHING AND TRAINING THE “CRIMINAL MOTHER” IN THE LATE NINETEENTH AND EARLY TWENTIETH CENTURY

The first significant prison reforms concerning women in Canada took place from the mid nineteenth to early twentieth century. Among the most important of these reforms was the move to separate prisons for women, a move which was prompted largely by the increase in female crime rates.¹ These changes provide an important background for understanding the implications of current reforms for mothers in prisons. This historical perspective will allow me to explore how mothers who committed crimes have been viewed by social reformers, courts and the correctional authorities. This background is important for it will allow me to explore how our understanding of motherhood is entrenched in assumptions based on social status, sexuality, and class.

When women were sentenced to prison terms, in the late nineteenth century, they spent their time behind bars with their male counterparts.² In most “co-ed” prisons women made up only a minority of the prison population and reports of neglect and abuse of these inmates were common.³

In this chapter I will examine how mothers were perceived and socially constructed as “good” or “bad” mothers as they appeared before the courts around the turn of the century.

This examination will allow me to further my analysis of how the ideological notions of motherhood inform the treatment of mothers in prisons and how the good/bad mother continuum is applied within the criminal justice system. With the rise of the social purity movement in Canada, reformers responded to the exploitation and neglect of prison inmates by speaking out in favour of segregated prisons which would provide “training” for incarcerated women. In the latter part of this chapter I will examine how the "reform" ideals played themselves out in reformatories for mothers in Canada, the United States and Britain.

THE SOCIAL PURITY MOVEMENT

The social purity movement emerged in the late nineteenth century, at a time when Canada was undergoing enormous change. One of the significant changes was a major increase in immigration. For the first time in Canadian history, large numbers of immigrants arrived from non-British and non-Protestant countries such as China, Eastern and Southern Europe. An important aspect of this new Canadian society was the development of the urban-industrial working class.

Simultaneously, Canadian cities saw the development of an urban Anglo-Saxon bourgeoisie which was largely behind the philanthropic projects to reform or regenerate

Canadian society.⁴ This was the social purity movement of the late nineteenth century. It was made up of a loose network of organizations and individuals (church people, educators, doctors and those who would now be defined as social workers) who focused their energy on the working class, immigrants, single mothers, and young single working women. There was a common belief among reformers that people belonging to these groups were vulnerable to alcohol abuse, prostitution and other “social evils”. Reformers felt it was their moral obligation to help these “weak souls” and campaigned to “raise the moral tone” of urban working class communities and in so doing, the larger Canadian society.⁵

An important dimension of the social purity movement was its desire to purify and cleanse society. In practice, this meant imposing their moral values on the segment of society they perceived as inferior. Mothers who were in conflict with the law were certainly among those seen as inferior. In her book The Age of Light Soap And Water, Mariana Valverde points out that organizations involved in social reform intended to eliminate certain behaviours. Reformers had a vision of how people should pass their time, how they should speak, think and act.⁶ The social purity movement was a campaign against public manifestations of drink, vice, prostitution, and other “immoral amusements”. One of its primary goals was to regulate sexual morality in order to preserve the Anglo Saxon race.⁷

Young working class women, especially single immigrant women, were under close surveillance by social reformers who saw them as inferior to middle-class married women,

partly because they were poor, but mostly because they were free to move about without familial control.⁸ Reformers regarded acting on that freedom as a threat to the moral fabric of society because they feared it would lead to immoral conduct. Reformers saw it as their duty to place boundaries on the behaviours of these women, especially “sexually permissive” (for instance, walking alone at night!) behaviours which they saw as morally wrong.⁹

This emphasis on scrutinizing and modifying the behaviours of working class women, young working women and immigrant women permeates legal and medical literature of that time.¹¹ One of the forms that this scrutiny took was the increasing attempt to regulate women's sexuality and reproduction through juridical and legislative activity.¹⁰

Susan Edwards suggests that the methods used to control women's sexual behaviours differed according to their social class. The effort to protect and control middle class women's activities was more subtle and covert than the methods used to control single, immigrant and working class women:

Ladies of the middle classes were as a general rule considered passive and therefore to be protected... It was control under another guise nevertheless. The social and sexual behaviour of middle-and-upper-class wives and daughters was also controlled via the father's and husband's right to consortium which was determined in part by the 'value' of the wife or daughter with regard to her chastity. The behaviour of working-class

women was regulated and rigorously controlled via the laws relating to vagrancy and prostitution.¹¹

Although middle-class women were not necessarily controlled through legal mechanisms, their movements and actions were limited by paternalistic fathers and husbands. In contrast, regulating the behaviour of single working-class women, especially immigrant women free of familial control, usually fell into the hands of philanthropists, the police and the courts. Even when working class women were married and their lives therefore contained an element of familial control, their behaviours were constantly under surveillance because of the mistrust philanthropists and police had of the working class.¹²

In this context, the institution of marriage was perhaps one of the most important ways of regulating women's behaviours. As Carol Smart points out:

The unmarried mother was the most dangerous of all, not only to her infant but also to the social order. The married mother, on the other hand, existed within a restrictive system of tutelage which gave her husband almost complete governance over her should she become a threat. In this sense she may have been a private problem, but she was not generally constructed as a public one.¹³

For unmarried women, the missing control was provided by the state which acted as a “moral husband” through for example the development of protective legislation designed to protect

British women from foreign men and young women from older men.¹⁴ The Contagious Diseases Acts of 1866 and 1869 were “about protecting men of all classes from working-class women.”¹⁵ While these legislative moves may have been articulated in terms of protection, they went much further. As Carol Smart has pointed out, this type of legislation established procedures of surveillance and regulation.¹⁶ This legislation was aimed at controlling women, especially those women who were not married. Those women who were not privately controlled needed to be controlled by public law.

In this context, unmarried mothers were seen as violating the social order and were therefore in need of control. These mothers defied the stereotypical notions of the “good mother” simply by being unmarried. In the absence of a husband, these unmarried mothers needed to be regulated by society. But when they resisted or challenged society's regulation, such as when they broke the law, they were seen as threatening the social order twice over. All mothers who broke the law were seen as bad mothers, but being unmarried and a mother were factors that rendered the mother in need of more severe control.

MOTHERS IN THE COURTROOM

Although a mother who committed a crime was considered a “bad” mother, her place on

the bad mother end of the continuum depended on how she was perceived by the courts. There is no doubt that mothers who committed crimes in late nineteenth century Canada were deemed bad mothers, yet not all these mothers were treated in the same manner. The punishment they received depended not only on the seriousness of their crime, but also on their social, ethnic, marital and family status. A mother's social standing, including her marital status, was a factor influencing the court's construction of her as a mother.

Magistrates not only explained women's crimes in terms of the ideals of motherhood which were integrally linked to ideal notions of sexual purity and domesticity, but also saw the pursuit and realization of these ideals as a means to rehabilitate women offenders.¹⁷ For example, judges explained the "crime" of prostitution by attributing it to the woman's immorality. By implanting the "right" morals, judges believed they could prevent these women from committing another crime. Similarly, mothers who were convicted of other crimes were seen as in need of "moral" or "domestic" guidance so they could become "better" mothers. Often the treatment that women received in the name of "rehabilitation" was extremely harsh. Rehabilitation may sound like a lenient way in which to treat offenders. However, rehabilitation in a prison setting is usually based on control and punishment.¹⁸

Being a mother was used by some women, accused of criminal offences, as a defense to justify criminal activity or to try to prove good "moral character". In the context of a paternalistic justice system, one might assume that being a mother would provide an argument

for leniency. However, motherhood in itself did not automatically create sympathy for mothers who committed crimes; instead marital status, race and class were contributing elements in the construction of good and bad mothers. This placed unmarried, black, and/or mothers who worked in the paid labour force in a very difficult situation. For these women a guilty verdict was almost inevitable when they came before the court charged with a criminal offence.

When considering how paternalism is entrenched in the criminal justice system, rehabilitation in conjunction with paternalism, becomes one of the elements contributing to women's harsh treatment. Historian Joan Sangster demonstrates that women were condemned severely for such "crimes" as having premarital sex or for stealing a dress.¹⁹ As the result of paternalism, female offenders may, in fact, have been punished unreasonably for minor or non-criminal offenses. Women whose status within society was marginalized, such as single mothers, poor mothers, and others, were often punished not only for the crimes but also because they were considered "bad" mothers.

In some cases magistrates may have sympathized with defendants who were in difficult economic situations. However, this did not prevent most magistrates from condemning women when they perceived that her "moral character" had failed. A woman's morals seems to have taken precedence in the authoritative and paternalistic framework with which the courts operated. When telling their version of the crime to the court, women often, whether

consciously or not, depicted their actions within this moral paradigm. They would sometimes go to great lengths to show themselves as dutiful daughters or virtuous mothers.²⁰ Mothers knew that, if judges labeled them “bad” mothers, their sentences would be harsher. Consequently, mothers would try to demonstrate to the court that they were indeed “good mothers” in order to obtain more lenient treatment. Sangster suggests that women's courtroom tales may be seen as both an affirmation of the court's power and a form of resistance to the dominant ideologies of womanhood and motherhood. The resistance came in the form of their manipulation of these ideologies in order to secure release. However, at the same time they also “reinforced the discourses ensuring women's social regulation patriarchal ideology”.²¹

However, the strategy of mothers who attempted to justify their crime by adopting the paternalistic paradigm within which the magistrate operated, was not always successful. Although mothers attempted to present themselves as “good” mothers, the courts were not necessarily consistent in how they treated mothers. Sangster suggested those who were successful may have received a lenient sentence, while those who were unsuccessful were punished more harshly.

One such case involved May Hill who supported her eleven children by operating the family's moonshine still. Criminal charges were laid against her for operating an illegal business after the death of one of her customers. May Hill tried different strategies in her

defence, first claiming that the barrels contained no liquor, then later admitting guilt. At that point her lawyer pointed out that she should receive a suspended sentence because of her duties as a mother. The judge did not agree.²² A few days before receiving her sentence, May Hill entered her youngest child in a baby show at a local fair. She may have been trying to win some sympathy from the judge and the newspapers when she stated that her child would have to accompany her if she was sentenced to prison. However, the judge did not sympathize with her situation and sentenced May Hill and her baby to spend three months in jail.²³

In May Hill's case, marital status was not a determining factor in her sentencing, as she was married. Despite her compliance with the social requirement of marriage her attempts to convince the court that she was a good mother failed. May Hill may have been perceived by the court as being irresponsible because she was the mother of eleven children and was operating an "illegal" business. Also, her attempts to use her child to manipulate the judge may have worked against her.

Motherhood alone was not sufficient to ensure a woman's sympathetic treatment or lenient sentencing. On the contrary, in some cases, it may even have been seen as a reason for harsher punishment for good mothers should not engage in illegal activities.

Many mothers described to the court their desperate situations in which stealing was a necessity in order to support their children. They hoped the judge would show sympathy and

grant a lenient sentence. In one such case a young married mother was acquitted after admitting to stealing tea and food for her children.²⁴ Her husband had been unemployed but had returned to the work force by the time of the trial. Perhaps the fact that she was married and that her husband was seen as reliable because he was employed gave the magistrate confidence that her behaviour would be regulated and controlled by her husband, thus reinforcing the notion that good mothers were married.

In another case, however, a seventeen year old single mother admitted to the court that she stole some baby clothes and cash from her employer.²⁵ Instead of sympathy, she received a jail term for her offense. The fact that the seventeen year old was an unmarried mother may have been the determinative factor in the magistrate's decision to sentence her to prison. Even if the magistrate sympathized with her situation, the fact that she was a single mother may have been reason enough to punish her. A single mother was not under the control of a husband. Indeed she had apparently resisted such control even though it was socially dictated by her pregnancy. Prison offered a means to maintain control over this "bad" mother.

Mothers charged with offences against their own children were clearly seen as bad mothers and dealt with harshly by the courts. One such case involved Marion Storey, a mother who was sent to prison for twenty days for neglect and abandonment of her daughter. Although Marion was married, the father of the child was absent, and she was living on her

own with her daughter.²⁶ Marion Storey pleaded with the court, explaining that she had left the child in the care of the hospital while she left town for work; however, the judge was not sympathetic and sentenced her to jail.²⁷ For those women who did not meet the standards of a “good” mother the court showed no sympathy. The court may have seen Marion's action as “non-maternal” because “good” mothers would not abandon their children.

Newspaper articles about women charged with criminal offences always indicated a woman's marital status and whether she had children. This is clearly indicative of the importance society placed on marriage. Focusing on a mother's marital status contributes to the construction of her as a good or a bad mother. Her “moral” character becomes the central issue, and her guilt or innocence with respect to the offence, or the reasons for the crime become secondary concerns.

Unmarried mothers were considered bad mothers and bad mothers should not be mothers. Carol Smart explains that:

In becoming public problems [unmarried mothers] ..., the courts simply removed their children from them and they effectively ceased to be mothers. In consequence, we cannot really talk about women without reference to marriage any more than we can talk about women apart from class and other differences.²⁸

When mothers were seen as too problematic, their children were removed. In this way, they were no longer mothers and no longer a threat to the institution of motherhood. Incarceration was a way of taking their children away. The courts also took away the children of mothers whose only crime was having a “delinquent” daughter. The juvenile court was used as a place of moral regulation for both mothers and daughters. Mary Oden's work shows how court officials often subjected mothers of delinquent girls to close scrutiny and investigation when they sought help in “controlling” their daughters.²⁹ Many mothers came before the courts because they felt their daughters' behaviour was jeopardizing their contribution to the family's income. Fear of their daughters' becoming pregnant, missing work, staying out late or simply getting in trouble provoked mothers to appeal to the courts for help. Instead of providing the mothers with support, the judges often placed the girls in correctional institutions. In what the courts perceived as the best interest of the daughters' morality, the justice system managed not only to punish the young women but their mothers and families as well. The “misbehaviour” of young women was, therefore, blamed on their mothers, who were seen as “bad” mothers because of their “inability” to control their daughters.

Judges in the criminal justice system based their decisions in part on their characterization of the accused as a “bad” mother or “not so bad” mother. Factors such as the offender's class, marital status and ethnic background contributed to the placement of these mothers

along the good/bad mother continuum. I will continue this discussion by examining how these “bad” mothers have been treated in the prisons to which they were sent, particularly looking at the connection between the roles of nurseries in reformatories and how mothers were treated in that context.

WOMEN'S PRISONS AND REFORMATORIES

Once convicted, these mothers ended up in reformatories or prisons. Between 1835 and 1913 federally sentenced women in Canada served time in the male penitentiary in Kingston in closely confined quarters above the mess hall of the male inmates.³⁰ The conditions for women in prisons were extremely harsh, in part because they were incarcerated in men's prisons. Concern over these conditions gave rise to the social purity movement's interest in separate prisons for women which was connected to their desire to rehabilitate these women.

Starting with the Brown Commission held in 1848 there were a number of government sponsored inquiries, initiated in Canada, to investigate conditions for women who were serving time in the male penitentiary. These inquiries revealed that the women inmates were being severely abused and mistreated. The Brown Commission, as well as later inquiries, revealed that girls as young as twelve and fourteen were being beaten. Apparently they were

lashed for using bad language, refusing to wear shoes and insulting staff members.³¹ The Brown Commission recommended a separate facility for women. But it was over sixty years before a prison for women was built within the penitentiary walls.

One of the major accomplishments of prison reforms in the early twentieth century was the segregation of male and female inmates. It was in 1913 that the first federal prison for women in Canada opened.³² This prison was built within the walls of the male prison, but was a closed unit reserved for female offenders only. Although women were separated from male inmates, little else was done to improve the prison conditions. In 1914, the “Nickle Report”, an inquiry with a primary focus on the prison conditions of female inmates in Canada, identified problems such as the harsh working conditions women had to endure while working in the laundry, cold concrete floors and dirty walls, excessive hours spent locked in their cells, and no access to a library. Upon leaving the institution, inmates were released in their easily recognizable “prison garment” with only a few dollars. The opening of the new facility did not provide any significant improvements in living conditions. The women were confined in cells without windows, no provisions were made for recreation and the institution lacked educational facilities.³⁴

Twenty-one years later, in 1934, the Prison for Women (P4W), began operating for federally sentenced women. It was located across the street from the male institution in Kingston, Ontario, where it still stands today. Four years after its opening, a commission

investigating the conditions at P4W recommended the prison be closed.³⁵ Women are still serving time at P4W despite the fact that inquiries and commissions for the past sixty years have repeatedly recommended that it be closed.

Although P4W was the first federal penitentiary for women, there had been segregated prisons for women in Canada prior to the opening of P4W. The first segregated prison for women in Canada was the Andrew Mercer Ontario Reformatory for Females in Toronto, which opened in 1879. The opening of this institution was propelled by social reformers, like Ontario Prison Inspector J.M. Langmuir, who had called for women's reformatories based on the philosophy of retraining and moral reform rather than punishment.³⁶

While placing women in separate facilities from men was seen to be important, in terms of “rehabilitating” female offenders, it was also believed that running an institution for females would be inexpensive. Female inmates were perceived as being less dangerous and less likely to escape than men. Consequently, little funding was allocated for security at the Mercer Reformatory. In addition, the intention was to make the women do laundry and other menial jobs which would cover the operational costs while at the same time training them in “feminine” tasks.³⁷ The “home-like” atmosphere and the “virtues of feminine discipline” were probably the most important features of the Mercer Reformatory.³⁸

This was typical of most women's reformatories in the and Britain. The program was designed to enhance women's feminine “qualities” by making them perform duties similar to

housework. J.M.Langmuir, who was very much engaged in philanthropic work, strongly believed that women's "maternal instincts" were well suited to reform work. Even the reformatory's superintendent was carefully selected to ensure that her ideas were deeply rooted in the social purity movement.³⁹ Women were to be trained to act like "good mothers" and wives. The roles of "good" mothers and "good" wives are integrally linked. In order to be a "good" wife, a woman should have children, and in order to be a "good" mother, a woman must be married. Women who were not wives or mothers were seen as "future mothers" and wives. They too were forced to perform domestic tasks, instead of given skills that would ensure employment.

Although social and prison reformers placed high hopes on the Mercer Reformatory as the first prison for women, it did not meet its mandate to reform or "domesticate" its women inmates.⁴⁰ Reformers may indeed have wanted to help women convicted of crimes to better their lives; however, even if their intentions were genuine their methods and insistence on training women to be "good" mothers and wives were extremely problematic.

The police and reformers actively sought out women who they deemed in need of "reform". This led to an increase in number of women charged and incarcerated for vagrancy, prostitution and drunkenness.⁴¹ Although women charged with these crimes were stigmatized, marginalized and seen as committing "moral" crimes, prison officials believed that longer sentences would allow prison staff to "properly reform" the women. Prison

officials advocated longer sentences, encouraging magistrates to send the right “type” of women to Mercer.⁴² Calls were even made by a Royal Commission in 1890, to ensure that there was stricter inmate classification, longer sentences, diversified labour and separation of well behaved inmates from incorrigibles.⁴³ Nonetheless, Carolyn Strange explains that:

None of the recommendations were implemented, except for the expansion of inmates' labour. Since the commissioners could do nothing to solve the fundamental problems of short sentences, 'unsuitable' offenders, structural limitations, and inefficient management, their inquiry did little but expose the internal weakness and antagonisms at the reformatory.⁴⁴

The diversity of women serving short sentences probably hampered the prison staff's ability to control the women's movements, actions and behaviours. In addition, many women resisted the institution's constant pressures to “train” them to become good wives and mothers. Reformers came to believe that their efforts had failed. Overcrowding became one of the many problems at Mercer, and over time, the conditions worsened to the point that the institution was no longer considered suitable for “training” women. Eventually, the Mercer Reformatory evolved into a detention and medical treatment centre for young female “moral” offenders; the emphasis on “reform” was lost.⁴⁵

As with the Mercer Institute, attempts by reformers elsewhere in North America and in

Britain to transpose their middle-class moralistic value judgments and to domesticate incarcerated women failed. Their efforts to modify or create more “feminine”, “motherlike” women were premised on the assumption that all women should act, think and behave according to ideals, values, and roles set out by the dominant culture. This premise ignores women's race and class differences and promotes the control and punishment of women who do not conform to the ideal.

The philosophy of segregating to reform, which motivated the reformers in pushing for separate facilities for women inmates, was generally regarded as a failure. The attempts to rehabilitate women offenders were ineffective in producing good wives and mothers. However, from the perspective of the women inmates, the segregation aspect of the reforms did have some beneficial effects.

Segregation influenced the architectural designs of the prisons by creating an environment conducive to training and teaching. This was done through the use of interior spaces: creating workshop areas, classrooms, gymnasiums, and courtyards surrounded by an exterior wall.⁴⁶ These were positive changes for the women who were incarcerated in these institutions. While the buildings were perhaps more “humane” than the previous “co-ed” prisons, the efforts to train and teach, that is to “reform”, the inmates was oppressive. Women were pressured to conform to an ideal notion of good mothers, through the performance of “feminine” menial tasks.

Some reformatories, such as the Albion and Hudson reformatories in New York, developed a cottage system intended to facilitate the classifying and separating of inmates according to their behaviour and criminal charges.⁴⁷ This arrangement gave the institution a more “domestic” feeling in that women could move about freely while being forced to do domestic chores such as cooking and cleaning. The emphasis on creating a “home-like” atmosphere was significant and led some reformatories in the United States and Britain to introduce nurseries as a part of their institutional setting.

CHILDREN IN PRISONS IN THE UNITED STATES AND BRITAIN

In the late nineteenth century women's reformatories in Massachusetts, New York, and Indiana were considered somewhat revolutionary by reformers because they allowed for a limited amount of freedom of movement on the part of the inmates. The prisoners could circulate throughout the prison to the workrooms, libraries and infirmaries. One of the most unique features in these reformatories, one which is of particular interest to this thesis, was the nurseries.

During this time the Mercer Reformatory, then Canada's only segregated prison, did not have a nursery. It is conceivable that mothers serving short sentences in local jail may have

had their children with them, but there are no sources indicating it was a common practice in Canada. In the absence of any Canadian examples, I have looked to sources on reformatories which housed children in the United States and in Britain. While it would seem that in Canada penal institutions for women ignored the fact that many of their inmates were actually mothers, the inclusion of children in prisons in the United States and in Britain was a recognition that at least some of the women incarcerated in these institutions were mothers. Looking at these nurseries gives me the opportunity to examine what this recognition of female offenders as mothers meant for those mothers in practical terms, as well as to explore how the ideology of motherhood affected the construction and operation of these nurseries and the mothers who used them.

NURSERIES IN REFORMATORIES IN THE UNITED STATES

The reformatory in Massachusetts provided a nursery for infants until they reached the age of two. The Western House of Refuge at Albion, New York, had a separate cottage for mothers and infants. Estelle Freedman in *Their Sisters Keepers: Women's Prison Reform in America, 1830-1930* explains that babies remained with their mothers until a “suitable place” was found for them in families where mothers could reclaim them after the mother's release.⁴⁸

Freedman does not provide information on where the children were placed, or whether in fact mothers were able to reclaim their children upon release from the reformatory.

Freedman's discussion of the nurseries in these reformatories is unique because few sources on prisons elaborate on prison nurseries. At first glance, the nurseries seem to have played a positive role in the reformatories. Theoretically children were there in order for their mothers to continue rearing and caring for them. Nonetheless, I think it is necessary to ask whether reformatory nurseries were created in an effort to accommodate mothers and their children, or whether they operated as a vehicle to reinforce stereotypical feminine roles and, ultimately, to control the inmates.

Undoubtedly some mothers felt fortunate to be with their children; other mothers may have considered prison an unsuitable environment for their infants. However, considering that the goal of social reformers was to dictate "proper" maternal behaviours to mothers whose behaviours contradicted the reformers' ideal of how good mothers should behave, it would have been difficult, if not impossible, for reformers not to use nurseries as a form of control over the mothers. The practices in these institutions indicate that reformers did use the nurseries to further their own cause, essentially to attempt to make female inmates "good" mothers and wives. Even women without children were sent to work at the nursery because there was a firm belief that by arousing maternal instincts criminal behaviour could be eliminated. At the very least, it was thought that the nursery would stimulate more caring and

nurturing behaviour. Women and mothers who possessed “maternal characteristics” were seen as less likely to engage in criminal activities.

An example provided by Estelle Freedman offers an interesting insight into how important the nurseries were to the staff at these institutions:

Margaret complained, 'I have been in every institution in the country and I am tired of institutions. Won't you let me go home?' Prison physician Lucy Hall recalled her response: 'I can't let you go home, I said, but how would you like to help take care of the babies?' I took her to the nursery, and in twenty-four hours that insane look of misery had left her face...I fully believe I saved her from insanity.⁴⁹

Lucy Hall's attitude gives us an insight into how prison staff, who worked within the framework of the social purity movement, viewed the nurseries. The nursery was not only for mothers to be with their children, but was also used to pacify non-mothers. As the passage implies, women may have been sent to work at the nursery because prison staff thought it would “benefit” the women to be with children. The benefit this example discloses is the quelling of resistance. It was hoped that exposure to the nursery would change women's behaviour into more passive, feminine behaviour as the result of spending time with children.

Furthermore, the idea of Margaret's problems being wiped away within twenty-four hours of being in the nursery seems rather simplistic. Margaret had spent years in institutions, a fact which indicates the likelihood of an extremely troubled life. A few hours in a nursery would do nothing to address the underlying problems. This is not, however, to detract from the fact that participation in the nursery may well have been a positive and beneficial experience for Margaret. It is possible that Margaret's prison routine may have been broken up by visiting the nursery, giving her a chance to do something pleasant and meaningful.

If the main focus of reformatories was to rehabilitate offenders into "good" mothers and wives, it is possible that nurseries were introduced in order to produce those desired results. Even if this were not the initial intention, I believe that there must have been a point in time when prison staff realized how the nursery could be a powerful means to control the women inmates, especially those mothers who were willing to do anything in order to see and be with their children. Using children as a means by which to get "bad" women to conform to maternal stereotypes is extremely problematic. Such an approach is premised on the assumption that all mothers should act and behave in one way. Mothers who do not portray nurturing, maternal and feminine characteristics are often labeled as selfish or masculine, characteristics which do not correspond to the ideal image of the "good mother".

Many of the female inmates resisted the institutions' attempts to control or reform them. This leads me to suspect that the children may have been used to punish "misbehaving"

mothers. It is possible that when the nurseries did not produce the anticipated results, “good” mothers, the children may have been kept away, or simply removed from the institution. This is an issue that has received no attention, and further exploration is needed in order to determine links between the nurseries and whether they were used as a tool to control and punish mothers.

CHILDREN IN BRITISH REFORMATORIES

There is some evidence to suggest that the North American reformatory ideal, with an emphasis on self-sufficiency and cottage style living patterns, never took hold in Britain.⁵⁰ Architectural designs differed between Britain and the United States. While reformatories in Britain appeared as “impregnable fortresses”, Americans relied on the cottage style system.⁵¹ Around the turn of the century the emphasis moved to the development of the theories of crime and delinquency.⁵² It appears that British prison authorities were more interested in disciplining and punishing incarcerated women than in “rehabilitation” or “training” them.

I have argued that nurseries in reformatories in the United States were used to control women inmates and ultimately to modify women's behaviours, but this was not the sole rationale for allowing infants to stay with their mothers. There are sources that indicate

children were put in prisons because that was where their mothers were. These children were considered a nuisance to society, and labeled “troublemakers”.⁵³ At Brixton, the first women's prison in Britain, children were incarcerated along with their mothers because no one wanted to take on the burden of caring for them.

Philanthropists Henry Mayhew and John Binney, writing in 1862, make it clear that incarcerated mothers, because they were mothers, were beyond rehabilitation.⁵⁴ According to them, a mother who commits a criminal offence is an irredeemably bad mother because she has acted so contrary to the nurturing/caring role she is supposed to “naturally” adopt once she becomes a mother. Not only had these women committed crimes, but it was assumed that their children would follow a similar path and grow up to become “criminals” like their mothers. After a visit to Brixton in 1868, Henry Mayhew and John Binney explained:

To those who know the early life and education of the habitual criminal - who know how, in many cases, he was born among thieves, reared and schooled among thieves, and thieves only - how he was begotten, perhaps, by a convict father, and nursed by a felon mother, and trained too, at the earliest age to dishonest practices by light-fingered tutors, as regularly as our children are disciplined into virtuous courses...⁵⁵

Reformers labeled children of women convicted of criminal offences as future habitual

criminals with no chance of redemption. It would seem that children at Brixton were there solely for detention purposes. They wore the same uniforms as their mothers, “a spotted blue frock”, and seem to have been forced to follow the same regimented rules of the institution.⁵⁶ These children did not receive any particular attention; they followed their mothers around in their regular prison activities.⁵⁷

At Brixton there were no suggestions of nurturing sentimentality or of the desire to transform felons into “good mothers”. Children at Brixton were treated as inmates, where they followed the prison's regimented rules of discipline and punishment. However, reformatories in the United States used nurseries as a form of social control in an attempt to make the women more passive, feminine and maternal. In the following chapter I will continue my discussion of the role of nurseries in prisons, examining them in the contemporary context. My focus will be on the attempt to use prisons to control and mould mothers, so their behaviours emulate those of the socially constructed “good” mother.

CHAPTER THREE

MOTHER-CHILD PROGRAMS: MOTHERS AND CHILDREN IN PRISONS

The severest enforcement of gender roles is to be seen in the position of mothers with babies in prison. From the pregnancy through the birth to the child care within the prison, women are routinely reminded of their status as prisoners and therefore inadequate mothers.¹

As I have shown, in the late nineteenth and early twentieth century, nurseries in reformatories in the United States were often used to train women into the socially prescribed role of good mothers. Sometimes, as in the case of Brixton prison in Britain, prisons were used to warehouse the “undesirable” children of women inmates. In this chapter I will consider the degree to which “training” “bad” mothers remains the goal of prison officials today. I will focus on the recommendations of the 1991 Task Force, *Creating Choices*, to put in place live-in programs for mothers and their children.

In this chapter I will examine some of the issues that must be considered if we are to bring children into prisons in Canada. I will discuss the experiences of women who have had the opportunity to keep their children with them in prison. I will also briefly examine the direction in which Corrections Canada seems to be heading with the mother-child programs that are to be introduced into the new prisons. I will argue that, while such a program may

at first glance seem like a positive move, it is likely that correctional authorities will once again use the nurseries as an opportunity to mould women into “good” mothers. This is particularly problematic considering that most correctional institutions operate on a privilege based system where visitation and mother-child programs are used to punish and control incarcerated mothers.

THE TASK FORCE AND THE FEDERAL MOTHER-CHILD PROGRAM

The 1991 Task Force revealed that most federally sentenced mothers consider maintaining relations with their children as a priority.² Despite the importance of this issue to the women inmates, the Task Force concluded that the issue was too complex and that they could not address all the issues adequately. Nonetheless, the Report of Task Force, Creating Choices, emphasizes that most of the current facilities that house federally sentenced women in Canada are not appropriate for children.

While the Task Force does not provide a thorough discussion on mothers in its report, it outlines the following general principles:

Specialized accommodation could be provided

for women who wish to continue or reestablish relationships with their children. Support services focused on fostering good relationships between mothers and children could enable mothers to resume family responsibilities while serving the community release portion of their sentence.³

The Task Force was reluctant to outline specific details of how a mother-child program should operate, because of the complexities of the issues involved and the potential controversies generated by such a discussion.⁴ The Task Force did recommend, in general terms, that correctional authorities introduce a program that would give women the opportunity to live with their children.⁵ Consequently, it was suggested that each of the regional facilities should provide an environment that is appropriate for children. Affiliated with the live-in programs are a variety of child-oriented programs that focus on parenting skills, communication skills, and child development.⁶

Although the Task Force published its report five years ago, little has been done in the intervening years to address the issues of mothers and their children. Before a mother-child program for federally sentenced mothers is created, an examination of already existing programs in provincial institutions should take place. The experiences of mothers who have had the opportunity to participate in mother-child prison programs will bring to light the issues, problems and concerns that mothers face. A brief discussion of the programs offered at Burnaby Correctional Centre in British Columbia and Portage La Prairie Correctional

Centre in Manitoba will provide insight into how contemporary prisons are managing such programs.

EXPERIENCES OF MOTHERS WHO HAVE HAD THEIR CHILDREN IN PRISON

In the past few years, there have been isolated efforts by federal and provincial correctional officials to address the specific problems which face incarcerated mothers. For a period of about four years, from 1990 to 1994, a few mothers at the Prison for Women (P4W), in Kingston, were allowed to keep their babies.⁷ There is little information available regarding infants at the P4W; hence it is difficult to determine how the program operated, or who was allowed to keep their children at the prison. Keeping infants at P4W was not common and I suspect that the women who were allowed to do so fought very hard for that right. Those, who had the opportunity to be with their infants seem to have been quite satisfied, despite the horrible conditions under which these mothers and children lived.⁸ Having their children with them probably made these terrible conditions more bearable. No children have been living at P4W since the incident in April 1994 when women were strip searched by an all-male emergency response team and placed in segregation for months. Since that incident, the inmates have been under constant surveillance and continue to be

punished.⁹

Although mothers at P4W no longer have the opportunity to be with their children, those serving federal and provincial sentences in British Columbia and Manitoba are able to keep their infants for a period of a few months. The Burnaby Correctional Centre for Women (BCCW) in British Columbia opened its doors in 1991. Portage La Prairie Correctional Centre, in Manitoba, is an older provincial institution which I will discuss later in further detail.

In an agreement between the provincial and federal authorities, it was decided that the new Burnaby Correctional Centre for Women would confine women from both jurisdictions and that it would serve as the first of the planned regional prisons for federally sentenced women.¹⁰ The BCCW is an innovative blend of nineteenth century prison architecture and twenty-first century advanced technology.¹¹ Even though at first glance BCCW appears to be accommodating and “friendly”, the treatment of the inmates does not differ from traditional institutions that rely on punishment and control. In fact, BCCW relies on “114 strategically placed cameras which are monitored through a ‘Central Control’ unit at the heart of the rotunda; within this unit the pictures captured by the gaze of the cameras are viewed on banks of television monitors”.¹²

Despite its tight security and “control” system, BCCW was presented as the most “child-friendly” institution in the documentary Nine Months to Life which aired on CBC in

February 1995. This documentary presented a series of interviews with mothers in BCCW, P4W and Portage La Prairie Correctional Centre. One of the mothers interviewed, Pat D'Andrade, expressed her satisfaction with the mother-child program.¹³ While explaining how the program worked, Pat D'Andrade stated that when mothers are selected for the mother-child program their mothering skills are examined. This issue was not explored further in the documentary, so it is not clear how prison officials determine who has good mothering skills and who does not, or what they consider to be good skills. In her interview D'Andrade did disclose that one of the methods used to determine mothers' caring skills is to enroll them in the institution's dog training program where inmates train and care for dogs. Inmates' interaction and skills in dealing with the dogs are evaluated by the prison staff.¹⁴

While taking care of stray dogs may be a suitable activity for some people, using dogs to evaluate mothering skills is appalling. It would seem ridiculous, for example, if mothers in pre-natal classes were given dogs to for testing and training. Furthermore it is degrading for inmate mothers to have to go through a dog training "test" in order to show prison staff they are "good" mothers and are ready to be with their children.

This practice gives correctional authorities the power to judge, label and decide who is a "good" mother and who is a "bad" mother. The assumption underlying this selection process is that good mothers are nurturing and caring individuals whose maternal instincts necessarily extend to dogs. The ideology of motherhood informs this process in fairly overt

ways. Prison authorities must assume they are in a position to be able to judge whether a mother is "good" or "bad". It is possible that this partly stems from stereotypes of mothers in prisons that depict them as lacking parenting skills.

A screening process may be necessary in order to ensure children's safety, however, it is important for correctional authorities to acknowledge the dilemma such a process presents. There are many ways to determine whether mothers are able to take care of their children. While it might be a logical first step to ask the women themselves, women in prisons are themselves treated like children: talked down to, punished for "bad" behaviours and rewarded when they are "good". Therefore, it is unlikely that their voices will be heard. As one prisoner explained, "You come in here as an adult and you leave as a child".¹⁵ For the most part, correctional authorities seem to assume the women are unable to make decisions for themselves, and that they are unable to determine whether their situation is appropriate for children. In fact women who spoke to the Task Force made it clear that they knew whether they were able to take care of their children.¹⁶

My research suggests that many incarcerated mothers do not have illusions about their situation and many had family members helping them with their children prior to incarceration.¹⁷ For example, in a newspaper interview, a mother serving time at Vanier Correctional Centre for Women, a provincial institution, stated that she was not ready at this point to take care of her child.¹⁸ She said that once she was released she wanted to take time

to work through her problems before taking care of her son full-time again.¹⁹

Correctional authorities apparently do not want to give women the power to decide if they are ready to take care for their children. Interviews with prison mothers in Nine Months To Life revealed that many mothers consider it a right to keep their children, while most correctional authorities view it as a privilege.²⁰ A privilege based system operates by rewarding women if they behave well, by allowing them to keep their infants; if they “misbehave” their children are taken away. The concepts of behaving and misbehaving are linked to characteristics that are ascribed to “good” and “bad” mothers. Good behaviour reflects the passive, caring and nurturing of a good mother, while bad behaviours reflect the aggressive and unsubmitiveness of a “bad” mother. The criteria on which these distinctions are made are not entirely clear, however, the following provides an example of the punishment approach. Mary-Ann, an inmate at BCCW, gave birth while incarcerated, but, because of her “bad” behaviour, her child was taken away and she was immediately placed in segregation upon her return from giving birth.²¹ Instead of being provided with much needed support, she was punished, locked up by herself to feel the loss of her baby more intensely. The reasons why Mary-Ann was placed in segregation are not clear from the documentary. Even though she may not have been in a position to care for her child, placing her in segregation following child birth was simply cruel.

There are no Canadian sources available on the specific issues concerning women who

are pregnant and give birth in prisons. However, Linda MacLeod refers to a Canadian study that found that four percent of incarcerated women were pregnant and most of them planned to keep their babies.²² Many of the women who have given birth while incarcerated attest that the most painful aspect of the experience is the separation from their infant after birth. Most women are transported to hospital in shackles and handcuffs.²³ Women at P4W, for example, have been taken to the Kingston General Hospital accompanied by guards who watch throughout the birth, despite the fact that escaping while in labour would be impossible.

Literature that does refer to pregnancy and birth in prisons suggests that insensitivity is not all that uncommon.²⁴ Women who arrive pregnant in prison, or become pregnant while in prison, and plan to keep their child face numerous problems. The fact that they are imprisoned limits their freedom of movement, as well as takes away their right to choose what to do with their own bodies.

While volunteering with the Elizabeth Fry at the Ottawa-Carleton Detention Centre I witnessed an exchange between an inmate, a nurse and a prison officer that illustrated the insensitivity with which inmates are treated around these issues. During these Elizabeth Fry visits, eight to ten inmates and the volunteers gather in a room to chat and have coffee. On this day a nurse came to hand out medication. A young inmate mentioned to her and a female correctional officer (guard) that she might be pregnant and asked to discuss this in private. The nurse ignored her request, blurting out that she should have an abortion. While this may

have been what this woman wanted to discuss, I was surprised by the lack of sympathy and professionalism on the part of the nurse and the correctional officer. Apart from the staff member's patronizing attitude, the incident led me to question whether prison staff put pressure on pregnant women to have an abortion.²⁵ When this is looked at in the context of how mothers in prisons are perceived as “bad” mothers, it is likely that prison staff may try to pressure pregnant women in prison to abort. This incident highlights another way in which prisons use motherhood as a tool by which to control or punish women.

Although Burnaby Correctional Centre has received considerable attention because it is seen as a “contemporary” institution, an older prison, Portage La Prairie Correctional Centre, in Manitoba has also received considerable attention for its mother-child program. Since 1979, mothers have been allowed to keep their infants up to the age of two with them. Unlike BCCW, Portage is an old institution and looks like a traditional prison, gray and cold with outdoor facilities consisting only of concrete and picnic tables.

In 1979, Eden Hagen gave birth to her daughter while serving time at Portage. The pregnancy and the birth were a very positive experience for Eden Hagen so when she was told that the Children's Aid Society would take her daughter away she demanded to keep her.²⁶ Infants were automatically taken from inmate mothers and placed in foster care or with family members. Instead of giving her daughter to the Children's Aid Society, Eden took the province to court and won the right to keep her baby with her in prison. This made her the

first woman in Canada to be allowed to keep her infant in jail. Eden's story is very inspiring. She reveals how spending time with her child gave her inner strength and confidence. In the documentary Nine Months To Life, Eden visits Portage with her daughter, Stacey, now fifteen years old. For Eden having her daughter with her at Portage was a turning point in her life. If it were not for Stacey, Eden feels she would have gone back out on the street where she most likely would have died.²⁷

Eden and other women have found that having their children with them in prison has been a positive experience.²⁸ These cases illustrate the potential that child programs have for improving the lives of women in prisons. Many explain that their babies give them a reason to get up in the morning, “get their act together”, stay clean, and make goals, and the will to build something positive in their lives.²⁹ For some mothers keeping their children with them in prisons can be one way in which they start to re-build their lives. Incarcerated women often feel that keeping their babies with them is a source of empowerment.

For those women who do have the opportunity to take care of their babies in prison, parenting is often made difficult because of the institution's constant surveillance and control. This creates tensions between mothers and the prison staff, and often mothers feel unable to use their own child-rearing methods. Pat Carlen in her work Alternatives to Imprisonment, argues that prisons:

fail to allow the women to develop their own methods of baby care; reduce what little confidence some of them already have in their ability to cope with the baby outside prison; induce tension when mothers have methods of childrearing and baby diets imposed upon them with which they disagree.³⁰

If mothers are pressured to conform to the institution's standards of child care, whatever those may be, their experiences will no longer be empowering. While it is entirely reasonable for prison staff to intervene if mothers are being abusive to their children, at the same time they should not use their power of authority to dictate how children should be cared for.

The wishes of women inmates should be respected and their input into how their incarceration can be made more “constructive”, if that is possible, should be carefully considered. For example, mothers interviewed for the Task Force indicated that courses on parenting and communication skills would be useful in terms of reconnecting with their children, and as a source of rebuilding self-esteem.³¹ Such parenting courses have yet to be developed at the new facilities. Workshops or courses on parenting or child-care may benefit prison mothers; however, I can also see a potential problem if correctional authorities take advantage of such courses to control women's behaviours. There may be a somewhat fine line between what would be helpful and supportive parenting courses on the one hand

and attempts by prison official to mould mothers into “good mothers” on the other hand.

Jan Fox, the warden at the Edmonton prison, would appear to be erring on the side of control. Referring to the future mother-and-child program at the prison, Jan Fox stated:

I believe that it's going to be an excellent program... I think it's very difficult to teach women to be good mothers when you separate them from their children. It makes it very difficult on the children too.³²

Fox's statement indicates that her intention is to teach the women inmates to become “good” mothers. But it is not clear what assumptions underlie this intention. Does she believe that all mothers need to be taught how to mother, or does she assume that because a woman is in prison she must be a bad mother? Why does she assume they need teaching? The stereotype of a criminal mother excludes the possibility that one may possess good mothering skills. Further, if the focus of the correctional authorities is on producing one kind of mother, one modeled on the stereotyped “good mother”, it is doubtful that these mothers will actually be provided with tools that will assist them to better their lives.

In addition, if correctional authorities have any intention of following the recommendations made by the Task Force, they should respond to mothers' requests for support in maintaining healthy relationships with their children. I would argue that it is crucial that these needs

articulated by inmate mothers be met. I do fear, however, that parenting courses will be based on the assumption that prison mothers are bad, and need to be “taught how to be ‘good mothers’” and not on the needs and circumstances of inmate mothers.

Just like Burnaby Correctional Centre, P4W and other institutions, the new prisons do not seem to be moving away from stereotypes of what a good mother is and how she should behave. Instead the ideals of the “good” mother are used to measure whether an inmate is one of the worst kinds of mother, someone who should not be with her child, or a “not so bad” mother, someone who can keep her child with her. In order to examine this further I will continue my discussion of the proposed mother-child programs for the new institutions.

CHILDREN AND THE MOTHER-CHILD PROGRAM

A report entitled The Study of The Mother-Child Program, written in 1995 by Rachel Labrecque for Correctional Services Canada, offers insight into how Corrections Canada is approaching the development of a mother-child program for the new federal facilities. The report emphasizes that the aim of a full-time residency for children will be to “give mothers the opportunity to fulfill their parental role when this is in the best interest of the child”.³³ The report focuses on children's developmental stages and ways to detect neglect and abuse.

While this report may demonstrate a commitment on behalf of Corrections Canada to ensure that children brought into the facilities will receive proper care, I think it also reflects prison authorities' assumption that most mothers will not be able to take care of their children "properly".

It is disconcerting when Labrecque states in her report that not enough research has been conducted on whether children's development is affected by a prison environment,³⁴ but she does not refer to previous studies on this subject, such as Liza Catan's work, "Infants with Mothers in Prisons".

In her article, Catan cites child-care professionals who have suggested that children living in prisons with their mothers for a few weeks, or few months experience some developmental problems, or delays.³⁵ However, Catan in her own study found the differences between the development of babies in prison and those who remain in care on the outside to be minimal. The test scores of babies who spent more than a year in prison indicated a gradual developmental decline.³⁶ Catan explains this finding as follows:

While the unit [prison] environment was sufficient to support the development of basic skills, it did not offer sufficient opportunity for babies to practice and elaborate them.³⁷

Catan concluded from her study that children in prisons were not deprived of physical contact but, because they were physically restricted, there were some signs of locomotor developmental delays. They did not have enough space to explore and were often confined to strollers and chairs. Lack of educational toys, and of exploratory and structured play was a key ingredient in the delay of prison babies' cognitive skills.³⁸

Although children in prison did show some delays in locomotor skills, children living away from their mothers, living with family members or with foster families showed significantly higher stress levels than children in prisons. The frequently unstable nature of these child care arrangements, due to insecurity derived from temporary and often last minute arrangements, placed a high level of stress on the care-givers. This stress was transposed onto the child, and resulted in distress and insecurity, heightened by infrequent contact between the child and her/his mother.³⁹ Catan points out that:

Many of these problems were not caused solely by the disruption of imprisonment but rather imprisonment exacerbated the women's already disadvantaged and difficult situations that were due, in the last analysis, to their social and economic marginalization.⁴⁰

Most of the children in this study were cared for by female relatives who were single parents themselves, living in disadvantaged socio-economic conditions.

According to Catan's study, Corrections Canada need not place so much emphasis on children's development, especially if the prisons are equipped properly in terms of educational toys and games. In the new facilities, the physical environment should not be a problem because the buildings and surrounding space should be designed with the needs of children in mind, therefore allowing babies' cognitive skills to develop normally. Daycare facilities staffed with qualified educators are supposed to be on the premises.⁴¹

If the needs of children who are brought into prisons are met, I believe that mother-child programs offer a potentially good experience for mothers and their children; however, there is evidence to suggest that this potential may not be realized. If correctional authorities continue to rely on stereotypical notions of how mothers “should” behave, these programs will be used as a tool by which to keep a tighter control over the women. Forcing, or even “encouraging” mothers to fit the restrictive mould of the “good” mother, that is the passive, quiescent, nurturing, self-sacrificing mother, undermines the Task Force's original objective of providing federally sentenced women with the opportunity to work towards their own empowerment.

If Corrections Canada is committed to meeting the needs of mothers in prisons, further research is necessary in order to determine how mothers, children and fellow inmates respond to live-in programs. Even if programs are established, it is likely that many mothers will not have their children living with them, for a variety of reasons. Therefore, it is still necessary

to consider alternatives to live-in programs. Visitation programs need to be examined further, especially with the opening of the new prisons. Because of the move from P4W to the new facilities, women will theoretically be serving their sentences closer to home, which should make visits more frequent. Concerns surrounding visits have received little attention in Canada, even though it is an issue that inmates themselves have identified as crucial.

VISITING ISSUES: THE NEEDS OF MOTHERS AND THEIR CHILDREN

It is likely that visits will be the most common manner in which mothers attempt to maintain a relationship with their children. In the past few years, mothers in prison have identified “enforced separation” from their children as the most critical problem of their incarceration. Federally sentenced mothers at P4W have had very little contact with their children because they are far away. Although most women can write and call their children, they point out that many children are too young to read and phone calls are expensive.⁴² Maintaining a relationship through letter writing, or telephone calls is of course much less satisfactory than visits. Visits allow mothers to spend more time with their children so that they can reconnect and rebuild their relationships.

Even when prisoners have the “privilege” of visits, visiting hours are usually restricted and

insufficient to maintain proper ties. Privilege based visitation systems are fairly common. Under such a system, inmates are only allowed visits if they behave well. This is not only a way in which to punish inmates, but also a way in which to control them. Mothers know that their behaviour determines whether or not they will be allowed to see their children. It is therefore understandable that a mother will go to great lengths to do as she is told in order not to lose the “privilege” of seeing her child. Mothers whose behaviours most resemble “good” mothers will be “rewarded” with a visit, while those who continue to “deviate” from the role of the “good” mother will lose this “privilege”. “Bad” mothers will be punished by having their children taken away from them.

At P4W, family visiting units are made available to inmates and their visitors for seventy-two hour periods every three months. The family visiting unit is a small house located on the prison grounds.⁴³ However, inmates rarely use the unit because their families are too far away. Many of the mothers incarcerated in P4W make arrangements to have their children cared for by relatives or friends. More often than not, these children are fostered in cities and towns far from Kingston. A major problem for mothers at the P4W is the cost and distance involved in transporting children for visits.⁴⁴ This geographic reality has led many inmates to substitute videotaped messages for actual visits.⁴⁵

Mothers at P4W stress that, "We need a chance to earn the trust of our children. Distance and money are big barriers to achieving that."⁴⁶ Consequently, visitation has become a

central concern for mothers at P4W. Statistics done by the 1991 Task Force show that three quarters of federally sentenced mothers want visits, or more frequent visits with their children.⁴⁷ Jo-Ann Mayhew, who wrote regularly from P4W for the newsletter Breaking the Silence, describes the difficulties she experience!! t d in being away from her children:

I am writing today from the Prison for Women (P4W) in Kingston Ontario. It is the wedding day of my eldest daughter. From this prison, I will not see, hear, feel or touch a single moment of her day of commitment and celebration... She knows my feelings. But I am in Kingston, a thousand and hundreds of miles from her wedding feast in Antigonish, Nova Scotia.⁴⁸

Women in prison are being punished for their crimes, but the punishment is more severe for those who serve their sentences thousands of miles away from their children. This is clear as Jo-Ann Mayhew writes:

My sentence is not only incarceration but deportation...we bear not only our pain but those around us, each attempts to absorb the pain of meaningful but all-too-distant relationships.⁴⁹

Mothers who are incarcerated far from their children must also deal with the pain which their

incarceration causes their children. In this context the “bad” mother has not only committed a crime but is making her children suffer. When a mother is incarcerated she is no longer available to take care of her children; therefore she slides further down on the good/bad mother continuum. She has not only abandoned her role as a dutiful, “responsible” mother, but she has physically abandoned her children.

Even when children are able to visit, the facilities are often inadequate, especially in provincial institutions. The problems are particularly acute for mothers serving federal sentences in provincial institutions because they are in the institution and away from their children for such a long time. While provincial institutions mean that children are closer, and transportation costs are therefore less, the facilities are worse than at P4W. Few provincial jails have play areas, overnight accommodations, or allow children to stay past visiting hours. The facilities are often cramped, noisy, and lack privacy. Often inmates and their children converse across a long table in a gymnasium where no physical contact is allowed.⁵⁰

Incarcerated women are dealing with a range of problems in their lives. Worrying about their children's visits adds to their daily stress. A majority of the women in Ann Stanton's study, When Mothers Go To Jail, expressed feelings of guilt for depriving their children of their care. They also felt that their children were suffering for their mothers' crimes.⁵¹ Children who are on the outside must deal with their mothers' incarceration. They realize that their mothers are perceived as “bad” mothers, and they themselves may even feel that their

mothers are “bad” for “allowing” them to be in this situation. When the children come to visit they may voice their anger and resentment at their mothers, reinforcing the women's sense of themselves as “bad mothers”.

In light of the infrequency of visits, the stress and strains of a visit can be very intense. Stanton's study indicates that even though most of the women felt positive about their children visiting, a large majority had mixed emotions.⁵² When mothers have not seen their children for a long period of time, they are not always prepared to deal with the pain and guilt which accompanies such emotionally intense reunions. Some women who only have the opportunity to see their children once a year made it clear that they would choose not to have visits because the emotional stress was too difficult for them to handle.⁵³ Many mothers indicate that they need support when their children come for visits. A day-care centre on the premises would allow children to play together during visits, while giving mothers the opportunity to slowly reconnect with her child in a more “natural” setting. Two women interviewed for the Task Force Creating Choices said:

Why can't there be a day-care centre at Prison for Women?⁵⁴

There is nothing harder than facing kids that don't know you. Doing time is easy compared to that.⁵⁵

Having support staff and child care workers available during visits might lessen the stress for both mothers and children. However, given that most prisons are run on a privilege based system, supervised visits may have a more negative than positive impact on inmate mothers, particularly those who are more marginalized. If prison staff are expected to both “help” and evaluate mothers during prison visits, this will not provide the assistance mothers are seeking. Mothers may be looking for emotional support before and during their children's visits. They may need to talk about their fears and guilt of feeling like “bad” mothers. But if their mothering skills or their behaviour towards their children are being evaluated by the prison staff, such disclosures may prove very damaging to them and result in the loss of visiting “privileges”. Provincial facilities in Brandon, Manitoba, and in Guelph, Ontario, operate inmate-staffed child-care programs that provide supervision during visitation hours.⁵⁶ This may be a more appropriate alternative.

Another problem is that mothers are sometimes torn between the desire to see their children and the wish to protect them from the pain of seeing their mothers in prison.⁵⁷ Under these circumstances, the stereotypical “good” mother would protect her children from the realities of her mother's situation. But, since protection in this context would mean not seeing her child, these mothers feel guilty because they feel that, either way, they have failed their children and see themselves as “bad” mothers. Pat Carlen's study, Women's

Imprisonment in the U.K., illustrates the implications for mothers facing this dilemma. Freda Franklin, serving time at Cornton Vale in Scotland, told Carlen:

When I first came in I just didn't want to
see the weans [children] because I knew how hard it
would be for them to go away and for me to
see them go away....then I just had to see
them, I felt as though I had to.⁵⁸

Not only is it emotionally draining for the mothers, but for the children as well. Another mother, at Cornton Vale, Melody, had her mother bring her son to visit her in prison. She gave up the visits, however, because they upset him so much. Her mother explains:

Alasdair greets [cries] at night. I only took him to see
Melody once. When we came away he was greeting [crying]
so much that I didn't take him again.⁵⁹

Melody was ambivalent at first, but then decided that her mother had made the right decision. Although she desperately wanted to see her son, she felt uncomfortable about him seeing her in prison. Prison officers at Cornton Vale commented that “visits are mixed blessings” and often the reunions are full of pain and tears.⁶⁰

During one of my visits at the Ottawa-Carleton Detention Centre, an employee mentioned seeing a small child being carried out of the visiting area, crying and screaming. This

employee felt that sometimes children should not be allowed to visit, because it was simply too painful. Some mothers prefer to avoid visits precisely because of this possibility. This raises the question of whether visits can take place in a more positive environment. Since it is impossible to determine how children will react when they see their mothers in prison, alternative ways must be considered. The visiting facilities themselves have a lot to do with the way children react to their mothers' incarceration. For instance, if physical contact is not allowed the whole experience may be so painful that mothers decide that visits are detrimental to themselves and their children.

Most facilities are not conducive to fostering a healthy relationship between the inmate and her family. The experience of walking through cold hallways with heavy metal doors slamming shut, of endless waiting, and of seeing their mothers being searched, and sometimes of being searched themselves can be frightening for children. When children witness their mother being placed in humiliating situations they understand that their mothers are being treated as “bad” mothers.

In addition, children's needs during visiting hours are effectively ignored. Ideally the institutions should provide the families with a comfortable setting, supplying toys and activities for the children and their mothers. The failure to provide mothers with a positive environment where they can enjoy their children's company forms a part of the institution's ongoing form of punishment. Making women “suffer” through their visits is just another way

in which prison authorities manage to maintain control of the women. This kind of treatment reinforces the mother's feelings of guilt for being a "bad" mother.

With the exception of P4W, where women could spend a few days in a house on the prison grounds with their children when possible, Canadian prisons have not experimented extensively with visitation programs. A few provincial institutions have implemented extensive visiting programs. One such program, "Family Continuity After Imprisonment" at Maison Tangay in Montreal, offers an overnight and weekend visitation program.⁶¹ Prisons in the United States, on the other hand, have been more creative in this area.

In Mothers in Prison, Phyllis Baunach explored two institutions in the early 1980s where mother-child visits were given priority. The main objective of both these programs was to strengthen the ties between the mothers and their children. The Daniel Boon Career Development Center (DBCDC) in Kentucky offered a parenting workshop and a weekend visiting program where children up to the age of 15 could visit regularly on weekends.⁶² The Purdy Treatment Center for Women, in Washington State, offered a child development course, a nursery school, special visits for children, and a foster-care placement program.⁶³

Baunach claims the program at DBCDC, when in operation, functioned relatively well despite its structural problems. This is somewhat difficult to believe considering its many problems, ranging from transporting children to the institution and not holding visiting weekends regularly, to the lack of continuity between the parenting workshops and the

weekend visits.⁶⁴ When the DBCDC closed its doors in the early eighties, the women were moved to a minimum security unit at the Kentucky Correctional Institution for Women. These women have access to community facilities, and the weekend visiting program is still in operation.⁶⁵ It appears that this move is an attempt to bring women closer to the community. This could be positive both for the mothers and the children, as long as the community accepts the inmates regardless of their “criminal” past. Baunach does not make it clear whether the structural problems have been solved.

The problems inmates at the DBCDC experienced seem to correspond to problems faced by mothers in Canadian prisons. Transportation, financing and coordinating visits are problems that may not be solved even if women serve time in their home province. Mothers are not in control of their children's situations and often have little say in whether children can come to visit. Often family members or foster parents refuse to bring children for visits.

The Purdy Treatment Center, the second treatment facility described by Baunach, places more emphasis on education. Women have the opportunity to engage in a child development course and work in a nursery located on the prison grounds. Children attending the nursery are from the nearby community, and the program is supposed to create a liaison between the inmates and their community.⁶⁶ This program seems strikingly similar to those in late nineteenth century reformatories. Encouraging women to participate in child-development courses while working in a nursery suggests that women are seen in need of “domestication”.

Trying to mould women into “good mothers” through “educational” programs would seem to be more about control and the imposition of the ideology of motherhood than about the needs and concerns of inmate mothers.

Baunach stresses the success of both these programs because they enhance the inmates' sense of responsibility through the experiences of care giving during visits.⁶⁷ still, I question the intention of prison authorities and those who support this approach, especially in light of Baunach's comments:

The behaviours and attitudes of incarcerated women around the children softened. Women often said that they ‘watched their language’ and shielded children from behaviour that might appear morally questionable. In this sense, the presence of children tended to bring out nurturing responses from mothers and non-mothers alike.⁶⁸

I question whether these programs reflect a genuine concern to maintain ties between inmate mothers and their children, or whether they reflect a concern on the part of the prison authorities to use these programs to modify the behaviour of inmates, to make them better mothers. This of course represents a serious dilemma, because the two positions may be largely indistinguishable. A genuine effort to make mothers' incarceration less painful, on the one hand, and controlling and moulding women into “good” mothers on the other, are not

necessarily mutually exclusive concepts. However, to the extent that these programs constitute endeavors to change inmates' behaviour, rather than to help inmates change destructive behaviours they are problematic. These programs are even more problematic when they punish those mothers who do not conform to the narrow confines of the “good mother” image. Rewarding certain kinds of behaviours, while punishing mothers is obviously an attempt to maintain rigorous control over the women's lives. If inmate mothers step out of the constructed model of the “good inmate mother”, their punishments are sometimes severe. They may lose the “privilege” to see their children, or lose the opportunity to have their children live with them in prison.

These prison systems based on punishment and privilege illustrate that the treatment of incarcerated women over the last hundred years has changed at a disturbingly slow rate. sexist, racist and class-based stereotypes of how women and mothers should behave are integrally linked to how prison officials view women offenders. In this context women's roles as mothers and wives become their primary identities, roles which correctional authorities reinforce by rewarding “good” maternal behaviours and punishing “bad” non-maternal behaviours.

I believe that if children are to live with their mothers in prisons, in depth studies must be undertaken in order to ensure that these programs will in fact benefit mother-child relationships. These programs must not be used as a method to control and punish

incarcerated mothers. Although the new facilities will allow women to live in a comfortable environment closer to their families, the move itself does not necessarily mean that real changes will take place. If other mother-child programs, such as the one in Burnaby Correctional Centre, are any indication, I suspect that the new facilities will unfortunately not provide mothers with the necessary means by which to maintain relationships with their children. I think correctional authorities should give serious thought to alternatives to imprisonment. Many of the women currently in prisons in Canada may have a better opportunity to rehabilitate themselves outside prison. However, it is unlikely that women will be allowed to serve their sentences outside prison in the near future. Therefore, in the meantime, it is important that more attention be given to creating mother-child programs that are not based on control and punishment.

CONCLUSION

I have argued throughout my thesis that socially constructed notions of good and bad mothers shape the perception that the courts and society have of mothers who are in conflict with the law. Instead of explaining the images we have of good and bad mothers in terms of a dichotomy, I have conceptualized the image of good and bad mothers as existing on a continuum. Within this conceptual framework I argue that incarcerated mothers are inevitably labeled as the worst kind of mother. The ideal of the “good” mother is entrenched and defined in terms of class, race, sexuality and other factors. Mothers whose lives do not meet the stereotypical images of the “good” mother, and this is true for most mothers, are seen, and even see themselves, as “bad” mothers.

Mothers who commit crimes are seen as bad mothers. However, as I show in chapter two, some “bad” mothers are considered worse than others. Whether they are judged to be “really bad” or “not so bad”, depends on the crime they have committed, and on their race, marital status, class, sexuality social status, and other such factors.

In the mid nineteenth century, social reformers encouraged prison officials to emphasize reform rather than punishment. Mothers who were incarcerated were considered to be in need of training and rehabilitation. In most cases, the “training” consisted of forcing women to perform menial domestic tasks. This focus on domesticity suggests that reformers and

prison officials were trying to force women inmates to conform to the ideals of how good mothers act, as enshrined in the institution of motherhood.

During this time, in the United States, nurseries in reformatories became a part of a move towards creating more feminine, nurturing mothers. When these prison nurseries are placed within the context of the good/bad mother continuum, they can be seen as a subtle but a coercive way in which to control, and in some cases punish “bad” mothers. Similarly, contemporary prisons, in most cases, use mother-child programs to control and modify prisoners' behaviours in much the same way the reformatories did in the late nineteenth century. This leads me to question whether the present reforms relating to mother-child programs, taking place for federally sentenced mothers will be used as a tool to control and punish incarcerated mothers as they have in the past.

With this question in mind, it is important to examine what is taking place in the new facilities. In the time that I have been writing my thesis, some of the new regional facilities have opened and within a few months of operation have already experienced difficulties. At the first facility to open, in Edmonton, a nurse was slashed, one inmate was murdered, seven inmates escaped (all have since been “captured”) and one inmate committed suicide.¹ Since these incidents took place numerous structural changes have been made in order to prevent further problems. These include putting in place tighter security measures and barring maximum-security prisoners from the new facilities.²

Maximum security inmates at P4W will now be moved across the street to the Kingston Penitentiary for men. Six of these maximum-security prisoners will be moved to the Ste-Anne-des-Plaines Penitentiary for men in Quebec.³ This move is a major step backwards and has serious implications for these women inmates. It seems like we are going back to 1836 when women were confined above the men's mess hall in the male penitentiary at Kingston. This move has outraged advocates for female inmates. Elizabeth Forestall, Executive Director of the Council of Elizabeth Fry Societies of Ontario called it cruel to:

put women into the same federal facility that houses sex offenders. Many inmates have expressed their fear about the situation and about the possibility of a prison riot.⁴

In the early nineteenth century, it was determined that housing female offenders within male prisons was problematic, even dangerous. There is no reason to believe that the problems, or the danger have been alleviated. Female maximum security inmates are being further punished by being warehoused in men's penitentiaries. The women are placed in small rooms, segregated, confined and restricted in order to keep them away from the men. Moving these women, who have been labeled "maximum security inmates", into male institutions is also symbolic of how these women are viewed. They are "masculinized", seen as the worst of the women inmate population, and seen as a threat to the other women. Those who are mothers

are seen as the “worst” kind of mother and therefore in need of punishment as mothers and as offenders. These mothers will not have the opportunity to be with their children while incarcerated.

Women who are being transferred to the new prisons are classified as low to medium security risks. This should mean that they need less security and surveillance than maximum security inmates. Nonetheless, security in these new facilities is being tightened. These new surroundings will be equipped with security fences, topped with barbed wire, security cameras, motion detectors and alarm systems.⁵

Skeptics of the new facilities argue that inmates will receive more lenient treatment at the new facilities.⁶ Lynn Ray, President of the prison guards' union, criticized Corrections Canada, saying that they were being too optimistic about this new move because they assume that the inmates will automatically change because of the new setting.⁷ Ray's statement supports my argument, as she too recognizes that prison officials expect women to change, or conform. Incarceration is supposed to make “bad” mothers into “good” mothers.

Programs based on a rehabilitation model could be problematic because the concept of rehabilitation seems to be entrenched within a notion of social control. I am not sure what alternative, if any, there is to the rehabilitation model. However, before any models are explored, I believe fundamental changes need to be addressed. For instance, the attitudes of those who work with mothers in prisons must reflect an understanding of and respect for

these women's situations. Mother-child programs must exist in an atmosphere of respect which will allow women space to work on their mothering skills without the threat of losing their children or being disqualified from the program. Furthermore, I believe that mothers in prisons have the right to be free from the imposition of a restrictive class, race, and gender bound notion of good mothers.

The feminist ideal, providing space for empowerment, on which much of the Task Force was based, may be impossible to realize within the walls of a prison. It will be difficult to create an atmosphere within the confines of a prison where women feel secure enough to be able to rebuild their self-esteem and work towards empowerment. The contradiction is blatant considering that the primary objective of prisons is to limit the freedom and separate “criminals” from society. This notion is in opposition to the feminist principle that empowerment is realized through decision making and the realization of one's life choices.

These new facilities are prisons, and not summer camps as the media has often portrayed them.⁸ The recent move to tighten the security at the prisons is a move away from the setting the 1991 Task Force envisioned. Nevertheless, the move to new regional prisons will help solve the problem of long distances, a major obstacle for visitation for many mothers. Some inmates will now be closer to their families than if they were at P4W. We will also witness the implementation of mother-child programs which many mothers will welcome. Most of these mothers are so desperate to be with their children that they cannot afford to be critical

of the programs. Coercion will be effective, at least in the short term, for many of these mothers. To be eligible for these programs, mothers will be required to meet strict criteria set out by prison officials. Only those mothers who conform to the “good” mother stereotype will be able to participate in these programs. Among other things, these will be women considered to be “low-risk” in the prison context.⁹

This raises the question of whether “low-risk” mothers who are eligible for mother-child programs should even be in prison.¹⁰ Alternatives to imprisonment for mothers have been created in the United States. These alternatives allow women to serve part of their sentences in residential settings instead of in prisons.¹¹ In one such situation, ten women live together with their children in a residential area. The centre is run under prison regulations and inmates are tested regularly for drugs. While still highly controlled, this situation seems to be an improvement for both the mothers and their children. The women enjoy autonomy in relation to child rearing. At the same time, their children live in a relatively “normal” environment: they can interact with other children and family members on a regular basis.¹²

Looking at alternatives to imprisonment for mothers would require an entire research project in itself, one which I think should be given careful consideration if mothers in conflict with the law are to be given a real chance to rebuild their lives and maintain relationships with their children. In the final analysis, we must get away from punishment-based mother-child programs which attempt to mould mothers into “good mothers”. Inmate mothers must be

allowed to find their own way to good mothering. They must be given the respect and tools they require to enable them to mother during and after their release from a correctional institution.

ENDNOTES

INTRODUCTION

- 1 Marlee Kline, "Complicating the Ideology of Motherhood: Child Welfare Law and First Nation Women," Mothers in Law: Feminist Theory and the Legal Regulation of Motherhood, eds. Martha Albertson Fineman & Isabel Karpin (New York: Columbia University Press, 1995) 119.
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- 4 The Report of the Task Force on Federally Sentenced Women, (hereafter Creating Choices), co-chaired by representatives from the Correctional Services of Canada and the Canadian Association of Elizabeth Fry Societies, February 14, 1990.
- 5 The Elizabeth Fry Society is a voluntary organization that works with women who are in conflict with the law. They operate half-way houses, run prison visit programs, as well as provide women with assistance and information in court.
- 6 I first came across a discussion on mothers in prison while reading, Curt T. Griffiths, Simon N. Verdun-Jones, Canadian Criminal Justice (Toronto: Harcourt Brace & Company, 1994) 574-575.
- 7 The Ottawa Carleton Detention Centre (OCDC) is for young offenders (16 and 17 years old) and adults 18 years of age and over. The men and the women held at the centre are on remand awaiting trial, serving sentences up to 180 days, or are awaiting transfer to another institution. There are beds for 16 adult women (sometimes there are up to 25 women serving time at OCDC, once they are out of beds they sleep on mattresses on the floor) in the women's section and five young offender women in the Young Offender section. The length of stay varies from one day to several months. There

are three wings for men in maximum, one medium and one minimum, and one dormitory for the adult women.

- 8 Until recently both male and female young offenders spent the day together and were kept in cells at night. Currently young female offenders women are usually kept in a small cell all day. Sharing the space with males was a problem and one of the solutions was to isolate the women. While sharing space with the males the young women had indicated they felt the environment was threatening, uncomfortable and even dangerous. Because there are only a couple of young women offenders at the OCDC at a time this problem was seemingly to be solved by keeping them in a small cell with no windows. Often two women share a cell with one bed and one mattress on the floor.
- 9 I will touch upon the issues concerning the P4W throughout my thesis. Karlene Faith in her book Unruly Women (Vancouver: Press Gang Publishers, 1993) 138-140, describes the conditions at P4W. See also Sheelagh Cooper, "The Evolution of the Federal Women's Prison," In Conflict with the Law: Women and the Canadian Justice System, ed. Ellen Adelberg and Claudia Currie (Vancouver: Press Gang Publishers, 1993) 42-45.
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- 14 Creating Choices 14.
- 15 Elizabeth Comack, Women in Trouble: Connecting Women's Law Violations to Their Histories of Abuse (Halifax: Fernwood Publishing, 1996) 124.
- 16 Margaret Shaw, Survey of Federally Sentenced Women. Report to The Task Force on Federally Sentenced Women. (Ottawa: Ministry of the Solicitor General,

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CHAPTER ONE

THE INSTITUTION OF MOTHERHOOD AND SOCIALLY CONSTRUCTED IMAGES OF “GOOD” AND “BAD” MOTHERS

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5 Marlee Kline, “Complicating the Ideology of Motherhood: Child Welfare Law and First Nation Women,” Mothers in Law: Feminist Theory and the Legal Regulation of Motherhood, eds. Martha Albertson Fineman & Isabel Karpin (New York: Columbia University Press, 1995) 119.

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- 24 Candace Kruttschnitt, "Women, Crime, And Dependency: An Application of the Theory of Law," Criminology 19:4, (February 1982) 497.
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- 26 Karlene Faith, Unruly Women: The Politics of Confinement & Resistance (Vancouver: Press Gang Publishers, 1993) 60-64.

- 27 Shelley A.M. Gavigan, "Women's Crime: New Perspectives and Old Theories," In Conflict with the Law: Women and the Canadian Justice System eds. Ellen Adelberg & Claudia Currie (Vancouver: Press Gang Publishers, 1992) 218.
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CHAPTER TWO

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- 33 Cooper 40-41
- 34 Cooper 43.
- 35 Cooper 43.
- 36 Strange, "'The Criminal and Fallen of Their Sex': The Establishment of Canada's First Women's Prison, 1874-1901," 80.
- 37 Carolyn Strange, "The Velvet Glove: Maternalistic Reform at the Mercer Reformatory for Females, 1874-1927" M.A. Thesis, University of Ottawa, 1983, 13.
- 38 Strange, M.A. Thesis 13.
- 39 Strange, M.A. Thesis 45
- 40 Estelle Freedman stresses that the ideal (as perceived in the nineteenth century) reformatory should isolate criminals from society, provide extensive supervision and force inmates to engage in compulsory labour. In her research she shows that most "reform" institutions in fact failed in their tasks. She explains:
Whether the isolation and regimentation of the penitentiary was intended to convert, control,

or retrain prisoners, the institution ultimately failed to achieve its founders' goals. Most writers agree that prisons, like other nineteenth century asylums, deteriorated rapidly into purely custodial institutions. They then provided a convenient storage system for individuals who were no longer defined as members of the body politic.

For further discussion see Estelle Freedman, Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930 (Michigan: University of Michigan Press, 1981) 9-10.

41 Valverde 15-17

42 Strange "The Criminal and Fallen" 90

43 Strange "The Criminal and Fallen" 90

44 Strange "The Criminal and Fallen" 90-91

45 Strange, M.A. Thesis 88, see also Phyllis Chesler, Mothers on Trial: The Battle for Children and Custody (New York: McGraw-Hill Book Company, 1986).

46 Freedman 68

47 Freedman 61

48 Freedman 69

49 Freedman 96

50 Russell Dobash, R.Emerson Dobash and Sue Gutteridge, The Imprisonment of Women (London: Basil Blackwell, 1986) 4.

51 Dobash, Dobash and Gutteridge 88.

52 Dobash, Dobash and Gutteridge 88.

53 Henry Mayhew and John Binney, The Criminal Prisons of London and Scenes of

Prison Life (London: Griffin, Bohn & Co., 1862, reprint 1962, Frank Cass, London) 189-190.

54 Meyhew and Binney 189-190

55 Meyhew and Binney 189-190

56 Dobash, Dobash and Gutteridge 72. Dobash, Dobash, and Gutteridge also mention Tothill Fields as another British prison that accomodated children. It seems to have operated very much like Brixton, where the children were not necassarily used to attempt to “train” women to be “good” mothers. 72.

57 Dobash, Dobash and Gutteridge 72

CHAPTER THREE

MOTHER-CHILD PROGRAMS: MOTHERS AND CHILDREN IN PRISONS

1 Mary Eaton, Women After Prison (Buckingham: Open University, 1993) 37.

2 Creating Choices 129.

3 Creating Choices 129.

4 Creating Choices 101-102.

5 Creating Choices 123-124.

6 Creating Choices 144. The report does not give any detail on how this would take place, or for example how long the children would stay with their mothers, which of course is problematic.

7 This documentary, Nine Months To Life, aired on CBC February 28, 1995. Mothers serving time at the P4W and in provincial institutions were interviewed and told their

experiences both as mother mothers with infants in prison and without their children.

8 Nine Months To Life

9 Nine Months To Life; see also Louise Arbour, Commission of Inquiry into Certain Events at The Prison For Women in Kingston (Ottawa: Canada Communication Group-Publishing, 1996).

10 Karlene Faith, Unruly Women: The Politics of Confinement and Resistance (Vancouver: Press Gang Publishers, 1992) 145.

11 Faith 145

12 Faith 147

13 Nine Months To Life

14 Nine Months To Life

15 Creating Choices 8, see also Karlene Faith, "Media, Myths and Masculinization: Images of Women in Prison," In Conflict with the Law: Women and the Canadian Justice System (Vancouver: Press Gang Publishers, 1993) 190-191.

16 Federally sentenced women make this clear in Creating Choices

17 Kelly Toughill, "Women Behind Bars: How Society Pays A Price," Toronto Star 19 March 1995.

18 Toughill

19 Toughill

20 Nine Months To Life

21 Nine Months To Life

22 Linda MacLeod, Sentenced to Separation: An Exploration of the Needs and Problems

of Mothers Who are Offenders and their Children (Ottawa: Solicitor General, 1986) 7
Usually the baby is taken and placed with the mother's family or a state agency.
Negative experiences reported by inmate mothers in Canada are echoed in other countries as well. In Britain women described unsympathetic prison staff, some were worried about not receiving proper pre-natal care. While in labour and recovery they were surrounded by prison officers who reduced their birthing experience to one of embarrassment and humiliation.

23 Faith 136.

24 Phyllis Chesler, Mothers on Trial (New York: McGraw-Hill Book Company, 1986) 302.

25 Chesler 302.

26 Nine Months To Life

27 Nine Months To Life

28 Nine Months To Life

29 Nine Months To Life

30 Pat Carlen, Alternatives to Women's Imprisonment (Buckingham: Open University Press, 1990) 24.

31 Creating Choices 9-10.

32 Laura King, "Women Inmates to Live with Children," Edmonton Journal 13 January 1995.

33 Rachel Labrecque, Study of the Mother-Child Program, (Correctional Services Canada, 1995) 43.

34 Labrecque 49.

35 Liza Catan, "Infants with Mothers in Prison," Prisoners' Children: What Are The

- Issues?, ed. Roger Shaw (London: Routledge, 1992) 16.
- 36 Catan 17.
- 37 Catan 17.
- 38 Catan 18.
- 39 Catan 20.
- 40 Catan 24.
- 41 Labrecque 45.
- 42 Brenda McGowen, Karen Blumenthal, "Children of Women Prisoners: A Forgotten Minority," The Female Offender, ed. Linda Crites (Toronto: D.C. Heath and Company, 1976) 123.
- 43 Griffiths and Verdun-Jones 575.
- 44 Creating Choices 10-13.
- 45 Nine Months To Life
- 46 Creating Choices 7.
- 47 Creating Choices 42-43.
- 48 Jo-Ann Mayhew, "Barred from Life: Canadian Women in Prison," Breaking The Silence 6 (1988): 21.
- 49 Mayhew 21.
- 50 Margaret Shaw, Survey of Federally Sentenced Women (Ottawa: Solicitor General, 1991) 14-15.
- 51 Ann Stanton, When Mothers Got To Jail (Toronto: D.C.Heath & Company, 1980) 10

- and 62.
- 52 Stanton 62.
- 53 Shaw 14.
- 54 Creating Choices 11.
- 55 Creating Choices 7. A quote by a prisoner at the P4W.
- 56 Griffiths and Verdun-Jones 575.
- 57 Pat Carlen, Women's Imprisonment (London: Routledge & Kegan Paul, 1983) 80.
- 58 Carlen, Women's Imprisonment 80.
- 59 Carlen, Women's Imprisonment 80.
- 60 Carlen, Women's Imprisonment 81.
- 61 Griffiths and Verdun Jones 575.
- 62 Phyllis Baunach. Mothers in Prison (New Brunswick: Transactions Inc., 1985) 78.
- 63 Baunach 87.
- 64 Baunach 84.
- 65 Baunach 85.
- 66 Baunach 88.
- 67 Baunach 96.
- 68 Baunach 97.

CONCLUSION

- 1 Andrew Duffy, "Women Face Indefinite Stays in Men's Prisons," Ottawa Citizen 22 January 1997: D11.
- 2 Andrew Duffy, 22 January 1997: D11.
- 3 Andrew Duffy, 22 January 1997: D11.
- 4 Andrew Duffy, 22 January 1997:D11.
- 5 Andrew Duffy, 22 January 1997:D11.
- 6 Kevin Cox, "Newest Prison for Women Offers Houses, Fitness Centre," Globe and Mail 6 November 1995: A4.
- 7 Andrew Duffy, "Homolka May Go To Bernardo's Jail," Ottawa Citizen 25 January 1997: E11. I suspect that the prison guards are probably concerned about their own safety as well which is of course as legitimate concern.
- 8 Cox, 6 November 1995: A4.
- 9 Rachel Labrecque, Study of the Mother-Child Program, (Correctional Services Canada, 1995) 43.
- 10 In fact, Louise Arbour does suggest that alternatives "should be pursued, particularly before endorsing too broadly the mother and child programs which bring children into prisons, rather than their mothers into the community" in Commission of Inquiry into Certain Events at The Prison For Women in Kingston (Ottawa: Canada Communication Group-Publishing, 1996) 226.
- 10 Pat Carlen, Alternatives to Women's Imprisonment (Buckingham: Open University Press, 1990) 106.

11 Carlen, Alternatives to Imprisonment 106.

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6 November: A4.

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