

CRM3307 - Women, Justice, and Criminalization Readings

Balfour & Comack: Introduction

- Creating Choices designed to be the blueprint for change
 - Outlined a woman centered correctional model
 - Women's prisons to be redesigned, rooted in principles of women's empowerment, respect and dignity, shared responsibility, and meaningful choices
- However, the implementation of Creating Choices ended up being an expansion of carceral power, one defined as "gender responsive"
 - Women inmates housed in cottages rather than on prison ranges
 - After 1990, more women were sentenced to prison in Canada and the conditions of their confinement deteriorated
- 2005: Canada's expanding criminalization/incarceration of women was part of a "global lockdown"
- 1990s media: "Sugar and spice is not so nice" - women now equal to men's violence
 - Karla Homolka, Kelly Ellard (murder of Reena Virk)
- Women as the fastest-growing segment of the prison population in Western industrialized countries
- Conservative government's "tough on crime" approach - passed a pardon reform bill that prolonged the period of being ineligible for a pardon for anyone convicted of a serious personal injury offence
 - From 5 years to 10 years after their release from prison
 - Aimed at Karla Homolka
- Public's appetite for voyeuristic accounts of criminalized women remains high
- Women who commit extreme acts of violence are very rare
 - Men do not capture the public imagination or engender public condemnation as much as women convicted of serious offences
- Criminalized women in Canada are deeply disadvantaged through poverty, victimization, untreated mental illness, and addictions
- Women prisoners spend more time in segregation ("the hole") than men prisoners
 - Often because of self-injurious behavior or disruptive behavior linked to mental illness
 - Ex. Ashley Smith
- Neo-conservative political rationality took hold - federal government implemented its tough on crime agenda and passed more crime-control legislation and introduced a blueprint for the expansion of prison construction
 - Bill C-10 (2013): increased the number of mandatory minimum sentences of incarceration for certain offences and restricted the use of community-based conditional sentencing options
 - Has a gendered and racialized impact
 - Women more likely to be arrested and convicted for non-violent offences (fraud and theft under \$5000) than men
 - More women will be imprisoned as a result

- Aboriginal women more likely to be criminalized for violent offences
- Higher rates of incarceration for indigenous women (removal of conditional sentences as an option in some violent cases)
- Politicians and policy makers consider criminalized women as “too few to count” or “more mad than bad”
- The knowledge produced about criminalized women is always framed by the socio-political context
 - The shift from a social welfare to neo-liberal and neo-conservative rationalities has had profound impacts on the governance of women and their cultural representations in public discourse

The Feminist Engagement with Criminology - Elizabeth Comack

- The feminist engagement with criminology began 50 years ago (in the 1960s)
- The analysis of women and crime as “lonely uncharted seas” and suggested that women needed a crash program of research which telescopes decades of comparable studies of males”
- Women have traditionally been neglected in criminology
 - Criminology has been a male-centered enterprise
 - Women are referred to as monsters, misfits and manipulators
 - “Othered”

The Invisible Women of Mainstream Criminology

- In 2011, women comprised only 21% of adults charged with Criminal Code offences in Canada
 - Men made up 79%
- Mainstream criminologists developed theories of crime causation that took men (specifically poor inner city black men) as their subject
 - Robert Merton’s anomie theory (1938): crime explained in relation to the strain that results from the disjunction between cultural goals (monetary success) and institutionalized means (education, jobs)
 - Paid no attention to gender inequalities
 - If lower class individuals were more likely to engage in crime because of a lack of access to the institutionalized means, then women (also experience a lack of access) should be found to commit their fair share of crime as a consequence of this - but this is not the case
 - Edwin Sutherland’s differential association (1949): focused on the processes by which individuals learn definitions of the legal code as favorable or unfavorable and posited the “cultural heterogeneity” in society with regard to social assessments that were pro- and anti-criminal
 - This theory applied only to ½ the population
 - While men were individualistic and competitive, women were altruistic and compliant

- Cultural heterogeneity could account for men's involvement in crime, but it didn't apply to women
- Sutherland said that women were an exception of anomaly in this theory because they displayed "cultural homogeneity"
- Travis Hirschi's control theory (1969): set out to explain conformity rather than deviance
 - Women appear to be more conformist than men, so he should've focused on women in his analysis
 - He set data on women aside and centered on males
- Labelling and conflict theories arose in the 1960s and 1970s
 - Still failed to give mention to women

Women as Other: Monsters, Misfits, and Manipulators

- Early approaches to explaining women's crime began in 1895 with Cesare Lombroso and William Ferrero - *The Female Offender*
 - Followed by W. I. Thomas - *The Unadjusted Girl* (1923)
 - Sheldon & Eleanor Glueck - *500 Delinquent Women* (1934)
 - Otto Pollak - *The Criminality of Women* (1950)
 - These examples all have the common view of women as "other" than men
 - It is women's "inherent nature" that accounts for both the nature and extent of their criminality
 - Women are cast as sexual beings and women's sexuality is at the root of their involvement in crime
- Lombroso and Ferrero: examined physical characteristics of 119 criminal women and compared them to 14 non-criminal women
 - Applied atavism (some individuals were born criminal) and social Darwinism (those who get ahead in society are most fit to survive)
 - Women as a group possessed limited intelligence
 - Women are less sensitive to pain than men, full of revenge/jealousy, and are naturally passive and conservative
 - These traits had a physiological basis
 - Women offenders display fewer signs of degeneration than men
 - Women (and non-white males) had not advanced as far evolutionary as white males and could not degenerate as far
 - Women were relatively "primitive" so the criminals among them wouldn't be highly visible
 - Women who were criminal = cast as vile and cruel in their crimes
 - Combined qualities of the criminal male with the worst characteristics of the female: cunning, spite, and deceitfulness
 - Lacking maternal instinct and ladylike qualities
 - The born female criminal is "doubly exceptional as a woman and as a criminal"
 - The criminal woman is a monster

- W. I. Thomas (1923/1967): framed his theories about women on presumed “natural” or biological differences between men and women
 - Human behavior is based on four wishes:
 - Desires for adventure, security, response, and recognition
 - These wishes corresponded to features in the nervous system that were expressed as biological instincts of anger, fear, love, and the will to gain status/power
 - Men and women’s instincts differed in quality and quantity
 - Women had more varieties of love in their nervous system, and their desire for response was greater
 - The need to feel loved accounted for women’s criminality, and especially for involvement in prostitution
- Sheldon & Elanor Glueck (1934):
 - Described the women in their study as a “sorry lot”
 - Burdened with feeble-mindedness, psychopathic personality, and marked emotional instability
 - A large proportion of them found it difficult to survive by legitimate means
 - View of criminal women as Other
 - “Swarm of defective, diseased, antisocial misfits”
- Otto Pollak (1950): attempted to account for the masked nature of women’s crime
 - Suggested that women’s crime was vastly undercounted
 - Female criminality more likely to be hidden and undetected
 - Women were more often the instigators than perpetrators of crime
 - Manipulated men into committing offences (like Eve)
 - Women were inherently deceptive and vengeful
 - Engaged in prostitution and blackmailed their lovers
 - Stole from their employers
 - Carried out horrendous acts on their families (poisoning the sick and abusing children)
 - Women’s devious nature was rooted in physiology – a woman can fake orgasm and this ability to conceal orgasm gave women practice at deception
 - Vengefulness, irritability, and depression that women encountered as a result of their generative phases caused female crime
 - Ex. menstruation drove women to acts of revenge by reminding them of their inferior status
 - The concealed nature of their crimes + vulnerability of their victims + chivalrous treatment by men who cannot bear to prosecute/punish them = masked women’s offences
 - Women’s crimes are equal in severity and number to those of men
- John Cowie, Valerie Cowie and Elliot Slater (1968): looked for “constitutional predisposing factors” to explain female delinquency

- o Characterized delinquent girls as “oversized, lumpish, uncouth, and graceless”
- Gisella Konopka (1966): extended Thomas’ analysis
 - o Equated sexual delinquency in girls with a desperate need for love
- Following on Otto Pollak, a contemporary version of these theories links hormonal changes associated with women’s menstrual cycles to their involvement in crime
 - o PMS: a condition of “irritability, indescribable tension and a desire to find relief by foolish and ill-considered actions”
 - o Occur during the week or two prior to onset of menstruation
 - o PMS is the only disease not dependent on a specific set of symptoms for diagnosis
 - o Gained popularity as an explanation for women’s criminality in the 1980s – introduced in British court cases as a mitigating factor in homicide
 - o PMS locates the source of the problem in women’s “unruly” bodies
 - Because of their “nature” women are prone to madness once a month

Enter Feminism...

- Dorie Klein (1973), Carol Smart (1976, 1977), Eileen Leonard (1982), Allison Morris (1987) and Ngaire Naffine (1987) took issue with the sexism of criminological theories
 - o Socially undesirable characteristics were attributed to women and assumed to be intrinsic characteristics of their sex
- Heidensohn (1985) noted that Lombroso, Ferrero, the Gluecks and Pollak lent an aura of intellectual respectability to old folk tales about women and their behaviors
 - o Their constructions of the female offender reflected widely held assumptions about women’s nature
 - Good girl/bad girl duality
 - Double standard viewing sexual promiscuity as a sign of amorality in women but normality in men
- Early theorists failed to question the structural features of society and the gendered roles of men and women
 - o For early theorists, sex (a biological difference) and gender (a cultural prescription) were equated as one and the same, with the “ladylike” qualities of the middle class and upper-class white women used as the measuring rod for what is inherently female
- Feminist criminologists labeled mainstream theories of crime not just as mainstream, but as “malestream”
 - o Invisibility of women and failure to adequately explain or account for women’s involvement in crime
 - o “Theories are weak if they do not apply to half of the potential criminal population”
- Kathleen Daly and Meda Chesney-Lind (1988): the generalizability problem

- Can theories generated to explain males' involvement in crime be modified to apply to women?
 - Feminist criminologists responded by attempting to make the mainstream theories of crime "fit" women
- Eileen Leonard (1982): suggested that females are socialized to aspire to different culture goals than are males, in particular relational goals concerning marriage and having children
 - Women's low rate of criminal involvement compared to men could be explained by the relatively easy manner in which females realize their goals
- Allison Morris (1987) notes that such a formulation relies on an idealized and romanticized version of women's lives
 - Displays an insensitivity to the strains and frustrations associated with women's familial role and fails to acknowledge the very real and pressing economic concerns that women confront in the process (making ends meet, paying bills)
- Efforts to revise mainstream theories of crime to include women have been referred to as the "add women and stir" approach (Chesney-Lind 1988)
 - Women are presented merely as afterthoughts
- Daly and Chesney-Lind: the "gender-ratio problem"
 - Why are women less likely than men to be involved in crime? What explains the sex difference in rates of arrest and variable types of criminal activity?
 - Research that supported the chivalry hypothesis indicated that when it does exist, chivalry benefits some women more than others - the few white, middle class or upper class women who came into conflict with the law
 - Appears to apply only to female suspects who behave according to a stereotypical female script
 - "Crying, pleading for release for the sake of their children, claiming men have led them astray"
 - Chivalrous behavior should be seen as a means of preserving women's subordinate position in society, not as a benign effort to treat women with some kind of special kindness
 - "Men were granted the status of universal subjects, the population with whom the rest of the world (women) were compared" - Naffine
- The Women's Liberation Thesis (1970s and 1980s)
 - Women's involvement in crime would come to resemble men's more closely as differences between men and women were diminished by women's greater participation and equality in society
 - Rita Simon (1975) and Freda Adler (1975) - suggested that changes in women's gender roles would be reflected in their rates of criminal involvement
 - Simon argued that increased employment opportunities that resulted from the women's movement would bring an

- o increase in opportunities to commit crime (ex. embezzlement)
 - Adler linked the apparent increase in women's crime to the influence of the women's movement and suggested a "new female criminal" was emerging - women were becoming more violent and aggressive, like male counterparts
 - o Smart (1976) noted that the women's liberation thesis was premised on a "statistical illusion" in that the supposed increases in women's crime were being reported as percentages
 - Due to the small base number of women charged with criminal offences, it didn't take much of a change to show a large percentage increase
 - Between 1970 and 1991, charges against women for homicide increased by 45%, but that increase reflected only 15 women charged (Johnson & Rodgers)
 - o The women's movement was geared towards privileged white women, but poor women and women of color were most likely to appear in police and prison data
 - o The main issue with the women's liberation thesis was that it took males as the norm: were women becoming more liberated and more like men, even in their involvement in crime?
 - o Naffine said the thesis that women's liberation causes crime has been "the most time consuming and fruitless exercise" in criminology
- John Hagan: combined elements of feminist theory with Hirschi's control theory to fashion a power-control theory of sex and delinquency
 - o Designed to explain the sex differences in delinquency by drawing linkages between the variations in parental control and the delinquent behavior of boys and girls
 - o Focused attention on the gender roles and differential socialization of males and females
 - o Suggested that parental control and adolescents subsequent attitudes toward risk-taking behavior are influenced by family class relations
 - o Distinguished two ideal types of family:
 - Patriarchal family - husband is employed in an authority position in the workforce and the wife is not employed outside the home
 - Egalitarian family - both husband and wife are employed in authority positions outside the home
 - o In the patriarchal family, a traditional gender division exists - fathers and mothers are expected to control their daughters more than their sons
 - The presence of a "cult of domesticity" - girls will be socialized to focus their futures on domestic labor and consumption activities, and boys will be prepared for their participation in production activities

- In egalitarian, parents redistribute their control efforts such that girls are subject to controls more like the ones imposed on boys
 - As mothers gain power relative to their husbands, daughters gain freedom relative to sons
- Patriarchal families will be characterized by large gender differences in common delinquent behaviors, and egalitarian families will be characterized by smaller gender differences in delinquency
- Made the assumption that if a woman is working for wages, there will be equality within the household
- Chesney-Lind links it to the women's liberation thesis because it links the emergence of the egalitarian family with increasing delinquency among girls - "mother's liberation causes daughter's crime"

Feminist Empiricism: Countering Bad Science

- In the 1970s and 1980s, feminists worked within the positivist social science
 - The methods of the natural sciences (measurement and prediction) could be applied to the study of social life
- Sandra Harding (1990): feminist empiricism
 - Bringing women into the mix and attending more rigorously to the methodological norms of scientific inquiry could rectify women's omission from the criminological cannon
 - Reflected in attempts to reformulate mainstream theories of crime to include women
- Maureen Cain (1990): while feminist criminologists need to understand women's experiences, existing criminological theory offered no tools for doing this
- Feminists needed to transgress the traditional boundaries of criminology - start from outside the confines of criminological discourse

Transgressing Criminology: The Issue of Male Violence Against Women

- Male violence against women was understood as a manifestation of patriarchy - the systemic and individual power that men exercise over women
- Erin Pizzey (1974): *Scream Quietly or the Neighbors Will Hear You*
 - Credited for opening one of the first refuges for battered women in 1971 in England
- Rape crisis centers and shelters for abused women appeared in Canada in the 1970s
 - Recognition that male violence against women was widespread and pervasive
- The Canadian Advisory Council on the Status of Women (CACSW, 1980s): estimated that 1/5 Canadian women will be sexually assaulted at some point in her life and 1/17 will be a victim of forced sex
 - 1981 report: *Wife Battering in Canada: The Vicious Circle*

- o Estimated that every year 1/10 Canadian women who is married or in a relationship with a live-in partner is battered
- 1993 Statistics Canada: Violence Against Women survey
 - o First national survey of it's kind anywhere in the world
 - o Found that ½ of Canadian women experienced at least one incident of physical/sexual violence since the age of 16
 - o Women face the greatest risk of violence from men they know
 - o 29% of women that have been married had been assaulted by a spouse
- December 6, 1989 - shooting at Ecole Polytechnique in Montreal
 - o Pivotal moment in the violence against women movement
 - o Separated men and women and said "You're all a bunch of feminists" and gunned the women down
 - o Killed 14 women and wounded 13 others
 - o Suicide letter identified his action as politically motivated - blamed feminists for the major dissappointments in his life
 - o The Montreal Massacre - reinforced that violence against women is a serious social problem that takes many forms
- The Implications of the Violence Against Women Movement:
 - o The movement allowed feminists to break away from the confines of mainstream criminology, which had been complicit in the social silencing around male violence against women
 - Victim surveys indicated that young males were the group most at risk of victimization
 - Mainstream criminologists did not question why acts like rape might be underreported, undercharged, and underprosecuted
 - Much of traditional criminology mirrored widely held cultural myths and misconceptions about male violence against women ("asking for it")
 - Menachem Amir (1967, 1971) introduced "victim precipitation" in his study of forcible rape - some women are rape prone because of their bad reputation, and others invite rape by their negligent and reckless behavior (going to bars, hitchhiking) or their failure to react strongly to sexual overtures
 - o The violence against women movement brought to the fore the issue of engaging with the state to address the issue - especially in light of law's role historically to condone the violence
 - Ex. granting husbands the right to consortium (legally obligated wives to provide sexual services)
 - Ex. the right to chastise their wives
 - o The movement raised the issue of the impact that violence has on women who come into conflict with the law
 - Studies in the 1990s began to expose the extent of abuse experienced by women caught up in the CJS
 - Margaret Shaw (1991) found that 68% of women serving federal sentences had been physically abused as children or adults

- 90% of aboriginal women had been physically abused
- As a result, several feminist criminologists adopted the position of “standpoint feminism”

Standpoint Feminism: Women in Trouble

- Influenced by Cain’s call to transgress boundaries of criminology and discover more about the lives of women coming into conflict with the law
- Assumed a number of forms: ranging from the assertion that women are the experts of their own lives, to the proposal that an adequate social science must be capable of grasping the forms of oppression that women experience
- The overall intention was to “place women as knowers at the centre of inquiry in order to produce better understandings of women and the world”
- Links between women’s victimization and their criminal involvement
- Mary Gilfus (1992): conducted life history interviews
 - Most grew up with violence, childhood sexual abuse, and severe childhood abuse
 - African American women more likely than white counterparts to grow up in economically marginalized families
 - Violence, loss, and neglect were prevalent
 - Repeated victimization experiences, drug addiction, involvement in the sex trade, relationships with men involved in street crime, demands of mothering: marked the women’s transition from childhood to adulthood
- Beth Richie (1996): focused on black battered women in prison
 - Theory of “gender entrapment” to explain the contradictions and complications of the lives of black battered women who commit crimes
 - Gender entrapment involves understanding the connections between violence against women in their intimate relationships, culturally constructed gender-identity development, and women’s participation in illegal activity
 - Black women were “trapped” in criminal activity in the same way they were trapped in abusive relationships
- Ellen Adelberg and Claudia Currie (1987, 1993)
 - Reported on the lives of seven women convicted of indictable offences and sentenced to federal prison
 - Themes in their lives: poverty, child/wife battering, sexual assault, women’s acceptance of submissiveness and dependency upon men”
 - Concluded that the problems suffered by women offenders are similar to problems suffered by many women in our society, only perhaps more acutely
- Women in Trouble (Comack, 1996):
 - Complex connections between women’s law violations and history of abuse

- o Sometimes connections are direct – women sent to prison for resisting abusers
- o Sometimes a woman’s law violations are located in the context of her struggle to cope with abuse and its effects
- o Sometimes the connections are entangled, as in the case of women who end up on the street – abuse and law violation become enmeshed in their ongoing, everyday struggle to survive
- o This became known as “pathways research” – better understand the lives of women and girls and the features leading to their criminal activity
- Kathleen Daly (1992, 1998): suggests there is a feminine composite or “leading scenario” of women’s lawbreaking:
 - o Pushed out or ran away from abusive homes
 - o Become part of a deviant milieu
 - o Begin to engage in petty hustles/prostitution
 - o Street life □ drug use and addiction □ more frequent lawbreaking to support the drug habit
 - o Young women drop out of school because of boredom, pregnancy, disinterest
 - o Paid employment record is negligible – lack interest in work
 - o Having a child facilitates entry into adult women’s networks and allows a woman to support herself by state aid
 - o Continue lawbreaking due to relationships with men involved in crime
 - o * Women are on a revolving criminal justice door, moving between incarceration and time on the street
- Daly proposed three other routes leading women to felony court:
 - o Abuse or neglect suffered as a child, an out of control or violent nature
 - o Being or having been in a relationship with a violent man
 - o Being around boyfriends or family members who use/sell drugs, or wanting more money for a more economically secure and conventional life

Intersectionality

- “It is very difficult for me to separate what happens to me because of my gender and what happens because of my race/culture. My world is not experienced in a linear and compartmentalized way.”
- Intersectionality was first highlighted by Kimberly Crenshaw (1989) to theorize the multiple and complex social relations and diversity of subject positions involved
- The experience of oppression is not singular or fixed but derives from the relationship between interlocking systems of power
- Rather than viewing class, race, and gender as additives (race + class + gender), we need to think about these concepts and the relations and identities they represent as simultaneous forces
 - o Race x class x gender

- Feminist criminologists adopted an intersectionality approach to connect women's involvement in crime to poverty
 - Poverty has taken on a "female face" – especially by the number of single parent families headed by women
 - More women are confronted with the task of making ends meet under dire circumstances
 - The state has criminalized those who rely on social assistance to get by
 - The criminalization of poverty – racialized and gendered because women of color become the brunt of this attack
- Women's involvement in prostitution is a reflection of their subordinate social and economic position in society
 - Prostitution thrives in a society which values women more for their sexuality than skilled labor and puts women in a class of commodity to be bought and sold
 - Major causes of prostitution: economic plight of women, young, poorly educated women with limited legitimate employment records
- The intersecting structural inequalities in society – gender, race, class – that contour and constrain the lives of women provided the backdrop for understanding women's involvement in crime

Blurred Boundaries: Challenging the Victim/Offender Dualism

- Creating Choices (1990) proposed a new prison regime for women that would incorporate feminist principles and attend to women's needs
 - Near-complete absence of counseling services and other resources to assist women in overcoming victimization experiences
- Feminist criminologists at that time succeeded in reconstituting the female prisoners as "the woman in trouble"
 - Less violent and less dangerous than the male counterpart, she needed help, not punishment
 - When women engaged in violence, it was understood as a self-defensive reaction in a domestic context

Postmodern Feminism: Criminalized Women

- Emerged as a critique of feminist empiricism and standpoint feminism
- Postmodern feminists reject the claims to "truth" proposed by scientific objectivity
- "Reality" is not self-evident, something that can simply be revealed through the application of the scientific method
- Postmodernists are skeptical of attempts to challenge male centered approaches by counterposing them with a more accurate or correct version of women's lives
 - Question whether such diversity can be formulated or expressed in a single account or standpoint of women
- Postmodern feminism starts in a different place and proceeds in other directions

- o Draws attention to the importance of discourse – historically specific systems of meaning which form the identities of subjects and objects
 - o Discourses are contingent and historical constructions
 - o Their construction involves the exercise of power and a consequent structuring of the relations between different social agents
 - o Postmodernists endeavor to reveal how certain discourses come to dominate in society at particular points in history
- Crime categories (crimes against the person, crimes against property, etc.) are legal constructions that represent one way of ordering or making sense of social life
 - o The offences for which women are deemed criminal are the end result of a length process of detection, apprehension, accusation, judgment, and conviction – they constitute the official version of women’s actions and behaviors
 - o Crime categories are premised on a dualism between the criminal and the law-abiding – reinforces the view of women involved in crime as Other and misses their similarities with non-criminal women
- Laberge (1991) proposed that we think not in terms of criminal women, but of criminalized women given that crime is the outcome of interactions between the individuals and the CJS
- Feminists began to draw heavily on the ideas of Michel Foucault (1977, 1979):
 - o For him, a reciprocal relation exists between knowledge and power: power is productive of knowledge, and knowledge is productive of power
 - o He rejected the notion that power is a thing or commodity that can be owned
- Kerry Carrington (1993): employed his notion of power/knowledge to explore how girls come to be officially defined as delinquents
 - o Emphasized the fragmented, fluid, and dispersed nature of disciplinary power
- Anne Worall (1990): adopted his approach to explore conditions under which legal agents (judicial, welfare, medical) claim to possess knowledge about the “offending woman” and the processes whereby such claims are translated into practices that classify, define, and domesticate her behavior
- Postmodernists raise important how questions – such as how women and girls are constituted and defined by professional discourses, and how particular techniques of governance work to contain, control, or exclude those who are marginalized by society
 - o Not interested so much in explaining why women come into conflict with the law

The Shifting Socio-Political Context: Neo-Liberalism and Neo-Conservatism

- Initially, the women’s movements effort to address women’s inequalities in society was fed by optimism

- o The Keynesian welfare state - all citizens had a right to a basic standard of living, with the state accepting responsibility for the provision of social welfare for its citizenry
 - o The entrenchment of the Charter in 1982 and especially section 15 (equality) in 1985, which prohibited discrimination on the basis of sex
- However, the 1980s also saw a shift in the socio-political terrain
 - o Under globalization, the state's expressed commitment to social welfare was being eroded
 - o Neo-liberalism became the new wisdom of governing - a political rationality founded on the values of individualism, freedom of choice, market dominance, and minimal state involvement in the economy
 - o Under neoliberalism, the ideals of social citizenship are replaced by the market based, self-reliance, and privatizing ideals of the new order
 - o "The rights and securities guaranteed to all citizens of the Keynesian welfare state are no longer rights, universal, or secure. The new ideal of the common good rests on market-oriented values such as self-reliance, efficiency, and competition. The new good citizen is one that recognizes the limits and liabilities of state provision and embraces his or her obligation to work longer and harder to become more self reliant"
 - o There was government talk of the need for deficit reduction in cutbacks to social programs and gains that the women's movement had gotten in the previous decade were now under attack
- Rising crime rates and a growing economic recession in the 1980s gave way to a crime-control strategy that rejected rehabilitation and correction as the goals of the CJS and replaced them with a concern for "risk management": the policing and minimization of risk that offenders pose to the wider community
 - o Under this neo-liberal responsabilization model of crime control, criminals are to be made responsible for the choices they make: "they are seen as risks that need to be managed"
- Increasing numbers of people were left to fend for themselves without the benefit of a social safety net
 - o Calls for more law and order got louder
 - o In tandem with neo-liberalism, therefore, a "neo-conservative rationality" premised on a concern for tradition, order, hierarchy, and authority, fostered crime control policies aimed at getting tough on crime
 - Zero tolerance for domestic violence, supermax prisons, parole-release restrictions, community notification laws, and boot camps for young offenders became the order of the day

- This neo-liberal and neo-conservative socio-political context was significant in framing how a number of events in the 1990s were understood
 - These events and the ways they were framed in public discourse were instrumental in assertions about women and girls that had much in common with constructions that prevailed in earlier times

Violent Women and Nasty Girls

- In July 1993, Karla Homolka was sentenced to 12 years in prison for her part in the deaths of two young girls and was part of a plea bargain with the Crown in exchange for testimony on her husband Paul Bernardo
 - The challenge was trying to explain her role
 - There was agreement that there was little that was unusual or mysterious about Bernardo – we are used to male serial murderers”
- There were two primary readings of Homolka in the media and legal documents:
 - The battered wife, one of Bernardo’s many victims
 - Entered a relationship with an older man at 17 years old and ended with severe battering
 - Under the control of her husband, no agency of her own
 - Cast as a victim and as suffering from Battered Wife Syndrome – “learned helplessness” that prevents abused women from leaving relationships
 - This was meant to bolster her credibility as a witness and validate her plea
 - The strong resistance to Homolka as a victim led to her being demonized as a “competitive narcissist” willing to offer up innocent victims to appease the sexual desires of her sociopathic husband
- Both of the readings on Homolka relied on the “psy-professions” to make sense of this woman
 - The cry that “women are violent too!” got louder to the point where it was seen as equal to that of men’s
- When She was Bad: Violent Women and the Myth of Innocence” – Pearson
 - Argued that women are violent too, but also that their violence can be just as nasty as men’s
 - Following on Otto Pollak, Pearson suggested that women’s violence was more masked and underhanded than men’s
 - They kill their babies, arrange for their husbands murders, beat up their lovers, and commit serial murders in boarding houses and hospitals
 - She argued that when their crimes are discovered, women are more likely to receive lenient treatment from a chivalrous criminal justice system

- Drew support for her position from studies that utilize the Conflict Tactics Scale (CTS) to measure abuse in intimate relationships
 - Found equivalent rates of violence by men and women
- Critiques on this scale by feminists were invested in a gender dichotomy as men as evil and women as good
- Pearson asserted that women were no different than men and was adamant that violence be de-gendered
 - Violence was a “human, rather than a gendered, phenomena”
- Framing it in neo-liberal terms, violence was a conscious choice, a means of solving problems or releasing frustration by a responsible actor imposing her will upon the world
- The killing of 14 year old Reena Virk added the “nasty girl” spectre to the mix
 - Six girls were convicted of assault for their part in her death and one boy
 - Generated media exposes on the problem of girl violence
 - CBC Documentary: Nasty Girls
 - Girls are not sugar and spice after all, but often violent and ruthless monsters

Lombroso Revisited? Framing the P4W Incident

- In 1996, CBC aired a video of an all-male Institutional Emergency Response Team (IERT) entering the solitary confinement unit at the Prison For Women (P4W) in Kingston extracting women from their cells one by one
 - Women’s clothes were removed and they were shackled and subject to body cavity searches
 - Some women were kept in segregation for up to 8 months afterwards
 - No hygiene products, no daily exercise, no writing tools, no family contact
- Justice Louise Arbour’s 1996 report into the events of April 1994 was released and emails posted in response to the segments of the CBC program showed the public discourse that prevailed around women prisoners:
 - The neo-conservative calls to get tough on crime were finding supporters in the public
 - Rejected the view of women as victims and saw them as Other, deserving of the brutal treatment they received
- Overall, the Creating Choices (1990) report portrayed women as victims of violence and abuse, more likely to injure themselves than others as a result
 - However, the April 1994 event was held out as evidence to the contrary
 - Calling the male IERT was necessary to contain “unruly women” after a fight broke out between prisoners and guards

- In 1996, CSC adopted a new scheme for managing women prisoners: The Offender Intake Assessment Scheme, designed for male prisoners
 - Now, women's needs were to be redefined (in neo liberal terms) as risk factors in predicting a woman's likelihood of reoffending
 - The same year the CSC announced that all women classified as maximum security wouldn't be allowed at the new regional centers that were constructed based on the Creating Choices recommendations
 - Instead, they were housed in maximum-security facilities located inside men's prisons
 - CSC implemented a new mental health policy for women experiencing psychological and behavioral problems

Feminist Criminologists Respond to the Backlash

- Sightlines in the 1990s were closely fixed: "victims were those who suffered from crime, not committed it" and the higher social class, the more traditional their sexual habits and lifestyles, and the lighter their color, the more legitimate their victim status became"
 - Efforts by feminist criminologists to blur the line between offender and victim were not successful
- Jennifer Kilty and Sylvie Frigon (2006): reinterpreted the two readings of Holmolka - battered wife vs. competitive narcissist (either in danger, or dangerous) and argue that these constructions are interrelated, not mutually exclusive
 - The abuse she endured at Bernardo's hands doesn't excuse her criminality, but it did constrain her choices. She was both a woman in danger and a dangerous woman
 - These concepts are interdependent
- Karlene Faith (1993): the victimization-criminalization continuum is used to signify the myriad of ways in which women's experiences of victimization (violence and social/economic marginalization) constrain or narrow their social supports and available options, and leave them susceptible to criminalization
 - Draws on intersectionality theory to showcase how systemic factors contribute to women's vulnerability to victimization restricts their agency or capacity to make choices
- Elspeth Kaiser-Derrick (2012): suggests the continuum can be envisioned as a web "with many incursions and redirections from external forces (broad, structural issues like poverty and discrimination, and events within women's lives stemming from those structural issues)
- Gillian Balfour (2008) argues that despite the introduction of sentencing reforms to encourage alternative to incarceration in 1996 (Conditional sentences to be served in the community and addition of 718.2[e] to consider alternatives for Aboriginals), women's narratives of violence and social isolation have been excluded in the practice of Canadian sentencing law
 - Leads to spiraling rates of imprisonment for aboriginal women
- Comack, Chopyk, and Wood (2000, 2002) found:

- o Violence tactics used by men and women differed in seriousness
 - Men more likely to use physical strength or force against female partners, and women were more likely to resort to throwing objects during the course of a violent event
- o Female partners of men accused of violence used violence themselves in only 23% of cases, while males accused of violence used violence in 65% of cases
 - The violence occurring between intimate partners is not mutual combat
- o Almost ½ of the women accused (as opposed to 7% of men accused) in partner events were injured in the course of the event
- o Incidents involving partners, it was the accused woman who called the police in 35% of cases involving a female accused (7% of male accused)
- Schramm (1998) argued that arguments about a dramatic increase in the rate of girls' offending should be interpreted with caution - because only a small number of girls are charged with violent offences, changes in the rates of girls' violent crime inflate drastically when expressed as a percentage
 - o The majority of the increase in the rate of girls violent crime could be accounted for by an increase in the charges of common or level-one assault
 - o The rising rate of girls charged with violent crimes did not indicate an increase in the nastiness of girls, rather the change relates to the response of adult CJS officials to crime than it does to their behavior

Sluts and Slags: The Censuring of the Erring Female - Joanne Minaker

- "Incorrigible": code word for errant female sexuality, illegitimate motherhood, and miscegenation
 - o Needing of punishment "for her own good"
 - o Toronto Industrial Refuge; Mercer Reformatory
- Censuring practices the women Founders of Refuge deployed and the discourses/representations upon which their efforts were conceived and justified
 - o Founders were privileged by their race and class position - married to prominent men from Toronto's legal, medical, and business elite, these women took up the project of "reforming" or "saving" those they referred to as "erring females"
- Founders of the Toronto Industrial Refuge
 - o Censuring practices facilitated the criminalization of thousands of women from 1853-1939
 - o Reproducing a discourse that had tremendous social consequences
- Central to this was the construction of what Carol Smart (1995) refers to as a "perpetually problematic" body, a construction that remains

- central to contemporary practices and processes censuring women and circumscribing their autonomy
 - The problematic body exists insofar as “the woman who sells what should be given away for free in the name of love merits punishment”
 - Being female is still bound up in contradictory expectations and dilemmas, complicated by race, class, age, (dis)ability, and sexuality
- The criminalization of working class girls and women deemed “erring”
- This chapter focuses on the Belmont House’s (legacy of Toronto Industrial Refuge) records
 - The struggles of these women are not just over their sexuality (how it’s perceived and who controls it), but over their very life chances, which are linked to race, class, and gender inequalities
 - Some women’s marginalized status kept them demonized and thus not accepted as vulnerable and in need of protection
- The sentiment and practice of punishing females in the name of “protection” persists in legislation today such as Alberta’s 2007 Protection for Sexually Exploited Children Act and its precursor, the Protection of Children Involved in Prostitution Act of 1999

Theoretical Underpinnings: The Erring Female as Censure/Condemnation

- Colin Sumner defines censures as “categories of denunciation or abuse lodged within very complex, historically loaded practical conflicts and moral debates” and he suggests that ideological formations, social relations, and human fears of the day support and constitute censures
- Laureen Snider’s “authorized knowers” – individuals/groups with the capacity and authority to have their claims heard and acted upon
 - Dominant gender, race, class, and ethnic positions with a greater capacity to assert their censures in the legal and moral discourses of the day
 - The Founders were people who – given their position of racial/class privilege – had managed to attain the status of authorized knowers
- Discourses are normalizing in that they create, fuel, and sustain norms for behavior by dividing people into categories like good (normal) and bad (abnormal)
 - Foucault
 - “Erring female” as a censure was a means of keeping female sexuality in check, delineating social deviance and legitimate responses to those so classified
 - The censure became a way of making knowledge claims
 - The sign “erring” signifies a problematic female, in body, mind, or character
 - Inmates of the Refuge supposedly shared characteristics/actions (intemperance, prostitution, or immorality) and this was set completely apart from their common social-structural disadvantage and marginalization

- The sense of an Other is always at the heart of both the censures and the identity of authorized knowers: the term “erring female” evokes both the image of immorality, sexual deviance, and waywardness (on the part of the inmate) and chaste, pious, and virtuous femininity on the part of the Founders
 - Double bind (Carol Smart) – a double standard of sexual morality that places females into either the good girl or bad girl category
 - The erring female is “outwith” gender norms, family norms, and other social norms, and thereby deemed a failure as wife/partner, mother, daughter, and worker
- The concept of erring female operated as a powerful censure that facilitated the criminalization of those marginalized by gender, class, and race
 - Girls and women were targeted for reform because they were mistaken for this erring female
 - The Founders viewed white prostitutes, drunkards, and homeless and otherwise destitute women as objects of denigration and pity, not objects for harsh punishment
 - Founders advocated strategies in the name of protection that would bring erring females back “within” feminine restraint
 - They saw prostitution and sexual immorality not as causes but as consequences of their poor social position
- They emphasized that without good moral influences, erring women would find loose company, take stimulants, and slide or be induced into prostitution
 - Underlying their (re)production of the erring female censure was not only the desire to govern or control, but also the desire to help or protect
 - Believed their work was benevolent and they defended it in the name of protection
 - Acknowledged that social structures (“abounding inequity”) and poverty (“great waywardness”) propelled some women onto the streets, but stressed the women’s lack of feminine virtue over their lack of economic or social opportunities
 - Tied considerations to ethnicity and race to their notions of female (dis)respectability and assumptions about working-class women’s failure to conform to romanticized standards of ideal femininity
 - Stigmatizing and targeting Irish and Italian immigrants and casting other racialized groups as entirely beyond the pale of their interventions, the Founders reproduced an outcast class

Socio-Political Context of Censure

- Victorian expectations of femininity, domesticity, and restrained sexuality
- Founders’ claims were mediated by middle-class fears of working-class vice and tensions between middle-class sensibilities and working-class realities
- Mid 19th century:

- o Immigration, urbanization, and industrialization
 - o Difficulty finding paid work and the meager wage offered to women forced many Irish Catholic immigrant women, impoverished and socially dislocated, onto the streets
- Influx of immigrants in Toronto, growing poverty, emigration from rural areas, rising crime rates, increased visibility of prostitution – perceived need to deal with the excesses of vast social change
 - o Needed to find a scapegoat
 - o Capitalism expanded and the working class grew, so too did the perception of the “working class problem”
 - o Moral decay – female sexual immorality was a key reform target of the Toronto police force
 - o Out of control working class male youth also captured the elite’s ire, but the “boy problem” was primarily couched in languages of aggression and masculinity and was understood as a class issue
- Prostitution was constructed as a female problem, deflecting the attention away from men
 - o Prostitution symbolized the growing problems of 19th century urban Canada
 - o Prostitutes were outside the bounds of acceptability and were perceived as being disposable
 - o Demonstrates how criminalization is gendered**
- Regulation of prostitution demonstrates how criminalization is gendered
 - o 19th century, prostitution wasn’t a rigidly defined indictable crime, but a status offence having to do with lifestyle
 - o 1867 – An Act Respecting Vagrancy – singled out all “common prostitutes or night walkers” and added that these people warranted punishment
 - Practices of incarcerating women involved in the sex trade were codified in law
 - o Police, magistrates, and judges presumed that prostitution was a female vice that signaled sexual immorality, undermined the morality of a growing nation, and required a punitive response
- Women found in a public space without an “acceptable” reason for her presence or dressing in a certain way with a demeanor or presumed flawed character could be suspect
 - o Working class and impoverished women were “perpetually problematic”
- Sexuality was constructed as belonging exclusively to the familial sphere, so the public quality of prostitution made it inherently problematic
 - o Women had a presumed place in the private sphere, so those selling sex in the marketplace is beyond the confines of heterosexual, upper-middle-class femininity
 - o Ravaged by poverty, disease, and alcohol, and subject to unrelenting police attention, 19th century women found

- themselves detained in local jails and housed together with habitual male offenders
- The net of social control over perpetually problematic females was strengthened and cast wider over time

Our Home is for Fallen Women: The Toronto Industrial Refuge

- “Magdalene homes” were intended to divert young women away from prisons and poor houses – established by English and Scottish clergy, businessmen, and local state representatives
- Male reformers used their roles as professionals to legitimate their participation in prostitution control
- A small group of Protestant, upper middle-class British and Scottish women established the Toronto Magdalene Asylum, later called the Industrial House of Refuge for Females (Belmont House)
 - Elizabeth Dunlop – organized a group of like-situated women to construct a home for fallen women for the purpose of providing institutional care and rehabilitation to would-be prostitutes
 - Volunteer based and women-run
- Prostitution and the Erring Female
 - Dominant mid-Victorian discourse defined the female prostitute and other intemperate, homeless, or destitute women as “fallen women”
 - Female prostitute required more punishment than male customers/prostitutes
 - Legal and state authorities and religious male elite constituted female offenders as beyond penitence and rescue
 - Founders were critical of this dominant male penal approach that criminalized women and were troubled by all the women caught in it
 - They believed incarcerating women in prison was an ineffective strategy to thwart prostitution
 - Founders believed the women deserved Christian sympathy and maternal compassion
 - The Founders were constrained and privileged by gender – to the dominant male elite they were subordinate but they exerted power in their ability to both contest and (re)produce an erring female as being someone in need of rescue and reform
 - “Vice pollutes the moral atmosphere, then, is the call for an antidote”
 - Proposed a home for fallen women, a place of safety that offered moral, religious, and domestic training
 - Sought to fulfill the mutually reinforcing functions of sexual and vocational control
 - Reinforced the divide between propertied and non-propertied, elite and poor, men and women, white and non-white, good girls and bad girls
 - Lives of the working-class women who became inmates were constrained not just by gender, but also by their marginalized class and ethnic or race position

- “The line separating the pure woman from the fallen woman demarcated privilege on one side and degradation on the other”
- Christian Stewardship and Maternalism
 - The Founders constructed the erring female as their “fallen daughter” warranting public sympathy, Christian compassion, and pecuniary assistance
 - Their model was Mary Magdalene
 - Relied on their “innate women’s knowledge” to justify their self-assigned status as moral reformers
 - In (re)producing the erring female, they simultaneously constituted themselves as Christians and as respectable women, those “best suited to reform the fallen and degraded of their sex”

Fallen Woman/Voluntary Prisoner: Erring Female as Rescuable

- Founders preferred to view inmates as voluntary prisoners and declared their door open to any women who earnestly desired reform
- Must stay in the institution for 12 months (probation period to test their sincerity to reform), to be “obedient, industrious, clean, and tidy” and to refrain from all bad language and improper conduct
- Moral and industrial training – learning domesticity through work in the laundry to bring about a “healthy state of mind and body” and was given religious instruction
- Prepared the inmates physically and mentally for usefulness as domestic servants
- The founders reproduced the erring female censure:
 - Remained silent about the role of men in prostitution – ignored the male clients
 - Remained silent about social structures – directed their energies only on one manifestation of poverty, the presence of working-class women on the streets, in houses of prostitution, and in gaols
 - The Founders believed exposure to evil environments was the chief factor contributing to a woman’s downfall and that this exposure was a moral problem that could be solved by reforming individual characters
 - This reformation relied on women making better choices
 - The manifestations of poverty, crime, and destitution inferred from women’s appearance, dress, behavior and attitude matters only as they signified the moral character, not structural location, of each female
 - Signs of an individual failing rather than signals of structural circumstances
 - “Immoral backgrounds”
 - Emphasized the door was open to all fallen and degraded women, but they turned potential inmates away
 - Limited range of acceptability – some were found unreformable or beyond the pale of rescue

- Reformability was equated with degrees of whiteness, as the reformable, socially tolerable erring female was Irish or Scottish; the unreformable Other was non-white or non-Anglo Celtic
- Admission records show no black or aboriginal women (until the 1920s when the state took over)
- Founders reproduced the gender, class, and racial order of the day

Incorrigible Girl: Erring Female as Punishable

- Eugenics discourse in early 1910s reshaped the representation of the erring female as someone errant in body, soul, and also in mind
- Eugenicists argued that female sexuality was the source of race degeneracy
 - Eugenics discourse reinforced race, class, and gender anxieties about female sexuality, influencing the creation of “feeble mindedness” as a medical category
- 1919 – LG of Ontario designated the Refuge as an institution for the care of females under the Females Refuges Act
 - Admission policies changed – board no longer controlled who entered and how long they stayed
 - No person shall be admitted except on warrant, signed by a judge
 - No longer voluntary
 - Inmates required by law to stay indefinitely to a maximum of 2 years
- To be criminalized under the FRA, girls did not have to commit Criminal Code infractions
 - Their conduct, dress, disposition, character, and habits got them incarcerated if they transgressed gender-appropriate cultural scripts
 - Girls needed only to betray their gender to warrant incarceration
- FRA was unique in the kinds of regulatory offences it controlled – discursive constructions of errant sexuality such as “incorrigible”, “unmanageable”, “idle” and “dissolute”
 - Constructed the erring female’s sexuality by equating categories of idleness and dissoluteness with promiscuity and lax working-class morals
 - Females of child-bearing years were the main subjects
 - Any female between 15-35 could be imprisoned for behaviors such as public drunkenness, promiscuity, and pregnancy out of wedlock
 - Women and girls who have sex outside of marriage are seen as promiscuous, as slags and sluts
 - Anyone (husband or parent) could swear before a magistrate as to the inappropriate behavior of their wife or daughter
 - Burden rested on the female, whose only recourse was to prove that she was not “unmanageable” or “incorrigible”

- The FRA's legitimacy gave non-criminal offences the meaning and penal consequences of crimes, thereby criminalizing those under its purview
- Females incarcerated under the FRA did not have to be engaging in criminal activity, which says something else was at stake – reproducing a gendered, classist, and racialized social order
 - The FRA not merely upheld upper-middle-class standards of femininity, but also was a key part of state formation and the building of a white, male-dominated Canada

From FRA to PCHIP and PSECA: Neo-Liberal Guise of Protection

- Today the erring female has emerged in different forms
- Alberta's Protection of Children Involved in Prostitution Act (PCHIP) and its successor, Protection of Sexually Exploited Children Act (PSECA)
- PCHIP came into force Feb. 1999 and empowered police and child welfare officials to incarcerate children (young females) "whose safety is at risk but who will not voluntarily end their involvement in prostitution"
 - Allowed for youth to be held in protective confinement for a 72 hour assessment with additional provisions that allowed authorities to apply for two more periods of detention for up to 21 days each if child care workers needed more time to help them end their involvement in prostitution
 - Reinforced and advanced neo-liberal strategies of control through a child protection discourse
- PCHIP was introduced in the wake of the Badgely Commission's report – condemned conventional practices of punishing young girls for involvement in prostitution as crimes of immorality
 - Sought to legitimize a new discourse of children as victims of sexual exploitation
 - Beneath the discourse of child protection existed a neo-liberal ethos that made families and communities responsible for the sexual exploitation of children
 - Families on social assistance were seen as being weakened by their dependent on welfare and lacking resiliency to respond to risk
 - Families were "empowered" to turn their at-risk children over to Children's Aid or the police
 - Families were governed at a distance through soft-state powers of protection and control
 - Young girls were empowered to take responsibility for their choices to become street involved
 - "These youth are victims but they must still take responsibility for their actions and accept the consequences. They are accountable for their own involvement in crime"
- PSECA replaced PCHIP in 2007
 - Shift from young prostitutes to sexually exploited children – but the state's power of detention "for their own good" remained

- o Authority to apprehend if a child's safety is at risk and is considered to be in need of protection and to confine the child for up to 5 days in a protective safe house
 - Authorities can apply to a court for up to 2 additional 21-day periods
 - o The introduction of the victim discourse and secure care has not ended the criminalization of youth involved in the sex trade, it has simply repackaged the concept of punishment under the guise of protection
 - o Today young women are being detained against their will, held on non-criminal charges, and otherwise punished for conditions that are not of their choosing – just as they were in the Refuge and FRA
- The real problem is not incorrigibility or errant sexuality, but rather marginalization and social exclusion
- Before the Refuge came under the FRA, race, gender, and class determined whether one was to be kept inside the Refuge
 - o These censures are still class-compounded and racialized
 - o The theme of criminalization continues
 - o The erring female censure is still operating, now almost blending punishable and rescuable
 - o Errant sexuality has been reinvented as sexual exploitation
- The erring female incarnate represents girls and women who – by immorality, degradation, mental defect, intemperance (historically) or inadequate parenting, promiscuity, drug abuse (today), or otherwise – deviate from the dominant standards of appropriate femininity
 - o The erring female censure works to reinforce and reproduce dominant power relations
- The sexual double standard remains irrefutably transfixed at the centre of the good girl/bad girl dichotomy
 - o Most disconcerting for marginalized young mothers who find themselves without adequate resources and care
 - o Deemed “erring” for mothering outside of social-cultural scripts, the young women parenting in this context of marginalization face stigma, shame, and social isolation
- Dehumanizing labels like “sluts and slags” reflect a masculinist, elitist, “us vs. them” mentality that prevents some from acknowledging our collective responsibility to practice care for the Other
- The underlying social-structural constraints (race, class, gender) in the lives of criminalized girls were obscured from view under the FRA and within the Refuge
 - o They go unchecked today because they are the very conditions that distinguish good girls from bad girls and work to sustain the ideological and social order

Criminalized and Imprisoned Women - Elizabeth Fry

- Common experiences of criminalized women:
 - o High rates of aboriginal women
 - o Criminalized/in prison for the first time

- o Experienced sexual or physical abuse
 - o Anaesthetize themselves with legal and illegal substances as a result of unresolved trauma
 - o Under the age of 35
 - o Mothers and the sole supports of their children
- Numbers of imprisoned women are increasing – fastest growing prison population worldwide
 - o Racialized, young, poor women and women with mental/cognitive disabilities
 - o Majority are first time prisoners
 - o Often segregated
 - o Less likely to return to prison for new charges; pose a low security risk
 - Same risk and needs assessment tools are used as men
 - o Subject to more disadvantaged treatment and more restrictive conditions of confinement than men
- More than 50% of charges are for non-violent, property, and drug-related offences
 - o Majority are serving sentences of less than 2 years
 - o Only 1-2% of federally sentenced women are returned to prison for new crimes
 - Majority is because of administrative parole breaches
- Lower educational attainment than the general population
- Classified as maximum security often because of difficulty adapting to the prison
- Lower employment rates than incarcerated men
- More likely than men to be sent to prison when found guilty in court

Ontario Women's Justice Network (OWJN) - Women Like Me: Myths and Realities

- The legal system [can] reinforce sexist, racist, and, classist stereotypes of women while simultaneously legitimizing patriarchal notions of the need to socially control women. We must all commit to transforming the social and economic position of girls and women and adamantly challenge attempts to further subjugate women if we are truly interested in addressing violence in our communities
- Sexism, racism, and classism work together to restrict women's choices and to control women
- Myth: women in Canada are committing more crimes and becoming more violent
 - o Overall crime rates have decreased dramatically in recent years
 - o No significant change in how much violent crime is committed in Canada
 - o Canada's response to violent/aggressive acts has changed – zero tolerance policies
 - Policing and prosecuting more forms of violence
 - o Overall number of violent offenses committed by women remains low, but number of women being criminalized is increasing

- More women being put in prison
 - o More women forced to struggle to survive and care for themselves due to cuts to social welfare and the reduction in the number/quality of the program
 - Women's survival skills are becoming criminalized
 - o Criminalization: turning someone into a criminal or treating someone as criminal
 - o By reducing social supports, the government is forcing women into more marginal existences
 - o Women are not becoming more violent, but are being pushed to support themselves in ways that fall outside the law (ex. sex work)
- Myth: every woman is equally at risk of committing a crime and is treated equally before the law
 - o The extent of criminality, likelihood of imprisonment, and how women are treated while incarcerated depends on women's social location
 - o Aboriginal women, racialized women, young women, single mothers, women living in poverty, women who've experienced violence, women with mental health issues, and women with addictions are more likely to be criminalized
- Myth: women who are provincially imprisoned have it better than women who are federally imprisoned
 - o Every woman who goes to jail is impacted, but some are impacted in more serious ways than others
 - o May lose job, home, children, may be ostracized by the community when they return
- Myth: women have access to adequate programs and supports while provincially incarcerated
 - o Women do not receive the same funding for programs within federal and provincial institutions because they are a small minority of imprisoned people
 - o Women have limited access to programs and supportive services
 - o Lack of supports influences how provincial institutions are used
 - Provincial jails often used as holding cells for women because there are such few supports for women incarcerated there
- Myth: women do not face any risks when reporting violence to the police or other authority figures
 - o Violence against women goes under-reported because women do not feel safe enough to report it
 - o Majority of victims of spousal assault and over 90% of sexual assault victims didn't seek support from the CJS
 - o Fear of retaliation from abuser, family, or community
 - o Some women didn't think the incident was "serious"
 - o For the most marginalized women in Ontario, reporting violence to authority figures can put them in even more compromising situations. Some women are charged under "dual charging."

Making Connections: Class/Race/Gender Intersections - Elizabeth Comack

- Women are most often charged with property crimes (theft, fraud) rather than with serious violent crimes
 - o When women are charged with a violent offence, it is more likely to be for level one or common assault
 - o Majority of women in conflict with the law come from marginalized economic situations
 - o Overrepresentation of Aboriginal women and women of colour in Canada's prisons
- Karla Homolka was an anomaly/exception in terms of women most likely to be criminalized
 - o Suburban middle-class, white, violent crime

The Nature and Extent of Women's Involvement in Crime

A Female Crime Wave - or Penal Populism?

- Women historically comprised a small percentage of adults charged with Criminal Code offences in Canada (21% of adults charged)
- From 1970 to 1991, there was an overall increase of 297% in women charged with Criminal Code offences
 - o Fuelled media and public concerns that women are becoming more violent and dangerous
- Rate of men charged with a criminal offence has continued to decline, while the rate for women has shown an increase
 - o Especially evident for violent crime
 - However, males still account for more than 4 in 5 people accused of violent crime
- Media portrayals of violence by women and girls has been crafted without any attention paid to the context of these offences or the life histories of the women who commit them
- The lack of access to justice has resulted in higher rates of criminalization of women for serious offences
- "Penal Populism" - the pursuit of a set of penal policies to win votes rather than reduce crime or promote justice"
 - o Characterizes provincial courts that increasingly deny people bail for reasons related to unemployment, homelessness, mental illness, substance abuse problems, and lack of community support
 - o Bail is used instrumentally to impose onerous, therapeutically justified conditions on an offender for extended periods of time, thereby lengthening, intensifying, and layering punishment in a manner that obscured penal and administrative boundaries
 - o Women were particularly disadvantaged by bail conditions (ex. mandatory treatment orders) because few programs for women exist and spaces are limited
 - o Women charged with domestic violence offences as a result of dual charging policies (both partners charged for the same incident) spend more time under bail-order supervision than men

- o Women who do not complete their court-ordered treatment while out on bail are likely to be sentenced to custody

Women, Offences, and the Most Likely Charges

- Women accounted for 18% of adults charged with violent crimes in 2012
- Females are most likely to commit acts of violence against their spouses or partners
 - o Often a strong defensive element involved
- Males are most likely to be charged with violence against acquaintances
- Law enforcement practices that concentrate on street prostitution as a public nuisance result in charges being laid against women – particularly poor and racialized women, while almost all of the clients are men
 - o Almost half the people involved that are charged are women
- Criminal Code changes – criminalization of drug offences such as simple possession of marijuana, trafficking, and zero-tolerance impaired driving – have had a gendered impact
- Number of black women incarcerated is rising quickly
- Many administration of justice offences
 - o Rates for these offences are climbing
 - o Must reappear before the courts for reasons unrelated to new criminal activities
 - o Convictions for these are high and offenders are frequently sentenced to custody

Women and Poverty

- Gender inequality in Canada is most apparent economically
 - o Disparities between men and women in the labour market
- Most employed women work in occupations in which women have traditionally been concentrated
- Women's average earnings are substantially lower than men's
 - o Education does not eliminate this gap – women with university degrees employed full-year and full-time earn 30% less than equally educated men
- Young women are more likely to be unemployed
- These disparities translate into higher rates of poverty for women
 - o Women are the majority of the poor in Canada
 - o Not enough to have a job to stay out of poverty (working poor)
 - o Women make up 60% of minimum wage workers (particularly immigrant and visible minorities)
- Poverty is especially an issue for single female parents
 - o Higher rates of low income than other family types
 - o Female headed lone-parent families are more likely to have low income than male counterparts
- Women who come into conflict with the CJS tend to be young, poor, under-educated, and unskilled

- Over 80% of all incarcerated women in Canada are in prison for poverty related offences
 - o Traditional role as consumers and increasingly as low-income, semi-skilled sole-support providers for their families
 - o Increasing numbers being charged with shoplifting, cheque forgery, and welfare fraud
 - o Neo-liberal policy changes can be connected to women's increasing vulnerability to criminalization and incarceration
 - Drastic cuts to social assistance, creation of precarious low-wage job market, reduction in publicly funded daycare, cuts to social services, addictions treatment, and mental health services have all eroded the social safety net
 - The already disadvantaged members of our communities are most hard hit by neo-liberal socio-economic policies

Racialized Women

- Aboriginal people comprise 3% of Canadian adult population but make up 27% of admissions to institutions
- Worse for aboriginal women than for men
- Intersections of race/class/gender that are evident in the lives of Aboriginal women in Canada
 - o They are among the "most severely disadvantaged of all groups in Canadian society"
- Many aboriginals are victims of systemic and direct discrimination, suffer the legacy of dislocation, and are substantially affected by poor social and economic conditions
- One of the legacies of colonialism is the inordinately high level of violence
- Use of alcohol in Aboriginal communities
 - o High levels of violence as a result
 - o Excessive drinking is commonplace - "drinking parties"
 - o Alcohol as a means of dealing with distress
 - o The presence of alcohol is a direct reflection of the nature and level of despair which permeates the Aboriginal population
- The standards of dominant white culture are often used as the measuring rod by which Aboriginals are transformed into the deviant Other
 - o Only works to reproduce the racism that prevails in mainstream society
 - o Centering explanations for violence in Aboriginal communities on the use of alcohol can align too easily with racist stereotypes
 - o Grotesque dehumanization and constant vulnerability of aboriginal girls and women
 - Direct relationship between these horrible racist, sexist stereotypes and violence against native women
 - o Dominant, regularly reinforced discourse that is content to explain private troubles as being rooted in individual circumstances (as opposed to systemic processes), the common

- o view is to see aboriginal people as being intoxicated and out of control
 - Function to objectify and devalue aboriginal people
- Pollack's interviews with black women serving federal sentences revealed that the women's main motivation for breaking the law was economic
 - o Illegal means to supplement their income
 - o Emanates from their concern to assert their independence and resist marginalization and state-enforced dependency (such as social assistance)
- The vast majority of offences committed by women are poverty crimes that reflect the systemic inequality, discrimination, and marginalization emanating from their class/race/gender locations

Representations of Criminalized Women

- Lisa Neve example
 - o 21 year old aboriginal woman became the second woman ever in Canada to be labelled a dangerous offender and sentenced to an indeterminate sentence
 - o Ran away to the streets where she turned to drugs, prostitution, and violence
 - o Developed a reputation on the street as an enforcer because she protected other women involved in the sex trade from their pimps
 - o Labeled as a problem in need of correction - the labels struck and attracted other labels
 - o Characterized by Crown as "the equivalent of a male lust murderer"
- Women and girls are routinely sanctioned not only for violating legal codes, but also for violating codes of conduct that regulate and patrol the boundaries of appropriate female behavior
 - o The Founders of the Toronto Magdalen Asylum (1853-1939)
 - o The representation of the "erring female" worked as a censure or category of denunciation in a particular historical, political, and structural context
 - o The idea of the erring female reproduced in the early 20th century and reinforced the dualism between good girls (chaste, virtuous, pious) and bad girls (sexually deviant and wayward)
 - o Operated to keep female sexuality in check
- The claims justifying the institutionalization of erring females weren't just related to their sexuality - how it's perceived and who controls it - but to their very life chances
 - o Females incarcerated under the FRA didn't have to engage in criminal activity - suggests something else was at stake: reproducing a gendered, classist, and racialized social order
 - o In earlier times, the erring female was constituted by her immorality, degradation, mental defect, and intemperance
 - o In neo-liberal recent times, female transgression has come to be defined by inadequate parenting, promiscuity, and drug abuse

- Discourse shifted from “incorrigible girls” to “sexually exploited children” – but young women continue to be punished “for their own good” under the guise of protection
 - In both eras, the erring female is one who is censured for deviating from the dominant (class-based and racialized) standards of appropriate femininity
 - All the while, the material and social conditions that create her marginalization and social exclusion are left out of the equation
- Traditionally, the focus in prostitution has been on the women selling her services rather than the men who sought them
 - Purpose of prostitution was the servicing of men’s needs – premised on an understanding of male sexuality
 - Men had insatiable sex drives and desires women must satisfy
 - Traditional male-centered view
 - Prostitute was positioned as the quintessential bad girl, the other, and the focus of investigation was on trying to account for the sources of her difference
 - Singled out family dysfunction, poor socialization, bad upbringing, and individual pathology as reasons why
- Women involved in prostitution began to call it “work” to counter the male-centered view and the baggage associated with the term prostitution
 - For some feminists, prostitution is a form of patriarchal violence against women – manifestation of the sexual, social, and economic domination of women by men
 - Bruckert and Parent suggest that this perspective denies women involved in the sex work any agency and positions them as victims of patriarchal oppression
- Bruckert and Parent’s analysis understands sex work as a job that shares much in common with other work carried out in a neo-liberal, post-industrial labour market “McJobs”
- Incall sex workers – women who provide sexual services to clients in establishments
- Bedford v. Canada (2013)
 - Bedford, Lebovitch, and Scott – one current and two former sex workers – challenged the constitutionality of three sections of the Criminal Code relating to prostitution:
 - Keeping or being found in a bawdy house
 - Living off the avails of prostitution
 - Communicating in public for the purpose of prostitution
 - Argued these provisions put their lives and safety at risk and were an infringement of their rights under section 7 – right to life, liberty, and security of the person
 - Keeping a common bawdy house prevents workers from conducting their trade in a more secure indoor location
 - Living off the avails prohibitions mean workers cannot hire a security guard to ensure safety

- Prohibitions on communicating means workers cannot take extra measures in screening clients
 - SCC agreed that “the criminal prohibitions do not merely impose conditions on how prostitutes operate. They go a critical step further, by imposing dangerous conditions on prostitution and prevent people engaged in a risky (but legal) activity from protecting themselves from the risks”
 - Ruled the three provisions were inconsistent with the Charter and invalid
 - Court left it up to parliament to devise a new approach
- Criticisms of Bedford:
 - There’s some reference to the context of prostitution and its harms but no analysis of the racialized and gendered nature of these harms

The Incall Sex Industry: Gender, Class, and Racialized Labour in the Margins - Christine Bruckert and Colette Parent

- Prostitution has long been referred to as the world’s oldest profession (inaccurate)
 - The women employed in this profession have rarely been defined as workers in both popular discourse and academic analysis
- Until the 1960s when symbolic interactionists shifted the focus, positivist accounts of prostitution dominated the debate
- In the 1970s, new voices emerged
 - Sex workers started to organize and speak about their work and defend their interests
- Radical feminists perceived prostitution as victimization
- Discourses that emerged from women within the industry emphasized the activity as work, denouncing the legally defined classifications, moral subtext, and conceptual baggage in the word “prostitution”
- “Sex work” is a concept that compels reconsideration of the industry and the relegation of sexuality to the private realm
- In 2011, the Women’s Coalition took a prohibitionist approach rooted in radical feminism when it argued that prostitution is a global practice of sexual exploitation and male violence against women
 - Catholic Civil Rights League (2009) said it is immoral and should be stigmatized because it violates the human dignity of prostitutes and those who are witnesses to it
- Incall workers provide sexual services to clients in establishments such as massage parlours, brothels, and dungeons
 - Can be male or female and work as independents

Theorizing Sex Work as “Work”

- In the 1970s (context of a broader rethinking of gender and patriarchy) that prostitution emerged as the symbol of the social, sexual, and economic domination of women by men
 - Framework developed by radical feminists
 - Prostitutes emerged as victims

- o Capitalist and patriarchal social structures, racism inscribed in discriminatory laws and enforcement, mistreatment and objectification by men (pimps/customers)
 - o Based on the presumption that they were victims of childhood sexual abuse, incest, and rape
- Perspective that sex work itself is a form of sexualized male violence existing at the intersection of incest, rape, battery, and torture
 - o Sex workers are not active agents in this framework, but rather are prostituted women
 - o Sex-work-as-violence
 - o Link prostitution to socio-economic structures (gender stratifications, racialization, and poverty that restricts options)
 - Colonization identified as part of this: Aboriginal people have a long, multi-generational history of colonization, marginalization, and displacement from our Homelands and rampant abuses that forced many into prostitution
- The other perspective assumes sex work is an income-generating activity and recognizes that broader socio-economic stratifications and scripts (including gender, economic resource, distribution, and racialization) condition the range of options open to sex workers – creating situations in which they engage in sex work in the context of constrained choice alternatives
 - o But restricted choice does not negate agency – choosing this work in context of limited and unpleasant choices doesn't mean sex work is more of a survival tactic than choosing to take on other available jobs
 - A diversity of factors are at play
- Colonization plays a role in the exclusion of sex workers as women with agency
 - o Indigenous sex workers as nameless, voiceless, placeless victims
 - o Lives and voices are obscured by discourses of victimization that, on the surface, aim to draw attention to marginalization and colonial violence but fail to provide a space for Indigenous sex workers to speak for themselves and define their own struggles
- Recognizing sex work as gendered labor that occurs in a broader context of racialization places the industry and its workers within a dynamic socio-economic context
 - o Need to consider the economic restructuring of the last three decades and how this affects women, and how some women's choices are conditioned by intersections of gender with racialization or class location
- Women increasingly inhabit a precarious labor-market location characterized by temporary and part time work
 - o Exacerbates marginality: women workers in these labor situations experience greater gender income disparity than the traditional labor market, but are also denied the security and benefits traditionally associated with employment
 - o Gender income gap is greater for racialized women

- o It is within this context of constraints and alternatives that women are “choosing” to work McJobs or in the sex industry
- o In Canada, working class women continue to be ghettoized
- The labor lens shifts focus from structure to practices – consider the nature of the labor
 - o Render skills and competencies visible, examine social/work relations, reflect on how workers experience their labor
 - o Attention to grounded experience speaks to specificity within the broadly defined sex industry, providing an antidote to the tendency to conflate the divergent labor practices of sex workers under the rubric of “moral transgression”
 - Ex. phone-sex operators, cam-girls
- Sex work may be work but it is marginalized, stigmatized, and criminalized
 - o Sex work, its organization, and how its subjectively experienced are conditioned by the intersection of class, gender, and race
 - Race/ethnic stratifications have always been one of the bedrock institutions of Canadian society embedded in the fabric of our thinking and personality
 - o Canadian society is characterized by discriminatory policies, systemic racism, stereotypical media portrayals, and racist discourses that resulted in a distribution of economic, social, and discursive resources that put racialized Canadians (particularly women) at a disadvantage
 - o Race intersects with class and gender to condition women’s choices and opportunities both in the broader labor market and in the sex industry

Incall Sex Work as Criminalized Women’s Work

- Women providing sexual services in establishments
 - o Ranging from marginal to illegal
- In Canada, prostitution is not and has never been illegal, but the industry and workers are criminalized and sex workers are vulnerable to charges of communicating for the purposes of prostitution, procuring/living off the avails of prostitution, or under the common bawdy house provisions (being an inmate of a bawdy house is an offence punishable by summary conviction)
 - o In 2013, the SCC ruled these provisions unconstitutional because they infringed on workers liberty interests contrary to section 7 of the Charter
- Rare for sex workers working in licensed industry establishments to speak out against abuse because of fear of criminal charges, fines, or closure of business
- Municipal licensing increases police presence and disempowers workers/bosses from taking action to enhance health and safety
 - o These laws extend regulation, impose additional levels of control, and offer fewer benefits

- Women are increasingly required not only to assume extra labor but also to organize their employment in a manner that allows them to meet their myriad obligations
 - o Women workers who need to satisfy increasing family and financial obligations as the state decreases its levels of support may embrace non-standard labor arrangements, including contracts and self-account work
 - o Due to the erosion of the welfare state since the 1980s
- Dependent contractors are in a paradoxical position
 - o On one hand incall sex workers in commercial establishments are managed as employees
 - Exploited in the Marxian sense of having “free” labour extracted and receiving less remuneration than the value that they labor adds to the product/service
 - o On the other, as “disguised” employees, incall sex workers are denied the security and access to statutory protection and legal recourse traditionally associated with employment
 - Exclusion from social-security protection, non-statutory benefits, and statutory rights
- The illicit status of their labor site (bawdy house) also de facto excludes them from gaining access to their rights not only as workers (health and safety, labor regulations/agreements) and professionals (to form provincially authorized associations), but also as citizens (to have police protection)
 - o Position is simultaneously hyper-regulated and unregulated, with many implications for their well-being
- Incall sex work requires sets of skills, meeting expectations of an employer, being sociable, patient, courteous, polite, and must present a professional and pleasant demeanour
 - o Like all other work
- In the sex industry, the stakes are high and the process is complicated by the ever-present spectre of criminalization
 - o Operating in a non-institutionally structured space, rules are difficult to enforce
- Illegal nature and stigmatic assumptions of outsiders
 - o Illegality - workers are susceptible to charges under s. 210 of the CC, which necessitates continual vigilance, assessments of clients, and self-monitoring
 - o Women are hesitant to turn to police for protection or report violent clients
 - o Criminalization denies workers the ability to negotiate labor conditions with their employers through professional organizations or organized labor action, or by evoking their statutory labor rights
 - o Must cope with the condemnation accompanying the stigma of “whore” even when they leave the labor site
 - o Some workers isolate themselves from public censure by closeting their occupational location, creating fictitious jobs, and separating their work and private lives

- Benefits of incall sex work – financial benefits allowing them to participate in the social sphere, flexibility, free time, pleasant, relaxed work environment
 - o Intrinsic rewards
 - o More striking than the monotonous, repetitious, and unsatisfying alternatives readily available to young working class women (McJobs)

The Complexities of Sexualized Commerce

- On a structural level, these jobs are consistent with the broader trend toward women's increased participation in service-sector employment and non-standard labor arrangements that position women workers outside of the stability and protection traditionally associated with employment
- The sex industry echoes the broader social stratifications in the marginalization of and discrimination against racialized workers
- It's physically demanding and stressful, requires workers to undertake emotional labor
- Many workers in the commercial sex industry laboring for third parties are, in a Marxian sense, exploited workers
- The private/public and sex/labor dichotomies continue to be so firmly embedded in our consciousness that the term sex work is an oxymoron
- Problematic
 - o On the one hand, "sexuality is a structuring process of gender" and "gender and sexuality are central to all workplace power relations"
 - Women requires to assume an attractice made up appearance – part of the job for women consists of looking good
 - Prerequisite presentation of self is sexualized so that much of the labor that working class women undertake has a visible sexual subtext and necessitates the negotiation of a sexualized labor terrain
 - o On the other hand, our sexuality – in our professional and private lives – is subjectively experienced, and class may condition the approach and meaning ascribed to sexuality
- Sex work and working as a cocktail waitress are both sex work
- Many points of convergence that support the conceptualization of women employed in sexualized commerce as working-class women workers I the new economy, and they lend support to the linguistic shift toward the term sex work
 - o The illegal/illicit status of the labor raises the spectre of criminalization and facilitates an additional level of exploitation – inhibits workers from gaining acces to both their statutory labor rights and rights as citizens
 - o Many of the challenges/stressors of the job do not emerge from the labor itself, they are a by-product of discourses of immorality, the lack of recognition as workers, limited social and interpersonal support, lack of police or legal protection, criminalization, and stigma

- The problem lies not with the term “sex work” but with the imposed limits embedded in its application
 - o Term situates the industry in question outside of women’s work, obscuring how the jobs inhabit a particular location on the axis of sexual labor and emotional labor characteristic of much women’s work
 - o It fails to capture the complexity of “sex industry” labor practices, in which sexuality is only one component

Dazed, Dangerous, and Dissolute: Media Representations of Street-Level Sex Workers in Vancouver’s Downtown Eastside - David Huggill

- Vancouver’s crisis of missing and murdered women generated little interest from local authorities and journalists
 - o Robert Pickton’s murder of over 20 women – when he was arrested it developed into a national event
 - o Why did their disappearance not get attention?
 - Intersecting series of social and political practices that valorize certain lives while simultaneously disregarding others
 - Social and geographic location of the women in Vancouver operated to disqualify them from the protective assurances of authorities
 - Residents of a stigmatized inner-city neighborhood, sex workers in the bottom rungs of Vancouver’s street-level sex trade, poverty-stricken members of an increasingly stratified society, and racialized women – members of a social milieu that were rendered invisible and cast aside from the core constituencies served by our collective institutions
- Media narratives promote ideas about street-level sex workers that contribute to the normalization of the violence they encounter
 - o Produces an understanding of the sex worker as a drugged, dazed, deviant, dissolute, and corrupted “other” whose affiliation with a notorious underworld places her (always HER) in constant threat of danger and predation
- Two sets of narratives:
 - o One that explicitly demonizes street-involved women
 - o One that appears more sympathetic, describing sex workers as victims of the danger of their work and also of a long history of abuse, personal devastation, and all-consuming addiction
- These discourses reinforce a dominant ideological paradigm, a tightly constricted set of boundaries through which the violence that is routinely perpetuated against street-level sex workers is rendered understandable to audiences
 - o Narratives produce the sex worker as an object of popular knowledge

Producing the “Prostitute”

- Sex workers have been a source of fear and fascination in Western societies but also been constituted as an affront to established morality and as “nefarious” deviant Others
 - o The boundaries are not fixed and immutable, but fluid and permeable – constantly change due to cultural sensibilities and public concern
- Mass media discourses
 - o Defined sex workers as vectors of disease and contagion, entrapped sexual slaves, victims of the “white slave trade”, endangered persons, “fallen” women, and symbols of community failure
 - o Presented sex workers as unpredictable, deranged, morally depraved, criminally culpable individuals who are feeble minded, public nuisance, affront to public respectability
 - o Contemporary media narratives establish prostitutes as “distinguishable types”, as kinds of folk devils
- Two stigmatizations have been persistent:
 - o Prostitute as a source of criminal deviance and danger
 - o Prostitute as a symbol of moral corruption

The Sex Worker as Criminal Deviant and Dangerous

- Street prostitution associated with urban deviance since the 19th century
 - o “Public symbol of female vice”
- Between 1981 and 1995, sex work was conflated with deviance and criminality and there was a seamless assumed connection between street-level sex work and narcotic dependency
 - o Sex workers produced as cunning criminals believed to take pride in circumventing the law and avoiding arrest
- By defining prostitutes as criminals, the law has reproduced an ideological context in which a woman “working the stroll” is particularly vulnerable to predatory misogynist violence
 - o The illicit nature forces the industry underground
- The sex worker’s status as a symbol of danger is a function of her presumed status as a vector of disease
 - o Vancouver 1997 – HIV epidemic
 - Marked street-level prostitutes as a dangerous population because they were seen as central factors in the outbreak due to IV drug use

The Sex Worker as a Symbol of Moral Corruption

- Demonstrates media’s capacity to participate in the constitution of moral boundaries of the society in which they report
- Sex workers branded as fallen women in the 20th century
 - o Images as individuals who strayed from the norms of acceptable femininity and descended into a rank world of festering immorality and licentiousness
 - o Street level workers corruption was plainly visible due to the public gaze

- o Women considered as best confined to the sanctity of the feminized domestic space
- The exchange of sex for commercial gain has remained a potent symbol of moral degeneracy
 - o Sex workers branded as morally degenerate because of their willingness to reduce sex to commercial exchange
 - o Bound up in a desire to preserve heterosexist norms
 - o Contemporary views of prostitution as immoral reflect the view that women's sexuality should only be expressed or available within the confines of a domesticated and reproductive relationship
 - o The visible immorality of public prostitution is seen as an affront to the enjoyment of city spaces by the mainstream public
 - "Whore speak of the community failure and are seen as a threat by wives and mothers, bad for business"
 - o Street-involved women have been contrasted against conventional female subjectivities
- The sex worker's capacity to bring corruption into the sphere of morally upright men and women contrasts her against and marks her as a threat to the valorized figures of mother and daughter
 - o This binary demarcates those "bodies that can and should be saved from those that are considered beyond redemption"
 - o Virtuous women are set up in sharp contrast to the "runaways" and throwaways mired in the corruption of street-level commercial sex

Criminality, Danger, and Moral Corruption in Media Narratives

- Sex workers in these stories are consistently portrayed as women who are consumed by addiction, constantly at risk of predation and violence, yet undeterred by the constant peril of their work
 - o Presence on the stroll is explained by reference to previous victimization, personal tragedy narrative that preceded the "descent"
 - o Her connection to the drug trade and outlaw status of her work marks her as part of a deviant and criminal underworld, member of the illicit class producing chaos in the inner city
 - o The illegal activity combined with certain city spaces is a mixture of the body of the urban outcast with the city's insidious spaces – a way of blaming street-involved people for urban decline
 - Sex worker is intractably linked to the degenerate space she works in and is subjected to the same

“unremitting stigmatization” as the neighborhood itself

- Themes of addiction, disease, and violence are central in media profiles of these women – consolidate victim’s status as members of a deviant class
- Prostitution terms are used in headlines half as many times as “disappearance” and narcotic dependency is emphasized in 1/3 as many
 - o Not a single reference to economic marginalization
 - o Only one reference to Aboriginal nationality
 - o Mug shot images – reinforce their association with criminality

Authoritative Sources and Sources of Authority

- Behind each victim’s story is a history of victimization, a series of abuses that precede and caused her turn to narcotic dependency and survival sex
 - o Parental addiction, fetal alcohol syndrome, racism, sexual/physical abuse, predatory foster parents, exploitative boyfriends
- Establishes the missing and murdered women as traumatized and damaged subjects, driven to addiction and survival sex by individualized patterns of abuse
 - o Obscures the role of the larger structural forces’ role in the dangers and issues the women confronted

The Voices of Sex Workers

- Women cast as prostitutes are only afforded a tiny role – they construct and consolidate the image of the street-involved worker as an oblivious woman consumed by a one-dimensional drive for narcotics
 - o Their quotations produce an abject Other – a one-dimensional figure, incapable of interpersonal solidarity and concerned only with her next fix
 - o Assumed the narcotic dependency is the causal condition of her presence on the stroll

Dissecting the Dominant Paradigm

- By privileging narcotic dependency and foundational tragedy as the core explanations for the sex worker’s presence on the low-track stroll, the coverage obscures the role of structural factors in reproducing marginality and driving women into the precarious universe of survival sex

- o Prostitution has been constituted as a social problem, so sex workers have been excluded from suggesting solutions to the problem
- Persistent contrasting of sex work with conventional female domesticity
 - o Images an unbridgeable gulf between sex worker and the mother/daughter/sister/wife
 - o Role of sex worker connotes corruption and immorality while the role of the other group connotes a series of celebrates, morally sound modes of femininity
 - o Coverage is marked by a profound effort to distance the murdered from the former category by reminding audiences of their affinity to the latter
 - o The categories of domestic value are the primary rhetorical weapons of the journalistic attempt to restore a certain dignity to the slain
- The effects of these attempts position the practices of prostitution on the negative side of a good/evil dualism
 - o Repeated reminders that the victims were valued members of families reinforces a perceived distance between the morality of the family space and the immorality of the spaces of prostitution
 - o Descriptions of them as members of families make them more like “us”
 - This positioning conforms to the dominant hegemonic values, in that the only women who can be rescued or are worth saving are mothers, daughters, and sisters – women like us
 - Making them like us is a discursive move designed to privilege their deservedness in terms of police intervention and social recognition
 - o The sex worker’s degree of belonging to conventional familial structures becomes a primary determinant of her value
 - Those who cannot be seen as part of the imagined “us” are irredeemable
- The coverage’s privileging of personal tragedy allows audiences to understand the street-involved as marginalized people, as victims of profound personal tragedy
 - o “Each society possesses a set of ideas about what causes deviation and a set of images of who constitutes the typical deviant – information which arrives “already processed by the mass media”” – Cohen
 - o Individualized personal tragedies are mobilized as the core explanations for the deviant turn of the sex worker and a

- distinct set of images (abusive parents, neglect) provide evidence of their veracity
 - o These narrations individualize tragedy and disregard broader complicities in the reproduction of dangerous conditions and the marginalization of particular people
- Neo-liberal notions of self-reliance valorize a strident individualism and position each individual as the master of his or her own well-being
 - o The imposition everywhere of that sort of moral Darwinism that institutes the struggle of all against all and cynicism as the norm of all action and behavior
 - o The rise of a hegemonic neo-liberalism produces a context in which it is now left to individuals to seek, find, and practice individual solutions to socially produced troubles while being equipped with tools and resources that are blatantly inadequate to the task
 - o The narrative characterization of survival sex as the product of individual tragedy obscures the possibility of a broader analysis of marginalization
- The relationship between sex work and criminal deviance reinforces the impression of a self-imposed (self-selected) marginality
 - o Deployment of images that signal the interconnection of prostitution and other threatening practices naturalizes the sex worker's presence in the inner city
 - o Narcotic dependency is the first principle of her existence
 - o Her presence in the notorious spaces of the Downtown Eastside are naturalized
 - o Criminal space and criminal body are represented as interlocked in a mutually constituting dialectic
 - o Individuals assumed to adhere to a certain set of deviant behaviors by virtue of the space they inhabit
 - o Associating prostitution with the drug trade as a natural inenvitable association fuels the contention that prostitution epitomizes the filth of the streets
 - Drug use marks the prostitute as a deviant
- Popular representations of deviance are marked by processes of signification that imply the "convergence" of deviant practices that occurs when two or more activities are linked in the process of signification so as to implicitly or explicitly draw parallels between them
 - o Representing practices that breach defined thresholds of public acceptance escalate their unacceptability and make it easier for authorities to mount legitimate campaigns of control over them

- The representation of converging deviant practices has had the structural tendency of “translating a political issue into a criminal one”
 - o Solution to the problem of inner-city deviant phenomena is defined in terms of criminal enforcement rather than political change
 - The objective is conceived as one of policing criminal activity rather than addressing marginalization through progressive public policies
 - Depoliticize an issue by criminalizing it
- Pickton murder media coverage represents the camouflage of structural forms of violence