

**HARMLESS VICTIMS OR HARMFUL VILLIANS:
The Representation of Criminalized Women in Public Discourse**

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ABSTRACT

This thesis explores the representation of criminalized women in public discourse. How we talk about gender and crime has important implications for how we interpret and respond to women that break the law. To uncover the social messages that underlie our discussions of criminalized women, I undertook a critical discourse analysis of thirty-seven years of government publications, parliamentary debates, and newspaper articles using grounded theory. While analyzing the data, I discovered persistent socially constructed discourses on appropriate gender norms and behaviour: criminalized women tended to be construed as either harmless or harmful depending on their perceived adherence to gender expectations. However, I argue that our understanding of gender, and gender appropriate behaviour, is complicated by the intersection of gender with race, class, and sexuality. As a result, I propose that *certain* women are more likely to be construed as harmless, while others are more likely to be deemed harmful.

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This thesis is dedicated to the memory of Kay Rawson, friend and mentor.

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INTRODUCTION

Their names alone tend to evoke revulsion and disgust. Karla Homolka, Susan Smith. Aileen Wuornos. While their acts have appalled the public, there's a certain fascination about what they've done, in no small part because they are female. Traditionally when it came to violent crime, women have been portrayed as victims. But that perception is starting to shift. (Warwick 1995, p.C1)

This introductory quote is just one example of the primary focus of this thesis: the representation of criminalized women in public discourse. With women comprising a statistical minority of those arrested, charged, convicted, and sentenced for a criminal offence (International Centre for Prison Studies 2008; Kong & AuCoin 2008), crime is often assumed to be a male endeavour. When women engage in criminalized behaviour it is shocking, not only because of its relative rarity but also because it contradicts how we traditionally conceptualize the female gender: passive, nurturing, and void of criminal tendencies and abilities. Research shows that our understanding of criminalized women is fraught with gendered stereotypes about the ‘true’ nature of womanhood and essential femininity (Carlen 2002; Cecil 2007; Chesney-Lind & Eliason 2006; Daly & Chesney-Lind 1988; Faith 1993; Farr 2000; Gaarder, Rodriguez, & Zatz 2004; Gelsthorpe 1989; Gilbert 2002; Linders & Van Gundy-Yoder 2008; Naffine 1987; White & Kowalski 1994). The discourses created out of our gendered assumptions of how a woman should act, and in turn what it means to *be* woman, reinforce our stereotypical views about crime and gender and shape our treatment of women who engage in criminalized behaviour (Gilbert 2002). Accordingly, the manner with which we discuss criminalized women has important implications for how society, law enforcement agents, and criminal justice officials interpret and respond to female deviancy.

This Study

This thesis explores the representation of criminalized women in public discourse.

This exploration was guided by three broad questions:

1. **What has been said:** How do we, as a society, talk about criminalized women?
2. **What does it mean:** What are the larger social messages about gender and crime that are being reproduced through these discourses?
3. **What is missing:** What is not being discussed and why?

Methods and Theory

While motivated to answer all three exploratory questions, I remain interested less in the words that are used to discuss criminalized women and more in the larger social messages, assumptions, and stereotypes about gender, crime, and women who engage in crime that are reproduced through our discussions. Of equal interest is what has not been discussed, and the implications of these silences on our understanding of criminalized women. Accordingly, I chose to explore discursive representations of criminalized women by means of critical discourse analysis; this required that I look beyond the written word to uncover the underlying messages that shape our understanding of women who engage in deviancy.

Yet, to truly ascertain the messages about women and crime that are conveyed through public discussion, I have to maintain an open mind to what the data is actually telling me. Unfortunately, my previous experience working with criminalized women and background in feminist academia meant that I had prior knowledge of issues relating to gender and crime. To limit the extent to which my previous knowledge of criminalized women influenced my analysis of the representation of criminalized women in discourse,

I chose to suspend hypothesis and theory generation and analyze the data with Glaser & Strauss's (1967) grounded theory. This framework allows me to approach the data 'blindly' to determine what it was really saying about criminalized women, not what I thought it should say.

Significance

While prior research has analyzed depictions of criminalized women in films (Cecil 2007; Faith 1992, 1993; Holmlund 1994) and the news media (Carll 2003; Linders & Van Gundy-Yoder 2003; Lundman 2003), often targeting women at a particular stage of the criminal justice system (i.e. incarcerated populations) or who have committed a particular offence (i.e. murder), this study provides a valuable contribution to feminist criminology and representation theory by analyzing representations of criminalized women in multiple data sources: governmental reports, parliamentary debates, and newspaper articles. By exploring the representation of criminalized women in both 'expert' (government reports and parliamentary debates) and 'popular' (newspaper articles) discourse, I can grasp a better understanding of the social messages about gender and crime that construct our individual and collective understanding of women who engage in criminalized behaviour.

My intended goal in performing this research is not to critique the accuracy of the representations or the methods used to put forth these depictions, but rather to ascertain the social assumptions underlying these depictions that both reflect social beliefs about gender appropriate behaviour and shape public knowledge of women who engage in deviancy. Additionally, through identifying discursive silences, this thesis explores how

our understanding of criminalized women is restricted by the dominant essentialist conceptualization of the category of women.

Key Terms

In order to provide the foundation for the analysis, I need to clarify what I mean by both ‘public discourse’ and ‘criminalized women’. Firstly, discourse refers to ‘language in use’, or more specifically, the use of language to communicate and exchange ideas about social phenomena (van Dijk 1997). Accordingly, I use the term ‘public discourse’ to refer to the social messages, stereotypes, and assumptions about women who engage in crime that are reproduced through social dialogue. Secondly, I use the term ‘criminalized women’ to encompass all women who have come into conflict with the law for a criminal offence at any and all stages of the criminal justice process: from initial accusation, until long after they have fulfilled the requirement of their sentence. I feel it is important to acknowledge that the criminalized identity does not necessarily disappear once the woman has been acquitted of her charges or completed her period of probation. Moreover, commonly used terminology, like ‘criminal’ or ‘offender’, relies on an essentialist assumption of criminality, which suggests that only certain types of people engage in deviant behaviour and those that do can be characterized by their deviancy, subsequently creating an artificial dichotomy between ‘us’ (normal law-abiding citizens) and ‘them’ (the type of people that engage in crime) (Becker 1963; Faith 1993; O’Keefe, Enior & Monti-Holland 2007; Sommers 1995).

Influenced by postmodern feminist ideology and critical criminological approaches that challenge objective knowledge and reject essentialist conceptions of both gender and crime (see for example Butler's 1990; Chesney-Lind 1986; Faith 1993), I refuse to accept

that crime or gender are objectively existing phenomena; on the contrary, I deem both to be social constructs that simultaneously reflect and reproduce power relations and are often used as a means of social control. Rather than being ‘born’ gendered or criminal, I assert that people are socially constructed as male or female (in the case of gender) or problematic (in the case of crime) according to informal social rules concerning the desirability or appropriateness of specific behaviour. As a result, *who* and *what* is considered both masculine and feminine, or deviant varies according to the social, political, and economic relations of power. Use of the term ‘criminalized’, shifts the focus of analysis from the individual ‘criminal’ to the role society plays in the criminalization process. Rather than assuming that people are inherently criminal, the term ‘criminalized’ acknowledges that specific populations and behaviours may be socially constructed as ‘criminal’. I also refer to criminalized women as “women in conflict with the law”, “women that break the law” or “women who engage in criminalized behaviour”.

Timeframes

Since *who* and *what* is considered criminal varies, influenced by factors such as shifts in public and criminal justice attitudes and dependent on time, place, and culture, I included data from a thirty-seven year period, from 1968-2005, in order to observe shifts and continuities in the language used to discuss criminalized women depending on the social, economic, and political climate of the era. It was important to begin the analysis during the second wave of the women’s movement because it was a notable period in history where specific attention began to be paid to the situation of women generally, and criminalized women specifically. This time period is also where you see the promulgation of the first governmental report that placed women at the center of analysis.

It was also important to include contemporary data, as intellectual understanding of women in conflict with the law has increased exponentially in both quantity and complexity since that time.

Organization

This thesis is organized into six chapters and a conclusion.

Chapter I offers a review of the literature on women and crime in order to set the framework for the analysis and discussion of discourse representation. Focusing on official crime statistics and both feminist and non-feminist criminological theories, I provide a brief overview of the extent and nature of women's crimes in Canada and review how female criminality has been conceptualized in academic research. While traditional theorizing attempted to locate criminality in the female body, reducing crime to individual pathology, contemporary theorizing typically focuses on the socio-economic context of women's offending. This reflects an intellectual shift away from viewing crime as individual pathology to a recognition of the intersecting factors that both restrict and promote women's engagement in crime.

Chapter II serves three objectives. Firstly, it reaffirms the importance of analyzing discourse on criminalized women. Since the average person typically has limited personal or professional experience with criminalized individuals, his or her understanding of people who engage in criminalized behaviour is largely influenced by how 'crime' and 'criminals' are constituted in the public sphere. Secondly, this chapter outlines the theoretical and methodological frameworks used to analyze the data. I chose to use critical discourse analysis and grounded theory because of their inductive and highly adaptable nature. Lastly, this chapter discusses the data. Government publications,

Hansard transcripts, and newspaper articles spanning from 1968 to 2005 were analyzed for reference to criminalised women. These sources of data constitute institutional, legislative, and popular knowledge of criminalized women (respectively).

Chapter III presents the results of the analysis. A total of six Canadian governmental reports, twenty-five years of Canadian parliamentary debates, and twenty-six years of Canadian newspaper articles for three separate newspapers were analyzed for reference to criminalized women. While reference to criminalized women experienced peaks in certain time periods and lulls in others, the analysis revealed several large patterns in how criminalized women were discussed across the data and the entire time span analyzed.

Discussion of the findings takes place in Chapters IV, V, and VI. Because the data was initially analyzed using grounded theory, **Chapter IV** discusses the results of the data analysis in relation to the theoretical framework that emerged out of the analysis, doing gender. This chapter is divided into discussion of gendered constructions of the harmless and harmful criminalized women. While the harmless criminalized woman was able to act in accordance with gendered expectations by demonstrating adherence to the femininity stereotypes, the harmful criminalized woman was perceived to have defied or failed gender norms. In **Chapter V**, I critique the findings as outline in the preceding chapter. This critique is divided into two sections: the first section identifies the social function of rigid gender boundaries while exposing the fluid and subjective reality of gender, while the second uses intersectionality to challenge the static interpretation of gendered assessments as set out in doing gender. **Chapter VI** identifies both the temporal shifts and the silences in the discussion of criminalized women. More importantly, this

chapter attempts to explain these shifts and silences in relation to the historical, social, economic and/or political context of the time in which they emerged.

Finally, I conclude this thesis by providing a summary of the study in its entirety, as well as discussing implications of the findings for practice and theory, areas for future research, and concluding thoughts.

CHAPTER I: LITERATURE REVIEW

Intellectual theorizing about crime and criminal policy has actually been a type of theorizing about male deviance and criminality, with little or no attention paid to the role of gender in crime and crime policy.... Feminist criminology challenged the overall andocentric nature of traditional criminology by pointing to the repeated exclusion and misrepresentation of women and girls in criminological theory. (Chesney-Lind & Pasko 2004, p.1)

Literature on women and crime has changed significantly over the past century, increasing exponentially in both quantity and quality. Historically, research on women's encounters with the law had been relatively nonexistent; it was not as though women abstained from deviant behaviour, rather their smaller statistical presence led many to the assumption that women were simply not criminally inclined. Accordingly, women's criminal behaviour failed to constitute a social problem in the public eye (Heidensohn 2002; Smart 1976). Moreover, women who did engage in deviant behaviour were dismissed as "too few to count" and thus not a research or policy priority (Adelberg & Currie 1987). When researchers finally expanded their gaze to the experiences of women, the findings were often interpreted through the male-centred perspectives that dominated mainstream research (Scranton 1990; Smart 1976). Criminological research continued to rely or simply expand on prior research about male criminality. Many saw gender as a mere variable, something that could simply be added to existing (obsolete and supposedly 'genderless') understandings of male criminality (Chesney-Lind 1986). As a result, explorations into the causes of, responses to, and treatment of criminality, corrections, and 'criminals' tended to remain gender blind – either refusing to view women as capable of deviant behaviour or assuming their behaviour could be explained and targeted in the same

way as men's (Adelberg & Currie 1987; Chesney-Lind 1989; Chesney-Lind & Plasko 2004; Heidensohn 2002; Smith 1962). Theories remained fundamentally sexist and flawed.

The second wave of the women's movement brought about challenges to the sexist assumptions inherent in traditional criminological theories and awareness to the social context of female crime, amplifying academic and public awareness of women's experiences of crime and the artificiality of gender categories and gendered expectations (Adler 1975; Adler & Simon 1979; Bertrand 1969; Chesney-Lind 1986; Chesney-Lind 1989; Daly & Chesney-Lind 1988; Heidensohn 1995; Hannah-Moffat 2001; Naffine 1987; Smart 1976). The current amount of criminological research on female criminality has led some to suggest that we now know more about women and crime than we do about other factors such as race or age and crime, although our knowledge is far from perfect or complete (Steffensmeier & Allen 1996). Nonetheless, despite the increased attention to women, much of contemporary research on female criminality remains tainted by its reliance on ideas from the past (Heidensohn 2002). This chapter reviews the literature on criminalized women in order to provide the framework for the analysis and discussion of discourse representation. I begin by providing a brief overview of the extent and nature of women's crime, with specific attention to the Canadian context. I then review how female criminality has been conceptualized in academic research.

The Extent and Nature of Women's Crimes in Canada

A simple glance at official crimes statistics would seem to support the common assumption that women rarely engage in criminal behaviour. Women comprise a mere 5% of the overall global prison population (International Centre for Prison Studies 2008). In Canada, a statistical examination of female offenders revealed that women represented

approximately one-fifth of all Canadians accused of a Criminal Code offence in 2005 (Kong and AuCoin 2008). Of the offences for which women were accused, the majority were non-violent in nature and almost half (47%) were for property offences, the most common of which were theft under \$500 (typically shoplifting) and fraud. In the relatively rare case of violent crime, the majority (62%) of charges were for common assault (Statistic Canada 2006), with only half of the victims sustaining injury (Kong & AuCoin 2008). Furthermore, women comprised only one in ten murder charges in 2004 (Statistics Canada 2006). In accordance with the less serious nature of female offences, research suggests that women are more likely to be sentenced to probation and, if incarcerated, typically receive shorter sentences than their male counterparts (Statistics Canada 2006). Consequently, women account for only 6% of provincially/federally incarcerated inmates and 4% of those in federal custody (Kong & AuCoin 2008). That being said, it is important to note that research suggests this number will likely increase with changes in sentencing practices and the introduction of mandatory minimum sentences (Trevethan 1999).

In addition to crime percentages, statistics also show that criminalized women are typically young and marginalized; usually single, often with dependent children for whom they are the sole providers; typically lacking education, prior/steady employment, and employable skills; frequently victims of prior physical and/or sexual abuse, particularly Aboriginal women; and commonly suffer from substance addiction and mental health issues, including depression and self-abuse (Correctional Service Canada 1990; Canadian Human Rights Commission 2003; Kong & AuCoin 2008; Trevethan 1999)¹. More specifically, research shows that two-thirds of federally sentenced women are mothers, less

¹It is difficult to locate statistics on provincially sentenced women, as their minor offending typically results in short sentences or diversion from the correctional system. Consequently, most of the available research focuses on federally sentenced women.

than half possess an education beyond grade 9, and up to 80% (90% for Aboriginal women) report experiencing physical or sexual abuse prior to incarceration (Canadian Human Rights Commission 2003). Very few federally incarcerated female inmates possess marketable job skills and the majority lack stable employment prior to incarceration (Arbour 1996; Delveaux & Blanchette's 2005).

To summarize, women represent a smaller proportion of people charged with a criminal offence and/or sentenced to a period of incarceration in Canada. Statistics reveal that the majority of women's involvement in crime centres on non-violent, non-serious, and property-related offences. When women are charged with violent crimes, it is typically for minor assault. As a whole, criminalized women tend to be socially and economically marginalized prior to coming into contact with the criminal justice system. However, statistical information should always be interpreted with caution; crime statistics, while beneficial for providing a 'snap shot' of crime, are void of context, revealing only the quantity of people 'caught' committing criminal offences and ignoring the 'dark figure' of crime: criminalized behaviour that goes unnoticed and/or unreported. In addition, crime statistics cannot be examined in isolation of law enforcement and criminal justice practices and priorities, reflecting political climates (such as the current 'tough on crime' approach) and gender stereotypes more than the 'reality' of crime. Laws are fluid, changing over time and according to the current social, political, and economic context. *Who* and *what* actions are considered criminal may vary according to the existing power structure of those responsible for determining formal and informal laws (Faith 1993). Consequently, it is important that one does not base one's understanding of female criminality on crime

statistics alone. Consultation of academic literature on women and crime is essential for a more holistic understanding of how female criminality is interpreted and theorized.

Major Themes in the Literature

Although a fully comprehensive review of the entirety of literature on women and crime is beyond the scope of this chapter, a review of the main themes feminist criminologists have identified as significant can provide us with a general picture of how the ‘female criminal’ has been construed in research on crime and criminality. However, before I discuss this research, it is necessary to explain the foundation on which much theorizing on female involvement in crime has been based. While this will be addressed in greater depth in the Chapter IV, it is important to understand how interpretations of female criminality have relied on stereotypes about the ‘essential woman’ and corresponding appropriate female behaviour. This can be best explained through the theoretical framework of Social Constructionism.

Social Constructionism

Instead of conceptualizing the social world as predetermined and defined by inherent traits, Social Constructionism (SC) encourages us to take a critical view towards taken-for-granted assumptions about social life and understand the role that we, as social participants, play in the construction and institutionalization of knowledge. By questioning the inherent nature of social reality, SC maintains that knowledge is created and reproduced through social relations. Rather than being “something that a person *has* or *doesn’t have*”, social knowledge is “something that people *do* together” (Burr 2003, p. 9, emphasis added). Consequently, knowledge is forever subject to interpretation and re-interpretation through our interaction with others.

In relation to gender, SC invites society to question whether the categories of ‘man’ and ‘woman’ are naturally occurring or socially created. One of the tenants of SC, and indeed feminism itself, is the distinction between sex and gender, with sex being viewed as a biological category in which a person is born based on his/her anatomical reproductive system, and gender as a social category based on subjectively determined criteria. According to Marshall (2002), this distinction developed out of medical and psychoanalytical literature of the mid-1950s that conceptualized gender as an awareness of one’s self as male or female outside of one’s biological make-up. Thus, while sex may be biologically determined, with people being ‘born sexed’ according to their genitalia (although there are exceptions), SC maintains that people are not ‘born gendered’. On the contrary, SC contends that gender is socially constructed and reproduced through our interaction with others.

In fact, a primary purpose of social interaction is to reinforce existing ideas and realities (Hollander 2002), including gender norms and expectations. These norms and expectations are fluid, changing over time and culture, and require continual reconstruction to appear ‘neutral’ (Deutsch 2007). Our perception of gender (and gender appropriate behaviour) is, therefore, continually reconceptualized and reproduced though our relations with one another, and subject to change across time, culture, sexuality, age, and so forth. If our understanding of gender is adaptable, it follows that there can be “no essential femaleness or maleness, femininity or masculinity, womanhood or manhood” (Lorber 2006, p. 278); instead, men and women have to be ‘taught gender’ or more specifically taught how to behave according to social ideals of appropriate and desirable masculine and

feminine behaviour. People develop ideas of what it means to be male or female and expectations of how people should act on the basis of their gender.

Crime is one area which frequently challenges society's ideas of what it means to be a woman and how the female gender should behave.

Literature on Women and Crime

Using this framework of gender as a social construction influencing how we perceive men and women and gender appropriate behaviour, we can better understand the assumptions that have shaped our knowledge of criminalized women. Beginning with a summary of the 'essential' woman stereotype, this section discusses how women have been perceived as doubly deviant, biologically abnormal, inherently deceitful, and increasingly masculinized. Once the framework of traditional theories on female offending has been laid out, I summarize how feminist criminology has shifted the focus from the individual to the social context of crime, while recognizing the intersecting factors that influence women's criminal behaviour. Although I do bring up a few examples of theorizing on adolescent female criminal behaviour, I do not examine this field in much depth to maintain the focus on adult women.

I. Women as 'Other'

The status of 'other' has played a large role in our understanding of women who engage in crime (Scranton 1990). Many early criminological theories simply assumed that women's true nature was "antithetical to crime" (Gelsthorpe 2004, p. 13). The relatively low rate of female criminality led to the assumption that women typically did not engage in criminal behaviour. With men comprising the statistical majority of those who engage in criminal behaviour, male behaviour provided the norms upon which the knowledge about

crime was constructed. When women engaged in crime, therefore, their behaviour was viewed through a lens that held male behaviour – even male deviant behaviour – as the prevailing standard against which all other behaviour was to be measured. Consequently, there was no position for the criminalized women to take but the position of ‘other’. As Sylvie Frigon (1996) explains,

In the particular case of criminology, the “deviant, criminal” man is the “deviant, criminal” norm. Male deviance is considered to be “normal” deviance. This leaves women or the “deviant, criminal” women in a difficult position... How to fit women in the established framework. (p. 81)

a. Women’s essential nature

As women tended to be relegated to the position of other, a reoccurring theme in the literature on criminalized women is that of difference. Women that break the law have often been perceived as fundamentally ‘different’, different not just from their male counterparts who commit the statistical majority of crime but also from their ‘law-abiding’ sisters who conform to the stereotypes of femininity associated with ‘proper’ womanhood. Just as stereotypical assumptions of, and responses to, masculinity and femininity set the framework for our assessments of male and female behaviour, stereotypes of female criminality influence how we have historically understood and responded to women who have come into conflict with the law (Omodei 1981). Thus, much of female criminality has been, and continues to be, interpreted according to assumptions of traditional gender role stereotypes concerning appropriate and proper female behaviour.

Consequently, criminal behaviour, desires, or tendencies are thought to be ‘incompatible’, ‘inconceivable’, and ‘alien’ to the ‘pure’ female nature of passivity, docility, domestication, and nurturance (Gelsthorpe 1989; Linders & Van Gundy Yoder 2008; Steffensmeier & Allan 1996). It is generally assumed that women are either

incapable of, or unwilling to engage in, crime. Since women are thought to be void of criminal tendencies and abilities, society is left uncomfortable when faced with female criminality and unaccustomed to dealing with female deviant behaviour (Sommers 1995). Accordingly, women who break the law are thought to be somehow ‘worse’ than their male counterparts and their behaviour is perceived as especially shocking, offensive, and problematic.

b. Doubly Deviant

As a result, the ‘female criminal’ has often been perceived as doubly deviant - deviant not only because she has broken the law by committing a criminal act, but most importantly because she has acted contrary to the behaviour socially acceptable for society’s image of “proper womanhood” (Cook & Davies 1999; De Li & MacKenzie 2003; Faith 1993; Gelsthorpe 1989; Heidensohn 1997; Heidensohn 2002; Lloyd 1995; Naffine 1987; Radosh 2004; Smart 1976; Worrall 2002). Since fewer women than men commit crime, their smaller numbers render those women who do ‘unnatural’ (Lloyd 1995). When women come into contact with the criminal justice system, they are often judged more on their refusal to conform to gender stereotypes than their actual criminal transgressions (Hudson 2002).

By placing heavy social scrutiny on women who contradict stereotypical femininity by engaging in criminal behaviour, the importance of compliance with gender norms is stressed (Chesney-Lind 1986; Faith 1993; Heidensohn 1997). Women who decide to engage in criminal behaviour, and are aware of the consequences of their gender transgression, are thought to leave themselves open to social consequences, including being perceived as biologically abnormal, inherently deceptive, and increasingly masculinized.

c. *Biologically Abnormal*

A significant portion of the initial theorizing on female criminality attempted to locate criminality within the body. These accounts relied on what Smart (1976) refers to as a “particular (mis)conception of the innate character and nature of the women which is in turn founded upon a biological determinist position” (p. 27). Women’s criminal behaviour was considered to be a result of some physical abnormality or emotional irrationality inherent in the female. In locating criminality in the body, these theories were able to suggest the existence of concrete distinction between ‘criminals’ and ‘normal’ society (i.e. non criminals) subsequently “preserving the pristine picture of *normal* women” (Adler 1975, p. 32, emphasis added). Criminality was not just something a person did, but more fundamentally, it was something a person ‘was’ on account of their physiology.

The best known and most widely cited example of this trend is Lombroso and Ferrero’s *The Female Offender* (1895). Lombroso and Ferrero saw women who engaged in deviancy as biological throw-backs, less evolved than both ‘law-abiding’ women and ‘criminal’ men. Under the belief that evolution had eradicated criminal tendencies and desires from the female gender, they deduced the female criminal to be not only biologically inferior, but also genetically more similar to the man or an undesirable combination of both sexes because of her criminal inclination (Smart 1976). While acknowledging that the female criminal was rare, Lombroso and Ferrero felt that she possessed more numerous and varied evil tendencies than the male. The female criminal was, therefore, ‘the worst of the worst’, possessing “all the criminal qualities of the male plus all the worst characteristics of women, namely cunning, spite, and deceitfulness” (Smart 1976, p. 33).

While Lombroso and Ferrero's work is no longer accepted in its entirety, their ideology continues to influence academic understanding of female offending, as female criminality continues to be explained through abnormalities in the female body. Contemporary "syndromization" and "pathologization" of the female body and mind can be seen in the Battered Woman's Syndrome (BWS) and the Pre-Menstrual Syndrome (PMS). The discourses on so called "victimization syndromes" are complex; not only do they serve to pathologize the women biologically, but they are also used to mitigate women's legal culpability by rendering them "incapable of exercising reasoning and responsibility" (Downs 1998, p. 7). By explaining and excusing female engagement with crime in hormonal terms, both BWS and PMS continue to support the idea that women are controlled by their biology and that their criminal actions are located within the individual rather than within the larger social or political context (for more information, see Frigon 1991; Noonan 1994).

Furthermore, Lombroso and Ferrero also considered criminal women to be biologically abnormal due to their supposed lack of maternal instinct. While current statistics show that the majority of women in conflict with the law are mothers and contemporary research often focuses on the importance of the maternal bond in terms of women's incarceration and reintegration. Women's criminalized status is still frequently used to discredit their status as mothers, because women who break the law are perceived to have failed in their 'sacred' maternal duties (Dodge & Pogrebin 2001; Geiger & Fisher 2003; Smith-Philips 1968; Sommers 1995).

d. Inherently Deceptive/Sexual

While other theories alleged that the low female crime rates could be explained simply by women's aversion to criminal behaviour, Otto Pollak maintained that women commit far more crime than statistics reveal. In 1950, he published *The Criminality of Women* in an attempt to reveal the 'masked' nature of true female offending. Pollak believed that women were likely even more criminal than men, yet several factors, such as women's status in the private domain, allowed their crimes to go unnoticed and/or unpunished. Most importantly, however, Pollak believed that women were inherently deceitful and manipulative. Arguing that female physiology, namely the ability to conceal sexual urges and maintain a passive role during sex, gave women the skills necessary to manipulate and deceive men, Pollak asserted that women got away with crime using those same skills to manipulate male law enforcement and criminal justice officials into giving them chivalrous treatment. Women, therefore, should be considered dangerous at all times due to their sexually deceptive nature.

While people may not believe that women are inherently manipulative, the chivalry theory gained widespread acceptance and continues to have a powerful impact on theorizing about women and crime. Assumptions about the lenient treatment of women who break the law still influence how research interprets criminal justice responses to female crime. However, feminist researchers are quick to point out that, in reality, most women do not actually encounter chivalrous treatment by criminal justice officials, or at least not uniformly (Adler 1975; Britton 2004; Carlen 2002; Chesney-Lind 1986). Treatment of women who break the law tends to depend on whether the woman adheres to gender stereotypes, and is thus seen as 'worthy' of chivalry or not. Research suggests that

women whose offences and appearance align with the ‘ideal’ female are more likely to receive lenient treatment from the police, prosecutors, and judges than women of colour, those from the lower classes, and those who commit stereotypically ‘male’ (and thus ‘unfeminine’) offences that defy the “standards of traditional womanhood” (Chesney-Lind 1986). Rather than women avoiding criminal prosecution because of chivalrous treatment, it is likely the type of offences women are committing that allow them to escape serious penalty.

The assumed sexualized nature of female criminality is also a theme frequently repeated in writing on adolescent female criminal behaviour (Chesney-Lind 1973; Chesney-Lind & Plasko 2004; Davis 2007; Gelsthorpe 1989; Odem 1995; Odem & Schlossman 1991; Omodei 1981; Schwartz, Steketee, & Schneider 2004). A major concern in the eighteenth century, the ‘moral integrity’ of adolescent girls once again emerged in the early twentieth century as a ‘major social problem’ requiring public response. Inspired by Victorian objectives of ‘protecting’ female virtue and innocence, young women were frequently arrested, not because they had committed a crime, but because their sexuality placed them in “moral danger” (Odem 1995). This ideology was based on moral entrepreneurs’ concern “for the moral fibre of the future wives and mothers in society” (Omodei 1981, p. 66) and an overwhelming desire to ‘save’ young women’s innocence and purity (Gaarder, Rodriguez & Zatz 2004; Gelsthorpe 1989; Odem 1995). In Canada, the criminalization of female ‘sexual delinquency’ was even ingrained in the legal system; sexual immorality was a status offence for which an adolescent could be charged and incarcerated until 1984 when the Juvenile Delinquents Act was replaced by the Young Offenders Act.

e. *Increasingly masculinized*

Women who engage in criminalized behaviour have also often been presented in unfeminine and even masculine ways. While Lombroso and Ferrero were the first to shock the academic community with the suggestion that the female criminal was genetically more similar to the male, the supposed masculinization of women who engage in criminalized behaviour once again made headlines in 1975 with Frieda Alder's *Sisters in Crime*. The appearance of a 'female crime wave' in the late 1960s and 1970s seemed to suggest that women's emancipation was creating a surge in female crime (Chesney-Lind & Eliason 2006), sparking panic about the "dark side of female liberation" (Steffensmeier & Allan 1996) and a heated academic debate about whether female engagement in crime was actually increasing (Adler 1975; Adler & Simon 1977; Smart 1976; Daly & Chesney-Lind 1988; Heidensohn 2002). *Sisters in Crime* is often considered to be the catalyst of this debate (Naffine 1989).

Adler did not believe that women were less criminally inclined than men, but rather their opportunities for crime were restricted by their social position. In the absence of these restrictions she maintained that women would seek to achieve equality with men in all aspects of social life, including crime. The 'new breed' of female criminals benefiting from the increased opportunities provided by women's liberation were thought to be more willing to engage crime than before, and that their criminal behaviour was becoming increasingly more violent and aggressive (behaviour normally associated with the male). As female behaviour began to "cross the imaginary boundary line which once separated crimes into "masculine" and "feminine" categories" (p. 7), Adler (1975) suggested that

women began to resemble men, both in appearance and behaviour. Female crime was, therefore, considered an “expression of masculinization” (Faith 1993, p. 43).

While influential in its time, the liberation/masculinization theory faced intense scrutiny. In critiquing the theory, Lloyd (1995) suggested that Adler mistakenly assumed that women’s ‘capacity’ for criminal and aggressive behaviour was one and the same with women’s ‘willingness’ to engage in such behaviour. Although women were provided with increased opportunities to engage in crime, it did not follow that every woman would partake of those opportunities, especially since criminalized women were actually the least likely to benefit from the outcome of the women’s movement (Heidensohn 2002). Thus, the appearance of a crime rate, critics argued, could not be reduced to the assumption that women are simply engaging in more crime. The perception of an increase in female criminality may have actually been based on “statistical fallacy”, more accurately reflecting a “changing consciousness” in law enforcement and criminal justice treatment (Smart 1976). Since the number of women who engage in criminal behaviour is so statistically small, their representation is “highly susceptible to shifts in policing, recording, and other policies” (Heidensohn 2002, p. 497).

Despite the criticisms Adler’s theory received, the masculinization/liberation theory resurfaced in the 1990s and early 2000s in response to the appearance of a dramatic increase in female involvement in gangs and violent behaviour. While the initial panic was concerned with adult women, contemporary panic was directed at adolescent women, motivated by fear that girls were attempting to achieve some sort of ‘equality’ in deviancy with their male counterparts (Chesney-Lind & Plasko 2004). The supposed ‘bad girl’ crime wave was shocking, as both gang affiliation and violent behaviour conflict with society’s

image of appropriate behaviour for young women. However, critics were quick to question whether there was actually an increase in female involvement in violence/gangs or whether society was simply paying more attention. Many researchers linked this supposed surge in young female crime to shifts in policing, zero-tolerance policies, legal practices, and media frenzy rather than an actual increase in violent behaviour or gang affiliation and suggested that earlier research had simply neglected to acknowledge girls' involvement in gangs and violent behaviour (Alder & Worrall 2004; Chesney-Lind and Eliason 2006; Chesney-Lind & Plasko 2004; Worrall 2004).

2. The social context of women's offending

While traditional theories on female criminality attempted to locate criminality within the female body, feminist literature during the second wave of the women's movement began to recognize the importance of understanding the social context of women's offending and the structural factors that constrain the opportunities available and accessible to women (Adler 1975; Adler & Simon 1979; Britton 2004; Chesney-Lind & Pasko 2004; Faith 1993; Heidensohn 1995; Lloyd 1995; Smart 1976). Women's involvement with crime, they argued, cannot be examined in isolation from their inequality and marginalization in society, as the type of crime women engage in is both restricted and motivated by their roles and status in society. Thus, research began to look into the personal and social histories of criminalized women to try to gain an awareness of women's experiences with the criminal justice system and how it is shaped by their life histories. A picture began to emerge of the 'type' of factors that put women most at risk of becoming criminalized and these factors were used to contextualize or explain their deviant behaviour.

a. Women as Victims

Beginning in the 1980s, women who engage in crime began to be perceived as victims of patriarchal society; their criminal behaviour was interpreted as a ‘cry for help’ (Gelsthorpe 1989) and their crimes as “crimes of the powerless” (Carlen & Worrall 2004, p. 109), strategies to cope with their subordination in society. Women’s criminal behaviour began to be explained in relation to their disadvantaged social position of economic and social marginalization, which directly shape the available opportunities (legitimate and non-legitimate) and impact the types of offences typically engaged in by women (Gelsthorpe 2004; Reckdenwald & Parker 2008). As Carlen (2002) summarizes:

...women who end up in prison are likely to have suffered disproportionately from poverty and racism, a cluster of associated social deprivations (such as inadequate healthcare, education, and employment opportunities) as well as injuries relating to physical, sexual, and emotional abuse during childhood. (p. 5)

Steffensmeier & Allan (1996) contended that women were ‘pushed’ into criminal behaviour through “victimization, role entrapment, economic marginalization, and survival needs” (p. 470). Other researchers located the source of female criminality in women’s poverty (Carlen 1988; Radosh 2004, Reckdenwald & Parker 2008), specifically the feminization of poverty resulting from “neo-liberal policies of economic degradation and social welfare retrenchment” (Wacquant 2001, p. 401). Some suggested that women’s problems with the law were sparked by substance abuse issues and histories of prior physical or sexual abuse (Carlen & Worrall 2004; Chesney-Lind & Rodriguez 2004; Chunn & Gavigan 2006; Radosh 2004) or lack of meaningful and adequate employment (Chesney-Lind & Rodriguez 2004; Radosh 2004). Nevertheless, one thing that was agreed upon was that women’s criminality was directly shaped by their social position.

b. The Heterogeneity of Women and their Experiences

Inspired by third wave feminists calls for recognition of difference and the rejection of the universal category of women, feminist research of the 1980s and 1990s also began to acknowledge that one solitary understanding of female crime could not ‘fit’ all criminalized women. Rather than viewing criminalized women as a homogenous group, critical researchers began to recognize the importance of acknowledging the complexity and heterogeneity of women’s experiences with the criminal justice system (Burgess-Proctor 2006; Daly & Chesney-Lind 1988; Linders & Van Gundy-Yoder 2008; Richie 1996; Steffensmeier & Allan 1996). Termed ‘Intersectionality’, this critical perspective identifies the importance of accounting for the “lived experience” of those who experience multiple inequalities and marginalized positions (McCall 2005); in other words, recognizing how the intersection of gender, race, class, sexuality, etc. act as “structuring forces” that influence the opportunities available to people, how people behave, and how their behaviour is interpreted by others (Burgess-Proctor 2006). This demands that gender, race, and class (in addition to other statuses) not be conceptualized in an isolated or additive fashion, but rather as “intersecting, interlocking and contingent” with one another (Daly 1997, p.33).

In relation to crime, women’s intersecting inequalities can influence what criminal opportunities are available and how their resulting deviancy is interpreted and responded to by others. Moreover, the concept of intersectionality can also help us to understand how specific individuals or groups come to be perceived not only as different from the ‘normal’ population, but also as socially problematic due to their difference (Staunæs 2003).

While I will return to the concept of intersectionality in more detail in the Discussion Chapter, one example of this shift in research on women and crime is the increased attention to the multiple marginalizations Aboriginal women in Canada experience that influence their engagement in criminal behaviour. Beginning in the 1980s and increasing during the 1990s, research began to recognize that one could not simply “add race and stir” to our increasing understanding of gender and crime. The unique situation and experiences of Aboriginal women deserve to be their own subjects of inquiry, as Aboriginal women (compared to non-Aboriginal women) tend to have elevated histories of sexual and/or physical abuse; are more likely to suffer from health issues including those related to substance addiction; are predominately under-educated and under-employed; and are even more likely to be single parents, often with larger families (Canadian Criminal Justice Association 2000; LaPrairie 1987; Monture-Angus 2002; Monture 2006; Native Women's Association of Canada 2008; Statistics Canada 2006). Furthermore, Aboriginal women also experience unique factors that impact their offending, including a criminal justice system that remains unresponsive to the experiences and needs of Aboriginal women (Canadian Criminal Justice Association 2000); the persistent criminalization of Indigenous populations that results in their overrepresentation in the criminal justice system (Monture 2006); and, perhaps most importantly, their history and ongoing experience of colonization and the resulting dislocation and disconnection of Aboriginal peoples (Monture-Agnus 2002, 2003).

Although research has begun to examine the complexity of women who conflict with the law, much of the research on and understanding of Aboriginal criminalized women remains limited and descriptive in nature (Dell 2002). While outside the scope of

this study, more research that places Aboriginal women as the primary focus of inquiry is needed in order to identify the intersecting inequalities faced by Aboriginal women and to understand their experiences with crime and the criminal justice system in relation to their social, economic, and political status (see for example Monture-Agnus 2002; Razack 1998; and Ross 1994). As Monture (2006) explains:

Criminal offending, by Aboriginal people, cannot be understood simply as an individual's malfeasance. This recognition is not intended to make victims of Aboriginal people or of all prisoners but rather its purpose is to provide a necessary and historic, contextual and structural analysis of the problem at the centre of the question being examined. (p. 27)

Summary

Women who engage in criminalized behaviour have been, for the most part, neglected in criminological research or dealt with in very specific ways. Since Lombroso and Ferrero first published their examination of female criminality, theorists have argued multiple and often contradictory explanations for women's engagement with criminal behaviour. Whereas, historically, theories on crime and criminality failed to address the criminality of women, those that did either relied on an 'add women and stir' approach, plugging gender into "dated and monosexual criminological theories", or uncritically built their theories on the "overly simplistic and sex-biased" literature on women (Chesney-Lind 1986, p. 84). While critical of those theories which preceded them, many contemporary theories continue to engage with "debates from the past" (Heidensohn 2002, p. 503).

Official crime statistics show that women are charged, convicted, and sentenced significantly less than their male counterparts. Women's small numbers in crime statistics cause the few who do break the law to stand out as 'freakish'; consequently, women are often perceived as 'doubly deviant', transgressing both the criminal law and society's

perception of appropriate female behaviour. Criminalized women remain vulnerable to stereotypes relating to biological abnormality, inherent deceitfulness, and increasing masculinization. Although contemporary feminist theorizing has done a lot to illuminate the social, economic, and political context of women's offending and the intersecting inequalities faced by women with multiple marginalizations, stereotypes resulting from classical theories on female criminality continue to influence criminological ideology. While this chapter provided an overview of the ways in which criminalized women have been constituted in the academic sphere, criminological literature is not necessarily accessible or engaging for the general public. As the purpose of this study is to reveal how criminalized women have been constituted in public discourse, an examination of publicly accessible and consumed information sources is essential.

CHAPTER II: METHODOLOGY & DATA

This chapter outlines the theoretical and methodological frameworks selected to analyze discourse representations of criminalized women. However, prior to providing theoretical and methodological justification, it is important to explain why an examination of discourse is important to our understanding of criminalized women.

The Importance of Discourse

Discourse can be defined as an expression of ideology about social phenomena – a way of thinking about the world around us. The consumption of particular discourses can shape our understanding of certain social phenomenon through the reinforcement of particular ideologies (Johnstone 2008); with respect to crime, the repeated discussion of ‘criminals’ in a particular manner can shape public understanding of *all* people that break the law. Public perception or understanding of the ‘type’ of people who break the law is significant as it can impact both public and judicial responses aimed at controlling or responding to their behaviour or the criminalized individuals themselves. This can be extremely problematic if the perception is based on inaccurate and stereotypical assumptions (Carll 2002; Dixon 2008; O’Brien & Szeman 2004).

Correctional institutions, and indeed the criminal justice system in general, symbolize what Cecil (2007, p. 304) refers to as ‘closed institutions’, unfamiliar and inaccessible to the general public, rendering those within them an ‘invisible population’ whose experiences are rarely made public. Accordingly, media stories and imagery (whether accurate or not) serve as a significant source of public knowledge and understanding of crime and the ‘type’ of people who engage in crime (Adelberg & Currie

1987; Carll 2002; Meloy & Miller 2009). As a result, many people possess limited knowledge about people who break the law outside of criminal cases sensationalized by the media or those represented in fictional television shows and movies designed solely for entertainment. Knowledge of crime and criminalized populations is further muddled by the blurring of fiction and reality stories on crime, as people become confused between ‘real’ crime news and fictional accounts of crime on crime dramas that resemble ‘real’ crime (Cecil 2007; Heath & Gilbert 1996).

These crime stories, while influential to how we understand crime and criminalized populations, are either entirely fictional or “highly edited versions of reality” (Cecil 2007, p. 308), selected because they have some sort of “dramatic value” (Sacco 1995) not because they provide an accurate snapshot of crime or criminalized people. Moreover, the structuring and narrative nuances used in crime stories can influence society’s interpretation of people that break the law and their crimes through attributing the deviant behaviour either to individual (i.e. revenge) or structural causes (i.e. poverty) (Grabe, Trager, Lear, & Rauch 2006). The news media then becomes actively engaged in the construction of what is considered to be, and presented as, ‘crime news’ (see Williams & Dickinson 1993; Sacco 1995); this becomes dangerous if the audience accepts the claims made about crime and criminalized populations to be absolutely true without consideration of how the messages may be partial or inaccurate, based on stereotyped assumptions (this will be discussed more Chapters IV, V) and the assumed degree of ‘newsworthiness’ (Lundman 2003). As a result, crime is one area that possesses incredible potential for “mythmaking and sensationalism” (Grabe, Trager, Lear, & Rauch 2006, p. 138).

However, the extent to which people rely on such imagery to inform their knowledge of social issues like ‘crime’ or ‘criminals’ varies. According to Surette (2007), the less experiential or conversational knowledge a person has of crime, the more likely that person will base his or her understanding of criminalized people on the representations offered by the media. Accordingly, media discourse signifies an important information source for knowledge building on issues relating to crime, especially for those without direct experience with the criminal justice system. This is especially the case for women; since women represent a statistical minority of those accused and/or convicted of a criminal offence and their crimes tend to be relatively minor, they are ignored in the media. The cases that are sensationalized by the media tend to involve violence or are those considered socially and morally reprehensible (such as crimes involving children) (Grabe, Trager, Lear, & Rauch 2006).

It is important to note, however, that the relationship between media representation and public perception of crime and criminalized people is not straightforward; one cannot say that accounts of crime in the media definitively cause audiences to think in one way or another about the type of people who conflict with the law, or assume that audiences will blindly accept the representations offered. The degree to which imagery of crime and ‘criminals’ influence public perception and the extent to which viewers actively participate in filtering the messages they receive from these images constitute an area of great academic debate (for example, see Dowler, Fleming, & Muzzetti 2006; Doyle 2006; O’Brien & Szeman 2004; Hall 1973; and Surette 2007). Although important, this debate lies outside the scope of this paper. Rather, what this study aims to do is reveal potential

themes in how criminalized women have been constituted in the public domain, while acknowledging that the media represents only one source of information about crime.

Methodology and Theoretical Framework

Now that we have a better idea of why it is important to examine discourse representations of women in conflict with the law, I will explain how I went about analyzing these representations. For the reasons outlined below, I chose to undertake a critical discourse analysis of three sources of data using grounded theory.

Critical Discourse Analysis

Critical discourse analysis (CDA) can be defined as the systematic deconstruction of ‘text’ (i.e. discourse) to uncover meaning in the use of language and the social and cultural contexts in which the discourse occurs. Unlike other social research methods that aim to understand social reality in its subsistence, CDA aims to expose how social reality is shaped and conveyed through language and context (Phillips & Hardy 2002). Primarily concerned with “language in use”, rather than the individual words, CDA explores how ideologies are social constructed and reproduced through discourse (Locke 2003; Paltridge 2006). The actual ‘text’ is considered to be the simply the ‘tip’ of the discourse ‘iceberg’, the ‘bulk’ of the iceberg is comprised of the social ideologies underlying the text that shape our understanding, or “knowledge scripts”, of the social issue being examined (van Dijk 1991). Therefore, it is the uncovering of the underlying meaning inherent in those themes that shape our ‘knowledge scripts’ of the social world and how that meaning is influenced by social, political, economic, and historical context.

The strength of CDA lies in its ability to expose ‘taken for granted’ assumptions, stereotyped categorizations (Chilton 2005), and ideological messages in both the structure

and context of the texts being analyzed, rendering CDA essential to an examination of the representation of criminalized women in discourse. Moreover, CDA is ideal for research on inaccessible populations, such as criminalized (and especially incarcerated) women, due to its unobtrusive and highly adaptable nature (Bryman & Teevan 2005).

With the methodology established, I needed to select a theoretical framework that operates in harmony with CDA, working from the ‘bottom-up’ and allowing the data to ‘speak for itself’ through emerging themes and patterns. However, I possess both experiential and academic knowledge of criminalized women and the conceptual baggage that accompanies this knowledge could influence my interpretation of the data. More specifically, my undergraduate education in critical feminist and criminological theory, professional experience in correctional program and policy development, and experience working with women in conflict with the law in an advocacy capacity has provided me with a multitude of different views, assumptions, and theories about crime in general, and women who engage in criminalized behaviour specifically. As a result, I view crime and criminalized populations as social constructions and align myself with the postmodern feminist and critical criminological perspectives. However, the general public has not necessarily had the same experiences that I have and may not, therefore, be aware of the various views, assumptions, and theories about crime and criminalized women. Accordingly, by using a predetermined theoretical framework, thereby filtering the data through my existing knowledge, I might not uncover the same themes as the general public if their knowledge is simply based on the messages about criminalized women derived from the data. For that reason, I decided to engage in CDA by means of Grounded Theory.

Grounded Theory

Introduced in 1967 by Barney Glaser and Anselm Strauss, Grounded Theory (GT) is now one of the most commonly used methodological framework for the analysis of qualitative data (Bryman 2000). GT is considered a “total methodological package” that initiates with data collection and results in eventual theory generation and application (Glaser 1998, p. 836). In GT, theory is derived from the systematic collection and analysis of data; in other words, rather than pre-selecting a theory with which to collect and analyze the data based on prior knowledge or assumptions about the subject matter, GT mandates that the theory be derived from the data itself. Preconceived theoretical ideas do not form the basis of initial methodological decisions such as data collection and categorization; but rather, concepts and theory are derived from an analysis of, and worked out in relation to, the data over the course of the research (Glaser & Strauss 1967).

Accordingly, GT requires that data be thoroughly and continuously analyzed to identify emerging broad concepts, themes, and patterns. The theory is then constructed out of linking and expanding of the concepts and themes which emerged from the data (Corbin & Strauss 2008; Egan 2002). Theory generation, therefore, is conceptualized as a process, “an ever-developing entity”, rather than an initial starting point or a perfect final product (Glaser & Strauss 1967, p. 32). In this way, theory is always evolving and changing throughout the entirety of the research. This ensures that the researcher can ‘immerse’ him or herself in the data (Berg 2007) and maintain an open mind during his or her analysis; moreover, it ensures that the theory actually applies to what the data says rather than what the researcher believes it should say.

However, it is important to note that contemporary grounded theorists often recognize the socially constructed nature of data, analyses, and theory (see for example Charmaz 2006; Clarke 2007). The resulting theory in GT research is, therefore, interpretive, constructed through our past and present social histories which shape the subject of inquiry and data sources, and our analyses remain “contextually situated in time, place, culture, and situation” (Charmaz 2006, p. 131). This does not render the analysis or resulting theory invalid, but simply reflective of what the data and data analysis said to a particular researcher with a particular position at a particular moment in time.

Limitations

Although CDA and GT allow the data to ‘speak for itself’ and are, therefore, extremely beneficial for inductive-type research (like discourse representation of criminalized women), it should be noted that they are not without their limitations. First and foremost, GT and CDA are inherently interpretive and this interpretation occurs within a particular social, political, and cultural context, at a particular moment in history. Therefore, neither can be considered truly objective methodologies. It is almost impossible not to possess prior knowledge or opinions about the subject in question; as a result, data analysis will always be influenced by our existing knowledge, our own subjectivities, and the fact that we are all social beings - what Mauthner and Doucet (2003) refer to as “the particularities of our personal biographies” (p. 419). The key to navigating researcher subjectivity and interpretation is reflexivity (Charmaz 2006; Clarke 2007; Mauthner & Doucet 2003; Wuest 1995). While prior knowledge and personal bias can never truly be eliminated in social research, they can be reduced. By utilizing GT rather than a predetermined theory, I attempted to limit the extent to which my previous experience

working with criminalised women and background in feminist scholarship influenced the collection and analysis of data.

Additionally, both CDA and GT tend to be limited when ascertaining answers to ‘Why?’ questions, as neither aims to provide absolute answers to specific problems. That said, it is not my intent to prove causal relationships or statistical significance; this would best be answered through quantitative research. Instead, as qualitative methodological and theoretical frameworks, CDA and GT are useful for identifying themes and patterns in the data, as well as revealing the context in which social problems are situated. They are also advantageous in ascertaining problematic assumptions that underlie our understanding of social phenomena.

Lastly, GT and CDA can be incredibly time-consuming endeavours (Develotte & Rechniewski 2007) and it can be difficult to conduct a detailed and thorough analysis of a large quantity of data. The sheer quantity of the data involved also creates the possibility of ‘getting lost’ in the data or overlooking important details. As a result, the data and data sources selected must be limited to a manageable amount. Nevertheless, at the same that a systematic analysis involves a great deal of time and effort and data may be limited for manageability, the ‘quality’ of the results is enhanced by the in-depth nature of the analysis.

Data Sources: detail and context.

Now that the initial theoretical and methodological framework is set, it is time to discuss the data analyzed for this study. I selected three sources of publicly available data that constitute public knowledge of criminalised women: major governmental publications, transcriptions of parliamentary debates, and newspaper articles. I chose to analyze multiple data sources because, rather than occurring in isolation of each other, the sources intersect

with and impact each other, necessitating the analysis of all three to provide more holistic insight on the ways in which criminalized women are constituted. While certain sources may be more readily consumed by the public than others (this will be discussed more as I detail each source individually), all play an important role in knowledge creation.

It is important to acknowledge that the representations of women who conflict with the law are not stagnant, but shift over time as new ‘social problems’, and consequently ‘problematic’ populations, are ‘created’ and older ones become less important, depending on the socio-political climate of the time (Sacco 1993). Consequently, rather than examining representations of criminalized women at a particular moment in time, I decided to examine how criminalized women have been represented over an extended period of time – from 1968-2005 – in order to identify possible social, cultural, and political shifts that may have impacted how women have been discussed. It was imperative to begin the analysis during the second wave of the women’s movement (1960s-1970s) due to the legitimization of, demand for, and attention paid to research that acknowledged the experiences of women, that accompanied women’s emancipation. The second wave of the women’s movement was also an influential time for feminist criminology, with the introduction of research that positioned women as the primary focus of inquiry. It was imperative that contemporary discourse also be included in the analysis, as explorations and knowledge about women and crime have increased exponentially over the second half of the twentieth century. Indeed, awareness continues to increase about the diversity of ‘women’, and ‘women’s experiences’ and the need to move past an essentialized single category of ‘woman’.

Government Publications

Federal government publications on women who break the law have proven influential in shaping awareness of the ‘reality’ of women who break the law, more specifically their disadvantaged social positions and minor offending. The recommendations and findings of such reports have led to changes in policies and practices that deal with criminalized women, such as the closure of the Prison for Women in Kingston and development of gender-specific programming, in addition to providing ‘newsworthy’ snippets for politicians and the news media. Government-commissioned reports also frequently make use of ‘experts’, defined as authority figures that possess “professional competence in a specialized area” (Snook, Cullen, Bennell, Taylor, & Gendreau. 2008), in the academic and operational field to examine current realities and make recommendations on the topic of crime, which render the publications more comprehensive than parliamentary debates or newspapers.

As previously mentioned, criminalized women have been traditionally overlooked, including in government publications on issues relating to crime. However, with the legitimization of the experiences of women brought about by the second wave of the women’s movement, women finally became the subject of inquiry at the federal level in 1970 where, in response to demands of women’s groups interested in increasing social equality for women, Canadian Prime Minister Lester B. Pearson created the Royal Commission on the Status of Women. Unlike prior commissions, which tended to reference women only in passing, The Report of the Royal Commission on the Status of Women (hereafter referred to as Status of Women) was established exclusively to “inquire into and report on the status of women in Canada” including “the position of women under the

criminal law" (p. 9) in order to "ensure for women equal opportunities with men in all aspects of Canadian society" (p. 387). It embodied the first federal-level report to explicitly detail the situation of criminalized women, while locating their situation in the larger context of gender inequality (Hannah-Moffat 2001). Furthermore, the findings and recommendations provided a framework for feminist reform initiatives in the 1970s and created a "politicized women's movement that fixed its eyes firmly on the federal government and the task of breaking down legislative and social barriers to women's equality" (Broadie 2008, p. 152).

Thus, Status of Women provided the initial starting point from which to examine additional discourse representation of criminalized women. Five other publications that rendered women in conflict with the law as their main subject followed: the Report of the National Advisory Committee on the Female Offender (1977) (hereafter referred to as Clark Report); the Report of the National Planning Committee on the Female Offender (1978) (hereafter referred to as Needham Report); Creating Choices: The Report of the Task Force on Federally Sentenced Women (1990) (hereafter referred to as Creating Choices); a Commission of Inquiry into Certain Events at the Prison for Women in Kingston (1996) (hereafter referred to as Arbour Commission); and Protecting Their Rights A Systematic Review of Human Rights in Correctional Services for Federally Sentenced Women (2003) (hereafter referred to as Protecting their Rights).

Although influential in inspiring changes in policy and law, government publications on crime or criminalized populations are likely not the resource most used by the general public to access information about crime. In addition to often being quite lengthy, government publications tend to include formal language and unfamiliar

operational terminology. That being said, their ability to provide specialized focus on women and influence public policy render government publications essential in influencing public understanding about crime.

Parliamentary debates

In addition to governmental publications, parliamentary debates play a key role in shaping public policy and criminal law. Parliamentary debates refer to all dialogue that occurs within the House of Commons and is subsequently transcribed in Hansard (Tremblay 1998, p. 442). Due to the political importance of the discussions that take place at the parliamentary level, I chose to examine transcripts of parliamentary debates that occur two years prior to, and two years following, each of the six government reports; this way I could observe any shifts in coverage or dialogue after the publication of the reports. The debates that occur within the House of Commons constitute an important source to analyze as they can result in the passing or amendment of laws and policy which affect the Canadian public, including criminalized women. Not only are these discussions influenced by the finding of major governmental publications (such as those mentioned above) but Members of Parliament (MPs) also speak on behalf of the citizens residing in their electoral district. As a result, the debates that occur within parliament can reflect the views and demands of the citizens, in this case those related to crime, with the potential to strongly impact the perception and treatment of criminalized women.

However, although MPs speak on behalf of their citizens, parliamentary debates, like government publications, are likely not where the public seek out their information about crime. The sheer volume of issues dealt with at each parliamentary session means that each issue cannot be dealt with in any depth and often arise infrequently. In addition,

political jargon may be unfamiliar or confusing to the public. That being said, parliamentary dialogue assists in public knowledge creation by “reducing complex crime problems to easily digestible ‘sound bites’” for the news media, including newspaper articles (Jewkes 2004, p. 3).

Newspapers

Unlike government publications or debates, newspapers likely do represent the information resource utilized the most frequently by the public. In fact, it has been argued that the news media represents the “the most significant communication by which the average person comes to know the world outside of his or her immediate experience” (Barak 1995, p. 3). News coverage not only publicizes crime, but also reflects political, social, and cultural shifts in the construction of crime and criminality (Romer, Jamieson & Aday 2003). Due to its ability to reach a wide range of people, newspapers are a significant source of news media “for funnelling, process, shaping, and redistributing cultural meanings to a larger audience” (Linders & Van Gundy-Yoder 2008, p. 329).

Newspapers are highly influential in shaping public knowledge of social phenomena due to their abundance and easily accessible formats. Many newspapers are available to the public in hard copy and electronic format, making newspapers one of the most widely distributed and accessible forms of public information. According to the Canadian Newspaper Association (2009a; 2009b), more than three quarters of the Canadian population read a print or electronic copy of a newspaper each week, and more than four million newspapers are circulated per day in Canada. With a collective weekly readership of over eight million people, equating to approximately one fifth of the weekly circulation of all Canadian newspapers combined, the Globe and Mail, the Toronto Star, and the

Montreal Gazette are the most widely circulated newspapers in Canada in 2008 (occupying first, second, and fourth position respectively²) (The Canadian Newspaper Association 2009a). The newspapers selected for this analysis have a long history, far extending the historical timeframe identified for this research. This long history can be traced by the “researchable tracks” left in the form of newspaper indexes and microfiche stores – options not always available for other news mediums (Lundman 2003). Taking into account the duration of their publications and their circulation, their potential for influencing the public is essential to understanding of the depiction of criminalized women.

Unfortunately, representations of crime and criminals in news media may not align with official crime statistics (Surette 2007); moreover, depictions of crime and perpetrators are often partial, as important details such as motive and context are frequently absent (Heath & Gilbert 1996). Articles do not necessarily supply readers with the necessary background knowledge to contextualize crime and typically focus on the atypical female offender, while ignoring the social and economic reality of women’s lives (Cecil 2007). Thus, although media sources represent the primary source of information about crime and criminality, depictions of crime in the news media are generally not considered to be the most statistically accurate or in-depth medium to access information about crime (Valverde 2006). Although newspapers convey information popularly, reaching a wide range of people, their claims are not drawn from large scale research like government reports. Yet, while the depictions may not be accurate, they are still influential, as repeated framing of who and what is considered a social problem in the news media (regardless of accuracy)

² Le Journal de Montréal occupies the position of third most widely circulated newspapers in Canada. However, since it is only published in French it was excluded from the study.

may condition the reader's assumptions about the 'typical' person who conflicts with the law (Romer, Hall Jamieson & Aday 2003).

Summary

This chapter provided an overview of the methodological and theoretical frameworks used in the examination of discourse representation of criminalized women. Since the public generally has limited experiential knowledge of criminalized women, their representation in discourse likely represents a significant source of knowledge building on people in conflict with the law. Thus, the three sources of data selected for this research were systematically analyzed to discover underlying meaning, patterns, and themes in the language used by means of GT and CDA. These themes were eventually used to generate theory and analyze the data (Chapter IV).

Although newspapers may be considered the primary information source about crime for the general public, the content of newspapers cannot be isolated from other sources of crime information which influence our understanding of the social world in general and crime/criminalized populations specifically (Williams & Dickinson 1993). The lack of detailed information provided about 'criminals' or their crimes in news reports means the picture of crime provided in media accounts often runs contrary to the 'reality' of crime and criminals (Sacco 1995). Thus, to provide a more holistic understanding of criminalized women, it was necessary to also look at more official discourse sources, such as government publications and dialogue about criminalized women at the parliamentary level.

CHAPTER III: RESULTS

This chapter presents the results of the data analysis. A total of six Canadian governmental reports, twenty-five years of Canadian Hansard debates, and twenty-six years of newspaper articles for three separate newspapers (the Toronto Star, the National Post, and the Globe and Mail) were analyzed for reference to criminalized women. I begin by presenting the data sources analyzed for this study, and subsequently identify the main themes that emerged over the course of the analysis from each source individually. While this chapter presents the major themes that emerged from the data analysis, I reserve the discussion of findings in relation to theory for the next chapter.

Results per data source

Government Publications

I looked at six governmental publications on criminalized women: Status of Women; Clark Report; Needham Report; Creating Choices; Arbour Commission; and Protecting their Rights. While most of the reports were analyzed in their entirety, only the chapter dealing with “Criminal Law and Women Offenders” was analyzed from Status of Women, as the rest of the report pertained to all women in Canada, not just those in conflict with the law. For the sake of clarity, I have separated the government publications into two broad groups based on their publication date: earlier reports, those published in the 1970s (Status of Women, Clark Report, and Needham Report); and later reports, those published in the 1990s and early 2000 (Creating Choices, Arbour Commission, and Protecting their Rights). Whereas the earlier reports tend to focus more on the characteristics of the typical women in conflict with the law, the later reports include, as a major focus of examination,

women's socio-economic histories and the potential influence on their offending behaviour. Although the publications contained within the two groups did not always present criminalized women in a similar fashion, patterns in the representation of criminalized women tended to exist within the same groups, and differ between groups.

Parliamentary Debates

In addition to the government publications, I analyzed Hansard transcripts for reference to criminalized women for the years of 1968-1972, 1975-1979³, 1988-1992, 1994-1998, and 2001-2003 to correspond with two years preceding and two years following each government publication. The search terms used to locate reference to criminalized women included: corrections, convict, court, crime, criminal, criminal code, Elizabeth Fry, inmate, justice, justice system, jail, offender, parole, penitentiary, prison, prisoner, probation, sentencing, and women. These terms were selected out of the available terms listed in the Hansard indexes as the most plausible to make some sort of reference to criminalized women: for example, criminalized women may encounter corrections, court, criminal code, Elizabeth Fry⁴, justice, justice system, or sentencing; fall under the category of convict, criminal, inmate, offender, or prisoner; and be sentenced to jail, parole, penitentiary, prison, or probation as a result of a criminal conviction.

Regrettably, discussion of criminalized women in the debates analyzed was extremely limited. In total, reference was made to criminalized women on fifty-six separate days, representing a meagre 0.0061 of the total days analyzed. The available debates were often sparked by major events, such as the release of major reports on women (including,

³ Indexing data for Hansard transcripts in 1980 were unavailable, therefore data from that year was not included in the analysis.

⁴ Elizabeth Fry was a British Quaker influential in improving the conditions in prisons in the early 1800s. The Elizabeth Fry Society is an advocacy organization that works with women in conflict with the law.

but not limited to, those mentioned above); incidents of violence or escapes at female correctional institutions; and the release of Karla Homolka (convicted of the sexual assault and murder of two teenage girls and her sister in 1993 and subsequently released from federal prison in 2005). However, these discussions tended to focus on the event in question, rather than the women involved. Less than half (27) of all the debates referencing criminalized women discussed the characteristics and social backgrounds of criminalized women in any depth. Consequently, it was difficult to uncover many large themes running across the time-span or changing within it. The remarkable silence on criminalize women in political debate, however, will be scrutinized in Chapter VI.

Newspapers

Lastly, I performed a search of newspaper articles for reference to criminalized women from the Globe and Mail, the Toronto Star, and the Montreal Gazette and published during the time frames 1968-1972, 1975-1980, 1988-1992, 1994-1998, and 2001-2005 (two years prior to and two years following each government publication) using the following three core search terms: woman, women, and female combined with a subsequent descriptor: convict(s), con(s), crime(s), criminal(s), court, delinquent(s), felon(s), inmate(s), jail, offence(s), offend(ing), offender(s), parole, penitentiary, prison, prisoner(s), probation, and sentence(ing). These terms were inspired by the available terms listed in the Hansard index and terminology used in the criminological literature and governmental reports analyzed for this study. All newspaper articles from 1988-2005 were accessed from Canada Newsstand online database, while articles from 1968-1980 were accessed from Toronto Star - Pages of the Past electronic archive (for the Toronto Star),

Canada's Heritage from 1844 - The Globe and Mail electronic archive (for the *Globe and Mail*), and microfiche archives (for the *Montreal Gazette*).

The initial search resulted in 542 articles⁵ that referenced criminalized women in some aspect. In order to cull the richest data, I further refined my search to include only those articles which focused on or made direct reference to criminalized women: (i) as adult women, (ii) as a group or in the aggregate, (iii) in the North American context, and (iv) in articles with a word count greater than 250. These retention criteria helped to maintain a defined focus of the study. For example, while both young and adult women are criminalized ‘females’, I excluded adolescent females because they fall under a different correctional system (the Young Offenders Act) and may be subject to different variations of discourses than adult women because of their generational difference, regardless of their gender similarity. Since the study does not compare the representation of women to girls, the exclusion maintained the focus of analysis on adult criminalized women.

I also excluded articles that focused on “extreme” atypical cases (i.e. Karla Homolka) or individual women lawbreakers, without reference to criminalized women as a group. Although extreme and individual cases often receive the most media attention, and thus play a key role in shaping public understanding of the ‘type’ of woman who conflicts with the law, I avoided sensational cases to examine public discourse on criminalized women in the overall sense and in the absence of extreme examples. Unlike the parliamentary debates, which were smaller in quantity, thus allowing for the inclusion of extreme or individual cases while still remaining manageable for analysis, the sheer

⁵ It is possible that articles may have referred to criminalized women by other terms not included in the search.

number of available newspaper articles referencing criminalized women rendered the exclusion of some cases necessary.

Furthermore, while there may be a real and pervasive internationalization of gendered discourses about women in conflict with the law, I only retained articles that discussed criminalized women in the North American context to correspond with the Canadian focus of the governmental reports and parliamentary debates. Although many of the North American articles made specific reference to Canada, the results were not limited to a Canadian focus because of the potential blurring of Canadian and American crime news in Canadian media, which can make it difficult to differentiate between Canadian and American legal systems and/or correctional populations. That being said, articles that only referred to women in the United States, without a larger reference to North America and/or Canada, were not retained for analysis.

Lastly, I chose to exclude articles with a word count of fewer than 250. Although small articles are still influential, providing readers with quick newsbytes of crime and criminalized populations, they do not provide as rich or detailed a source of textual discussion of criminalized women. As a result of the abovementioned exclusions, a total of 96 articles were retained for analysis: 21 articles from 1968-1972; 17 articles from 1975-1980; 24 articles from 1988-1992; 20 articles from 1994- 1998; and 14 articles from 2001-2005.

Findings

While analyzing the data with GT, certain themes emerged as significant to the ways in which criminalized women have been construed. While my prior experience with criminalized women and feminist theory and empirical research means that the emergence

of these themes cannot be considered truly impartial, their significance to the representation of criminalized women became apparent due to the frequency with which they emerged, their persistence across time, and the intensity of discussion devoted to their development.

In general, the data tended to discuss criminalized women in a dichotomous fashion, either as ‘harmless’ or ‘harmful’. While, the selection of the terms harmless and harmful will become even more apparent once the results are discussed in relation to theory (Chapter IV), I will provide a brief rationale for their selection before discussing the findings. I chose these terms to depict the dichotomous representation of criminalized because of the related set of ideas generally associated with these terms. First and foremost, while ‘harmless’ tends to be linked to ideas about ‘social justice’, promoting equality and human rights, “harmful” implies a ‘law and order’ mentality that stresses culpability and retribution for wrong-doings. In addition, the term ‘harmless’ usually denotes sensitivity and compassion towards social inequalities, particularly gender inequality, while the term ‘harmful’ implies an individual responsibility divorced from structural inequality, even reinforcing sexism. Moreover, whereas ‘harmless’ alludes to women as ‘victims’, committing criminal offences to cope with or respond to their victimization, ‘harmful’ is linked to women as ‘perpetrators’ accountable for their deviancy.

That being said, it is important to acknowledge the intellectual messiness associated with the use of these terms due to the complex and vague concept of “harm”. As a result, I need to clarify *who* or *what* is being ‘harmed’ by criminalized women and whether it is the woman herself or her behaviour that is perceived as harmless/harmful. For the purposes of the study, the ‘harm’ in the harmless/harmful label refers to the ‘harm’, or damage, women’s deviant behaviour poses to our social values related to crime and gender

expectations. Accordingly, what is ‘harmed’ by the harmless/harmful criminalized woman is our expectations of how a woman should act, and it is the woman’s deviant behaviour or act that poses this harm. However, once a woman’s behaviour is interpreted as harmless or harmful due to degree of damage posed to our social values, the harmless/harmful label becomes associated with her identity. This is especially the case for the harmful criminalized woman as she is seen as both culpable and accountable for her deviancy and the ‘harm’ this deviancy poses to our values.

Now that I have explained the terminology used to constitute criminalized women, I will outline the results of the data analysis. As a reminder, this section identifies the results, but does not discuss the results in relation to theory.

Governmental Publications

Four main themes emerged from the analysis of government publications: a) criminalized women’s status as relatively harmless lawbreakers; b) the link between women’s socio-economic marginalization and offending behaviour; c) the rising rate of female crime, and d) gender difference in the commission of, and responses to, crime. I considered these themes significant because they appeared in the majority (typically at least half) of the reports, arose frequently, and were given a significant degree of attention or emphasis.

1. Harmless

When describing the type of criminal behaviour characteristic of women, the reports almost unanimously deemed women as relatively harmless and less criminally inclined than men (Status of Women; Clark Report; Creating Choices; Arbour Commission; & Protecting their Rights). The reports identified that most criminalized

women have committed non-violent (Status of Women; Clark Report; Creating Choices; Arbour Commission; & Protecting their Rights) and non-serious offences (Status of Women; Creating Choices; & Arbour Commission) and remain unlikely to re-offend (Arbour Commission & Protecting their Rights). Explaining that women are “generally in the category of the casual or harmless offender and are rarely dangerous or professional criminal” (Status of Women, p. 377), criminalized women were typically presented as posing little risk to society (Creating Choices; Arbour Commission; & Protecting their Rights).

Due to the perceived low risk posed by criminalized women, the later reports contended that women are dealt with too harshly and, consequently, over-classified by the correctional systems, especially Aboriginal women (Creating Choices & Protecting their Rights). Alternatively, most of the earlier reports (Status of Women & Clark Report) suggested that criminalized women often (although not uniformly) experienced leniency from law-enforcement and criminal justice officials, and thus were usually able to escape initial criminal charges.

a. Socio-economic marginalization

A second theme that frequently emerged from the publications focused on the marginalized and disadvantaged social and economic standing of women in society, a factor deemed influential in the economic-related law breaking activity common of women (Status of Women; Clark Report; Creating Choices; Arbour Commission; & Protecting their Rights). Collectively, the reports assert that criminalized women possess:

- Weak ties with friends and family;
- Limited education and work opportunities/histories;
- Inadequate economic resources;
- Reduced life choices and increased social inequalities;

- Substance abuse issues;
- Low self-esteem, worsened by the social condemnation of criminalized women;
- Tendency towards mental health issues, including suicidal and self-injury tendencies; and
- Extensive histories of sexual and physical abuse (especially Aboriginal women).

Aboriginal women, in particular, tended to be described as the most marginalized and disadvantaged population. Due to sexism, racism, and cultural indifference, the later reports affirm that Aboriginal women face multi-layered disadvantages, even more so than non-Aboriginal women. Also identified as a factor placing women in a disadvantaged social and economic position in the majority of reports was women's status as mother (Status of Women; Clark Report; Creating Choices; Arbour Commission; & Protecting their Rights). As the majority of criminalized women have dependent children, motherhood was seen as a key factor in women's offending behaviour (the reason for engagement with crime and a deciding factor in what type of offences women commit), as well as criminal justice responses to their behaviour.

b. Increasing Female crime rate

Furthermore, the publications generally agreed that the number of women coming into conflict with the law has increased since the 1950s (Status of Women; Clark Report; Creating Choices; Arbour Commission; & Protecting their Rights), but differ on the proposed reasons for this increase. Whereas this increase was sometimes explained by the increased opportunities to commit crime accompanying women's liberation and reduced social control as a result of second-wave feminism (Status of Women & Clark Report), it was also linked to changing social attitudes, including a growing willingness to penalize women who break the law (Status of Women & Arbour Commission). This reason is further explained in the Arbour Commission:

The apparent increase in the number of women in conflict with the law should be interpreted with caution. While it is possible that there has been a real increase in the amount of crime committed by women, official statistics on crime reflect reporting behaviour by the public and enforcement practices by the police. There may have been an increase in both the public's willingness to report crimes perpetrated by women, as well as an increase in the police tendency to charge women. (p. 202)

c. Difference between men and women

Finally, all of the publications stressed the difference between criminalized men and women, in terms of their historical neglect and their engagement with criminal behaviour. The reports acknowledged that women constitute a smaller criminalized population than men, which has consequently lead to their mistreatment by academic, criminal justice, and correctional authorities. The reports identified how criminalized women were historically considered “invisible” (Creating Choices & Protecting their Rights) and “correctional afterthoughts” (Creating Choices & Arbour Commission):

Canada’s prison population is largely unseen and unknown. Women prisoner in particular tend to be invisible to society, both because of their relatively small numbers and because their crimes are rarely reported in the news. Some observers have also noted that federally sentenced women are largely “invisible” to prison administrators in critical ways and that their needs and interests continue to be unmet in a correctional system designed primarily for federally sentenced men. (Protecting their Rights, p. 5)

Some of the later reports identify Aboriginal women in particular, as having been overlooked and dealt with inadequately by the criminal justice system (Creating Choices & Protecting their Rights):

No previous task force nor royal commission on corrections whether it was focused on Aboriginal Peoples, women, or prisons generally, has ever recognized the unique position of Aboriginal women. The Aboriginal voice has been relegated to a few pages of these previous reports or to several recommendations which were disconnected philosophically from the thrust of those works. This has effectively silenced our voice and trivialized our experience. (Creating Choices, p. 20)

The publications were also in agreement on the dissimilarity between women and men in conflict with the law. When comparing women and men, the reports indicated that women tend to:

- Possess different criminogenic factor and commit different (less violent and serious) crimes;
- Have less attachment to the criminal lifestyle and, thus, less likely to offend initially and reoffend;
- Possess different correctional needs, such as security and classification concerns;
- Have a greater risk of mental health issues; and
- Face collateral consequences of incarceration, such as greater distance from family (due to fewer institutions for women), loss of custody (since women tended to possess custody prior to incarceration), and greater social stigma (since society tended to treat women's offending behaviour more harshly than men's) creating more difficulty during reintegration.

Nevertheless, the reports all recognized that the “add women and stir” approach was inappropriate and ineffective. Rather than adapting a system designed for men to women, the reports advocated that responses to and treatment of criminalized women should be gender-appropriate, necessitating “a proactive approach that asks not how [...] women can fit into and benefit from exiting correctional services, but rather “what correctional services are necessary to respond to the needs of women”” (Protecting their Right, p. 16). Accordingly, the publications argued that “planning with regard to men should move in the direction of what is better, rather than planning for women being restricted by what may exist for men” (Clark Report, p. 45).

Hansard Debates

As previously mentioned, discussion of criminalized women in parliamentary debates was extremely limited. When mention was made, the debates seemed to centre on a dichotomy: criminalized women tended to be discussed in ways that reinforced their status as harmless, non-violent women whose crimes demonstrated their marginalized social and

economic status, or harmful, dangerous or violent women who deserve to ‘pay’ for their criminal behaviour. This theme was numerically notable, as eighty percent of the debates that made reference to criminalized women discussed them in a manner consistent with the harmless or harmful binary, often going into considerable detail. This theme also ran across the time span analyzed.

1. Harmless or Harmful

a. Harmless

Almost half (44%) of all the debates that made reference to criminalized women presented them as rather harmless lawbreakers. When referencing major reports released about women who break the law and National Elizabeth Fry Week (which occurs one week prior to Mother’s Day), the debates presented women as:

- Committing mostly non-violent and non-serious offences;
- Presenting little risk to society;
- Experiencing consequences of social inequality and discrimination, such as homelessness and poverty, especially Aboriginal women;
- Suffering from negative gendered stereotypes and sexism in society and law; and
- Mothers, often with sole custody of their children.

Stressing the “relatively small number of female inmates” (Debates, February 9 1979, p. 3061), the debates asserted that women typically commit non-violent and non-serious offences and “present few custodial problems in prison” (Debates, March 9 1971, p. 4118). Women’s offending was blamed on “homelessness, poverty, and inadequate social supports” (Debates, May 7 2003, p. 1405), rendering their behaviour “an underlying situation which is more symptomatic of the special needs of women” (Debates, May 17 1996, p. 2946) than their criminal tendencies. Aboriginal women, in particular, were identified as likely to experience “multiple disadvantage resulting from gender bias and racism” (Debates, June 2 1992, p. 11887) and “geographical dislocation from their

families, their communities, and their cultures" (Debates, November 27 1990, p. 15830).

As, Mrs. Pierette Venne summarizes:

The majority of women who find themselves before the bench are unemployed, on welfare, or possibly working part time... Ninety per cent of women serving a prison sentence have been found guilty of minor property offences, such as shoplifting. They are also sent to jail for non-payment of fines. It is clear that women in the prison system are a particular clientele. They are not usually there for violent crimes... Many women who have been in trouble with the police have already experienced very serious problems as a result of poverty, spousal abuse, family breakup and the fact that in most cases, women end up with the responsibility for a family. (Debates June 15 1995, p. 13926)

The incarceration of a mother was also perceived as extremely problematic in the debates due to the effects this has on her family:

The majority of female prisoners are the sole caregivers of their families at the time of their arrest. These mothers, during incarceration, become unable to support their children nor can they visit with them on a regular basis.... It is time we recognized that mother-child separation is a harmful practice with consequences that extend to future generations. (Debates, May 8 2001, p. 1400)

b. Harmful

Conversely, when responding to major incidents involving criminalized women, such as the incident at the Prison for Women in Kingston⁶, escapes from Edmonton Institution for Women and Okimaw Ochi Healing Lodge, and the release of Karla Homolka, the debates suggested that women experienced treatment and custody too lenient for their potential level of risk to society and the 'debt' they needed to repay society for their crimes. Some argued that women who conflicted with the law received "special treatment on the basis of their gender" (Debates, May 14 1996, p. 1760), and were

⁶ To briefly summarize, on April 22, 1994 an altercation occurred between several inmates and correctional staff that lead to a cell extraction and strip search of the inmates involved by an all-male Institutional Emergency Response Team. This event was videotaped and shown to the public, sparking public outcry for the treatment of the inmates. For more detail, please see Arbour (1996).

subsequently housed in “cozy open concept, cottage style prisons” (Debates, February 26 2002, p. 1435), facilities “much finer than anything available to many of the law-abiding, hard working, tax paying [citizens] in the surrounding area” (Debates, May 5 1996, p. 1349). However, at just over one third (36%) of the debates referencing criminalized women, the harmful theme was the lesser represented aspect of the dichotomy. While the harmless theme seemed to continually arise throughout the time period, the main presence of the harmful theme appeared to be employed only in relation to dramatic crimes or events involving criminalized women.

Newspaper Articles

The analysis of the newspaper articles revealed two major dichotomous depictions of criminalized women. In the articles, criminalized women tended to be presented as either harmless or harmful and receiving either harsher or more lenient treatment than their male counterpart. Within those themes, the articles also focused on gender differences in the commission and responses to crime. These themes were temporally persistent and were frequently given extensive attention in the articles.

1. Harmless or Harmful

The first divergence in the newspaper representation of criminalized women is their status as either harmless or harmful. While a majority of the articles (61 articles) portray criminalized women in a ‘harmless’ light, describing them as marginalized and presenting little to no risk to society; a noteworthy minority (31 articles) do the opposite, portraying criminalized women as harmful to society, becoming progressively more aggressive and dangerous.

a. Harmless

In relation to women's status as harmless, the majority of articles identified the disadvantaged social status and non-violent behaviour emblematic of many criminalized women. This assertion was consistent across the time period analyzed and across newspapers. By stressing women's marginalized status, the articles often presented criminalized women as victims of social and economic conditions. In identifying women's social and economic disadvantage, many of the articles (21 articles) identified sexism and poverty as factors in female criminality, pointing out how society is "sending people to jail for crimes of poverty, and in general women are poorer than men" ("Rise in female prisoners result of poverty: critics" 1995, p. E1). When explaining female criminal behaviour, the articles stressed the increasing "relationship between poverty and coming into conflict with the law for women" (Flavelle 1989, p. C5) and the "growing inequality between the haves and have-nots" (Brent 1990, p. A9), combined with "sexist and paternalistic attitudes" by the criminal justice and correctional systems ("Women's jails are paternalistic, groups tell B.C. commission 1978, p. 44).

Two groups of criminalized women identified in the articles as the most likely to suffer social and economic marginalization identified were mothers and Aboriginal women. Over one quarter of the articles (29 articles), across the entire time period analyzed, identified women's role as mother, often as single mother and sole provider for her family. While a few articles (5 articles) were entirely devoted to the conflicting status of motherhood while incarcerated, the remaining addressed the reality that the majority of women who conflict with the law are mothers, many being "the only significant adult in

their child's lives" (Babies doing time with their mothers; B.C. women's jail trying to keep families together" 1992, p. A10) and the difficulty of incarceration on her entire family:

Because women are the ones who usually care for children, sending a mother to jail hurts both the inmate and the child more than sending a father to jail...Even a brief stay of less than a month can destroy a family forever... particularly if the woman is a single mother. When a woman is arrested, she often loses not only custody of her child, but the housing and social assistance cheque needed to get her child back. (Toughill 1995, p. A1)

In addition, several articles (12 articles), occurring mostly in the late 1980s and early-to-mid 1990s, identified Aboriginal women as the most likely to have experienced discrimination in society and at the hands of the criminal justice system. Only one article, however, was dedicated to exploring Aboriginal women's experiences and issues (Henton 1996, p. B1), while the remaining eleven articles only made brief reference to the status of Aboriginal women who break the law.

In depicting the behaviour of criminalized women, the articles depicted the average (harmless) woman as less violent and aggressive than men, committing mainly non-serious, victimless, and/or economic inspired offences. Consequently, they suggested that "very few of these women would be considered a threat to society" (Cox 1992, p. A1). Such articles asserted that those who do commit acts of violence were typically either "mentally ill" ("Record of women's prison inspired hope 2001, p. A18) or had "extensive histories of abuse" (Warwick 1995, p. C1). In fact, one third of the articles stress the history of physical and sexual abuse common to many criminalized women. A number of articles (15 articles) also reveal that criminalized women frequently suffer from, and offend to support, substance abuse issues. Women were also portrayed as "far less likely than men to commit offences" (Sanger 1969, p. 8), due to limited attachment to the criminal lifestyle or prior

criminal history. Since “crime is a man’s disease” (“Britain planning weekend prisons 1968, p. 63), the articles generally presented women as victims, rather than perpetrators, of crime.

b. Harmful

Although, a majority of the articles repeatedly presented women as harmless, a smaller but still significant number of articles (31 articles) referenced the increasing female crime rate and presented the harmful woman as becoming increasingly more violent and aggressive, engaging in masculine-like behaviour, and committing progressively more serious offences. Offering headlines such as “New crime threat – violence in skirts” (Bullock 1978, p. A1), and “Crimes by women rising around world” (1975, p. 31), the articles suggested the female crime rate was increasing, asserting that “there is no doubt that women are committing more serious crimes” (An upward trend: Saskatchewan plans to keep women’s jail 1972, p. 15).

The articles asserted that women were not only committing more crimes, but also becoming more violent and committing more serious offences. The increasing crime rate was blamed on “a rising tide of female assertiveness” (Carery, 1975 p. D01), resulting from women’s emancipation and the escalation of women in traditionally “masculine roles” (“Female crime rate increase in L.A. startling” 1971, p. W11). Since criminal activity was perceived to be “unwomanly” conduct” (Crawford 1989, B.1), women who engaged in crime were presented as “bad” (Peritz, 1994 p. B1), “the worst of the worst” (Kenna 1997, p. A.11), and even “monsters of egocentric selfishness” (“Women murderers said to be more ruthless” 1970, p. 28). While the harmful theme tended to arise in relation to specific (or alleged) criminal events, it is worth noting that over three-quarters (76%) of the articles

referencing the increasing crime rate and violent/aggressive/masculine-like behaviour of women occurred during the late 1960s and 1970s, a time categorized by theories linking female emancipation to criminality (see Adler 1975).

2. Experiencing Harsh or Lenient Treatment

A second, but notably smaller, dichotomous representation of criminalized women that arose from newspaper articles is that of women receiving either harsher or more lenient treatment from the criminal justice and correctional systems than their male counterparts.

a. Harsh

Approximately one-fifth of the articles (20 articles) suggested that society was harsher on women who broke the law than men, arguing that women experienced less chivalry from law-enforcement and criminal justice officials than traditionally believed. This “disappearance of “chivalry”” (Willett 1975, p. F6) caused law enforcement and criminal justice officials to become “less tolerant of women” (“Female crime rate increase in L.A. startling” 1971, p. W11) and afford them “less protective and more punitive handling” (Carery 1975, p. D01). The articles proposed “a growing willingness to treat women as harshly as men” (Peritz 1994, p. B1). Lastly, the articles suggested that prison conditions tended to be harsher for women due to their small numbers and the application of policies and conditions “geared to mean and adapted to women” (“Closing of Kingston women’s prison sought: maximum-security setting said unnecessary” 1970, p. 11).

b. Lenient

On the other hand, a much smaller but still noteworthy proportion of the articles (9 articles) asserted the contrary, that women tended to receive chivalrous treatment from law-enforcement and criminal justice officials and experienced more lenient conditions while

incarcerated. Since women were thought to have usually “offended several times” before receiving a sentence of incarceration (Weiers 1969, p. 64), the articles proposed that women were “afforded greater sentencing leniency by virtue of their gender” (Vassalos 2002, P. B6) and were consequently able “escape with probation, a fine, or a suspended sentence” (Carey 1977, p. A10). The presentation of women receiving lenient or chivalrous treatment often corresponded with the articles suggesting that women are becoming more aggressive or masculine in their behaviour.

Summary

Analysis of six Canadian governmental reports, twenty-five years of Canadian Hansard debates, and twenty-six years of newspaper articles with reference to criminalized women revealed several dominant themes in the way women who break the law have been constituted. These themes are deemed significant due to their appearance in the majority of the data analyzed, their temporal persistence, and the intensity with which the issue was addressed within and across data sources. Although mention of criminalized women occurred across the entire time period selected for this study, there were noticeable time periods in which mention of criminalized women was amplified and time periods in which mention of criminalized women was relatively absent.

While quantity of references to criminalized women varied, throughout the course of analysis it became apparent that large patterns in the way criminalized women were represented existed across time and all three data sources. Criminalized women tended to be discussed in ways that reinforced their status as either harmless or harmful. While initially perceived as an increasingly dangerous and masculinized ‘threat’, there was a noteworthy temporal shift in the data towards seeing women as structurally victimized by

their social and economic marginalization. Over time, the focus of the discussions shifted from women's deviancy as individual pathology to identifying the context of women's criminalized behaviour. However, likely in response to several incidents at women's correctional facilities and the impending and contested release of Karla Homolka, a (minor but still notable) portion of the dialogue returned to discussing women that break the law as harmful during the late 1990s and early 2000s. These shifts will be discussed more in Chapter VI.

Now that I have identified the major themes in the representation of criminalized women in public discourse, I will analyze these themes in relation to theory.

CHAPTER IV: DISCUSSION

“One is not born a woman, but, rather, becomes one.” (Simone Beauvoir 1984, p. 301)

While the previous chapter identified the major themes that arose from the discourse analysis using grounded theory, this chapter provides a discussion of the results in relation to theory. Across the entire time frame analyzed, as well as between and within data sources, a dichotomy in the way in which criminalized women were constituted surfaced: they tended to be discussed in ways that reinforced their status as either harmless, victims of their disadvantaged social circumstances, or harmful, culpable for their violent and masculine-like behaviour. In fact, more than three-quarters of the data retained for analysis, specifically 83% of the governmental publications, 80% of the parliamentary debates, and 96% of the newspaper articles repeatedly discussed criminalized women in a manner consistent with the harmless or harmful theme. These discussions tended to rely heavily on gender stereotypes about ‘appropriate female’ behaviour. Therefore, in order to comprehend the ways in which criminalized women have been constituted in public discourse, we first need to examine how society creates and then holds members to gender norms and expectations. Using the Social Constructionism foundation set out in the Literature Review, I explain the origin and tenets of Doing Gender and use this framework to discuss the results of the data analysis. I then identify several additional areas of contemplation and provide a brief discussion of the silences in the data.

What does the data suggest? Doing grounded theory

Using a GT approach, the data suggested the persistence of socially constructed discourses on appropriate gender norms and behaviour. Gender was a stable constant on which the behaviour of women who broke the law was interpreted and assessed. As the data was saturated with socially constituted gender definition and roles, I turn now to a discussion of Doing Gender. Doing Gender highlights the interactional aspect of gender performance and envisions gender as an accomplishment that people do continually while in social interaction.

Doing Gender

In 1987, Candice West and Don H. Zimmerman introduced a theoretical framework that envisioned gender as an ongoing ‘accomplishment’ rooted in everyday social relations. By conceptualizing gender as an accomplishment, their theory – Doing Gender (DG) – shifted attention from the individual to the social; although it is the individuals who do gender, the authors maintained that it is “a situated doing, carried out in the virtual or real presence of others who are presumed to be oriented to its production” (p. 126). Therefore, gender is not merely something that one is, but rather “something that one does, and does recurrently, in interaction with others” (West & Zimmerman 1987, p. 140).

In accordance with DG, the very foundation for society’s perception of ‘male’ or ‘female’ is ultimately rooted in the social reading of behaviour as either innately masculine or feminine (Messerschmidt 2009). Members of society engage in the artificial construction of differences between ‘men’ and ‘women’ through classifying people as either ‘male’ or ‘female’ according to gender stereotypes. Socially defined membership in the category of male or female then forms the basis for assessment of subsequent behaviour, as members of

society behave in ways that either reaffirm or contradict their performance as ‘woman’ or ‘man’ (female or male). This performance is always done “at the risk of gender assessment” by their social peers (West & Zimmerman 1987, p. 136); thus, people must actively manage their conduct so that the outcome is perceived as ‘gender appropriate’ and, thus, ‘natural’. It is important to note that this division of the genders is hierarchical, as society tends to render one gender “the touchstone, the normal, the dominant”, and the other “different, deviant, and subordinate” (Lorber 2006, p. 280). Unfortunately, this typically reflects and reinforces the ‘gendered status quo’ (Hollander 2002) of the powerful male ‘norm’ and passive female ‘other’.

To motivate individuals to conform to ‘gender appropriate’ activity, thereby maintaining the appearance of true differences between the genders, boundaries between appropriate and inappropriate gendered behaviour are socially constructed and reinforced. This enforcement of gender norms is so omnipresent, that when an individual does their gender in a way that is consistent with the social expectations associated with their biological sex⁷, they generally go unnoticed. By successfully doing our gender, we continually reproduce and legitimize socially constructed gender divisions, validating the assumption that gender is inherent. In this way, gender becomes taken-for-granted as “normal, natural features of persons” that “provide the tacit rationale for differing fates of women and men within the social order” (West & Zimmerman 1987, p. 142). When a person engages in behaviour that is perceived as contrary to, or even ambiguous of, the gender expectations associated with their biological sex, however, dominant society is left uncomfortable and “socially dislocated” from the challenge to gender norms and

⁷ DG cautions that individuals do not necessarily ‘choose’ to *do* their gender correctly. Regardless of whether a person ‘chooses’ to behave in ways that conform to gender norms or not, either case subjects him or her to social approval or condemnation based on gender stereotypes (Deutsch 2007).

expectations (Lorber 2006; Freud 1994). Members of society then engage in a “self-regulating process”, by monitoring their own and their peers’ conduct, with regard to its gender implications (West & Zimmerman 1987); those who cannot or do not do their gender appropriately are held accountable for their deviation.

Thus, members engage in the construction of artificial differences - and corresponding boundaries - between dichotomized genders, relying on stereotypes about appropriate male and female behaviour. When an individual fails to do their gender appropriately, society may ignore the discrepancy (most likely if the discrepancy is minor) or evoke some level of social punishment. While gender appropriate behaviour may be strictly enforced through informal sanctions, such as social pressure to conform, formal sanctions (whether real or by threat) also exist for those whose behaviour is seen to deviate from the established gendered norms and expectations (Hollander 2002; Lorber 2006; Messerschmidt 2009; West & Zimmerman 1987).

Gendered interpretation of the harmless/harmful dichotomy

Using the DG framework, we can see how the dichotomous representation of criminalized women as either harmless or harmful can be understood in relation to gender stereotypes about ‘appropriate’ female behaviour, what Davies & Cook (1999) deem “a normative notion of femaleness” (p. 560). For women, successfully doing their gender is thought to hinder engagement in criminal behaviour or, at the very least, regulate it into specific areas (Steffensmeier & Allan 1996). Thus, women who engage in criminal behaviour, thereby challenging or contradicting societal expectations of the female gender, risk being “called to account” for their deviance (West & Zimmerman 1987, p. 146) and exposing themselves to social sanction. For the purpose of this study, social sanction is

defined as public discourses that condemn or denounce criminalized women as failed women.

However, the extent to which a woman will be socially penalized for her criminal behaviour is largely influenced by how far society feels that her crime causes her to ‘stray’ from the standards of ‘appropriate’ femininity. While any woman that engages in criminal behaviour may experience reprimand for her lawbreaking activity and subsequent failure to adhere to gendered expectations (as crime is considered masculine behaviour)⁸, her legal transgression may be interpreted and responded to very differently depending on the crime committed. Herein lays the harmless/harmful dichotomy. In the public discourse examined for this thesis, criminalized women who were perceived as more successfully able to ‘do’ gender, through adherence to dominant gender expectations and norms, were more likely to be deemed harmless. Criminalized women who were seen to defy dominant scripts of femininity, on the other hand, were more likely to be constructed as harmful.

1. The harmless criminalized woman

Across and within all three data sources, women who conflicted with the law were repeatedly discussed in a manner consistent with the harmless theme. This theme was the most dominant, arising in 83% of the government reports, 44% of the Hansard debates, and 64% of the newspaper articles retained for analysis. The harmless criminalized woman, as represented in the data, is a woman who commits mostly non-serious, non-violent and victimless offences, she is unlikely to re-offend and poses little risk to society. Her offending was typically discussed in relation to her social and economic marginalization and status as mother. Poverty, sole custody, substance addiction, mental illness, and a

⁸ This double transgression criminalized women are perceived as committing (breaking both the law and gender stereotypes) will be discussed in more detail in ‘*Double deviance, double punishment*’

history of abuse were frequently raised to explain or contextualize her engagement in crime and render her a ‘victim’ of her disadvantaged circumstances. Rather than being chastised for her deviant behaviour (like her harmful sisters), the harmless woman generally garnered both sympathy and concern.

As identified in the data, the crimes for which women are most commonly charged, and which rendered them the harmless status, are generally not considered serious criminal offences. Not only are the crimes typically minor, but they also tend to be compatible with women’s maternal role as provider and economic role as consumer, allowing her to demonstrate adherence to what Chesney-Lind (1986) defines as “the standards of traditional womanhood: marriage, economic dependency, and respectability” (p. 92). Although she has broken the law, the harmless criminalized woman’s deviance is considered negligible, both in legal terms and in relation to gender expectations about appropriate female behaviour. Since her transgressions are relatively insignificant, she can escape with limited social sanctions.

a. Marginalized Status

By attributing women’s offending behaviour to their social and economic marginalization, history of abuse, mental illness, and substance addiction, thereby reducing the criminalized women to a ‘victim’ of her disadvantaged status, the harmless criminalized woman is deprived of moral agency and her blameworthiness is negated (Lloyd 1995). Her deviant behaviour is ‘justified’, stemming either from external discriminatory and oppressive factors or from an internal ‘defect’, both of which are considered to be outside of her control. By presenting her as helpless and vulnerable, her criminal culpability is minimized because she lacked free will (Heidensohn 1995). Women’s inability to exercise

free will can be connected to a larger history of medical, psychological, and criminological discourses that saw women as morally weak, mentally unstable, childlike, or even incompetent (Heidensohn 1995; Linders and Van Gundy-Yoder 2008 Lloyd 1995). The more marginalized or ‘victimized’ the woman, the more ‘excusable’ her criminal transgressions are considered to be, provided she adheres to other gender expectations. Thus, by reducing the harmless woman to a ‘victim’ of her deprived circumstances, not only is her transgression defensible, but her conformity to femininity stereotypes related to passivity, vulnerability, weakness, and submissiveness is reinforced.

b. Maternal Status

The harmless theme was also raised in relation to the criminalized women’s status as mother. In women with children, motherhood was often used to contextualize or justify her offending (in a similar way as her marginalization) or to demonstrate the damage a criminal record or period of incarceration would have on her familial relations. Her maternal status became her “master status”, overriding all other statuses, including that of ‘criminal’ (see Becker 1963 for more detail on master statuses). The maternal role is idealized as one of the most important aspects of what it means to be ‘woman’; through socialization, members of society are taught that women possess “an innate capacity to mother, a natural instinct to nurture, and a natural capacity for childbearing and childrearing” (Geiger & Fischer 2003, p. 497). By asserting her motherhood status, the criminalized woman’s adherence to the nurturing, care-giving, and provider expectations associated with the female gender is reaffirmed. While penalties can arise from deviations from the ‘sacred’ maternal role (see Geiger & Fischer 2003, 2005; Hagan & Coleman 2001; Radosh 2004), adherence to this role demonstrates that she possesses “a particular

kind of morality and nobility” that entitles her to both social respect and protection (Linders & Van Gundy-Yoder 2008, p. 332). By stressing her “conventional femininity” and “conformity to the ideals of motherhood”, the criminalized woman’s status is ‘normalized’, reducing the need for social condemnation (Heidensohn 1995, p. 107).

c. Differentiation from the characteristics associated with the male offender

Not only was the harmless criminalized woman described as non-violent and unlikely to re-offend in general, the data also presented her as being less violent, less aggressive, and ultimately less criminally inclined than men. Moreover, she was also seen to have less attachment to the ‘criminal lifestyle’, a lifestyle that can be interpreted as the lifestyle of criminalized men since men make up the majority of criminalized individuals. Since gender is typically understood as two mutually exclusive categories (masculine *or* feminine), the achievement of one gender necessitates the distinction from the other (Butler 1990). By emphasizing the distance between the harmless woman and her male counterparts, her proximity to femininity is highlighted. Since both her legal and gender deviations can be considered minor, the need for social condemnation is generally reduced, allowing her to escape the scrutiny faced by her harmful sisters. Moreover, since her lifestyle choices differ from those of criminalized men, her attachment to the (male) criminal lifestyle is perceived to be less strong. Consequently, the harmless criminalized woman is still seen to conform to the norms and expectations of the female gender; by doing her gender correctly, there is little need for social reprimand.

2. The Harmful Criminalized Woman

While the harmless theme remained dominant across time and data sources, over one-third of the newspaper articles (32%) and parliamentary debates (36%) described criminalized women in ways that align with the harmful theme.⁹ This theme typically arose during the late 1960s/1970s and 1990s/2000s in response to what was perceived as an increase in crime resulting from women's liberation, or sparked by a major incident, such as an escape from prison or the release of Karla Homolka. The harmful criminalized woman was presented as displaying both aggressive and stereotypically masculine tendencies and committing increasingly more serious offences often involving violence. Whereas the harmless woman's legal and gender deviations were perceived as somewhat trivial, garnering her sympathy and allowing her to escape social criticism, the harmful criminalized woman's deviation is described as especially shocking and distasteful. Subsequently, she was frequently chastised for her criminal behaviour and (perceived) rejection of traditional femininity.

In accordance with stereotypes of femininity, and 'supported' by crime statistics, women generally do not (and therefore, 'should not') engage in violent or aggressive behaviour, behaviour typically associated with masculinity. Thus, women who commit 'masculine' offences or appear to have masculine characteristics tend to experience more severe social condemnation because their behaviour is seen as especially offensive and their deviation (both legally and in relation to gender) is deemed to be much more significant (Farr 2000; Grabe, Trager, Lear, & Rauch 2006). These assumptions about appropriate (and 'natural') female behaviour have lead to what White & Kowalski (1994)

⁹ The absence of this theme in the government publications is addressed in the discussion of silences.

refer to as the ‘myth of the nonaggressive woman’ – the assumption that women are ultimately incapable of aggression. Thus, women who engage in behaviour involving violence or aggression, traditionally considered masculine conduct, are often rendered abnormal and subsequently masculinized and demonized.

a. Masculinization

When presenting statistics revealing the appearance of an increase in violent and aggressive behaviour during the 1960s and 1970s, or discussing the masculine nature of their serious offences, the data tended to present the harmful woman as less feminine than her harmless sisters and more similar to her male counterparts. Because the border between masculinity and criminality is so precarious (Steffensmeier & Allan 1996), women’s engagement in criminal behaviour can easily be interpreted as engagement with masculinity. As ‘true femininity’ is thought to preclude violent or aggressive behaviour, women who engage in such behaviour are assumed to be ‘inherently masculine’ (Heidensohn 1995). Moreover, with our perception of gender rooted in the polarized interpretation of behaviour as *either* masculine *or* feminine, involvement in what is traditionally considered masculine behaviour may be interpreted as an inability or unwillingness to do femininity and subsequently, a desire to do masculinity (Chesney-Lind & Eliason 2006).

b. Double deviance, double punishment

Due to her involvement in violent or masculine behaviour, the harmful criminalized woman was often described in the data as more deplorable than both her harmless sisters and similar male counterparts. Not only was her behaviour more deviant, but she herself was perceived to be more deviant; for that reason, discussion of her behaviour was

typically accompanied by calls for increased social and legal penalties. Since the female is assumed to be devoid of violent or aggressive tendencies, female involvement in violent criminal behaviour runs in opposition to conventional gender expectations related to both female behaviour and the essential nature of women (Cecil 2007; Hollander 2002; Lloyd 1995; White & Kowalski 1994). The harmful woman, therefore, is considered doubly deviant: deviant not only because of her crime, but also, more fundamentally because of her failure to live up to society's "idea of proper womanhood" (Lloyd 1995, p. 36).

Reliance on the myth of the nonaggressive woman, and subsequent masculinization of those who do commit violent offences, allows for the demonization of women who "stray from the path of 'true' (passive) womanhood" (Chesney-Lind & Eliason 2006, p. 31). By stripping women who engage in masculine offences of any femininity, essentially "exempting some women from womanhood" (Linders & Van Gundy-Yoder 2008, p. 333), society is more easily able to justify their social condemnation. As women are not supposed to be violent, those who commit serious offences, subsequently stepping "outside the boundaries of appropriate female behaviour" (Cecil 2007 p. 321), are not just 'bad people' because they have broken the law, but more importantly 'bad women' because they have failed to adhere to femininity (Linders & Van Gundy-Yoder 2008). Although her double deviance is used to support the assumption that she is more masculine than her harmless sisters, the harmful criminalized woman's dual transgression (legal and gender) allows for her to be treated more harshly than her male counterparts, whom she is supposed to resemble (Gaarder, Rodriguez and Zatz 2004; White & Kowalski 1994).

CHAPTER V: FURTHER DISCUSSIONS

Reinforcement and Blurring of Gender Boundaries

While ‘gender’ itself remains an intangible concept, it affects all aspects of social life. Although gender is somewhat ‘voluntary’, in that we can ‘choose’ what gender we would like to align ourselves with, it is also ‘coercive’, for society tends to holds us to the gender that corresponds with our biological sex, regardless of the one we ‘choose’ (Kimmel 2002). By understanding the ways in which criminalized women have been represented in relation to gender stereotypes and expectations, we can see how the reproduction of this harmless/harmful theme can actually be used to discourage female criminal behaviour.

By masculinizing and demonizing a few women, thereby “casting them out of the ‘protected’ sphere of femininity”, other women are encouraged to conform to gender stereotypes (Chesney-Lind & Eliason 2006, p. 43). By chastising women who step outside the boundaries of acceptable female behaviour, the harmful woman is punished for her transgressions at the same that the boundaries of acceptable female behaviour are reinforced. Punishing a small minority of women with a “deep and damaging stigma” ensures that women who choose not to conform to the norms and expectations of their gender are aware of the consequences and subsequently, “exhorted, cajoled, and subtly coerced” into the role of passive, submissive, domesticated, nurturing, etc. (Heidensohn 1995, p. 106). Thus, by maintaining the boundaries between the genders, and promoting conformity to one’s socially ascribed gender, the way criminalized women are constituted

in public discourse assists in the social construction and enforcement of ‘femininity’ and the category of ‘women’.

When acknowledging how people behave in relation to gender expectations and boundaries, it is important to note that despite widespread social perception and enforcement of the categories of male and female, and subsequently masculinity and femininity, as “mutually exclusive, oppositional categories” (Hollander 2002, p. 491), people rarely do their gender perfectly. Freud (1994) expresses astonishment at “how little the norms we have constructed for people fit the actual men or women or families that these norms describe” (p. 41), locating more differences within each gender than between. As gender categories are socially created and, therefore, subject to interpretation, there is no clear cut division between what makes up ‘men’ and ‘women’ or ‘male’ and ‘female’. In truth, people usually do a combination of both genders, to varying degrees.

In addition, what is considered ‘appropriate’ for, or ‘natural’ of, each gender is subject to change over time, according to historical and cultural context (Deutsch 2007). Consequently, the doing of one’s gender is a continual process in which the subject is an active participant. Building on Simone Beauvoir’s claim of one becoming, rather than being born, a woman, Butler (1990) suggests that “gender is always a doing” (p. 25) and, accordingly, “woman itself is a term in process, a beginning, a constructing that cannot rightfully be said to originate or to end. As an ongoing discursive practice, it is open to intervention and resignification” (p. 33, emphasis in original). Thus, one never ultimately ‘becomes’ a gender, but instead is in a continued state of doing and, subsequently, in a continued state of assessment by one’s peers.

Appreciation of the Intersections

Regardless of whether ‘idealized’ femininity is stable or actually reflects the reality of most women, this normative notion of femaleness shapes societal perception of *what* a woman should be and *how* a woman should act. That being said, it is important to recognize that our very understanding of gender, male and female, and masculinity and femininity remains “grounded in and entangled with women’s other statuses, primary among them race, class, ethnicity, and sexuality” (Linders & Van Gundy-Yoder 2008, p. 332). While the DG framework that emerged from the analysis of data using GT may acknowledge that people *do* gender differently, a relatively narrow and static idea of “appropriate” gendered behaviour remains. What is absent in this framework, and indeed the discourse analyzed for this study, is appreciation of how the ‘ideal’ or normative femininity may not be equally accessible or equally applied to all women. In other words, there is little consideration of how women’s multiple and intersecting identity statuses complicate our gender assessments, rendering *certain* gender performances more authentic, successful, and/or desirable – indeed more ‘feminine’ – than others (Burgess-Proctor 2006; Chesney-Lind & Eliason 2006; Gaarder, Rodriguez, & Zatz 2004; Howarth 2002; Linders & Van Gundy-Yoder 2008; Smith 2009; Staunæs 2003).

As our conceptualization of femininity and the very category of woman remains complicated by the intersection of gender with other identity statuses, so too does our assessment of women’s gendered behaviour, or more specifically women’s femininity performances (Chesney-Lind & Eliason 2006; Gaarder, Rodriguez, & Zatz 2004). Those performances deemed the most successful, authentic, and therefore ideal tend to be those of white, middle-class, able-bodied, and heterosexual women; these performances are

hegemonic, simultaneously reflecting and reproducing the norms, expectations, and interests of the privileged (white, heterosexual, able-bodied, and middle-class) while ignoring racial, class, ability, and sexual difference (Butler 1990; Schippers 2007; Thompson 2002). I will use the terms “hegemonic”, “ideal”, or “idealized” interchangeably to signify the privileged status of white, middle class, hetero-normative femininity. This hegemonic ideal then becomes taken for granted as natural, the epitome of what constitutes ‘woman’, and the yardstick against which the performances of femininity of all women are measured, even for those who do not meet the privileged criteria (Lorber 2006).

As a result, ‘ideal’ or ‘successful’ femininity is more easily located in women who meet the hegemonic criteria on which the ideal femininity is based. In other words, the most desired femininity tends to be found in women who are white rather than visible minority; in middle-class women than those from the working class; in able-bodied women than those with a disability; and in heterosexual women instead of queer or trans-women (Howarth 2002; Linders & Van Gundy-Yoder 2008). Women who possess the valued hegemonic qualities are more easily and successfully able to achieve this ideal femininity simply because the ideal is both derived from and anchored in hegemonic criteria. Those who lack the valued qualities of the ‘ideal’ are subsequently relegated to the position of ‘other’, ‘different’, and subsequently ‘deviant’ (Lorber 2006; Schippers 2007; Staunæs 2003); accordingly, their gender performances may be perceived to be less authentic and/or flawed merely because they do not meet the feminine ideal. Rarely is it ever questioned whether this ideal is representative of, or applicable for, all women (Frankenberg 2005; hooks 2000). Moreover, even less consideration is given to the notion that many women actively reject the feminine “ideal”, intentionally transgressing socially valorized gender

performances. “Queering” gender and reformulating gender outside the dominant dichotomy suggest that it is not simply that people “fail” to accomplish gender, but that people may remake gender; people do not simply conform or fail to conform, but actually *create* gender.

While women’s different identity statuses did emerge in the later data analyzed for this study, criminalized women still tended to be presented as a homogeneous group and discussed in ways that either neglected or erased any racial, class, ability, and sexual difference that may have impacted how their femininity was perceived. However, using the intersectional framework we can appreciate how society’s reading of criminalized women’s gendered behaviour is actually interwoven with racial, classist, and heterosexual stereotypes in addition to those of gender. So although all criminalized women are engaged in gender performances, the femininity of *certain* women is deemed more authentic, desirable, and/or successful than others.

As a result, criminalized women who adhere, not only to gender expectations, but also the hegemonic ideals for class, race, and sexuality are better able to *do* ideal femininity and consequently more easily construed as harmless. As long as adherence to the privileged criteria on which the ideal femininity is based renders one’s femininity more desirable or successful, white, middle-class, able-bodied, heterosexual women will always be in a privileged position to be able to minimize their perceived legal and gender deviations, garner sympathy from society and criminal justice officials, and benefit from any leniency derived from adherence to feminine expectations. Linders and Van Gundy-Yoder (2008) further explain:

Insofar as femininity is capable of protecting women from the harshness of the law, it does so more effectively for women who are white, middle class,

and heterosexual. Moreover, various other social markers, such as women's age, marital status, motherhood, sexual history, mental state, and so forth, work themselves into the narratives of a women's criminality and influence not only their guilt and culpability in a legal sense but also the determination of the extent to which their actions constitute violations of their womanly natures. (p. 328)

Conversely, women of colour, poor women, those with a disability, and/or those who do not meet the heterosexual norm may be automatically viewed as less feminine, more masculine, and subsequently more deviant than their privileged sisters simply because they deviate from the hegemonic ideal. The intersection of gender with race, class, ability, and sexuality means that the femininity performances of criminalized women that do not meet the hegemonic criteria are less valued, making it easier to construe them as harmful. The degree to which their femininities are devalued is compounded when women fail to meet multiple privileged criteria. For example, although an Aboriginal working-class woman, Black lesbian, or disabled white woman may *do* femininity, their performance may be viewed as flawed, less authentic, or even transgressing towards masculinity purely because it is not the hegemonic ideal. Women who fall outside of the hegemonic ideal are, therefore, deviant for not only their criminal act and transgression of gender expectations, but also their failure to align with race, class, ability, and sexual ideals. As a result, their femininity is deemed inferior and they are more likely to be rendered ineligible for any possible sympathy their gender might otherwise have allowed them (Britton 2004; Chesney-Lind & Eliason 2006; Farr 2000; Linders & Van Gundy-Yoder 2008).

Thus, while all criminalized women *do* gender, societal readings of their gender performances remain rooted in the intersectional matrix of gender, race, class, sexuality, age, (dis)ability, ethnicity, religion, etc. (Briskin 1990; Burgess-Proctor 2006; Hudson 2002; Steffensmeier & Allan 1996). As a result, the intersection of gender, race, class, and

sexuality (among other factors) complicates criminalized women's gender assessments, automatically positioning *certain* women as more feminine and subsequently more likely to be construed as harmless than others. Although gender expectations play a key role in societal assessment of women that break the law, it is necessary to push past the simplistic understandings of gender as either masculine *or* feminine to an appreciation of how identity statuses intermingle to create a hierarchical multiplicity of femininities, some of which are considered more successful or valuable than others.

CHAPTER VI: SILENCES

Although reference to criminalized women existed in some aspect throughout the entire time period analyzed, there were noticeable periods in which discussions about women in conflict with the law were prevalent and other periods which were comparatively quiet. While discussions peaked during the 1970s and 1990s, they fell relatively silent during the early twenty-first century. Moreover, discussion of criminalized women often reflected the social and political atmosphere of the time, consequently any particular silences that occurred during the time period analyzed are important to identify. While an extensive investigation into each of the discourse silences would enrich our understanding of how criminalized women were constituted, it is not possible within the confines of this study. I can, however, provide a brief overview of the various silences while suggesting possible explanations.

1. 1970: women's emancipation

The 1970s experienced a dramatic surge in the discussion of criminalized women in all three data sources. This surge most likely corresponded with advances made by the second wave of the women's movement, which called for the inclusion and legitimization of the experiences of women, in addition to the publication of several governmental investigations into the legal/prison system for women. Of note, half of the government publications analyzed for this study were published during this decade. These reports tended to focus more on the women who conflict with the law than the background or context to their offending. In addition to the reports, approximately one-third (32%) of all newspaper articles retained for analysis were published between 1970 and 1978. This time

period is also where we see the strongest harmless/harmful dichotomy in the newspaper representation of criminalized women, corresponding to the introduction (and dispute) of the assumed link between emancipation and crime, as well as several investigations into Canadian prisons for women. Whilst those articles supporting the link between female liberation and crime promoted criminalized women as harmful, those disputing the link or examining the prison system typically described the women as harmless.

I should point out that, compared to the newspaper articles available in Toronto Star and Globe and Mail, very few articles about women in conflict with the law came from the Montreal Gazette during this time period. While this may be representative of the political or social nature of the newspaper itself, the limited number of articles on criminalized women from the Montreal Gazette (in comparison with the other newspapers) could also be explained by human error, as articles from this time period were found using a manual search of microfiche archives (whereas articles from the Toronto Star and Globe and Mail were found through an electronic search of key words). As a result, it is possible that I overlooked articles about criminalized women from the Montreal Gazette during my search because their reference or connection to women and crime was not explicit or clear.

a. Parliamentary silence

At the same time that a large percentage of government reports and newspaper articles referenced criminalized women during the 1970s, Hansard transcripts only offered one day of discussion about the characteristics or social backgrounds of women who conflict with the law. In general, parliamentary discussion about women who conflict with the law was sparse. One possible explanation for the limited discussion could be that women, especially during this time period, were not equally represented as Members of

Parliament (MPs). In her examination of the representation of women's issues by female MPs, Tremblay (1998) found that female and male MPs attach differing importance to women's issues, with females bringing up issues that affect women more often than men. With fewer women to bring attention to women's issues, it is possible that criminalized women were 'overlooked'. However, the presence of more women in parliament would not necessarily have increased discussion about criminalized women because simply being female does not guarantee interest in matters that affect women generally, or women in conflict with the law specifically. Another possible reason for the limited discussion could be the relative lack of information available on criminalized women, especially prior to the second wave of the women's movement and the introduction of feminist criminology, giving MPs limited information for discussion.

b. The universal category of woman

While newspaper and governmental reference to criminalized women peaked during this time period, that data tended to discuss women in conflict with the law in an uncritically homogeneous fashion. Little, if any, recognition was granted to racial, class, ability, or sexual differences among criminalized women, nor how these differences may shape women's experiences with crime and the criminal justice system. For example, while an overrepresentation of Aboriginal women in prisons was occasionally mentioned, the data largely neglected to consider how Aboriginal women's involvement with crime and society's response to their deviant behaviour may differ from non-Aboriginal women because of structural or systemic racism (see for example Monture 2002; Razack 1998). Worse still, the data did not even acknowledge the existence of other racialized women in Canadian correctional facilities. In essence, racial difference among criminalized women

was rendered invisible. Furthermore, while much of the data acknowledged that criminalized women are often poor, discussions failed to move past that assertion to a recognition of how women's economic marginalization may actually structure their involvement in crime, whether by the opportunities available to them or their treatment by criminal justice officials (see for example Carlen 1988). Thus, like racial difference, class difference among women in conflict with the law was obscured.

Another silence in the data was that of criminalized women's ability. Outside of the occasional newspaper claim that women that break the law are mentally ill, nowhere in the data was there recognition of how women's physical and/or mental ability may either shape or constrain their involvement in criminalized behaviour and their treatment by the criminal justice system (see for example Protecting their Rights). Lastly, while criminalized women's sexuality *was* mentioned in the data, likely a result of the sexual liberation that occurred during the same time frame as women's liberation, it was discussed in a very specific and rigid manner. Women's sexuality was only discussed as either a precursor to crime (i.e. masculinization theory) or an outcome of the "rampant lesbianism" present in correctional institutions (Hopper 1978, p. C5). There was no recognition of how criminalized women's sexuality may influence their perceived deviancy, rendering them not only legally deviant but also sexually deviant because they fail to align with the heterosexual norm (see Chesney-Lind & Eliason 2006; Far 2004). Thus, women's sexuality, while not silent, was not discussed in any depth in the data.

This 'invisibilization' of difference among criminalized women can perhaps be explained by the silencing of difference among all women by typically white, middle-class, and able-bodied (i.e. privileged) second wave feminists (Acker 2006; Baca Zinn & Thornton

Dill 1996; Butler 1990; Burgess-Proctor 2006; hooks 2000; Pierson, Cohn, Bourne & Masters 1993) and feminist criminologists (Chigwade-Bailey 2003; Smart 1976) during this time frame. Feminist concerns of this era generally focused on what was considered the most pressing problem for ‘all’ women, eliminating gender inequality; accordingly, criminological theories tended to explain female criminality as a means to cope with this inequality (see for example Adler 1975; Adler & Simon 1979). In order to maintain the focus of the women’s movement on eliminating inequality *between* the genders, inequality *within* the female gender had to be silenced or at the very least rendered less important (Pierson, Cohn, Bourne & Masters 1993). By making the plight of privileged women appear synonymous with the plight of *all* women, attention was deflected from other social realities potentially more pressing to some women than gender inequality, such as racial discrimination, economic survival, homophobic violence, and inaccessibility (hooks 2000). These inequalities are only ‘invisible’ or ‘less important’ to those who do not experience them (Ahmed 2007; Frankenberg 1994; hooks 2000).

By neglecting to consider how race, class, sexuality, and/or ability influence the opportunities available to different criminalized women and the way their behaviour is interpreted and responded to by others, the data failed to acknowledgment how racism, classism, homophobia, and other bigotry are ingrained in both social relations and the criminal justice system. This silence is significant, for without recognition of how structural and systemic discrimination keep certain women marginalized, women’s criminalized behaviour may continue to be perceived simply as individual pathology.

2. The 1990s: Recognition of difference

Reference to criminalized women remained strong in the 1990s, likely in response to major criminal justice events such as Creating Choices and the incident at Prison for Women in Kingston, Ontario (and subsequent Arbour Commission investigation), in addition to third-wave feminist calls for the rejection of the universal category of woman that failed to acknowledge racial, ethnic, economic, cultural, or other difference. It follows that within this time period, attention finally began to be paid to the multiple marginalizations experienced by Aboriginal women and how their contact with the criminal justice system was impacted by racism and sexism, leading to discriminatory treatment. Discussions also began to recognize how women's economic marginalization influences not only women's involvement in criminalized behaviour, but also how their deviancy is responded to by criminal justice officials.

Two influential governmental reports were published during this time which addressed the backgrounds of women who conflict with the law and custodial conditions for incarcerated women. Both of the reports also paid specific attention to the situation of Aboriginal women. Also, more than 50% (14 days) of the parliamentary discussions on criminalized women retained for analysis took place during this time span. At the same time that most of these debates focused on women's disadvantaged social and economic position and status as mother, in response to several violent situations that occurred at the federal regional facilities for women, the majority of the debates in 1996 were spent discussing women as harmful, increasingly dangerous and requiring harsher punishment. Furthermore, more than one-third (38%) of all newspaper articles retained for analysis were published between 1990 and 1998. These articles tended to stress criminalized women's

disadvantaged histories, thereby presenting them as harmless. During this time, women's role as mother was also dominant, with several articles devoted to discussing the maternal bond and the raising of a child within the prison setting.

a. Women's voices

A major silence predominant throughout the bulk of the data is from criminalized women themselves. With a few exceptions (which will be discussed below), criminalized women were rarely given a voice with which to detail their own experiences, feelings, and intentions. There are several possible reasons for this: journalistic interest in the experiences of criminalized women may be limited to those stories deemed 'newsworthy' due to their unusual or shocking nature (Lundman 2003; Sacco 1995); willingness to discuss criminalized women's situation in parliament remains subject to each MP's values and beliefs regarding women and crime; and women in conflict with the law typically do not have the power to call for or conduct their own investigations into legal or prison conditions for women. Accordingly, criminalized women's stories, experiences, and situations are often interpreted through and presented by 'someone else'.

This 'someone else' may be an 'expert' on women and crime, someone specifically appointed to speak on their behalf (such as an advocate), or a person with limited understanding of women or their criminalized behaviour. Those who advocate on their behalf may have a deliberate interest in presenting women as harmless, thereby choosing to neglect any possibility of deliberate wrong-doings; alternatively, those who have limited understanding may not be able to place women's offending within the context of their social, economic, and political marginalization and therefore be more likely to present them as harmful. By ignoring women's stories and granting power only to external laypersons,

advocates, or even ‘experts’ in the field of women and crime, women themselves are rendered silent objects of knowledge rather than active subjects with the ability to inscribe their own narratives. They are simultaneously denied access to a public platform and their ability to be experts of their own lives is discredited (Adelberg & Currie 1987; Cecil 2007; Cook & Davies 1999; Sommers 1995).

That being said, the 1990s did provide some examples which contradicted this overarching silence. While many of the government reports may have consulted with criminalized women, Creating Choices represented the first government publication to explicitly involve current and former female inmates in the development of the report in addition to providing space for women to detail their stories and experiences. The Arbour Commission also gave female inmates a voice, although more limited to the events that lead up to and followed the incident at the Prison for Women in Kingston on April 22, 1994. In addition, several of the newspaper articles that outlined the situation of criminalized women included the story or opinion of a current or former female inmate, particularly those published in the 1990s which was a time of great change in corrections for women, including the introduction of Creating Choices, the incident at Prison for Women, and the introduction of regional federal correctional facilities for women. While the inclusion of women’s voices in these sources represent a step forward, it is important to note that simply including quotations of criminalized women in a story that is still structured by an external entity (be it layperson, advocate, or expert) does not equate to providing women the ability or platform with which to publicly express their own narratives. Without this platform, *whose* voices and *which* stories are made public are still subject to someone else’s agenda.

3. 2000s: a preoccupation with Karla

After the surge in the 1990s, reference to criminalized women fell relatively silent in the early part of the twenty-first century. While only one governmental report was published, it was the only report to utilize a human rights approach to analyze correctional practices and policies in the context of women's social realities. In addition to the publication, 41% of the parliamentary debates occurred between 2001 and 2005. This time period also provided the most divergence in the harmless/harmful theme. While over a third (36%) of the debates centered on the impending (and socially contested) release of Karla Homolka (subsequently presenting women who conflict with the law as harmful), more than half (54%) of the debates did the opposite: presenting criminalized women as harmless, stressing their marginalization and childcare responsibilities¹⁰. Lastly, only 15% of the newspaper articles retained for analysis were released during this time period. These articles again diverged in their description of criminalized women, either presenting them as harmful (usually in response to an 'incident') or harmless. The low number of articles retained for this period was likely due to my exclusion of articles discussing single or exceptional cases, as this time period corresponded with, and tended to be pre-occupied by, Holmoka's (contested) release.

a. Protecting their Rights

As previously stated, Protecting their Rights was the first and only governmental report analyzed to utilize a human rights approach to examine the treatment of federally sentenced women in Canada. While the report focused mostly on the context to women's offending, specific attention was devoted to the situation and treatment of Aboriginal

¹⁰ It is worth noting that most of the debates describing women who break the law as harmless corresponded with National Elizabeth Fry Week, which occurs one week prior to Mother's Day.

women. This recognition of the multi-faceted discrimination experienced by Aboriginal women both in society and in the correctional system because of the intersection of gender, race, and class was not seen in previous reports. Attention was also paid to the differential treatment of women with disabilities. However, while the report attempted to use an intersectional analysis in their examination of the treatment of criminalized women and was the first to attempt to place the correctional situation of criminalized women (especially Aboriginal criminalized women and women with a disability) within the social context of women's discrimination in society, it completely neglected sexual difference among criminalized women and how this difference may impact women's experiences within the correctional system. Moreover, while it identified women's discrimination, the report was also criticized for not clearly identifying the systemic (racist, classist, homophobic, etc.) roots of criminalized women's discrimination by society and the criminal justice system (Canadian Association of Elizabeth Fry Societies 2003).

4. An exception to the harmless/harmful dichotomy

It is important to note that this harmless/harmful dichotomy was not consistent across all data sources. Government publications were the only data source from which the harmful theme did not emerge. Although a few reports did recognize the capacity of women to commit serious or violent offences, the reports unanimously focused on criminalized women as harmless. There are several possible reasons for this, the first being because violent women represent the minority of all criminalized women. In order to describe the female population and make recommendations, the publications may have focused solely on the type of women who make up the majority of women who break the law; consequently, women who commit violent or serious offences may have been

excluded. Another possible reason could be because the publications were often commissioned to improve conditions for women, and, thus, wanted to avoid presenting them in a negative light, which would likely have worked against their recommendations which were based on women's generally harmless status.

Lastly, all of the reports either constituted a collaborative endeavour of various organizations and people ranging from correctional, judicial, and law enforcement staff to current and former inmates, advocacy organizations and Aboriginal groups, or at the very least sought their input. The large representation of advocacy groups involved in consultation and creation of the government publications may explain the lack of harmless/harmful dichotomy. Generally, advocacy groups are fighting for greater rights and better treatment of criminalized women, and would have likely objected to portraying criminalized women in a negative way that could potentially reduce public support or sympathy.

Summary

All of these silences represent significant instances of neglect or deliberate omission and are, therefore, important to identify when analyzing discourse representations of criminalized women. While a detailed explanation of possible political, economic, or social rationale(s) for each silence would help to enrich our understanding of how criminalized women have (or have not) been constituted in public discourse, such an endeavor lies outside the scope of this thesis. That being said, these silences signify an area that would provide a considerable contribution to the academic community and, therefore, deserve to benefit from future research.

CONCLUSION

My goal in conducting this research was to explore 1) how we, as a society, talk about criminalized women; 2) the resulting messages about gender and crime that shape our interpretation of and response to female deviancy; 3) what the discussions fail to consider regarding the diversity of criminalized women. Interested more in the underlying social messages about gender and deviancy that are created and reproduced through the consumption and dissemination of particular discourses rather than the individual words used to discuss criminalized women, I undertook a critical discourse analysis of six governmental reports, twenty-five years of parliamentary debates, and twenty-six years of newspaper articles from three separate newspapers. Instead of approaching the data with a predetermined hypothesis or theoretical framework, I allowed the data to speak for itself through grounded theory.

The findings of this study demonstrate that while references to criminalized women appear in both expert and popular discourse, criminalized women tend to be discussed in limited and inherently gendered ways. The analysis revealed that when criminalized women are able to demonstrate adherence to dominant stereotypes and expectations of femininity they are perceived as more successfully able to do gender and are more likely to be construed as harmless. Conversely, when criminalized women are perceived as unable or unwilling to do the female gender, by actively defying gender expectations and engaging in masculine-like behaviour, they are more likely to be deemed harmful. This dichotomous conceptualization of women who engage in criminalized behaviour assists in the maintenance of social control by outlining the boundaries of appropriate gendered

behaviour. By scrutinizing and stigmatizing women who engage in conduct that defies social standards of appropriate and desirable female behaviour, all women are made aware of the consequences of both gender and legal deviancy.

However, our understanding of gender, and resulting appropriate gendered behaviour, is not neutral, but rather entangled with racial, class, and sexual assumptions. My critique of the findings argues that the data lacked consideration of how *certain* gender performances tend to be more socially valued than others. Applying an intersectional framework to the discussion of criminalized women's gender performances, we can how race, class, and sexuality (among other factors) complicate our understanding of criminalized women and impact our assessments of their behaviour. As a result, *certain* women are automatically placed in a better position to successfully do gender, and be perceived as harmless, simply because they possess the hegemonic ideals upon which dominant conceptions of ideal gender are based (white, middle-class, heterosexual, and able-bodied). As our interpretation of criminalized women and their behaviour reflects not only gender stereotypes, but also those related to race, class, and sexuality it follows that women of colour, those from the lower class, and queer - or transgendered women will be more likely to be continuously deemed harmful and therefore ineligible for any social leniency their gender would have otherwise afforded them.

Furthermore, my analysis revealed significant silences in all three data sources that have influenced what we know (or do not know) about criminalized women. These silences were typically reflective of the social and/or political atmosphere of the time, either rendering racial, class, and other differences invisible or denying women a platform from which to detail their experiences. Because of these silences, our conception of criminalized

women ignores women's diversity and our understanding of women who engage in criminalized behaviour remains based on the words of others. I argue that we must push past the simplistic understanding of gender as consisting of two mutually exclusive categories (male *or* female) to a recognition of the multiplicity of genders that result from multiple and intersecting statuses. In doing so, we can better appreciate how certain femininity performances (even those from criminalized women) are more valued and accepted than others.

Contributions

Current explorations of discourse representation of women and crime typically involve American data and examine a particular 'type' of criminalized women (i.e. violent women) in a particular type of data (i.e. newspaper articles). This research expands on the current literature of representation, by providing a systematic study of how criminalized women, as a particular population, have been discussed in the Canadian public sphere, in both 'expert' and popular data, over an extended period of time. The conclusions drawn in this thesis add to the existing knowledge on representations of crime and gender which suggest that women's deviancy is filtered through socially constructed gender expectations and assumptions about the essential nature of womanhood, and indeed 'crime'. Moreover, my study connects the results to larger social messages about gendered expectations and stresses the necessity of moving beyond a simplistic understanding of gender to a recognition of the multiplicity of genders that result from multiple and intersecting statuses.

Prospect for Future Research

While the conclusions drawn in this thesis contribute to our understanding of the discourses on criminalized women, I have only just scratched the surface of representations of gender and crime. Should future researchers wish to expand on or add to the findings of this thesis, there are several issues that warrant additional research. First, while I attempted to reduce personal or intellectual bias by withholding hypothesis and theory formation until after the data collection and analysis, my prior experience with criminalized women and background in feminist thought may have influenced the collection, analysis, and interpretation of the data. Accordingly, I encourage other researchers that may be unfamiliar with issues affecting criminalized women to replicate this study to assess the impartiality of my findings. In addition, the sheer quantity of data analyzed for this study meant that shifts or continuities *within* each data source tended to be overshadowed by those *between* data sources or across the data as a whole. I would, therefore, strongly encourage future research to replicate this study, but focus on only one data source to gain a more in-depth understanding of how criminalized women have been represented in governmental *or* parliamentary *or* media discourse. It would also be interesting to explore how criminalized women are represented in other forms of public dialogue, such as internet blogs which are not only avenues of social or personal commentary, but also interactive.

Moreover, future research may want to look at how particular groups of criminalized women are discussed in both expert and popular dialogue. To my knowledge, limited attention has been devoted to how Aboriginal criminalized women have been constituted in public discourse. While Monture-Agnus (2002, 2003) examined

how Aboriginal criminalized women are discussed in institutional literature, the representation of Aboriginal women who engage in criminalized behaviour in popular discussion is an area that would benefit from exploration.

Concluding Thoughts

This study found that the language used to discuss women who engage in criminalized behaviour remains profoundly gendered, influenced by stereotypes about appropriate female behaviour and the ‘ideal’ women, and ignorant of women’s diversity. Unless those responsible for governmental, parliamentary, and media discourses acknowledge the social messages inherent in their discussion of criminalized women, they will continue to perpetuate gender stereotypes about appropriate female behaviour that will continue to influence how women that break the law are understood. As a result, our understanding of criminalized women will remain partial and biased.

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