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"DAUGHTERS OF THE CHAOS":
AN EXPLORATION OF COURSES OF WOMEN'S LAWBREAKING ACTION

By

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Abstract

I began my inquiry into women's lawbreaking from a disquiet between what I "knew" from academic feminist accounts and what I "saw" as a worker. My understanding of women's lawbreaking came from a distorted representation of women lawbreakers as victims produced by academic feminist scholarship. This distorted representation came from a feminist practice of emphasizing women's victimhood as an explanatory framework. As a result, women have been rendered 'victims' – a representation that relies on women's object, rather than subject, status. Further, this distorted 'victim' representation fails to examine the way women can, and do, negotiate 'structures' to shape their own lives. As a result of my disquiet, I began to ask what is it about victimization that contributes to women's lawbreaking? I adapted Dorothy Smith's method of inquiry to develop a method which includes women's agency and yet retains feminist insights into economic and cultural gender inequities. This method allows one to understand agency in the context of victimization and its entanglement with lawbreaking by understanding the dialectic nature of social interaction. This dialectic understanding of action is important because we can examine not only what things come into view as structural or institutional processes, but also see more clearly the undercurrent of resistance and survival so relevant to feminism. Further, this method looks at women's lawbreaking differently – it captures women's agency as a counter-discourse to existing feminist discourses of victimization. A small research study was conducted for this thesis. Nine women were interviewed about their lives growing up and their experiences with lawbreaking. From this data, three areas were explored: "invalidation", "addiction" and "negotiation". The analysis of these themes explores, and then maps out, courses of women's lawbreaking action and how those courses are coordinated by the ruling relations. This project aims to contribute to feminist scholarship on women's courses of lawbreaking action by offering Smith's method of inquiry as a way to capture both women's agency and how that is coordinated by the organizational and social relations of ruling.

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Chapter One - Introduction

My first encounter with the topic of women and crime was as an undergraduate student, exploring the subject through the lens of Canadian academia. I took a variety of courses, mostly in the Sociology department, which focused on crime, deviancy and social control. It became clear to me very early that the subject of crime and deviancy was primarily focused on the actions of men. In everything from theories of criminalization to histories of the prison to analyses of the contemporary criminal justice system, women were included almost exclusively as the victims of male actors. On those rare occasions that the criminal action of women was discussed, it was as an addendum, in a single 'critical issues' lecture or a supplementary reading. The absence of a gender analysis in the academic treatment of crime was particularly noticeable since gender is the primary identifiable characteristic in lawbreaking behavior (Naffine 6). I was hopeful, then, when I began to discover a limited but growing literature on women and crime. I was particularly excited by literature written by feminist scholars.

For all its importance, however, the majority of feminist work on women and crime has continued to address women who are the victims of crime. The minority of work examining women lawbreakers focused initially on crimes committed by women which were primarily related to their experiences in the world as women, such as prostitution and spousal homicide. It therefore retained the emphasis on victimhood, albeit now as an explanatory framework (Comack

1996, Faith 1993). What is more, feminist scholarship on women's lawbreaking was almost always put into context that women commit only about 10% of all recorded crime and that their crimes tend to be lesser ones (fraud, shoplifting, prostitution) (Comack 1996, Gilfus 1992, Faith 1993).

From this body of academic work, publications and case studies has come what Daly calls the "leading feminist scenario", which sketches a composite of women lawbreakers:

Whether they are pushed out or ran away from abusive homes, or became part of a deviant milieu, young women begin to engage in petty hustles or prostitution. Life on the streets leads to drug use and addiction, which in turn leads to more frequent lawbreaking to support a drug habit. Meanwhile, young women drop out of high school because of pregnancy, boredom, or lack of interest in school, or both. Their paid employment record is negligible because they lack the interest to work in low-paid or unskilled jobs. Having a child may facilitate entry to adult women's networks and allow a woman to support herself in part by state aid. A woman may continue lawbreaking as a result of relationships with men who may also be involved in crime. Women are on a revolving criminal justice door, moving between incarceration and time on the streets.

[Daly: 1992, 136]

This composite is supported by some of the limited statistics on women lawbreakers and most feminist analyses reflect this understanding of women's lawbreaking. The result has been the predominance in feminist academia of a conceptualization in which girls' and women's experiences of victimization growing up inevitably impact – if not determine - their criminalization as adults. This is what Karlene Faith calls the "victimization-criminalization continuum" (1998) and it is the most common explication of women's lawbreaking in feminist scholarship.

There are some feminist authors, however, who are not completely satisfied with this 'leading scenario'. Daly asks us precisely "what lies in the 'black-box' between one's experiences of victimization as a child and of criminal activities as an adult?" (Daly 136). She questions how can we assume what happens in the transition between victimization and criminalization. Daly is careful to expose that "[a] seamless web of victimization and criminalization tends to produce accounts which focus on victimization and leave little agency, responsibility, or meaning to women's lawbreaking" (Daly 150). Taking that analysis a step further, some authors suggest that feminist scholarship on women's lawbreaking suffers from a form of gender essentialism. As Hillary Allen argues,

[b]eneath all these arguments, feminist discussions share... the underlying predisposition to view criminal women as more victims than aggressors, more sinned against than sinning, more to be pitied than to be blamed. The positioning of female subjects is to some extent a structural characteristic of *all* feminist discourse, as is the refusal to allow female subjects to appear as morally guilty or personally discreditable.

[Allen: 1987, 93]

As the primary, sustained body of academic interest in the area of women and crime, feminism authoritatively approached this topic from a larger understanding of women's status in the Western world. What has resulted are representations of women's lawbreaking behavior which render them victims. The victimized representation in academic feminist scholarship is produced as a result of gaps (regarding women's agency/actions) in the explication of women's lawbreaking behavior, gaps which promote a distorted representation of women

lawbreakers. What is more, even where such representations do consider women's agency, they do so in problematic ways by suggesting that agency/action is a response to, or somehow pre-determined by, larger structures (patriarchal, oppressive). For example, popular topics in academic feminist scholarship include women who kill abusive partners and women who commit fraud. In both cases the representation of these women is of someone who had no other course of action, but to commit these crimes, since the law tends not to protect women from domestic violence and since economic marginalization keeps women from fleeing such situations, or from being able to provide for their families (enter cheque fraud). In such cases, the focus of analysis tends to be on women's victimization by oppressive structures (law, capitalism) rather than women's agency within such structures. What becomes obscured, then, is the way women themselves can and do negotiate these structures to ultimately shape their own lives (for better or for worse). In other words, the focus on victimization has produced three problematic issues in academic feminist scholarship on women's lawbreaking: first, there is a tendency to reproduce paternalist theories, however inadvertently; second, this literature is informed by a logic of denial/suppression of women's actions/agency and third, feminism's own gender determinism and essentialism produces a tautological reasoning which is unable to adequately explain the relationship between structure and agency. As will be discussed, these weaknesses are largely the result of flawed methodological practices which, though not exclusive to feminism, are

particularly problematic for analyses which aspire to political, if not liberatory, significance.

As a student interested in gender, and as a student who identifies with a feminist ontology, my understanding of women's lawbreaking behavior has been greatly informed by a feminist scholarship which remains unsatisfactory. Through courses grounded in a feminist perspective, an understanding of women lawbreakers as victims – Daly's "leading feminist scenario" – began to shape my understanding of women's oppression and subsequent lack of agency, an understanding that posits an almost 'natural' connection between victimization and criminalization.

Thoroughly trained in this paradigm, I began to work and volunteer with women lawbreakers in the Lower Mainland. To my surprise I began to see a different picture emerge. Many of the conditions of women's lives that academic feminism had focused on, such as experiences with abuse and drug addiction, were certainly evident in many of these women's lives. However, I began to question whether their stories always supported the proposition that "oppressive" elements and experiences of victimhood were the main cause of their lawbreaking. I began to encounter women of whom feminism never spoke: women who were violent; women who broke the law but had not been victimized in any particularly glaring way; women who were cognizant of feminism, but were not comfortable with its explanations of their lawbreaking. These women seemed to be just as present as women who fit academic feminist accounts of women's lawbreaking. Lastly, I encountered a large group of women outside my

work who had been victimized but had never been apprehended for breaking the law. My experience with women lawbreakers began when I started volunteering at a half-way house for women in the Lower Mainland that was operated by the Elizabeth Fry Society. I volunteered as the house's recreation night worker and was responsible for offering the residents the opportunity to get 'out and about' in 'mainstream' social activities. We often went to the shopping centre, went to movies, had coffee and also began the process of getting accustomed to life outside of prison (for example, getting identification, applying for school). During this time I began to see these women in their social setting inside and outside the house. These women talked about what they had done and the impact of their courses of action on their friends and families. I also saw how these women related to each other and how they were very active and knowledgeable of the social order of the women of the house – an extension, somewhat modified, from prison. Watching these women socialize, watch TV, cook, eat, and clean I began to see the women act in ways that weren't discussed in feminist scholarship. Along with expressing experiences of victimization, for example, these women were also at times coercive, aggressive, predatory, manipulative, and violent in their day-to-day lives. These women's behavior strategies, at times, mirrored the characterizations of men in feminist scholarship and certainly contrasted with my understanding of women's lawbreaking I had gathered from feminist scholarship.

A number of months later I began working at the same half-way house as a residential support worker. I began to see further how these women negotiated their probation/parole orders, their case plans and the bureaucracy of the

Elizabeth Fry Society when I had to interact with them as a worker. Again, these women would act in ways that expressed both their victimhood (when that applied) and their agency – neither of which often tended to be productive nor healthy. I began to see that these women were capable of all of all kinds of actions, be they cunning, devious, resourceful, productive and/or destructive. I began to wonder if I was getting an accurate picture from feminist scholarship and its usage of victimhood as an explanatory framework. As well, I wondered whether I was getting the full picture from what I was hearing and seeing from/of these women as far as their agency and actions in their local setting. I wondered, were these women's 'behavioral' strategies in place prior to prison? And further still, I wondered how their experiences of victimization fit into their strategies in their everyday lives.

During my experience as a worker I began to notice that while there were many women who had broken the law and who had been oppressed or victimized, the connections between victimization and criminalization were not always clear. The question then arose: What is it about victimization that contributes to women's lawbreaking behavior? Specifically, is it sufficient to address victimization only in explanations of women's lawbreaking behavior, or is something more required? The notion that seamless connections were to be made between victimization and lawbreaking seemed increasingly untenable. Considerable questions began to emerge in my sense/understanding of women's lawbreaking behavior.

As a result I began to sense a disjuncture between what I “knew” (from academic feminist scholarship) and what I “saw” (as a worker with women lawbreakers). This disquiet began to emerge from the differences between the two. This disquiet was centered around the fact that women lawbreakers agency was suspended in most academic feminist accounts of women’s lawbreaking. What women lawbreakers do, or how they actually negotiate their experiences, are either missing or only partially and problematically included (eg. Limited to instances of homicide in response to spousal abuse). This silence around cases which challenged this view – and which I so often encountered in my frontline work - seemed to be a major weakness in most feminist scholarship. Lost in all of these accounts are women’s everyday experiences as active players in their lives, as individuals who not only are acted upon but who act themselves upon the world, whether they do so in purposeful, survivalist, or destructive ways. My research questions arise from my sense of a disquiet between my understanding of women lawbreakers as victims which comes primarily from feminist scholarship and my understanding of women lawbreakers which comes from my experiences as a worker. This disquiet interested me professionally because feminist discourses were, at the very least, guiding the principles of the Elizabeth Fry Society; as such their ideology contributed to how they developed, implemented and supported programs and resources. This disquiet also interested me personally because I was feeling a discord between feminist principles of empowerment and how women lawbreakers were being portrayed by feminist academics. Considering that the women I encountered had survived

the conditions of the downtown east side of Vancouver, a neighbourhood from which 63 women are currently missing and presumed dead at the hands of a serial killer, these questions seem especially relevant. Understanding women's lawbreaking, women's strategies for surviving a setting that many often do not is then even more imperative.

Research Question:

This thesis has taken shape as a response to two key questions. First, how do we develop a methodology for examining women's lawbreaking behavior which includes their agency and yet retains feminist insights into economic, political and cultural gender inequities? Second, how do we understand "agency", particularly in the context of victimization and in its entanglement with criminalization/lawbreaking behavior? A brief review of how such questions have been dealt with in previous work follows. This review explores the methodological issues in greater detail and provides the foundation for my research, and its contribution to future scholarship.

To begin, a number of authors challenge work on women's lawbreaking that operates to produce a picture in which women's lawbreaking behavior is necessarily tied to their victimization. Academics such as Hillary Allen (1987) and Margaret Shaw (1992) have taken issue with a feminist paternalism that they identify as emerging out of academic feminist scholarship in the 1980s and 1990s.

Following Shaw and Allen, I suggest that academic feminist representations of women lawbreakers fall into two categories, both of which illustrate flawed methodological principles. First, there are those works which have omitted women's agency entirely; second, there are those which, in attempting to overcome this error (or not), have nonetheless included agency in a problematic way, as necessarily a response to victimhood, and often a response which is somehow 'natural' or unthinking. In both cases, what is produced is a distorted representation of women lawbreakers as victims and nothing more, a representation which does little to help us recognize how and why women act in various ways in their negotiation of very real, but by no means static or all-powerful, social institutions. It is precisely this conceptualization which Shaw, Allen and myself have identified as dissonant with our own experiences with women who have broken the law.

For all their insight into what is problematic with much (of this area of) feminist scholarship, Allen and Shaw do not offer a way of overcoming these problems when analyzing women's law-breaking behavior. In order to develop a method of inquiry which can challenge current representations in feminist understandings of women's lawbreaking I adapt the work of Dorothy Smith. While Smith developed her method of inquiry over a number of decades, I draw specifically on both "The Everyday World as Problematic" (1987) and "Writing the Social" (1999). For Smith, a method of inquiry must begin with local everyday experience rather than at the level of what she calls "the ruling relations". It is from the standpoint of the everyday/everynight experiences of women that the

negotiation of our everyday world is discoverable. In taking the standpoint of women, Smith suggests, we can examine not only what things come into view as structural or institutional processes, but also see more clearly the undercurrent of resistance and survival so relevant to feminism. Smith's concept of "the ruling relations" - "the complex of objectified social relations that organize and regulate our lives in contemporary society" (Smith: 1999, 73) – refers not only to institutions but also the lived experience of those institutions, and the impact of action back upon them. It is, therefore, at the level of the everyday that we can observe how people (in this case women) experience the ruling relations and how their experiences are organized by/within them. Smith's method allows us to demonstrate the detailed, diffuse and multiple instances of power relations (not only power/actions exerted by the ruling relations, but also the power and actions exacted by people, women, within the ruling relations). This dialogic of Smith's method is important since it allows us to not only examine how women's lives are organized in oppressive ways, but also to look at how women constitute and engage the ruling relations in their everyday lives. Looking at women's engagement with the ruling relations uncovers not only how oppressive forces organize women's lives, but also how women *negotiate* those forces through action.

This research seeks to adopt Smith's method to uncover the agency in women's lawbreaking behavior that has to this point been de-emphasized in most academic feminist scholarship. It is my belief that by using a method of inquiry adapted from Dorothy Smith, and being mindful of the flaws in feminist

approaches to women and crime as identified by Allen and Shaw, I will be better able to include women's agency while maintaining a feminist analysis which acknowledges that institutions and inequities, though not hegemonic, are certainly significant constraints. I will then be better able to fill in the gaps in current academic feminist literature and to produce a picture of women's law-breaking behavior which can be checked back to how things actually are. It may also help us better articulate how victimization contributes to women's (and men's for that matter) lawbreaking behavior without falling into the traps of determinism. Ultimately this approach aims to look at women's lawbreaking differently; it aims to capture women's agency as a counter discourse to the existing academic feminist discourse of victimization (by including the complex of both agency and victimization).

What this thesis seeks to provide is the story of what the women in this group actually did in their everyday lives and how their actions and their everyday experiences are both established by and responses to the "ruling relations". It is a story that, instead of presenting women lawbreakers as victims allows us to see how these women negotiate oppressive forces. This distinction is important. What matters is not only *what* is represented (i.e. that the majority of women lawbreakers have been victimized) but *how* it is represented (i.e. as victims). The difference for me comes primarily from the fact that the representation of women lawbreakers as victims does not always hold true, even where experiences of victimization can be shown. What is more, the current leading feminist scenario

of “women (lawbreakers) as victims” seems to speak to the status of women more generally than women lawbreakers specifically.

Finally, beyond the disharmony between what “I know” and what “I see”, and beyond the problematic, distorted representation of women lawbreakers in feminist scholarship, this thesis reveals the importance of recognizing feminist criminology as a discourse of power, both in its institutional location and its role in constructing representations of women. Smith (1999) builds on Michel Foucault to illustrate this type of conceptualization of power and discourse.

Michel Foucault (1980) has taught us to recognize the complex of text-mediated relations itself as an organization of power. He writes of it as ‘power/knowledge’, envisaging it as a decentred form of power, distributed over a complex of discursive sites. Creating and reproducing ideology, concepts, knowledge, theory, etc., have been largely the business of an intelligensia, carried on in multiple sites and a variety of media, but participating in the same, loosely coordinated complex of relations.

(Smith 173-4)

Understanding academic feminist discourse in this way illustrates the impact it can have on academic and societal understandings of women lawbreakers. As such it is imperative that we not only question but attempt to resolve academic representations, such as the ‘victim’ representation, which do not resonate with lived experiences.

Terminology

It would be prudent at this time to provide a brief overview of key terms to limit confusion over their usage within this paper. By agency (perhaps the most

important of such terms) I refer to people's capacity to act on their own behalf. I argue that in recognizing the complex form of relations that order our everyday activities, it is inappropriate to discuss action simply in terms of choice or motivation. This concept of agency better reflects the complex nature of coordinated social activity in which women's action takes place. It allows for a more fluid understanding of action, and further aims at preserving women's embodied actuality (which includes their everyday actions). More than 'choice', then, agency captures women's *negotiation* of the social relations that organize their lives. It allows a space for unveiling women's everyday behaviors which may be resistant, pro-active, or destructive but are simultaneously both self-determining and socially-constructed. When using the term *agent* I am referring to women as persons who have agency, the ability to act and negotiate their everyday experiences. This term recognizes as well that one's agency, and capacity to be an agent, is concerted and coordinated by the ruling relations; it does not, however, uniformly assume that this concerting is always oppressive.

Terms for women who break the law, specifically in Canadian feminist theorizing, have fluctuated from "women in conflict with the law" (Currie & Alderberg 1989, Task Force on Federally Sentenced Women 1990), to "criminalized women" (Faith 1993), and to "women in trouble" (Comack 1996). These terms have been created by feminist writers seeking to redress the negative stigmatizing caused by terms commonly used in the criminal justice system and correctional services, most notably "female offender". In an attempt to place the onus not on the "lawbreakers", but on the system and its prejudiced

composition and application, feminists have painstakingly attempted to construct a term which could reflect such ideals and encapsulate the various dynamics they saw as involved in the construction of women who broke the law. As Karlene Faith (1993) argues, "to indiscriminately attach the label 'female offender' to all convicted lawbreakers who are female is to deny women's diversity and to promote gender-based objectification and stereotyping" (Faith: 1993, 57). In the term "female offender", Faith sees not only a restrictive label, but a gender-stereotyped one. She does not, however, address the fact that male lawbreakers are termed in the same manner ("male offenders") without any discussion of the dynamics of their contextualized criminal experiences. In her effort to approach women lawbreakers in a dynamic and non-stigmatizing manner, then, Faith demystifies women's labels only, contradicting her own stated objective to, "lose the need for labels, or for gendered stereotypes" (Faith 59). In addition, the term Faith utilizes throughout her text - "criminalized women" - only draws attention to the mechanisms of the criminal justice system and the process of criminalization. While this is important, at its core this term fails to expose or even include women's agency in their lawbreaking behavior. It succeeds only in promoting a different kind of gender-based objectification and stereotyping – one which places more emphasis on the effects of oppression than on women's agency.

The term "women in conflict with the law" has been a popular one in the Canadian context, especially under the influence of the "Creating Choices Task Force on Federally Sentenced Women" (1990). The term 'conflict' utilizes

concepts of resistance, and implies a struggle women are knowingly, and actively, engaged in. It is highly questionable whether women who break the law would categorize themselves as such. Breaking the law is not defined by merely conflict, but also by surveillance, apprehension and discipline based on legally constructed norms. Displacing the conflict to the law detaches the everyday/everynight activities of women which Dorothy Smith identifies as a primary component of the female experience (Smith 1999). Therefore, in glossing over the contextual element of the instance of breaking a certain law, this term reduces the experience (lawbreaking) to a monolithic concept, one which does not allow for diversity, nor diverse representations of a very dynamic group of women (i.e. different crimes, lifestyles, status, biographies, etc.). Further, and similar to the term “criminalized women”, the agency of these women is diminished. Under such terms, these women did not *de facto* break the law, but rather were *criminalized* , or they were in *conflict*.

Lastly, the term “women in trouble” (Comack 1996) relies more heavily on a contextual experience forsaking the larger, variant, mitigating forces (the law, cultural standards, the juridical body). This term also lessens the seriousness of the context in which these women find themselves, and is imbued with some psychological notion which would question the subject’s (lawbreaker’s) mental state (i.e. she is troubled). The term also takes on a paternalistic and infantilizing tone.

Taken together, the terms generally used to describe women lawbreakers are imbued with a sympathetic viewpoint that blurs and subverts the agency of

women lawbreakers. Further, these terms have elements of the social purity and masculinist movements/discourse which render women without agency and at the same time mystifies and romanticizes them. Consider the following introduction to Karlene Faith's book, Unruly Women;

The unruly woman is the undisciplined woman. She is a renegade from the disciplinary practices which would mold her as a gendered being. She is the defiant woman who rejects authority which would subjugate her and render her docile. She is the offensive woman who acts in her own interests. She is the unmanageable women who claims her own body, the whore, the wanton women, the wild woman out of control. She is the woman who cannot be silenced. She is a rebel. She is trouble.

(Faith 1)

This description reads more like a fiction crime novel than a perspective on how these women are represented, and sets the stage for a romantic and mystical construction of the woman lawbreaker as a vigilante, renegade, grass-roots radical feminist, full of action and purpose, all of it directed at questioning patriarchal authority. We, of course, cannot take Faith's introductory paragraph out of context in a book which spends 300-odd pages explicating her position on women lawbreakers. However, as the opening paragraph, this construction positions women lawbreakers in the role of the renegade, the heroine, the whore, the wild woman, couched more in the fantastic than in concrete representation. The re-casting of the criminal justice experience for women into a 1990's radical feminist Nancy Drew character not only plays into mystifying the figure (like masculinist/paternalistic approaches), it also resembles a casting which

constructs these women as feminist foot soldiers - certainly not a subject position all women lawbreakers would be willing to assign themselves.

In an attempt to temper some of these terms' lack of agency, it is my intention to use the term "women lawbreakers" to describe the group of women who are convicted of an offense by the criminal justice system. This term is useful, comprehensive and appropriate when we consider that to *break* is defined as, "to fail to conform to; to act contrary to" (Houghton Muffin English Dictionary 1980). The term is relatively straightforward: it refers to the actors (women), the issue (the law), and the primary relationship (breaker: to fail to conform, act contrary to) without being imbued with unnecessary negative stigma (offender, hence offensive), on the one hand, and without being imbued with sympathetic, paternalistic or romantic ideals ("in trouble", "wanton woman") on the other. The term "woman lawbreaker" reveals that the subject is a person of female gender who has broken the law. It is hoped that the previous problems associated with other feminist terms have been advanced in the application of the term 'women lawbreakers' in this research project.

In keeping with a Smithian critique and investigation, I began my inquiry with my own experience with women's lawbreaking behavior, both on the university campus and in frontline work. This thesis, similarly, begins with the lived experience of its subjects. In the following chapter I will look more in-depth at problematic areas in feminist scholarship on women lawbreakers taking up specific methodological matters in Chapter Three. Chapters Four and Five, respectively, explore the data from the research project and analyze the findings.

Finally, Chapter Six highlights implications of my research for future analysis of women lawbreakers.

Chapter Two – Literature Review

The distorted representation of women lawbreakers as 'victims' is constructed both inside and outside academic feminist scholarship. As a student who identifies with a feminist ontology, my understanding has been informed primarily by constructions of women lawbreakers as 'victims' generated by academic feminists. The disquiet that arose from the contrast between my understandings of women lawbreakers and my experiences with women lawbreakers is the reason for my inquiry.

Historically, criminology's consideration of women as lawbreakers began with the work of Lombroso and Ferrero in the 19th century, whose theories relied on biologically deterministic arguments and racist, sexist and classist assumptions of the characteristics of women 'criminals' and their 'criminal' activity (Lombroso & Ferrero 1897). Theories and case studies exclusively on women lawbreakers were few and far between, and mostly had some element or another of Lombroso's work. It was not until the emergence of feminist thought and its engagement with criminology that traditional assumptions and biological treatments began to be questioned substantially, and women lawbreakers became the focus of new and critical analytical frameworks. Feminism's attention to the subject of women and crime emerged in the 1960's and 1970's on two fronts. First, feminist scholars began interrogating criminology and critiquing its androcentric and sexist focus; second they began creating work by and for women on women and crime. This feminist scholarship initially focused almost

exclusively on women as victims of crime, and was generally empiricist in methodology. It worked towards 'correcting' male or scientific views on criminology with the inclusion of feminist concepts (Bertrand 1969, Heidensohn 1968, Smart 1976)

Through the 1980's and 1990's, feminist approaches to criminology expanded to include standpoint and post-modern analyses. Not only did this feminist work convincingly expose the gender biases of traditional criminology, it also brought to the forefront issues of race, class and sexuality as necessary aspects of any discussion of crime (eg. MacKinnon 1983, Heidensohn 1987, Carlen 1988, Daly & Chesney-Lind 1988, Gelsthorpe 1989, Smart 1990). The way we conceptualize issues such as domestic abuse, rape, sexual harassment and violence against women was transformed by feminist scholarship during this period, creating an intellectual shift which can be largely credited to feminist scholarship.

As a researcher with the Canadian government-commissioned study "Creating Choices: Task Force on Federally Sentenced Women" (1990), Margaret Shaw (1992) discusses her reservations about the processes and ethical implications of advocating change and defending women in prison, namely replacing one form of power and control for another. The Creating Choices research project and subsequent report was the first of its kind; at that time there had been no study of its size or scope to focus on the experiences of federally sentenced women in Canada. The task force's uniqueness is also reflected in its composition - over half of its members came from

community/special interest groups (including former women lawbreakers) - and its mandate to operate according to explicitly "feminist" principles. Despite her involvement with it, Shaw argues that the Creating Choices report retains elements of a feminist paternalism, particularly as it tends to go beyond documenting women's experiences into identifying not only these women's needs, but also how to meet them. What is more, Shaw suggests that the women's views on some subjects were artificially harmonized, even when a great disparity existed among them. For example, just under half of the women in the study wanted the choice to be housed with men, a finding that was underplayed in the report because it contradicted a fundamental premise of most feminist advocates. Further, Shaw indicates that at times the Task Force report "...seems to deny that they [women lawbreakers] are capable of making choices" (Shaw: 1992, 447). Shaw sees this position as developing from an understanding of these women, uniformly, as victims. Consider this excerpt:

'The research has also validated the commonly held belief that a very high proportion of federally sentenced women have very abusive backgrounds, and therefore, have the psychological and emotional needs resulting from such abuse'
(Creating Choices 1990: 113).

Shaw is quick to caution that,

It is not far from this position to one which sees all women in prison as lacking self-esteem as a result of their victimization...It is perhaps of some interest that not one of the women interviewed said that they wanted programs on self esteem

(Shaw 448-9)

Although it is well documented that people suffering from low self-esteem rarely are cognizant of that fact, or how to remedy it – this point aids us by illustrating the uniformity with which the report characterizes federally-sentenced women's needs and how to go about meeting them. The report's reasoning operates to verify its authority on this matter by linking its findings to "commonly held beliefs". The result is a document that treats assumptions as fact, even if contradicted by (federally sentenced) women's own voices.

Beyond the report's tendency to give priority to needs "as defined by others", Shaw also argues that it suffers from oversimplification. As she explains:

The current trend of seeing women as victims - exploited by society economically, and as individuals physically and sexually - while powerful in terms of many women's experiences runs the risk of substitution and oversimplification. It also denies any element of choice on the part of the individual women. Some women have chosen *at some time in their lives* to use violence, to pursue a criminal career.

(Shaw 449)

While Shaw admits that there must be some way to develop "explanations as to why they chose these forms of behavior or lifestyle, in terms of victimization or the limited nature of the choices open to themselves" (Shaw 449), this task is obviously beyond the scope of her paper. She is careful, however, to warn that, "[i]n our efforts to defend the women in prison, the defenders run the risk of substituting male paternalism with what could be seen as 'feminist paternalism'." (Shaw 450).

Hillary Allen reaches similar conclusions in her analysis of criminal court records in Britain. What Allen also uncovers is that some feminist discussions of women's law breaking behavior are starkly similar in reasoning to paternalistic attitudes of the court. As she argues, "[o]n the one hand, the notions of female subjectivity that underpin this treatment are in many ways offensive to feminism; on the other hand, they sustain a logic of denial and exculpation of female crime which many feminist discussion are also engaged in promoting" (Allen 82).

Further, Allen argues:

In some cases this reproduction is self-conscious and more or less cynical: without ignoring the darker side of such portrayals, it is quite possible to urge their calculated exploitation, as offering both a limited opportunity for particular women to avoid the full rigors of punishment,

and a point of leverage from which the general bias *against* women may to some small extent be redressed.

(Allen 92)

Although the court reports differ greatly in ideological grounding and politics from feminist discussions, Allen argues that their "content and structure are often much the same" (Allen 92) in that feminist work often explains women's lawbreaking in reference to the oppressive economic or social circumstances of women's lives. "Likewise, certain feminist discussions participate in the 'normalization' of the female criminal – refusing any notion of the female criminal as in any way more irresponsible or anti-social than other women, and instead asserting that 'any woman' might react with such behavior in comparable

circumstances" (Allen 92). Allen further argues that this 'predisposition' to view women lawbreakers as victims results in a selective attention to certain aspects of women's lawbreaking (for example, violent behavior). Not simply a feature of feminist criminology, she suggests that this emphasis on women's victimhood is "to some extent a structural characteristic of *all* feminist discourse" (Allen 93).

While I do not argue that the subject must be positioned as either victim or aggressor, Allen's point has value. It aids us by illustrating how flaws, such as omissions of women's violent crime or failure to examine their day-to-day actions/choices, have resulted in a distorted image of women lawbreakers as always and everywhere passive victims. Such an image is not only incomplete, but could be seen as offensively oppositional to the spirit of feminist principles of empowerment and self-consciousness. What is called for is a feminist methodology capable of recognizing that, "these women can also – even at the very moment of their victimization and coercion – be conscious, intentional, responsible, and potentially dangerous and culpable subjects of the law" (Allen 93-4).

In the following section I explore how, by way of three problematic areas, academic feminist scholarship has constructed a distorted, 'victim', representation of women lawbreakers. I discuss the tendency of some academic feminist scholarship to, however inadvertently, reproduce paternalist theories. A number of examples will be presented in order to explore this 'feminist paternalism'. I follow this overview with a discussion of a logic of denial in academic feminist scholarship on women's lawbreaking. Certain scholarship will

be presented to explicate how women's lawbreaking has been theorized in a way that suppresses women's actions/agency in their lawbreaking. I conclude with a discussion of feminism's gender essentialism when theorizing women's lawbreaking. Examples of this gender essentialism will be presented in order to demonstrate how it produces a tautological reasoning which is unable to adequately explain the relationship between structure and agency.

A Feminist Paternalism

A feminist paternalism is accomplished when assumptions are made that women (in this example lawbreakers) are necessarily 'misguided', or need to have their consciousness raised (Shaw 448). Further, this paternalism is produced when theorists assume a) they know best as to what the nature of the situation is (in this example lawbreaking) and b) that they know best how to correct the situation. When a feminist paternalism exists in feminist scholarship on women's lawbreaking it serves to reinforce a representation of women lawbreakers exclusively as 'victims'. However inadvertently, feminist paternalistic theories of women's lawbreaking run the risk of being antithetical to feminist principles. In the following section I discuss two such examples of feminist scholarship on women lawbreakers, Creating Choices: The Report of the Task Force on Federally Sentenced Women (1990) and In Conflict With the Law (Adelberg & Currie 1993).

Paternalism: 1. A policy or practice of treating or governing people in a fatherly manner, *especially by providing for their needs without giving them responsibility* (Houghton Muffin Canadian Dictionary, 1980, ,my emphasis).

Academic feminist work on women's lawbreaking has worked not only to expose paternalistic approaches of the criminal justice system, but also paternalistic approaches to theorizing women's lawbreaking. Feminist scholarship has long dismissed work on women and crime that is produced from a paternalistic (read: male) perspective. Such perspectives (conventional criminology, Lombroso 1898, Pollack 1950) at their worst are heavily imbued with the conceptualization of women's lawbreaking as consanguineous to their mental neuroses, their limited intelligence and generally limited capabilities based on a sexist conceptualization of women as a gender (Allen 1986). Further, feminist scholarship on women's lawbreaking argues that frameworks developed in the interests of men (read: patriarchy, paternalism) have no "right", insight or knowledge to theorize about women's experiences with the law (Smart, Naffine, Daly & Chesney-Lind). Therefore, the feminist critique of 'paternalistic', masculinist approaches centers on two points 1) masculinist, conventional frames do not represent the experiences of women and 2) feminist researchers (as women) are best suited to conduct research on women. While I agree with the first point, I find the second problematic. The assumption that women are best suited to study women operates to essentialize women's experiences because it assumes shared experiences between researcher and subject (Carrington 1994).

Hillary Allen's article, "Rendering The Harmless: The Professional Portrayal of Women Charged with Serious Violent Crimes" (1987) was among the first scholarship to identify a feminist paternalism in writing on women's lawbreaking. Allen demonstrates how the criminal justice system conceptualizes women in a paternalistic way, and, further, how conventional, masculinist concepts of women define the way women are treated in the criminal justice system (Allen 1987). Allen also draws attention to paternalistic attitudes in some academic feminist scholarship. Not only does she find evidence of paternalistic attitudes towards women lawbreakers in some feminist scholarship, she also identifies similarities in the epistemologies of both 'masculinist/conventional' and 'feminist' approaches (Allen 1987).

What is at hand is the notion of femininity (conceptualization of gender, women) held by each approach and how these notions have influenced their representations of women lawbreakers in their respective discourses. As masculinists, conventional criminologists invest in a notion of femininity which relates to (is defined by) traditional gender roles and biology. They theorize women's lawbreaking as determined by menstrual cycles, hysteria, and emotional vulnerability (a biological determinism). Conversely, feminists invest in a notion of femininity which is linked to an understanding of women's shared oppression and gender inequality. They theorize women's lawbreaking as determined by the conditions of oppression such as poverty, gender inequality, and victimization. Although the resulting conclusions may appear to be

oppositional, the process by which the subject has been positioned and presented within each respective discourse is the same. The process is one which places more emphasis on a certain understanding of women's femininity than giving her responsibility and agency in her behaviors. Further, this logic overlays understandings of a fixed gendered actuality onto every woman's experience. This type of process occurs in most conventional and feminist representations of women's lawbreaking.

What is objectionable about such paternalistic representations is that they reduce action to an ideological or structural effect. For conventional criminologists, women's actions are an effect of (for example) passivity or domesticity, for feminists women's actions are an effect of (for example) oppression. What is paternalistic about this way of thinking is that it asserts its authority, its right to substantiate and legitimate these representations of women's lawbreaking, without often giving the women responsibility. What is feminist about this logic is that it also assures us that it speaks for "women's experiences".

Adelberg and Currie's article, "In Their Own Words: Seven Women's Stories" (1987), is part of an anthology on 'women in conflict with the law'. It aims to 'acquaint' the reader with "some of the women about whom this book is written" (Adelberg & Currie: 1987,117). The authors begin the article by noting that "[w]hile cautioning that these seven stories should not be interpreted as "everywoman's" story of her involvement in crime, our experiences as workers with women offenders tells us that they mirror, in many ways, the reality of many

women offenders' lives." (Currie & Adelberg 117). These authors claim that their 'experience as workers' legitimates this small sample of women as representative ("in many ways") of all women lawbreakers. As such, we are informed to take these women's accumulative stories as "what is really happening" with women's involvement in lawbreaking. What the article fails to point out is that these are women convicted of federal crimes and they are the minority of all women lawbreakers in Canada¹. Further, not only does this representation assert its authority on the subject, it also instructs us how to receive these women's stories. Adelberg and Currie conclude that,

[these women's] stories lead us to reconsider the definition of crime. Is it a crime to steal food and clothes for one's children as Elaine did – or rather, is it a crime that the welfare system provides such miserly allowances that mothers cannot afford to adequately feed and clothe their children? Is it a crime that a woman kills a man who rapes her?...Is it a crime that a woman takes part in her husband's armed robbery? Of course it is, but it is also a crime that her husband can beat her into obedience and into fearing for her life.

(Adelberg & Currie 148)

This quote concerns the application of the law more than it concerns women's lawbreaking. As well, the interpretation of these women's stories 'in their own words' (as the article title indicates) seems to explain each woman's crime away. For each statement of what these women did, there is a counter-claim which

¹ In 1991 there were two hundred federally-sentenced women. In 1996, 5% of adults sentenced to federal custody were women and 9% of adults were sentenced to provincial custody. The difference between federal and provincial lawbreakers is their sentence. Provincial lawbreakers are sentenced to 2 years less a day and less. Federal lawbreakers are sentenced to 2 years and more. Federal crimes are mostly 'violent crimes', or involve 'substantial' (over \$1000) monetary loss. Provincial crimes involve mostly non-violent and property/drug crimes.

follows that operates to erase the responsibility of these women's actions; the crime is normalized (Allen 1987).

As mentioned in the introduction, Shaw identified elements of a 'feminist paternalistic' attitude in the government-commissioned report on federally-sentenced women, Creating Choices: The Report of the Task Force on Federally Sentenced Women (1991). Shaw illustrated that, at times, the participants' opinions were artificially harmonized when their opinions did not reflect the attitudes of the researchers/writers. This was the case with the issue of women being housed with men. Just under one half of the women in the study claimed they wanted to be housed with men, a point that was underplayed in the report. Further, the study asserted that women should not be housed with men because most women had experienced victimization at the hands of men and being housed with men would re-traumatize women (Creating Choices 1991).

Throughout the document, the writers emphasize that "the voices of women and those who care were authoritative sources for this report" (Creating Choices: Chapter 5, 1). By "those who care" the report refers to the practitioners, advocates and former lawbreakers who formed the research committee and guided the research projects. There are many references as well to "consultations with women" and that the resulting "insights of research reflect the voices of the women" (Creating Choices: Chapter 5, 20). However, as we have already seen, the report has tended to already harmonize the data, if not ignore variation in responses of participants (i.e. women being housed with men). The temporary suspension of women lawbreakers' opinions also demonstrates the

tendency of the report to seek to 'take care' of women without giving them responsibility. The report recommended women not be housed with men without dealing with the fact that over half the women surveyed claimed they did want to be housed with men. As a result, the writers assert their authority over women lawbreakers by 'knowing what is best' for these women.

A Logic of Denial²

In scholarship on women's lawbreaking, 'a logic of denial' happens when there is, on the one hand, an emphasis on the (usually oppressive) conditions of women's lives and, on the other hand, a suppression of women's actions. In some feminist scholarship on women's lawbreaking the discussion of women's actions assumes that there is a lack of agency for women and the emphasis is instead on the forces that restrict agency (the state, the law, patriarchy). This logic of denial (of women's agency/actions) happens despite the fact that a majority of feminist work has consistently asserted that silences must be unmasked (cite). Much feminist scholarship has argued that diversity must be addressed and that presenting one perspective (women lawbreakers who are restrained by oppressive mechanisms and commit crimes of 'survival') necessarily renders another invisible (women lawbreakers who are not restrained by oppressive mechanisms and commit crime not related to survival) (cite). Academic feminist scholarship, as a discourse, has rendered the instrumental agency of women lawbreakers invisible; as in conventional criminology, women's

² The term "Logic of Denial" was first used by Hillary Allen in the article "Rendering Them Harmless: Professional Portrayal of Women Charged with Serious Violent Crimes" (1987)

lawbreaking is explained in terms of brutal life histories. Her actions, her lawbreaking, her victims are denied, suppressed in such academic feminist scholarship. In the following section I discuss Elizabeth Comack's, Women In Trouble (1996), Mary Gilfus' *"From Victims to Survivors to Offenders: Women's Routes of Entry and Immersion into Street Crime"* (1992) and Nanette J. Davis' and Karlene Faith's *"Women and the State: Changing Models of Social Control"* (1987). Through these examples, I demonstrate how women's agency/actions are suppressed in academic feminist scholarship on women's lawbreaking.

Hillary Allen (1987) is, again, one of the first authors to argue that, in addition to a paternalistic attitude towards women lawbreakers, a good deal of academic feminist scholarship is prone to a logic of denial in theories on women's lawbreaking. Specifically:

On the one hand, the notions of female subjectivity that underpin this treatment are in many ways offensive to feminism, on the other hand they sustain a logic of denial and exculpation of female crime which many feminist discussions are also engaged in promoting.

(Allen 82)

There is not only a 'logic of denial' but a representation of women as subjects being acted upon, not as actors, that reveals a suppression. What is most problematic are the silences and the omissions which leave the reader with the impression that women lawbreakers have no choice but to commit crime due to their socioeconomic status or their histories of abuse (Comack 1996, Faith 1993, Carlen 1988). If this truly were the case, why haven't the rest of the very large group of women in society who are poor and/or abused broken the law?

Consider, for example, the following academic feminist perspective of prostitution. Karlene Faith and Nanette Davis (1987) argue that:

The cash nexus of sexuality (for example, dating, the marriage 'bargain', the 'kept woman', the mistress, and so on (Salamon, 1984) continues to influence a good deal of male-female interaction. At the extreme the prostitute has been the symptom of a much wider 'female sexual slavery' (Barry, 1981) in as much as she is locked into an inherently exploitative or victimizing role.

(Davis & Faith 182)

The authors not only instruct us to the nature of prostitution ('inherently exploitative and victimizing'), but they also frame the nature of the interaction for women as "locked". It is important to note that I am not claiming that prostitution is not dangerous; on the contrary. My first objection is to the essentializing of women's experiences of prostitution (in this example as exploitative and victimizing). My second objection is to the "natural" connections that are assumed between the patriarchal setting ('kept woman') and women's prostituting (lawbreaking) in such analyses. Essentializing women's experiences and assuming natural connections in a patriarchal setting contributes to an understanding of women's prostitution which treats women as victims being acted upon, from their "locked" position in the sex trade. Most importantly, the actions, the agency of women in the sex trade, is missing (suppressed, denied) from this account. This omission distorts the representation of women's lawbreaking. Although most academic feminist scholarship is clear in stating that poverty or abuse does not "cause" lawbreaking, the lack of explanations to the contrary leave us with the impression that the mechanisms of oppression, such

as poverty, are *the most reasonable explanation* for women's lawbreaking. This explanation stands relatively unchallenged as the dominant representation of women's lawbreaking (Carlen 1994, Comack 1996, Faith 1993, Creating Choices 1991).

A lack of explanations to the contrary is an omission on the part of academic feminist scholarship. This omission can also operate to suppress intent or action in accounts of women's lawbreaking. As Allen argues, "the initial psychologization of female behavior provides the conditions for a further characteristic maneuver – that of the naturalization of the crime...through suppression or denial or criminal intention, the violent deed which provides the occasion for judgment is progressively erased or redefined" (Allen 85). In much academic feminist scholarship there is a reliance on the mechanisms of oppression to explicate women's lawbreaking. This reliance is accomplished at the expense of suppressing or simplifying criminal intention; the intention of women is only to survive the conditions of poverty and abuse (Comack 1996, Faith 1993, Carlen 1998, Creating Choices 1991, Gilfus 1992).

Elizabeth Comack's Women in Trouble (1996) is a good example of scholarship which presents women's lawbreaking as a response to 'oppressive' forces or experiences of victimization. In her introduction, Comack states that her knowing is partial and that:

...there is a danger of seeing the women as embodying victimization, of imposing an artificial uni-dimensionality to their lives. Quite the contrary, there is much more going on in a woman's life than can be captured in a master status of "victim of abuse". Yet, as we will see, abuse has had a

profound affect on who these women are and what they are trying to become.

(Comack 13)

As with Adelberg and Currie, Comack's claim that these women do not embody victimization is erased by the statement that abuse "has had a profound affect" on these women. First, I find it very difficult to locate a single person who has been the victim of abuse who has not found that abuse to have had a 'profound' affect on their lives. Second, by making no claim to the contrary, we are left with the idea that past victimization 'makes the most sense' as an explanation for women's lawbreaking. Comack claims that "[her] aim in this chapter will be to explain how women's law violations become part of coping with, resisting and surviving experiences of abuse" (Comack 83). This argument assumes a natural connection between past experiences with abuse and lawbreaking, as well as denying women's agency in their acts that follow or happen in tandem with their victimization.

A logic of denial is also fed by the suppression of women's actions in academic feminist scholarship. Although not always intentional, these accounts of women's lawbreaking tend to obfuscate women's agency in lawbreaking (Allen 1987). As Allen argues:

It is not simply in relation to crimes that there appears a reluctance to describe these subjects as intentional or active: there appears a reluctance to describe these women as doing anything intentional as all. The lives of male offenders are regularly described in simple statements in the active voice, detailing the succession of things the offender has 'done' in his life. By contrast, the description of women's lives is everywhere hedged

out with circumlutions and grammatical inversions
that constantly obscure the subject's active
responsibility or agency.

(Allen 90)

In this case, Allen is citing a court report but as she argues later, some feminist scholarship is also culpable of failing to register that women are active in lawbreaking events (Comack 1996, Faith 1993). By circumventing action, the dynamics of the crimes are lost in the reduction; all the cunning, intelligent, local resources and risky actions taken in the lawbreaking event are also subverted in the process (as are the physical, emotional, fiscal losses, the victims). For example, consider this argument from Davis & Faith: "[t]he spectre of welfare combined with the lesser earning power of women, and the limited social acceptability of single mothers, reduce a woman's autonomy *vis-à-vis* the family and limit her ability to make choices about her own life" (Davis & Faith: 1987, 175). It appears as if women's actions are being obscured in this narrative in order to promote a logic of oppression (of women). Mechanisms of an "oppressive" society, such as the lesser earning power of women, do not limit women's "choices" about their own lives; they organize those "choices". Women still make choices, or rather, women still act; to act is to choose to do something, or nothing at all.

Mary Gilfus' article "From Victims to Survivors to Offenders: Women's Routes of Entry and Immersion into Street Crime" (1992) illustrates how women's agency is obscured in feminist scholarship. In this article, Gilfus discusses a study she conducted on twenty women incarcerated in a provincial facility in the

Prairie region of Canada. Gilfus develops a conceptual framework “for understanding the progression from victim to survivor to offender in the subjects’ life histories” (Gilfus: 1992, 63). Gilfus finds that “when we consider the fact that most of the young women were being abused at home, running away seems to have been a sane and logical response [-] that logical act of self-protection, however, pushed the young women into finding illegal ways of supporting themselves.” (Gilfus 77). Gilfus’ argument not only obscures women’s lawbreaking actions, it also justifies those actions as an act of self-protection (‘a sane and logical response’). Further, Gilfus’ choice of words leads one to view women lawbreakers as victims, who had no other choice but to break the law (*‘pushed the young women into finding illegal ways of supporting themselves’*). In her conclusion, Gilfus clearly illustrates her point. “What may have appeared to be the best available means of escape from violence meant that as young runaways they had to begin illegal work simply in order to survive, thus linking victimization to criminalization and blurring the boundaries between victim and offender” (Gilfus 85). Gilfus’ usage of statements such as “the best available means of escape” and “had to begin illegal work simply in order to survive” operate to erase women’s agency. What is more, this conceptualization does not explain why the rest of women who have been abused at home have not taken this path. As a result, such arguments have the sum effect of representing women lawbreakers as victims – as people to whom things happen, not as people who do anything (intentional) at all.

Feminism's Gender Essentialism

An argument which relies on the idea of shared gender experiences suffers from gender essentialism. This essentialism, or determinism, is accomplished when there is an assumed sharing of experiences of *oppression* among women (Carrington 1994). According to Carrington the flip-side of gender essentialism is the insistence that institutions operate in the interests of men – that these institutions are patriarchal or phallogentric in nature (Carrington 1994). When scholarship on women's lawbreaking relies on gender essentialism, or its 'flip side', to make its claims it tends to produce tautological reasoning which is unable to explain adequately the relationship between structure and agency. As a result of such scholarship a distorted representation of women lawbreakers as 'victims' has emerged. In the following section I explore theories which have elements of gender essentialism. In order to do so I analyze Karlene Faith's book, Unruly Women: the Politics of Confinement and Resistance (1993) and Elizabeth Comack's book, Women in Trouble (1996). I begin with Kerry Carrington's article, "*Postmodernism and Feminist Criminologies: Disconnecting Discourses?*" (1994) in order to begin exploring issues of gender essentialism in feminist criminological scholarship.

Carrington argues that "an essentialist position...assumes that the affectivity of sexual differences acts upon the minutiae of specific discourses and penal practices from the vantage point of some exterior sovereign power" (Carrington: 1994, 73). For Carrington, the "major problem with these defenses [gender essentialism] is the rather dubious assumption that women's

experiences are monotonously similar, regardless of their varied cultural, spatial and historical specificity" (Carrington 73). The rhetorical effect of speaking for women 'as a group' leaves us with the impression that they, 'women', must all be victims of oppression, the criminal justice system, etc. (Carrington 1994).

Carrington continues by arguing that even when the assumption of universal oppression does not fit the empirical evidence, it is somehow made to fit. This criticism is buttressed when we consider that academic feminist literature on or by women of colour (especially Native/Aboriginal Peoples) is lacking. This is especially glaring in Canada and Australia where there is considerable evidence of prejudicial practices by the criminal justice system against these political and ethnic minorities (LaPrairie 1987, 1993). As Carrington states, "the massive rate of criminalization among Aboriginal women contradicts the dogmatic insistence that the criminal is a phallogentric phenomenon, as well as the assertion that women are positioned as a unified group before the law." (Carrington 76). However, Carrington argues that the particulars of Aboriginal women's experiences with the law must remain subverted in order to sustain the claim that the justice system is phallogentric and primarily operates in the interest of one sex, that being men (Carrington 1994).

In reviewing academic feminist scholarship on women's lawbreaking, Carrington argues that "we have an internal inconsistent feminist discursive territory – one trajectory has reduced criminality and violence to the effects of masculinity (or a male sexed body); another deconstructed women's crimes as understandable response to their oppression by men" (Carrington 77). The fact

that these arguments insist on a singular relation between the law and gender renders them essentialist (Carrington 1994). Not only is a gender essentialism in feminist criminological scholarship inconsistent and insufficient, it also contributes to a representation of women lawbreakers as victims.

An example of essentialist thought in feminist criminological scholarship is Karlene Faith's Unruly Women: The Politics of Confinement & Resistance (1993). Faith argues what Carrington calls the 'flip-side' of gender essentialism; that institutions operate in the interests of men and are phallogentric in nature. Faith argues that stealing, writing bad cheques and cheating welfare claims are "the most common offences for which women in North America are convicted of - [women] do so not because they have gained independence but because they have not" (Faith: 1993, 65). Faith explicates that;

Women who are dependant on the state are subjected to an infantilizing form of *parens patriae*, as if they were children. For such women, the state takes the place of the absent husband or father as protector and punisher, master of women's lives; society shifts from familial patriarchy to a form of state patriarchy, within an abidingly gendered ideological framework.

(Faith 65)

In her argument, Faith characterizes 'the state' as patriarchal and presents nothing to the contrary. This argument is essentialist because it assumes that the above characterization is the same for all women of all political and ethnic identities. While Faith's argument is useful to those women who are dependant on the state and commit such crimes, it does very little to explain the many diverse crimes women in Canada are convicted of. What is more, by assuming

'the state' operates in the interests of men (read: against women) Faith represents women as victims of yet another aspect of contemporary society.

Faith is not the only feminist scholar to produce theories which do not adequately explain the relationship between structure and agency because they rely on essentialist understandings of gender. Many scholars seek to identify and explicate components of women's lived experiences only when they can detail their victimization. Specifically, feminist scholars tend to present women's local, lawbreaking experiences only when they a) are experiences over which the women had little control (i.e. poverty or abuse) and b) sustain a logic of the oppression of women at the hands of a patriarchal society. In many cases, women's (for example, violent) actions are often left outside the accounts registered by feminist scholars - the explanation is that these actions do not occur enough to merit study, or that they do not constitute the typical characterization of women's lawbreaking. Women who commit violence against vulnerable populations, women who use violence in the commission of a crime and women who murder (outside of those who kill abusive partners) are rarely found in feminist literature, even though women who take these courses of action statistically exist. Not surprisingly, the examples that are presented by feminist scholars fit into theories of women's actions (for example, lawbreaking) which emphasize victimization.

An example of this type of scholarship is Elizabeth Comack's Women In Trouble (1996). Comack's research consisted of interviews with twenty-four women in custody in Canada. Comack's hypothesis is that we can best

understand women's law violations if we examine them in the context of their victimization. Comack argues that analyses such as these need to "maintain a sensitivity to human agency, that is, the choices and decisions each woman has made in her struggle to deal with the abuse" (Comack 1996). However, in her analysis Comack continues to link women's histories of abuse to their lawbreaking. She is clear that "[i]n listening to the women's stories and adopting their standpoint, it has become clear to me that connections do exist between experiencing abuse and coming into conflict with the law" (Comack: 1996, 82). Although Comack presents her analysis as one way of examining women's lawbreaking, she still succeeds in presenting women's lawbreaking as only tied to their victimization; no other explanation is offered. Some of the victimization that Comack discusses is related directly to women's lawbreaking (for example, killing an abusive mate), whereas in other cases:

...the connections only become discernable once a woman's law violations are located in the context of her lifelong struggle to cope with the abuse and its effect. For like Meredith and Margaret, the decision to commit fraud or deal drugs becomes more understandable once situated as a coping response to their abuse experiences. Sometimes the connections are even more entangled, as in the case of women like Brenda and Janice, where abuse and law violation become enmeshed in the ongoing, everyday struggle to survive.

(Comack 118)

Besides characterizing lawbreaking as a "coping mechanism", this analysis does little to explicate why so many women who break the law have experienced victimization. What is more, Comack's argument is an example of feminist

scholarship which emphasizes women's histories over which they had little control - and sustains a logic of patriarchal oppression - in order to explain their lawbreaking. Accounts which do not fit the mold, namely women who have been victimized and have not been caught for breaking the law (not to mention women who have broken the law, but have not been victimized), are not registered. The representation is distorted.

Conclusion

In the preceding discussion I have illustrated how feminist scholarship has produced a distorted representation of women's lawbreaking. Through three problematic practices – feminist paternalism, a logic of denial, and a gender essentialism – feminist scholarship has represented women lawbreakers as victims. By 'victim' I mean "one who is harmed by or made to suffer from an act, circumstance, agency or condition" (Houghton Mifflin Dictionary 1981). By representing women as the victims of abuse, poverty, a patriarchal state, and so forth, feminist scholarship has effectively erased women's agency in social interactions. Women do not seem to do anything – everything is done to them. What is most glaring in the majority of feminist scholarship on women's lawbreaking is that it is not able, or does not demonstrate itself to be able, to adequately explain the relationship between agency and structure. The accepted methodology in feminist criminological literature seems to be collecting 'women's stories' which are then analyzed to see where they fit into a pre-existing understanding of the way the world is. That pre-existing conceptualization

understands the world to have a hegemonic, oppressive character. In most feminist scholarship on women's lawbreaking, the 'impact' of an oppressive 'structure' on women's lives is used to explain lawbreaking. However, in an effort to understand women's experiences, feminist scholarship tends to begin with structure.

In the next section I explore a way of understanding women's courses of action that includes both women's agency and how that agency is concerted by organizational and social relations of ruling. What is more, this method of inquiry begins with women's local everyday experiences. It is in the local site that the ways in which the relations of ruling coordinate women's agency are discoverable. By using this method I am aiming to overcome the 'distorted representations' of women lawbreakers uniformly as victims.

Chapter Three – Methodology

My inquiry into women's lawbreaking began with my sense of a disjuncture between "what I knew" (from academic feminist accounts) and "what I saw" (from working with women lawbreakers). This disjuncture lead me to suspect that there is something missing from academic feminist accounts of women's lawbreaking. What I found to be missing from such accounts is the agency of women. Further, feminist scholarship also fails to adequately examine the relationship between agency and structure. I have chosen Dorothy Smith's method of inquiry in my own research. As Smith argues, my inquiry will begin with the everyday actualities of women's lives. The analysis of my data will move me beyond the women's accounts and the narrative of academic feminist criminology into new ways of mapping social relations (Campbell & Gregor 2002). Smith's method allows us to view action as a dialectic between women in their local sites and the organizational and social relations of ruling. This method allows a space for women's agency while at the same time uncovering how agency is coordinated³ by the ruling relations. In the following section, I discuss aspects of Smith's framework that I use in my research. In this section, I draw on Smith's work, specifically The Everyday World as Problematic: A Feminist Methodology (1987) and Critiquing the Social: Critique, Theory, and

³ Smith uses 'coordinating' and 'concerting' interchangeably when describing the ways that the organizational and social relations of ruling organize experiences in the local site. A concerting or coordination is not visible/does not happen at the level of the ruling relations. On the contrary, the concerting/coordination of the ruling relations is made visible/happens at the local site – where action happens. I, too, use 'coordinating' and 'concerting' in the same regard.

Investigations (1999). This discussion will provide a primer for Smith's theoretical foundation upon which her method of inquiry is built.

Smith and the Absent Subject in Sociology

The way that sociological method has been pioneered and its ways of articulating particular actualities towards a 'generalized conceptual order' in fact identifies that sociology indeed serves this very order (Smith 1987). Specifically, "to a significant extent, sociology has been busy clarifying, organizing, mapping and extending the relations of the institutional forms of ruling to the actualities of their domains" (Smith: 1987, 109). This is the type of discourse Smith sees historically and currently practiced in sociology (Smith 1987). Historically, women's lives have historically been outside, or subordinate to, the ruling apparatus (and its associate, the discourse of sociology) (Smith 1987). As such, sociology's conceptual practices cannot work for the development of a sociological consciousness from the standpoint of women (Smith 1987). The problematic for Smith is this: how do we construct a sociological consciousness of women that is for women - one which takes them as their subjects - when its methods necessarily serve to construct them as objects?

The text of sociology is constituted in methods and analysis which necessarily guide the reader to certain meanings at the expense of others (Smith 1987). As Smith cautions, "here the focus is on those aspects of standard methods of thinking sociologically that deny us the presence of subjects and on formulating alternatives and suggesting how we might proceed in exploring the

everyday world from the standpoint of women" (Smith 106)⁴. Standpoint epistemology is a response to the exclusion of women in the making of 'cultural and intellectual discourse' (Smith 1987). For Smith, women's standpoint is situated outside textually mediated discourses and is located in the actualities of everyday lives. "The standpoint of women therefore directs us to an 'embodied' subject located in a particular actual local historical setting" (Smith 108). Smith instructs feminists to take the disjuncture between local experiences and professional, sociological texts deliberately as an enterprise.

The Standpoint of Women

The emphasis of Smith's argument is the centrality of women's experiences as subjects, and that subjects are constituted not in text, but outside of it. Smith argues that one's method of inquiry into the social must also reflect this understanding. For Smith, women (as subjects) are located outside established discourse, in the reality of everyday, local and lived actualities. In taking the standpoint of women, Smith proposes a sociology for women:

A sociology of women should not be mistaken for an ideological position that represents women's oppression as having a determinate character and takes up the analysis of social forms with a view of discovering in them the lineaments of what the ideologist already supposes that she knows. The standpoint of women therefore as I am deploying it here cannot be equated with perspective or worldview. It does not universalize a particular experience. It is rather a method that, at the outset of inquiry, creates a space for an absent subject,

⁴ Smith's approach to feminist methods is rooted in standpoint feminism, but she is cautious of embracing the essentialism invoked in some notions of a standpoint perspective. For example, standpoint feminism sometimes presents monolithic theoretical concepts such as patriarchy without problematizing them. It is this sort of essentialism that Smith argues one should resist.

and absent experience that is to be filled with the presence and spoken experience of actual women speaking of and in the actualities of their everyday worlds.

(Smith 107)

Smith proposes a method of inquiry that details how we can explicate the relationship between the lived experiences of women and the relations of ruling. In attempting to identify how ruling relations mediate lived experience, Smith argues that "...discourse, bureaucracy, and the exchange of money for commodities create forms of social relations that transcend the local and particular; they are constituted, created and practiced always *within* the local and particular" (Smith 108). The local is the site where we can examine the "social", a place where the ruling apparatus makes itself present (Smith 1987) .

Smith argues that there is a break in consciousness, especially when we consider women as our subject (Smith 1987). This break in consciousness stems from being an embodied person (actual lived experience) that participates in objectified relations (ruling relations) which are organized beyond the local particularities of each subject (Smith 1987). Smith locates the break in her consciousness in being, on the one hand, a mother and housewife, and, on the other hand, a sociologist at work in academia. Smith's actual, lived experience is of mother and housewife, yet she participates (via her work) in relation to the university as a sociologist (Smith 1987). The basis for Smith's break in consciousness is her experiences in the world as a woman (Smith 1987). The importance of an inquiry into the social which takes women as its starting point is that it "locates the knower in her body and as active in her work in relation to

particular others" (Smith 6). As Smith argues, this inquiry *discovers* the ruling relations as 'they come into view' from her (local experience, embodied subject) particular locality. Specifically, this inquiry into the social examines "problems in participation in the ruling relations in hope that it has something to say about those relations and how they are at work in our consciousness" (Smith 7). Rather than beginning with examples of oppression (especially those of a determinate character), Smith's framework instructs us to begin with the local and uncover how the ruling relations organize women's actualities (rather than the other way around); starting with, for example, women's victimhood, would be insufficient.

The first step of an inquiry, according to Smith, is to advance a standpoint of women which would constitute the everyday world as our problematic. The concept of problematic directs attention to, and poses traditionally 'latent' questions about, the actualities of the experienced worlds (Smith 1987). An inquiry premised on problematics of the everyday world addresses how we are related to the world we live in (Smith 1987). What is discoverable in the everyday world is how it is 'knitted into the extended social relations of a contemporary capitalist economy and society' (Smith 1987). Smith identifies that a feminist method in sociology needs to "explore methods of thinking that will organize our inquiry and write our sociological text so as to preserve the presence of actual subjects while exploring and explicating the relations in which our everyday worlds are embedded" (Smith 111).

Smith argues that as researchers taking the standpoint of women we must acknowledge that we have a determinate relationship with those subjects of our

inquiry (Smith 1987). Our own “methods” of writing and researching enter into the relationship between the participant and the researcher (Smith 1987). In taking women's standpoint it is important to make social relations between the researcher and researched transparent (Smith 1987).

Problematizing the Ruling Relations

The ruling relations are of interest to a project seeking to examine women's lawbreaking. This is because “the standpoint of women locates us in bodily sites, local, actual, particular; it problematizes...(therefore)...the coordination of people's activities as social relations organized outside local historical settings, connecting people in modes that do not depend on particularized relationships between people” (Smith: 1999, 75). The ruling relations are part of this coordination of the activities of people in local sites of their everyday lives; the ruling relations order these local sites “into relations operating independently of person, place and time” (Smith 75).

For Smith, “the ruling relations ‘extract’ the coordinative and concerting of people's everyday/everynight activities and subject them to technological and technical specialization, elaboration, differentiation and objectification” (Smith 77). The ruling relations become independent of the particular individual; “individuals participate in them through the form of agency and subjectivity they provide” (Smith 77). To be clear, Smith instructs us to “forget crude and reductive notions such as ‘superstructure’; social consciousness exists now as a complex of externalized or objectified social relations through which people's

everyday/night activities organize and coordinate contemporary society” (Smith 78). Further, “the ruling relations are an organization of power – it would be misleading to reduce them to relations of domination or hegemony or to view them as monolithic or manipulated” (Smith 79). Instead, Smith argues that

The concept of the ruling relations identifies a historical development of forms of social consciousness that can no longer be adequately conceived as arising in the life conditions of actual individuals – it directs investigation to a complex of objectified relations, coordinating the activities of many, many people whose consciousness as subjects is formed within those relations

(Smith 78)

Smith argues that objectified ruling relations become both the circumstance, and the terrain, in which individuals activities happen. Specifically,

[f]orms of organization such as the stock market are objectified in the sense that they are not reducible to individuals or the actions of individual and become, indeed the everyday/night condition, circumstance, means, and terrain of people’s...activities;...subjectivity as well as agency are constituted in these relations; people’s capacity to act arise within them

(Smith 81).

This method disassembles conventional frameworks which argue action as an attribute of either agency or structure. Instead, this methodology understands action as the expression of the dialectic between the ruling relations and women’s local everyday sites. Smith’s methodology allows for a fluid and dynamic conceptualization of how the everyday activities of people are coordinated by the ruling relations. This method also creates a space where one can explore how people negotiate their local actuality within the ruling relations to

come to a course of action. This method is useful for my research study. Smith's method is useful because it focuses on the local (where women are embodied subjects) for an investigation of the ruling relations; the ruling relations are constituted and visible in this location.

Action and the Ruling Relations

In order to get a clearer idea of Smith's conceptualization of action, we will further explore her discussion in Writing the Social: Critique, Theory and Investigations (1999). Specifically, I draw from her chapter on ruling relations (Chapter Five). The focus of this section is to identify guidelines from Smith on how to investigate women's lawbreaking from the standpoint of women; a standpoint that allows for, and includes, women's agency.

A common theme in feminist scholarship on women's lawbreaking is connecting women's histories of victimization and women's lawbreaking. While the focus of most feminist scholarship is on women (read social actors), the analytical explications of the actions of these actors are spelled out in terms of structural forces such as poverty or inequality. The way structure (the relations of ruling) interacts with social actors is not explained. Many theories of social action have never succeeded in breaking the dichotomy that has been created in explaining human action; a dichotomy that locates social phenomena as being 'motivated' either by individual action or by structural forces. By using Smith's method of inquiry, I will be able to include women's agency as well as the way it is coordinated by ruling relations. This is because Smith's method recognizes

that all social relations have a dialectical nature – this creates a space for both women's agency and the ruling relations.

The ruling relations originate 'elsewhere', yet they organize the everyday local experiences of people. Smith's conceptualization of women's standpoint and the role of the ruling relations means a reconstruction of 'traditional', and some feminist, ways of investigating the social world. Specifically, "to reconstruct sociology as an inquiry into the social from the standpoint in people's everyday experience means reconstructing its methods of thinking" (Smith 74). In that this (Smith's) sociology begins in the everyday, it rejects traditional objectifying sociologies which seek to explain behavior in structuralist terms and succeed in replicating the ruling relations in the account. Rather, "[a sociology of women] would investigate how ... society organizes and shapes the everyday world of experience" (Smith 74). Therefore, 'agency' here is not conceptualized in the traditional sense, in a manner which seeks to examine 'the reasons for' a social phenomenon; rather, "[it] means a sociology beginning in a world of activity, the doings of actual people, and finding the social as the object of sociology's inquiry into how their activities are concerted and coordinated" (Smith 74). In this method of inquiry action is not conceptualized in terms of "choice" (which relies on positivist and rational explanations of human action) or a lack of agency (as with some feminist accounts); instead this method recognizes that people's activities are concerted and coordinated by the ruling relations and its forms of organization, and people *participate* in them. Smith is clear that there is an exchange, a dialectic operating between individuals and the ruling relations. For

Smith, "the project locates itself in a dialectic between actual people located just as we are and social relations, in which we participate and to which we contribute, that have come to take on an existence and a power over against us." (Smith: 1992, 94).

For Smith, action happens in the everyday/everynight local actuality, and individuals actions are organized by the ruling relations. Smith's individuals are knowledgeable and active - they have agency and action in their everyday, local experiences. Let us use an example: A twenty three year old woman with a three year old child has been left by the father of her child, her common-law husband of five years. She and her child now have no support. The woman does have a job of her own, but her income alone is not enough to cover the bills, rent and expenses for her and her child. The woman is also not able to work more than one job because she cannot afford to pay for more than 8-10 hours of daycare per day. A friend of hers suggests prostitution through a well-to-do escort service, something she herself relied on to survive in harder times. She could make more money in 8 hours than her last job and the hours would allow her more time with her child during the day. The woman begins to engage in prostitution herself in order to make enough money to support her and her child. Can we say that this woman operated as a free agent, that she made an unconstrained choice? Can we say that she had no choice but to do what she did? Smith would look at this much differently. If we examine this example using Smith's method, we find it uncovers women's actions, their agency, while at the same time allowing space to discover how that agency was coordinated by ruling relations. The focus of this

investigation is the everyday; a break up, a young child, a low-paying job, and the local activity (in the end) is the action of prostituting. However, that action or 'decision' was organized, or rather, mediated by the ruling relations.

Organizational branches of the ruling relations – the criminal justice system, government social support, daycare laws/resources - all organized this woman's action of prostituting. Sexism (an expression of ruling relations), for example, has fostered an environment in which prostitution can occur and in which there is a need for it. Capitalism has also encouraged, if not depended upon, the commodification of women's bodies and their sexuality. Therefore, Smith's method proves to be a very useful and comprehensive way of looking the dialectical exchange involved in individual action. In my research, I employ this method of "unpacking" the actions of women at the local level. The starting point of my inquiry is women's local sites of experience; this starting point allows a space to uncover women's agency/actions. The analysis will also pay attention to how the ruling relations organize women's courses of action. This is the advantage of Smith's inquiry, an inquiry

Capable of exploring and mapping actual organization and relations that are invisible, but active in the everyday/everynight sites where people take up resistance and struggle, capable of producing knowledge that extends and expands their and our grasp of how things are put together and hence their and our ability to organize and act effectively.

(Smith 96)

Smith's method demonstrates that there is a distinct quality to, and different process for, examining agency than previously theorized. One must begin with women's embodied standpoint and their local activities. Action is a process, a negotiation by the agent between the lived world (being pregnant, being poor, being Catholic, being in love, being black, ethics, mores, values, convictions, family, peers,) and the relations of ruling (its forms of organization: government, church, law, capitalist economic system, criminal justice system, racism, sexism, inequality).

I must be clear by stating that Smith's dialectical understanding of action uncovers *both* the coordination of the ruling relations and how women negotiated that through action. As Smith states, "at no point do we lose site of women as active in these relations. At no point do we reduce them to the effect of social processes" (Smith: 1987, 204). By attending to the lived experiences of women, we will come to understand what their negotiations are, and we will be better prepared to map their courses of action.

Research Design

The research conducted for this thesis follows Smith's inquiry as outlined in the preceding section. I have chosen this method because it allows a space for women's agency/courses of action and the dialectic between women's local sites and the ruling relations. This method begins from the standpoint of women and our understandings, as such, are expressed in women's local sites. Therefore, this method begins with the lived experiences of women.

The data for this research project was collected from interviews with nine participants. The participants were women above the age of 18 who had been convicted of breaking the law in Canada and were not in secure custody at the time of the study. Participants were recruited by the snowball method. Initial contact was made through the Elizabeth Fry Society with whom I was volunteering at the time. E. Fry provides many services for women lawbreakers in the Vancouver area. The E. Fry services I recruited through were the half-way house, the recovery house and their shoplifters day program. The participants agreed to two, one-hour (approximately) interviews that would address their experiences "growing up" and with "lawbreaking". The participants were offered a small honorarium for participating. The interviews were conducted by myself and were audio taped, then transcribed.

Issues in Research

Confidentiality was of the utmost importance to this project. Given the participants vulnerable, 'captive' position, every attempt was made to ensure their confidentiality. All of the participants signed an informed consent form prior to any participation in the project. From that point on, the interview tapes and transcripts were identified by a number; the only location where the participant's name and 'data' number appeared together was in the participant log book. All documentation (identifiable or not) was kept in separate, secure locations. In the thesis, all women are referred to by a pseudonym.

Given the subject matter of these interviews (experiences “growing up” and with “lawbreaking”), it was likely that the participants would re-visit and perhaps re-tell traumatic experiences with victimization and/or abuse. In that some of these women were in the process of recovery as well, it was extremely important to take steps to ensure that the interviews did not push the participants to disclose anything they weren’t prepared to or to disclose anything that they could not deal with. It was for this reason that I decided to interview women in the community; it was (and is) my belief that women in secure custody would have been too vulnerable and without support if they had revisited traumatic experiences over the course of the interviews. Before I began recruiting through the Elizabeth Fry Society, I held meetings with front-line staff, coordinators of programming, the Director of Women’s Services and the Executive Director to gather input on the interview schedule. As well, the meetings were designed to evaluate whether there were women in their programs who were appropriate for my research project and whether it was appropriate for them to participate. The staff at E. Fry reported to me that they felt that any of the women in three of their programs should be able to complete the interviews, given they were personally interested. Further, in the community there are a good deal of services available to women to help them deal with trauma, including support groups, staff, fellow residents, counselors, and so forth. As part of their case plans, many of the participants were already involved with such supportive services. I was also clear during recruitment about the subject of my interviews and that questions would be about experiences growing up and with lawbreaking and that the level of self-

disclosure was left to the participants to determine. Further, the format of the interviews recognized the possibility of a high level of institutionalization with this group of women and their over-exposure to highly structured, formal, interrogating interviews. As a result, the interviews for my project were designed to be less organized, less 'structured' and less 'procedural' than interviews women would have been accustomed to in prison or in the court system, for example.

Given that most of the participants were economically marginalized, especially after recently being in the correctional system, a monetary compensation for participating in this project made the most sense. A modest honorarium demonstrated appreciation for the time participants gave to the study (as well as offsetting any expenses involved in traveling to interviews), but in no way was meant to put a dollar value on their stories, their lives, or, by extension, on the women themselves. In my practice of dealing with women lawbreakers as women, I also felt that not compensating them in a meaningful way would have served to further marginalize them and would be taking advantage of them as a 'captive' audience.

Limitations of Research

The main contribution of this thesis is methodological. As an attempt to demonstrate Smith's method of inquiry in practice, I conducted a small research project; a practice exercise of sorts to see what this type of inquiry would look like when we take women lawbreakers as our subjects of inquiry. I see the

contribution of this thesis as opening a flow into larger tributaries of research – that is, research that includes women's agency and how that is concerted by the ruling relations. Further, I believe that the themes of 'invalidation', 'addiction' and 'negotiation' are relevant to better understanding courses of women's lawbreaking action. These themes need to be explored much further.

I am not attempting to make universal knowledge claims about women's lawbreaking. What I am attempting to do is map these nine women's courses of action and how they participated in, and were concerted by, the relations that rule. The limitation of this research is that it cannot make generalized knowledge claims about all women lawbreakers, especially since none of my participant's identified with a racial or ethnic identity besides Caucasian. This was partly due to the fact that at the time of recruitment, Native-run services were taking over the responsibility for Native women lawbreakers. In that E. Fry was my research port and that they were not Native-run, almost all Native women had been transferred out of E. Fry's services. As such, my access to Native women was limited. Given the current statistics, it is reasonable to assume that some Native women have had experiences with invalidation, addiction and negotiation; to assume anything further would be in error. However, in that the main contribution of my thesis is methodological, this kind of research can and should be done with women and men of all ethnic/racial (as well as, class, sexual, educational, etc.) identities.

Access and Recruitment

As mentioned previously, approval for access to recruit for this research project was given by the Elizabeth Fry Society. The project was advertised to women at their respective program's resident's meeting (usually held weekly) by myself. Any staff that were present at the meeting withdrew to respect the anonymity of any women who chose to sign up for the study. The project was described in detail and it was made clear that this research had nothing to do with E. Fry and that the women's participation was completely voluntary. Five women signed up from one program and four women signed up from another. An additional single participant signed up through another day program. The coordinator of that project took my number and passed the recruitment notice and my contact number along to anyone in that program who was interested. The single participant then contacted me to sign up.

Additional recruitment was done through L.I.N.C. (Long-Term Inmates Now in the Community), a group that offers support and social activities to long-term inmates in the community. In that the program operates much like Alcoholic Anonymous, my presence at meetings would have been inappropriate. I contacted LINC's liaison person and informed them of my study. The liaison person approved access to LINC members and circulated the recruitment notice and my number to anyone who was interested. One woman contacted me to sign herself up as well as three of her associates. In all, fourteen women signed up for the project and nine completed both interviews (three women left their programs permanently and two were returned to custody).

Before the interviews began the women were given the informed consent form to read over and sign. At the close of the interviews, each participant was given their honorarium of \$25, a notice of appreciation which included a contact number and e-mail for myself for follow-up and were asked to leave their address so they could receive a copy of the completed thesis. Participant's were also informed that a copy of the thesis would be made available at the E. Fry head office.

The Interview Process

Sensitive and/or traumatic issues such as experiences of abuse or the custody of their children were left to participants to self-disclose. The interview schedule was designed to cover a range of experiences growing up and as an adult with relationships with family and associates. It was felt that if there was something to disclose and the participant was comfortable doing so, there was a space for women to disclose sensitive issues. Only four of the women in this project who were mothers had custody of their children at the time of the interview. The frustration of custody, past experiences and lack of control often made the issue of children one that was not pursued in detail as a result. The details of motherhood, especially those that the participant expressed feeling uncomfortable with, were not probed for in that it would have destabilized the interview process. Further, the details of experiences of abuse were only pursued once disclosed and if the participant was leading the discussion in that direction. The participants were also often reminded of their option to stop the direction of

the interview, take a break or end the interview altogether if they wanted to. None of the participants chose to end the interviews over the course of the interviews; a number of women chose to take breaks after 'sensitive' topics (such as children, abuse) had been discussed and/or disclosed. The participants were also reminded of the resources (staff, counselors) available to them if they were feeling overwhelmed by the interview process.

Further, sexuality was left to self-disclosure as well and two of the participants disclosed that they had had/have experiences 'romantically/intimately' with women. For women in this study, sexuality tended to be complicated by both custodial experiences and religion (in that most recovery programs are religiously-oriented) and warranted much more detailed attention than this project could afford.

During the course of the interviews, there were a few times where the contrast between my position (as a middle-class, white, educated woman) and the position of the women I interviewed was made quite clear. One example of this involved a question in my interview schedule designed to ask about experiences with 'boyfriends' and/or 'girlfriends'. However, in attempting to not promote a heterosexist line of inquiry, nor to exclude any 'non-conventional' relationships I decided to term this kind of relationship as a "romantic/intimate" relationship. In my experience, this was an appropriate term to refer to these sorts of relationships without necessarily excluding any sort of relationship. As I discovered over the course of the interviews, however, this term was not appropriate for the women I interviewed. In fact, this term was quite a cause for

confusion. In that many of the women I interviewed had experiences with sexual abuse and/or the sex trade, the term “romantic/intimate” did not apply as they would have with myself, for example. Given histories of abuse and with the sex trade, the meanings of ‘sex’, ‘intimacy’ and ‘romance’ are very complex and very different for these women. During the interviews, this question required a bit of improvisation. In the end, my usage of an inappropriate term did, however, uncover how deeply experiences of abuse and working in the sex trade permeate women’s conceptualizations and meanings of their everyday worlds.

A Snapshot of Women’s Actualities

Before I can begin to unpack the course of these women’s actions and how they are hooked into the organizational and social relations of ruling, I must profile who these women are. In profiling these women’s actualities, I am attempting not to reduce these women’s lives to a statistic. However, in order to unpack and map the course of these women’s actions we need to see what their local actuality looks(ed) like in some detail.

As I have stated previously, nine women participated in this research project. The women in this study were mostly of European descent; three indicated that there ‘may be some’ Native background in their family and one woman indicated she was “half-Black”. At the time of the study, the women ranged in age from 23 to 40, with an average age of 33. The participants were born in a variety of geographic locations: one was born in the southern United States, one was born in urban Alberta, three were born in Ontario (one in rural,

two in urban), and four were born in British Columbia (two in rural, two in urban). Five of the women had spent time as a child/youth in foster care. Six of the women were from “lower-working class” families and three of the women were from “middle-upper class” families⁵. All of the women in this study dropped out of high school before graduating (between grade 8 and 12), the average grade they dropped out was grade 9.

Two of the women disclosed that they have or have had “romantic/intimate” experiences with girls/women, as well as boys/men. All of the women in this study were able-bodied; one woman disclosed that she has AIDS and Hepatitis B & C from drug use. All of the women disclosed that they had had experiences with sexual, physical and/or emotional abuse. Seven of the women in this study disclosed that they have a physical addiction to cocaine, heroin and/or alcohol. One woman disclosed that she once had an emotional addiction to shoplifting and one woman disclosed that she was not addicted. Five of the women in this study indicated that their parent/s have or have had an addiction. At the time of the study Leslie had not shoplifted in 6 years, and the remaining women (except Beth who disclosed she was not addicted) had been sober from one week to eight years. All of the women had worked in retail and/or manual labour, while three women had office administrative or managerial work. Five of the women in this study had worked in the sex trade, one woman worked dancing topless and four women worked in prostitution. Four of the women in this

⁵ I use “lower-working class” family to mean families who were primarily low-income, who utilized income assistance, and/or had experiences with unemployment. I use “upper-middle class” to mean families who were primarily mid to high-income, rarely utilized income assistance and were usually comfortably, consistently employed.

study have children, only one had custody of their child at the time of the interview.

The crimes of the women in this study range from breaches of probation, possession of a stolen credit card, possession of drugs, impaired, theft over \$1000, theft under \$1000, discharge of a weapon, fraud, shoplifting, manslaughter, 2nd degree murder and hostage taking. Overall, two women had been sentenced federally, four women had been sentenced provincially and three of the women had been sentenced for both at different times. At the time of the study, one woman had been convicted for her last crime in the last year, five of the women had been convicted for their last crime between one year and four years ago and three women had been convicted their last crime five or more years ago. The women had served between one night and six years at a time in jail. At the time of this study, four of the women were on probation or parole.

Chapter Four – Data

One of the principle goals of this research project has been to make visible what has to this point been de-emphasized in accounts of women's lawbreaking – women's agency and action. I am attempting to make women's action visible. I also aim to present their actions in a way that recognizes the "dialectical nature of all social relations of dominance and resistance" (Hill-Collins: 1992, 78) thereby avoiding the conventional dichotomy of 'agency and structure'. This dialectic represents both "concerting and coordination of the ruling relations and how the actual person negotiated that through action" (Smith: 1999, 145).

Starting with the everyday local actuality of women makes it possible to include both women's agency and actions. It is here where the concerting of the ruling relations is discoverable. This conceptualization is aptly illustrated by the following analogy⁶: The ruling relations are a river and we, as social actors, are canoeists in that river. The river has a current that fluctuates in time and place. A journey down river has much to do with not only the canoe, but how one paddles and steers it. Sometimes, canoeists can allow the current to carry them along. At other times they may steer. More often than not, both the canoeist and the current contribute to the direction of the journey. By paying attention to **both** the canoeist and the current one may understand the details and complexity of social interaction and its dialectical nature.

⁶ This analogy resulted from a conversation with a colleague, Marni Westerman, who is a Doctoral Candidate at the University of British Columbia.

In some scholars' effort to explain behavior, they ignore this dialectic. Their analyses tend to locate the impetus for action in **either** the canoeist or the current. As a result, many feminist explanations of women's lawbreaking are myopic. For example, most women who have broken the law have been victimized. Victimization seems to 'makes sense' as the most reasonable explanation of women's lawbreaking. On the contrary, one should focus on uncovering both the river's current and the canoeists' paddling to understand how the canoe arrives at a destination. Attempting to understand one without the other would be insufficient.

As I discussed before, my early understanding of women's lawbreaking has come, for the most part, from academic feminist accounts. In contrast, my experiences with women lawbreakers were not always harmonious with my academic understanding of women's lawbreaking. This was the disquiet from which my own inquiry - an inquiry into women's lawbreaking - arose. By exploring women's lawbreaking from its actual local site, I discovered so much complexity to each woman's experience that generalizations about women's lawbreaking may, in fact, be quite difficult. That said, I believe that it is possible to begin an exploration of women's lawbreaking locally in order to map the complexity of the social relations.

In reviewing the transcripts of the interviews I held with nine women lawbreakers, many of the common markers of victimization, addiction and poverty were present. In my attempt to uncover women's local actuality from their perspective, however, I began to see a dialectical nature to their experiences and

that their actions *expressed* the relations of ruling. Rather than beginning with victimization, as many academic feminist scholars do, I begin with the women's stories/local actualities to uncover how they are concerted by the ruling relations. The contrast here is that I am beginning not with structure, but with the local actuality of women. This way of working opens up an inquiry into women's lawbreaking which both includes women's agency and understands action to be a dialectic between the ruling relations and women's local sites of experience. Beginning with women's local sites also allows one to attend to the details of women's experiences and avoid determinist understandings of women's actions. As Smith tells us, it is at the level of everyday/everynight activities where the concerting of the ruling relations makes itself present.

By beginning with these women's stories of their experiences growing up and with lawbreaking, I began to uncover things they had in common with each other. The first thing I was struck by was that almost all of these women's experiences of victimization had been invalidated. The process of invalidation seemed to be accomplished by a complex which included, among other things, silencing, neglect and discrediting. The next thing that struck me about these women's stories was that their experiences with addiction were much more disparate and complex than represented in many other accounts of women lawbreakers. By attending to women's local actualities, I began to see how their experiences surrounding addiction expressed both their agency in the local setting and how that agency was concerted by the ruling relations. The last thing that I was struck by was that these women's experiences with lawbreaking

tended to not always be harmonious with other accounts of women's lawbreaking. By again attending to women's local actualities and understanding action to be a dialectic between that local actuality and the ruling relations, many aspects of women's lawbreaking actions made themselves present. By uncovering these aspects of women's lawbreaking actions from women's perspectives, I began to see these actions as a negotiation accomplished by women in their local sites. To be clear, I am maintaining that all social interaction has a dialectic character. This dialectic is *the way* social interaction happens. From these women's standpoint, it seemed that 'negotiation' is *how* this dialectic happens in the everyday local setting.

"Invalidation"

While it generally has been accepted that most women lawbreakers have experienced victimization, as I've stated before, this may simply mean they have more in common with women generally than women lawbreakers specifically. I, as have other writers, asked what is it specifically about victimization that would contribute to women's lawbreaking? With that in mind I began to look for other things in common in victimization experiences among these women. What I found was that in almost every case, these women's experiences of victimization had been invalidated. By invalidated I mean that their experiences of victimization were either silenced, or that they were discredited when disclosed to an authority figure or that they were disclosed, a process was taken, and the resolution did not punish the victimizer or restrict the victimizer's access to the

victim⁷. I am using invalidation to refer to a complex which includes, among other things: discrediting, silencing, and a lack of investigation and resolution (of abuse) by adults in authority positions, such as parents, extended family and governmental agencies. By not verifying the victim's claims of abuse, the experience is denied. For victims, people in authority positions imply they are lying; that they are liars, or that the abuse didn't really happen and as a consequence no one is going to help, protect or save them from this abuse. I am also using invalidation to refer to a neglect of parental responsibilities. Along with silencing and discrediting, neglect is part of the process that can lead to an invalidation of experiences of victimization. Neglect also refers to a denial of parental responsibilities which can operate to invalidate children's rights to have their needs met and to be protected from harm. While listening to these women's stories one thing that became clear to me was that the sum effect of all of these elements of a process of invalidation (silencing, neglect and discrediting) was similar for these women. All of the women in this study, with the exception of one, had disclosed experiences with invalidation.

As I have stated previously, what first struck me about these women's experiences of victimization was that almost all of the women had had those experiences invalidated. The process of invalidation is one that is accomplished in many ways. For some of the women it began with being silenced, either by the victimizer or by adults in positions of authority, about their experiences of

⁷ Although the experiences of victimization were both 'not validated' (silenced, then not disclosed by the victim) and 'invalidated' (not legitimated/recognized by family, peers, government agencies) it seemed that the impact of both processes had the same significance for most of the women.

victimization. Ensuring these young women's silence was often the first step to maintaining an invalidation of victimization. For Ingrid, silencing was a prominent aspect of life growing up in an abusive home.

...on the float house, you know, my dad drank quite a bit, right? And he would do it in spurts, like he'd go out and then get drunk and come home and stuff. He, uh, he would, things would happen and then he would, we wouldn't deal with them, we didn't actually, you know, if an incident happened well then it was forgotten the next day. It was just like we don't talk about this, you don't bring it up, you don't know, for instance he came home drunk once and uh, you know lined up my brother and us three girls and my mom and you know he had a 30/30 to his head; he was going to shoot himself and you know and all of us kids are crying and trying to talk him out of it and you know, it went on all night until he passed out and you know the next day we got up and it, like, was not mentioned, you know we didn't talk about it, that was it, you know?

For Amy, silencing came up when she was reflecting on what could have been done to have made things different when she was growing up.

I wish that, you know, that I had a voice when I was a kid...I still struggle with that...even like here, I struggle with it, I just don't say anything...its been drilled, don't say anything, don't say anything...

For some of the other women, their experiences of victimization may not have happened in or around the home, yet a family 'code' of silencing was in place.

For Susan, this code of silencing seemed to begin with a strong sense of personal responsibility.

It was an event, it was a rape and you know the thing is that before that, already, I was starting to make some, I was beginning, becoming rebellious, because we, the way I viewed it at the time is that everybody, all the other kids had way more freedom, my father was very double standard, boys can do almost anything, girls can do nothing...and so I had already started to associate with say undesirables and stuff like that and it was on Mother's Day, it would have been, I guess [year]. Anyways, I'd been somewhere I wasn't supposed to be with people I wasn't supposed to be with and on the way home, I was going home and I had to run and get flowers and um I got grabbed in the bushes in broad daylight, so I

really think like, you know, the counseling, and the psychologists and psychiatrists and whatnot that I've seen, they seem to put this huge thing on that because everything changed after that, but I can't say that I believe that, because it started before, and I don't know, I didn't know whether it's because I felt like I fit in, where I hadn't felt like I'd fit in before... And um, you know a lot of times I felt ridiculed and so I think it was more the longing for the sense of belonging, you know, that I made these decisions...

The process of invalidation of Susan's experience of victimization was then silenced in conjunction with punishment.

... and then unbeknownst to me um, then the event occurred and everything, you know, just went from, like I might have been salvageable (nervous chuckle) at that point but that was the for sure, you know, I allowed that to change my life more because I accepted responsibility for that and uh, that it was my fault that it happened... I didn't tell anybody about it... I was punished when I came home because I was late for supper and I remember my dad saying to me that I was grounded for life until I was whatever age he could get rid of me at so I didn't rub my bad influence off on my brother and my brother was sitting there in the corner snickering, right? And um, that was, you know, pretty huge after what had just happened.

Another layer to the process of invalidation of these women's experiences of victimization seemed to be their parents' varying neglect and denial of responsibilities. In recounting their experiences of victimization, many of the women reflected on the complexity of their relationships with their parents, guardians and families. For Beth, a relationship with her mother was strained by her "on and off" guardianship of her and her brother.

Now, she [mother] didn't try to get me back. I was living with a friend and their family, but uh, she was getting my brother back and you know, I just started hanging out. She let me smoke and I smoked some weed and stuff, like not to the point that I was messed up, not even high or out of my tree. So, I was taking advantage of that, being that age and your mother lets you do whatever you want... so, I moved back in too, she like, you

know, I basically told her to and make room for me. You're not gonna just get your son back without taking your daughter, so...

Many of the other women also had difficulty with parents taking responsibility for them, especially when they were connected to the foster care system. Jade also had struggles being validated in general by her mother.

Ok, yeah, when I was fifteen, my mom always had threatened me, 'you can go back where you came from', you know? She was a real bitch, 'cause I was adopted, so um, she'd take me to the orphanages when I was a kid and uh, my dad was away, they broke up and my dad went off with his fian...you know his woman and um, yeah he was in [name of place] or somewhere and anyways my mom put me in foster, uh, group home, [name of place] it was called, 'cuz she just said she couldn't handle me, so she put me...signed me back to the government...she basically said she doing...'where I came from'...she bought me a quilt and pillow cases and sheets and she said 'there you go'. I guess that's what I came with, I have no idea.

Beyond having experiences where their parents/guardians denied their responsibilities, some of these women also had parents who neglected, or did nothing about, their victimization. For TJ, this began with her mother's attitude towards her father's abuse on the family.

I remember my dad was very, ' [name]sit down!' you know that kind of thing, and you better do it (chuckles)...

[E. Frizzell]: Strict then?

Yeah, you'd get a slap upside the head, you were always afraid to walk by him 'cuz he'd always (motions a slap) cuff ya in the back of the head kind of thing and that's the kind of dad I had so...my mom was working and she's like I can't handle that right now, I've got this and this and this, you know? There's not a pamphlet on parenthood, you know?

Unfortunately the denial of TJ's well-being continued.

So...it was good, there was good memories, you know? Until my grandpa, my step grandfather that she [grandmother] married, molested me so...kinda bad after that...

[Interviewer]: Around what time was that, or your age...?

Eleven... but you know she [mother], when I got to be a teen-ager she pushed me away, but she kept pushing me away, it was easier for her just, after a while to keep me away, you know, 'cuz she had other situations, and I resented her for that for a lot of years, right?...and I resented the fact that why would she leave me with this man when they, he molested her, you know stuff like that?

Parental neglect, or avoidance of responsibilities, came up as well for Amy when she was discussing her relationship with her dad.

It sucked and it did with my mom too. They were too busy with other partners and other things to, to spend a lot of time with me...or even ask...like I can't believe them, you know all the stuff that was going on at home and stuff and I was acting out in such weird ways...you know like all this anger and stuff and I don't blame her, like she was so young and I did blame her for many, many, many years...you know, like I was taking my, I was 8 years old, taking my clothes off for the guy next door so that he would give me a quarter so I could go swimming, next door to a swimming pool right?

The last layer of the process of invalidation is discrediting. Many of these women's experiences of victimization were disclosed, and still most of those disclosures did not result in any satisfactory resolutions. Discrediting takes many forms and may not necessarily relate directly to victimization; it is, however, an integral component of the invalidation. For Susan, discrediting began as part of her familial dynamic.

And uh, because my parents always had very high expectations for me, but that was okay, I performed them. I was the honour student, I was this, I was that, and my brother, [name], he um, they never had any expectations for him and they always, you know, made excuses for him and they didn't believe me. I'd catch him stealing and even as a little kid I was a miser and I was saving money and I'd catch him stealing and doing things and I; I'd, you know, we weren't supposed to tattle-tale it was called, but they always said that I over-reacted and I was Sarah Burnhardt and that he really didn't do it or he really didn't mean it, so I was, my, I was like, I was discredited.

Susan was articulate about her discrediting and it was because she named her experience this way that I began to look at the other women's experiences growing up to see if it resonated with their experiences as well. As I examined the other women's stories, I found that four of these women's experiences did resonate with Susan's experiences of discrediting. For Amy, discrediting wasn't necessarily engrained in her familial dynamic, as Susan's was. Amy's discrediting was a familial response.

...yeah and that I'm a liar. I'm like even, like when I first started talking about this, I first kind of opened up to my mom and she told me that I had a high imagination and that um and that I lied and that, uh, I always made things too much bigger than what they really were...you know? And, uh, but I can see, I can see why she would say that because this is making her look like a bad parent and she was, she wasn't a very good parent, she was young, she knows that, she admits that, 'I wasn't a very good parent'...

For some of the other women, discrediting was accomplished as a governmental response. For Arlene, these experiences of discrediting seemed to be common, almost to the point that she seemed to feel there was no point in re-telling it.

I don't know, I think they should keep a better eye, closer, yes on people fostering. And actually believe the kids instead of just shoving them away.

[E. Frizzell]: Did you talk to people about...what...?

Uh huh

[E. Frizzell]: Who did you approach when you had problems with your foster care?

Once was a social worker and I was seven or eight and, well, my foster dad molested me and I told the cops and they just kinda took me and put me back in that same home.

[E. Frizzell]: Really? Was there ever any kind of follow up?

No

[E. Frizzell]: He wasn't ever charged?

No

Beth had a similar experience of discrediting as well.

...they [foster family] were recognized as, you know, good people in the system and I, a year later, told, like when I moved into the next foster home, I told my foster mom that he had touched me inappropriately.

[Interviewer]: This was the foster father in the first place?

Uh huh. Like, he didn't force himself inside or anything, but regardless, you're not supposed to touch kids like that, father or not, I know. So they did this big investigation because the adoption [accused foster family was adopting a child] was supposed to go through and made me touch this doll and said show me what he did to you on the doll and there was a table full of adults and that mirror and I knew exactly what that mirror was about, 'cuz I had to visit in those rooms before. Anyways they ended up calling me a compulsive liar.

[Interviewer]: How old were you at the time?

Uh, 10. I went in at 9. I was just close to eleven years old. So, I didn't like that, because I hated lying and I had no reason to lie. I was a child, you know, what was there to lie about?

Now that I have discussed women's local experiences of invalidation, I "tie women's sites of experience and action into accounts of social organization and relations" (Smith: 1992, 94). I look specifically at how these women's stories of invalidation are hooked into social organization and relations, more broadly known as the ruling relations.

These women's accounts of invalidation sometimes told little, but sometimes told a great deal, of the ways their local sites of experience were concerted by the ruling relations. In many of the women's cases the front-line of a system of ruling, specifically Children's Services (currently known as the Ministry of Children and Families), directly concerted the conditions and continuation of these women's experiences of victimization. As such, it was an integral component of the invalidation of those experiences. This was most clearly spelled out in Arlene and Beth's stories. For both of these women, their

disclosures of victimization and the ensuing investigation did not come to a satisfactory resolution. As a result their experiences of victimization were invalidated by a government agency whose responsibility it was to protect and care for them as minors. Over time, this kind of experience also de-legitimizes the ability of a system of government to protect citizens and meet its professional obligations/responsibilities. A history of systems failing them is not lost on these women and can often compound the hopelessness of their situation. Further, this often leads women to not use systems of government to help end their victimization.

Indirectly or, as Smith puts it, invisibly involved in this concerting of the process of invalidation is the criminal justice system (CJS). Although this organizational branch of government is not directly responsible for children's and youth's care, the CJS is responsible for managing illegal behavior (which children can become victims of). In many of these women's stories, various branches of the CJS (from police, to detectives, to the courts) failed to do their jobs in detecting, enforcing, apprehending, prosecuting and resolving their experiences of victimization satisfactorily (not one of the women talked about an experience that was). Further, various components of the construction and process of law can also work to organize experiences for women as children and youth. For example, prosecuting child abuse often requires the victim to be the sole source of evidence in the case (bodily and testimonial). This process would often involve medical exams and interviews over various visits with multiple practitioners, in addition to the process of a trial - none of which tended to be efficient or speedy.

This kind of process often is not a desirable way to resolve a situation. One could only imagine that it would be even more undesirable for someone who has gone through the process once and has had their disclosure invalidated by that process already (as was the case with Beth and Arlene). This is one way we can see how relations and organizations of ruling can concert women's experiences as well as their actions in response.

Other ways in which these women's experiences of invalidation are tied into organizational and social relations appeared to often hook into a complex of a gender ideology and a market economy. Many of the women's experiences of invalidation, specifically silencing, tie into the cultural importance placed on women to 'be good' and to 'not make trouble'. In many of these women's stories, there were examples of how either their behavior or their disclosure (of victimization) was identified by family as over-dramatic, hysterical or imaginative. These characterizations are ones that have been traditionally tied to women as a group and, as such, they make assumptions based on a supposed link between biology and ways of being. This is a sexist way of thinking which translated for these women into gender expectations in response to victimization. For example, to be a good girl is not to be promiscuous and not to get into trouble. Beyond gendered expectations, these women's experiences and disclosures of those experiences were named as "dramatic" and "imaginative" because of the gendered way they were expressed. In a sexist culture, this gendered way of expressing is invalidated because it is culturally devalued, whereas "male",

“objective” and “rational” ways of expressing are validated (the way of policing, the courts, law).

This “gender” concerting that is in place in and around women’s local sites of experience also intersects with a market economy. For a number of reasons women in Canada still make about sixty-four cents for every dollar men make in similar professions (Canada Census 2001). In addition, women make up the majority in many industries which have low-job security, and often pay wages lower than the minimum wage rate. Some of the women’s mothers in this study were employed in industries such as retail and food/liquor service where their earnings were low. This often meant that these women’s mothers worked longer hours or multiple jobs to survive and provide for the family. The concerting that takes place due to the demands of a capitalist market economy tends to draw the women away to work and leave them less time at home. For many of the mothers of the women in this study, their roles as mothers had to be sacrificed in order to thrive in a market economy. As many of the women in this study mentioned, this often meant that the victimization that happened to them in and around the family went undetected by mothers who were put in the position to chose between their roles as mothers and their roles as providers.

“Addiction”

As with many other studies, I found that most of the women lawbreakers I interviewed suffered from addiction. However, as I unpacked what they told me

about their experiences with addiction, I was struck by how complex and differently related these women's addictions were⁸.

First, not all of these women suffered from addiction. Beth talked about her experiences with drugs and alcohol and how she classifies her relationship to them. She also talked about her agency as it relates to her possible courses of action in and around drug use.

[Interviewer] So, would you say that you've ever had a problem with them [drugs]?

No, I'm in this stage, like that you know, I'm in the danger zone and I'm experimenting, and I know what they all do, and I know what they can do to your life, but still, I still tend to do it, so why, why am I doing it? And I don't know, I can't answer that question, so it's not to the point that I'm going to throw everything up in the air, although there's been moments that I've thought of that. Um, because sometimes I just like to say fuck it all, you know, I've done that, it's a pattern in my life, you know, as far as school or my home or you know, but I know that this is about me, and nobody else can change, it's all about me, if I do that it's really not going to, like I'm going to be the one, you know, pay the costs of it. I'm not saying other people wouldn't be hurt by it or affected but ultimately I'm the one going back to jail and not anybody else, you know?

Second, not all of these women's addictions were physical. Leslie discussed her experiences with an emotional addiction to shoplifting and what she thought she was getting out of it.

Get some help, get some attention...Hello! And I mean you know that came part and parcel with getting caught, in doing the act and not getting caught, well you know which is still breaking the law I just didn't get caught. What I was hoping to attain from that? Fulfillment...something to give me some sort of feeling, um and I mean to go in and successfully steal something and walk out of the store is, is a pretty strong high and I mean you feel it physically, you feel it emotionally, you feel it in a good

⁸ To reiterate, Beth disclosed that she was not addicted, Leslie disclosed that she had an emotional addiction to shoplifting and Amy, Arlene, Heather, Ingrid, Jade, Susan and TJ disclosed that they had an addiction to cocaine, heroin and/or alcohol.

way, you feel it in a bad way, so it's, it's...and I know that that is what I became addicted to. I needed to feel something, I'm living this empty life and I'm feeling crappy about myself and who I am and I need to feel something and that is what I chose to make me feel things, um which is an interesting dynamic to shoplifting because a lot of addiction is brought in to numb feelings...where shoplifting I think is reverse, I think for me, I know my own personal experiences, can't speak on behalf of anyone else, but for me it was brought in to initiate feelings.

Third, although the rest of the women in this study did suffer from a physical addiction, the paths to their addiction, the course of their addiction and their understandings of theirs and others' addiction/s were complex. Ingrid talked about her first experiences with alcohol as an adolescent.

I was 12, it was like a year after we had moved into town and I'm into smoking and drinking already. Um, the drinking it was like well, um I didn't feel afraid anymore when I drank...you know, so I had all this courage. I could, you know, all this stuff right? And so this other person is coming out and I liked her right?...And uh, so my dad and I started fighting 'cuz now I'm, he was also physically abusive, he used to, you know, beat me and stuff and so now I've got courage, you know, when I'm drinking, to fight back...

On the other hand, Jade's addiction developed without any experiences of victimization. As a result, her understanding of drugs when she was growing up tended to be markedly different than Ingrid's.

...I don't know what they were, pain killers, uh, of some sort, but um, so that was like basically, I would...looking back, my first start with drugs...and then, um, I started smoking pot at twelve. And that's when dope was around and I started noticing it, when I was younger it was the hippy times, you know, so um, you know I noticed people skipping really beautifully with flowers and stuff across the street and stuff, but it never really clicked that that was drugs, I knew that they were happy and I'd like to be like that...but my mom used to say 'you don't put your car brakes on for people like that', so she was very, you know? (laughs)...yeah, so I always would think, do I want to be like her, or do I want to be this happy person skipping across the street?...so, I think that kinda gave me a phony little look at drugs, they we, you know, they made you happy.

Like Jade and Ingrid, Heather talked about using drugs and alcohol to feel and be someone else. Heather however, discussed it in terms of her experiences of abuse growing up. She also illustrates how she negotiated her early experiences with substances.

Like, because I was smoking pot, stealin', doing things that, you know the consequences of that were just to try and sneak around and not let anybody know, you know what I mean? It wasn't like, and sexual abuse, I was not going to my mom with it because, you know, I didn't go to my mom with anything...and, uh you know, because I smoked and she hated it and didn't allow it and everything, you know, there was a lot of animosity between us when I was growing up...and she was pretty reactive to that, and I was, you know, pretty much of an attitude.

...

No, that was lifestyle, that was definitely, from the very first time that I drank, it was like you know I wanted to be somebody else, eh?...that was, that's what took me away from you know...having to grow up, or having to deal with, you know...

Amy talked about how her experiences with drugs and alcohol quickly got out of control when she was growing up.

...I knew it, like you know I'm passed out on the side of the road, I've pissed my pants, you know this isn't a one-time occasion, you know I knew I was in trouble and when I mentioned something to somebody about it, one of my mom's friends, she told my mom and my mom was livid...being with, being with the attitude that I had and the anger that I carried, uh I said fine, I'll show you...and um yeah I did...I got in trouble, I got worse, I made it worse, I made it worse absolutely...

For most of this group of women with physical addictions, their experiences growing up with drugs and alcohol transitioned to a lifestyle in adulthood. Many of the women with physical addictions referred to their addiction

as their lifestyle and some explained their addiction in terms of coping. For Ingrid, the transition into heroin addiction followed a series of medical surgeries, including a coerced hysterectomy, after which she was cut off from her addiction to prescription pills.

...when they cut me off completely and I was in a lot of pain, I decided to go see my sister and every once and a while, see she had used heroin, and every once and a while she would come over and get some prescription drugs off me to make her feel better...when she was out of heroin, so I thought well if I got to them maybe they've got some kind of pain killers, eh, so and I went over there and they said all they had was heroin and that it acted just like a pain killer and I oughta try it out...when I got introduced to this, it was just like wow! It was so much simpler, just buy off a friend, don't have to do this doctor thing, no questions, you know, nothing, and it worked way better than any Demerol or morphine or anything that I'd tried so I thought well this is perfect; you know the answer to all my problems, right?

For TJ, the transition to heroin appears less concerted.

I didn't know why, I just stayed the hell away from it [heroin], but I did a lot of coke. I even remember doing so much coke my nose started bleeding and I covered it and tried to use the other one, you know what I mean? Just so...and everybody around me fixed you know? For years I haven't touched a needle, I was totally against it, because I had seen my dad do it, right?...I just got into it, I just gave up...yeah, well when I didn't have my kids, I was bored, I didn't have nothing to do, you know partying and meeting the wrong kind of people and partying with them and you know? It just happens.

Like TJ, Jade talks about her transition to harder drugs as subtle and not really notable.

So, I was drinking all the time and then I...drinking was getting to be, all of a sudden I just, coke just started, I don't know where coke started, I don't know when I started getting into it but, I was always doing coke, I think. You know, but I didn't always have money for it, so you know whenever I could do a smash of coke, or something, I'd do it. But, I didn't get smoking it 'til '93...even maybe later than that, but injecting it, I guess I always did, from seventeen on...

Arlene, on the other hand, talked about how her drug use changed while she was in prison and why she felt she used drugs in prison.

I was wired in prison, it's like a candy store.

...it numbs the pain...you just don't think about that kind of stuff when you're high, you don't feel anything.

Susan discussed the acceleration of her cocaine use into cocaine addiction while she maintained a mainstream, 'normal' lifestyle.

...and um, you know for many years I was completely capable of functioning and being sociable, I managed to graduate from school with honours, um you know, but then my ex [name] , [name]'s dad was like totally, 'you can't do coke around me', you know, um I was forbidden and of course you don't tell me what I can do, essentially he left me because of cocaine and I lost most of my houses because of cocaine, I lost all of my possessions because of the choices I made surrounding the cocaine...

And further, Susan talked about her transition into selling cocaine and how it intersected with her own cocaine use and addiction.

...many people in the past had approached me in the past to sell cocaine, I wouldn't because I knew I had such a problem with it...and um, so actually the only problem was that I never had enough, so um I thought the more I had, the more I'd do, but it was actually kind of ironic because the more I had the less I did, and the less I had, the more I did, because then I was out of control, I didn't have it anymore, um so you know...I could have sold tons more if I had kept out of it...

Heather talked about her transition from addiction to sobriety.

I was powerless in my addiction, um you know, I mean I had a habit to support and that's how I felt about it right?...I mean my options for living a clean and sober life weren't going to be until I made the commitment to that lifestyle and I couldn't do that until I hit bottom, so...

In the preceding excerpts we uncovered women's local actions in and around their experiences with substance use. We can see that these women are active in their local, ongoing sites of experience. What is made visible here is that these women negotiated their various local actualities to come to courses of action. In this case, the courses of action these women took revolved around using substances. What is not immediately visible in these women's stories of addiction is how women's activities (in and around substance abuse) are tied in to organizational and social relations of ruling.

From these women's stories of their local experiences of addiction we can see that each of their experiences with physical and emotional addictions over different times and places is both disparate and complex. Most importantly, not all the women suffered from addiction. The one consistency amongst the women who did suffer from addiction was that their addictions were criminalized (both physical and emotional). In the following section, I examine these women's experiences with addiction in order to map out how they are hooked into organizational and social relations of ruling.

As I stated in the previous section, women's experiences of invalidation (mostly of experiences of victimization) are common among lawbreakers. What this most often means is that the original experience is not dealt with/resolved. From the women's perspectives uncovered in this section, we have seen examples of how substances are used as a way of dealing, or coping with a past invalidated victimization. Thus, invalidation can serve as a primer or foundation for women's substance addictions that can develop after such an (invalidated)

experience. It would understandably follow that many of the ways that the process of invalidation is tied up into the relations of ruling would also be valid in understanding addiction (cultural gender ideologies, agencies of government such as the criminal justice system, etc.).

One of the most obvious ways that women's addiction is concerted and coordinated by organizational relations of ruling is through the criminal justice system. To begin, the criminal justice system criminalizes many of the substances that the women in this study are/were addicted to. By criminalizing certain substances a black market is created where access and excess are not restricted by any governing body. Women's usage of black market substances is often only limited by money, but criminalized nonetheless. This is also the case for Leslie's emotional addiction to shoplifting. What all of these women's addictions have in common, then, is that they are criminalized. In contrast, other emotional addictions such as food are not. Consider briefly what would happen if tomorrow it was illegal to possess, use, sell, or distribute McDonald's food.

By using, possessing or distributing illegal substances, women are committing an illegal act and are susceptible to arrest, prosecution and punishment by the criminal justice system. If they are already involved with, or end up being involved with, the CJS due to illegal substances, women find that there is little to no treatment for substance abuse in prison or jail. Further, as the women in this study have indicated, it is often easier to access illegal substances in prison/jail. In many cases, especially for those who had invalidated experiences of victimization, prison/jail itself can re-traumatize women and

substances are often brought into play as a way of coping with primary or secondary traumas. Prison/jail can also create a situation in which substances are either the most accessible or the only thing accessible to women to help cope with prison itself or unresolved traumas.

With either the commencement, maintenance or acceleration of addiction in prison, some of these women's experiences can begin to resemble a revolving door. For example, some women do drugs to deal with their illegal lifestyle (working the sex trade) or do illegal work to get drugs; this action gets them into the CJS, then eventually into prison where the addiction is started, kept or advanced until they are released again, putting them right back in the same place they started. And so it often starts again.

Another way these women's experiences of addiction were tied to the organizational relations of ruling is through a market economy. Many of the women in this study had limited viable skills for a market economy and found it hard to earn a good, constant wage. In many cases these women found they had a higher earning power in either property crime, the drug trade or the sex trade. A market economy is based on the exchange of commodities and when that economy intersects with a gender ideology that sexualizes women, it makes it possible for women to become commodities themselves. Prostitution both undercuts the capitalist market economy and denies women the protections afforded most of those working within the economy. However, whether women work to provide for their habit or to earn a higher wage than they would in 'legitimate' work, the sex trade is often dangerous and violent. Most of the

women in this study who worked in the sex trade also claimed that it was not always the most desirable way to make money. Further, for those women who were sexually victimized, prostitution tended to “really fuck them up” (*transcript exert*). Many of the women in this study talked about how they used drugs to numb themselves to be able to work in the sex trade, given their past sexual trauma or traumas that occurred in the course of working in the sex trade.

Beyond this intersection of a gender ideology and a market economy and how that intersection fosters women being commodified, cultural understandings of gender conceals women’s experiences with addiction in other ways. As I mentioned previously, women’s gendered expressions/ways of being are often identified as “emotional” and hysterical”. Further, they are identified as oppositional to what is valued (and mirrored in organizations of ruling such as the law) in society, such as the “objectivity” and “rationality” traditionally linked to men. Women’s emotionality is hence devalued, labeled as “wrong”. In treating or dealing with women’s “emotionality”, or “inappropriate” and “out of control” behavior, many front-line representations of the organizational relations of ruling seek to fix women’s emotionality. One of the primary means by which this front line “fixes” women’s emotionality/behavior is by medicating women. For doctors, educators, social practitioners, and prison staff, medication is often the primary means by which they seek to “help” or “fix” women with what they view to be inappropriate “emotionality”. For a two of the women in this study, their addiction was supported by, or began with, legal narcotics that were provided by a doctor. Other practitioners often play a role in beginning, continuing or diverting women’s

addictions through legal prescriptions. Practitioners contributed to women's medicating in that they are the trusted professionals, the informants, that doctors rely on when diagnosing and medicating women in their care. The lines between being "on a prescription" and being an "addict" blur in such a scenario. Hence women's understanding of the seriousness of their substance use/abuse can depend on whether they get the substances through 'legitimate' channels or not. For example, Ingrid did not understand her prescription drug use to even be an addiction until she tried to stop using the drugs she was getting through 'legitimate' channels. Therefore, the legitimacy of the medical profession (including legal drugs and their acquisition through legal channels) can often blur or distort whether or not women even understand themselves to be addicted. Further, prescription drugs tend to be expensive and require a valid medical prescription. On the other hand, illegal drugs are often, initially, far less expensive than prescription drugs. As we saw with Ingrid, once addicted to prescription drugs, a good deal of effort was required to justify renewing prescriptions. In the black market, however, illegal drugs were more accessible and cheaper.

Another front-line system of the relations of ruling which operates to concert women's local experiences of addiction is Social and Health Services. The services to which I refer include programs, facilities and resources that are directed towards alleviating and managing substance abuse. As many of the women in this study have expressed, their addictions began when they were youths. To date, there is a serious lack of substance abuse services for youth. In

fact, I have been unable to locate even a single residential facility for youth suffering from addiction in the Vancouver. Although there has been a historical 'interest' in youth suffering from substance addiction, it still remains that no effective residential or program-based services for substance abuse have been developed for youth. As a result, generations of youth suffering from substance abuse have been neglected by service providers.

In conjunction with the criminal justice system, these substance abuse services have also failed many adults who need their help and resources. Take, for example, Jade's story. As we will hear in the next section, Jade was arrested multiple times for drug related crimes and her conviction was continually disposed of with fines. Although there were a few attempts to get her into treatment for substance abuse, the system as a whole failed to intervene or make any meaningful impact upon her addiction and related crimes. As was the case with many of the other women in this study suffering from addiction, there seems to be a serious lack of detection or concerted efforts to deal with these women's addictions. For example, currently there are only 35 beds a day available for detoxification in Vancouver – a number which comes nowhere close to meeting the need in the community. Overall, there seems to be a complete lack of effective, appropriate and sufficient substance abuse recovery programs available to those in addiction. This can operate to concert women's behavior around addiction in that if women come to a place where they are ready and willing to end their addiction, government and health services often are not of any help so that their addiction tends to continue, if not worsen.

“Negotiation”

Negotiation is a way of understanding women's courses of action and the dialectic between women and organizational and social relations of ruling. This dialectic was illustrated in the analogy of the canoeist and the river at the beginning of this section. One of my primary goals was to make a space for women's lawbreaking experiences, as a result I am exploring women's local sites for courses of action which brought them into conflict with the law. I include material from the interviews which concerns, in some aspect or another, lawbreaking. My conception of negotiation as a way of understanding action does not apply *only* to lawbreaking. Due to the confinements of this thesis however, I use only those courses of action which brought women into conflict with the law to illustrate this negotiation.

The process of negotiation is made more visible when women's experiences are mapped out with a dialectical understanding of action. But what Smith is also clear about is that the inquirer, too, is part of the complex of social relations that enter into and concert these women's lives. As she states, “[t]his inquiry and its inquirer, its products, are forms of social organization and enter and become constituents of social relations” (Smith: 1999, 78). As a researcher, I was concerted by, and negotiated myself within, ruling relations during the course of the study. In order to conduct research on human subjects for this thesis, I had to submit a research proposal to the UBC Ethical Review Board; I could not proceed until I had written approval through meeting their requirements. One of the conditions of their approval was that any information

that was disclosed by the participant about illegal conduct that was not known, or any information about future illegal conduct or harm against a person or property must be reported to the authorities. With that in mind, I faced two problems; first, no one was going to participate in the study if they felt the information they disclosed was going to get them "in trouble". The second problem I faced was that I did not want to be in the position of getting these women into "trouble", of disclosing to, or enforcing, the CJS. Therefore, I made it very clear to the participants that I was interested in talking about *known* criminal activity and that I was obliged to report any *unknown* illegal activity, past, present or future. This fact was detailed in the recruitment notice, during the recruitment session, in the informed consent form and during the interview process. At the start of each interview session, I typically reminded participants of two things. The first concerned the possibility of the participant feeling uncomfortable with the topic; the second was in regard to confidentiality.

Ok, and if at any time you feel uncomfortable with any of the questions or the line of interviews, you can just stop the interview or ask for the questions to go in a different direction or say that you don't want to talk about that, it is totally fine.

...

So, we're just going to get into lawbreaking in general. Again, it's the confidentiality thing, keep everything mentioned to what is known and what you've been charged and convicted, resolved or acquitted for, nothing ongoing, or pending. I think that covers it, nothing proposed or dangers to yourself.

In an effort to not involve regulatory government agencies (such as the criminal justice system) and to work within the rules of the systems of organized

education and regulations for academic research, I negotiated my situation through the way I chose to conduct my research (my course of action). My negotiation helped me secure productive interviews with participants, all the while working within the parameters of the legal system and the academic system to not get participants "into trouble". Although there was a concerting of the actions available to me in response to the "rules", I negotiated my way within and around the relations of ruling in order to be able to conduct my research without ensnaring the participants in further involvement with the criminal justice system.

The data that came from the participants' interviews were thus the result of a negotiated process. In order to make this process transparent, it is mandatory that I expose how my negotiation impacted the data. The main area that this negotiation affected was what these women disclosed about their lawbreaking experiences, namely about only those experiences that were already *known*. As a result, the mapping and analysis of women's lawbreaking experiences presented here is based on experiences that involved the criminal justice system, a legal expression of the ruling relations, not on activities that happened outside this purview. Thus, this mapping of women's lawbreaking experiences is limited to systematically detected lawbreaking. For example, both Susan and Arlene talked about how my negotiation concerted what they talked about, or more importantly what they did not talk about.

(Susan) Um, so it's going to probably end up sounding like I didn't really do anything wrong all the way along because I can't tell you about the other stuff, but...

...

(Arlene) Well, there's a lot I can't talk about, 'cuz I've never been caught.

As I've said, it is important to make such negotiations by both researcher and participant visible. It is also important to acknowledge that, as a result, I am mapping out and analyzing women's *known* lawbreaking experiences. However, I do not believe that this minimalizes or invalidates the understandings that come as a result of the data because we are interested in women's experiences with lawbreaking, which is a *known* illegal activity. It must merely be made clear that we do not know much about illegal activity that is undetected by the criminal justice system.

As I examined these women's stories of their lawbreaking experiences I was struck by how their crimes were preceded by a sometimes long, sometimes short, negotiation of their local actuality. Most of the women in this study were completely aware of what they were doing and that the courses of action they took were probably not the safest, or most ideal, ones for them. But as the next section demonstrates, these women negotiated the ongoing conditions of their lives and took a course of action which brought them into conflict with the law. The concept of negotiation allows for the distinct dialectical nature of this social experience (lawbreaking) to be made visible.

Over the course of the interviews, the participants were asked to reflect on various experiences in and around lawbreaking. In this first section, I explore women's experiences leading up to and surrounding their lawbreaking. I also

explore some women's experiences of transitions into lawbreaking and their lawbreaking lifestyle⁹.

The situations within which these women's lawbreaking events occurred are complex and there is a good deal of variation among them as a group. Leslie (who was convicted of fraud and shoplifting) reflected on her life and outlook leading up to and during her lawbreaking experiences.

...it's interesting because I try to go back and have a look and I really equate a lot of it to the fact that you know, for whatever reason, I wasn't happy with the life that was dealt to me, and instead of asking for something you know, I would just, I would go take it, I mean I would just, if that makes sense...um, you know and in turn I just learned a shitty, lazy way to live my life, I would take the easy way out, I would lie my way out of situations, I would manipulate my way out of situations.

Beth (who was convicted of discharge of a firearm, armed robbery and hostage taking), on the other hand, talked specifically about the time leading up to her only adult lawbreaking experience.

Well, we had both lost our jobs, I was on welfare, he was on the run, so I was sneaking around to see him. I was looking for a weapon for him, I think complete chaos. I was just either partying, not like heavily, you know but hanging out at the pub where my step-dad hung out or just sneaking around to see him...so, it was kinda like, crazy but boring. It was stupid, it wasn't, not normal.

For a period of her life, Ingrid's (whose convictions included possession of drugs, theft under and over \$1000 and prostitution) lawbreaking experiences were deeply entrenched in street life and addiction.

...so, of course I get right into it and I start working, you know, on the corner there...and uh, I worked to do my habit and you know, I'm doing, not thinking anything you know, just wired up and um this, I remember being on one corner and there was another corner by the arcade where

⁹ Not all of the women characterized themselves as having a "lawbreaking lifestyle" per se; some of the women who did, however, are included here.

we used to get dates all the time and this car pulls up and like four guys jump out of the car and they grab this woman, throw her in the car and take off and I don't think anything of that, I think, well you know, that's a good money-making corner I'll go over there!

As seen above, these women are active in the ongoing, local sites of their experience. Although their 'activities' may not be healthy, these women negotiate their local actuality in order to come to a course of action. For Beth her negotiation took place in the context of being homeless and resulted in her taking actions which set up a lawbreaking event (getting a weapon). For Ingrid, her negotiation took place in the context of her experiences with prostitution on the street and resulted in her taking over another woman's 'corner'.

Some of the women also talked in depth about their transitions into lawbreaking experiences. Heather (whose convictions included fraud, possession of drugs, theft under and over \$1000, breaches of probation and failing to appear) talked about a transition in her teens.

...and then to find out he has a pregnant wife? And be bitterly disappointed, I thought you know what, the fact that this guy is going to spend like 3 or 4 grand dating me and wining me and dining me and doing cocaine with me and everything, just to, you know what I mean?...just to have sex with me, why shouldn't I? You know what I mean, like that was my philosophy at that age (laughs). You know why should I not just get the money, eh? Just go for the money, forget it, just, you know, make the deal and do the deed and that's it.

Heather illustrates her negotiation of her agency within the context of her experiences 'dating' men. She uncovers how she negotiated that local actuality in order to come to a course of action, that being prostitution.

Many of the women talked about their lawbreaking experiences as a lifestyle. TJ (who was convicted for prostitution) talked about her negotiation of her addiction and a lawbreaking lifestyle.

Dope, money, I mean you're wired and when you're wired, you'll do anything, I mean prostitution was actually a good thing, better than fucking B & E or a fucking armed robbery, you know what I mean? John's getting what they want, and you're doing it safely, I've always done it safely, you know?

Ingrid discussed some of her lawbreaking experiences in terms of survival.

Don't even want to think about it, just you know, surviving, just surviving from when I was just little, all the way through just taking life, you know as it was, you didn't talk about it, incidents happen, well big deal, you know, that's life, just go along. You know, and I was thinking I was so tough, you know like just uh, you know, playing the heavy, you know carrying the gun, you know like going into people's houses, you know I'm tough, just you know that whole role, and um, just you know never caring whether I lived or died, I didn't think, you know?

Heather talked about her lawbreaking experiences in terms of the inevitability of the intervention of the criminal justice system.

Just continuing on with my lifestyle, inevitably the same shit happens, right? You can't do crime and get away with it, it was a lifestyle, it was like you know, everyday, everyday, everyday, grind, hustle, do what you had to do to stay alive and eventually, you know you get caught right? And after a few charges are racked up, they don't let you go, they make you do your time, so you do your time.

Having heard from the women about what life in and around the time of their lawbreaking event/s, we turn to their stories of the lawbreaking event itself. For a few of these women, their lawbreaking events were expressed in terms of their lives in addiction and involvement in street life. TJ talks about her main lawbreaking event.

...yeah and I plead guilty 'cuz I was caught, right? Like he was an undercover cop...and uh, and he picked me up, and uh, but I mean I felt his crotch and shit so, I didn't know that undercover cops are allowed to let you do that...and uh, I pled guilty 'cuz, you know, he's a cop, right? His word against mine..

For TJ, it seems that her agency in taking part in prostitution was visibly concerted by the criminal justice system.

Jade's (whose convictions included impaired, driving without a license, theft under \$1000, possession of drugs and possession of a stolen credit card) lawbreaking actions, on the other hand, were a succession of events.

And so, I got, oh yeah, ok, so then I was in [name of place] and I had lost my children by this time, so um what it was, was, I had an accident with my foot...so, I had to wear this cast and I went into the liquor store and I was drunk and I was stealing this, some booze to give to this chick so she would give me some cocaine...but, I got caught. So I had to stay three nights in remand and that was so stupid, I mean, oh God, anyways, and then they just gave me a hundred dollar fine and I paid that.

...

...they caught me driving with...and I had gotten rid of everything, and there's a little gold case and I had forgotten there was a bunch of rocks of coke in there...and I forgot that and I had booze in the car and I had just cracked a beer or something, because you just don't drive without drinking, I thought at the time, and I was driving and they pulled me over, and they knew me 'cuz I had this Cadillac and it stuck out and the cops all knew me, and so anyways he finds the cocaine and my boyfriend went to court and said it was his, and he had been driving the car previously, so, and I said, look I don't do coke, I just do heroin, you know? And they all knew that I just, I did heroin, they didn't know whether I did coke or not, they weren't sure...so, the judge said he was pleased with our incredible honesty and, um (laughs) and he said I had motor-mania, because that was my tenth driving without a license...and, I got off on the cocaine and I had a four hundred dollar fine for the driving without a license.

Jade's agency, unlike TJs, seems to be less concerted by visible forms of the ruling relations (CJS) and her courses of lawbreaking action tended to continue.

Ingrid also discussed her negotiation of addiction and lawbreaking.

...well now, you know I'm alone, you know, I'm on the street, I don't really know anybody, really and he's [boyfriend] in jail and so I start hanging out on the street and uh we were pretty much bored not knowing what to do, you know, wasn't into working a job or anything, so I started shoplifting, I decided you know, that I was doing shoplifting so I could get high once and a while and also so I could bring drugs into him in jail. And, um, so I'm doing that and you know, I'm hanging out with the women down there and they're all hooking and you know, there all, I'd see them with hundreds of dollars and so um, and I was hanging out with them and I would sell them clothes....you know working clothes and stuff, all sleazy clothes and then I'd sell them and you know that's how I would make my money. Well, then I got caught a couple of times and then it got, well what's the use? I may as well just go hooking, they got money, why don't I just make that kind of money, you know?

Ingrid's agency to negotiate her local actuality is illustrated here. Although still concerted by organizational relations of ruling (for example, the CJS), Ingrid demonstrates her negotiation of her local actuality (making less money selling stolen clothing to women in the sex trade) to come to course of lawbreaking action (participating in the sex trade). Further, this excerpt illustrates that Ingrid is knowledgeable and active in her local site(s) of experience.

One of Amy's (whose convictions included impaired, possession, prostitution, assault causing bodily harm and 2nd degree murder) lawbreaking experiences also involves her addiction, but its connection to the lawbreaking event is less clear.

...and, uh I had no right being in the bar, I know that because I was going there for a reason; I was going to kick a habit and but, anyways I was at the bar and these two girls that I had a conflict with before, um, I see her coming and she was rattling off something and I couldn't hear exactly what

she was saying, but she was stormin' over there with her friend...and, you know uh, I had planted it in my head that, uh, that no one was going to beat me like that again [had just been assaulted by live-in], like 20 stitches to the head and my eyes were black and I just thought like, no do unto others before they do unto you, that's exactly what went through my head...and so she came behind me, she tapped me on the, she came from that way, she touched me on this shoulder [shows interviewer]...I grabbed a beer glass and I blacked out here [motions arm being raised half way...laughs]...and I woke up, uh, once in the hospital, I was strapped down to a bed and uh, I woke up again and I was in jail and I woke up a third time and the sergeant was talking to me telling me I was very lucky that I didn't kill anybody.

Although Amy's actions could be seen as a response to her local actuality (being assaulted by a live-in), her course of action did not directly relate to that actuality (she, instead, assaulted an acquaintance).

Arlene (who was convicted of manslaughter) talked about her lawbreaking experience and its intersection with her addiction as well. Again, the connections were murky.

I had just left my kid's dad like the summer before it happened in [date]...I don't know, I was just drinking, getting high, I don't know on a consistent run...I had no choice but to leave my kids there and I was too scared to go back [to children's father]...to be honest, I don't know what led up to it, we were just in a bar drinking and I was with two other people and the guy came and sat at our table and there was a pill put in his drink and it was only supposed to...my buddy was only supposed to rob him, he wasn't supposed to be killed. Just, I don't remember lots of it, I was pretty blasted...he wound up drowning in a river, went for a walk ...I had money. My friends wanted to rob him and stuff, I guess I was the keepsakes person that night, to make sure like (pause)...

[Interviewer]: To, a watch-out kind of thing?

Uh-huh, to make sure nothing happened to them, or whatever, from this guy.

Again, Arlene's agency to take a course of action is understandably affected by her local actuality (having lost her children, being addicted). However, the course

of action that she took (taking part in a drugging and robbery) does not directly relate to her local actuality.

For Leslie, her lawbreaking experiences took place in a context that was much different than those of many of the other women.

...you know I had my son, I didn't have any control over any of the money [with spouse], um I, you know, was housewife at home, [husband's name] would leave me home all day without the vehicle; I had to basically make it on my own as far as getting around or having activities with friends or anything like that...um and I had dropped him off to go fishing with his buddies and he had given me the bank card to go grocery shopping...which has to the tune of about 5000\$ in it, I mean we were living comfortably, and I toodle off to the grocery and on my way to the store a rock flew and I'm thinking, at this time, I'm thinking about ok, I'm going to take something, like I'm starting to do the justification process, a rock flew up and hit my windshield. Mind you, if I look back now that probably could have been a sign, but getting arrested in that store was probably the best thing that ever happened to me, didn't feel that at the time, but I can look back now and I can reflect on that. So, I went to the store, bought my groceries, they arrested me, I went to the police station, um I came back, got in the car, drove to another store and took something, went home and sat and had a good bawl and thought oh Christ! What's going on with my life?

Leslie's agency in her local actuality (middle-class house-wife) seems to be concerted 'less' by visible forms of the ruling relations (CJS) since her actuality reflects, and is privileged within, those ruling relations. Her courses of action, then, continued for some time before she was apprehended for breaking the law.

Beth talked about the beginning of her lawbreaking experience which, at the end of several days, culminated in a hostage-taking.

...and it started out with an armed robbery at a video store, like a movie place...and didn't get a whole lot of money from there, we really didn't know what we were doing. I was trying to just, like I don't blame [name of co-convicted], but I didn't know too much, so obviously I wasn't really in charge or understood, I just know that I was willing at that point 'cuz we had a bunch of camping gear and stuff was stolen. We were left with nothing and we had no money. So, that's how that even came about; it

wasn't just 'cuz we wanted to rob someone, or I had this desire to rob anything, it was 'cuz we didn't have any money and we slept on the street for one night and was panhandling and stuff like that...I wasn't about to live on the street...

Beth's courses of action (robbing a store and the subsequent hostage-taking) were the result of her negotiation of her local actuality (living on the street). Her actions illustrate that she was active in her ongoing local site and that she exercised her agency through actions to try to change that actuality.

Susan (whose convictions included failure to appear, impaired, theft under \$1000, trafficking narcotics and armed robbery), on the other hand, discussed her negotiation of the actions which got her apprehended for breaking the law.

...enough dope to get high, I liked having a little bit of power, I wanted to have money, um I want, I knew I was going to get busted, I wanted to put money away and I was gonna get out of it...that's where I was going...Oh, um-you know, knowing what drug addiction has done to me like, and to everybody else...I guess I justified it by that I was an honest drug dealer, I sold good, quality products at a good price, I didn't do this, I didn't sell to people I didn't know, I didn't show them how to do this or that, or you know I had all these things, so I 'spose, you know are far as, I guess I thought I was a good drug dealer...but what the hell is a good drug dealer, you know? (chuckles) Like, um, you know when you sell in that kind of quantity I have no control over where it goes, maybe the drugs that I put out killed people, you know I, I'm remorseful for being and contributing to other people's drug addiction, it's like, it's a horrible disease and I helped provide people the, what they needed to contribute to their disease...

Susan's story illustrates how she negotiated her local actuality (as an addict, as a person seeking to make an income) in order to come to a course of action (trafficking drugs). What is visible in her story is that Susan was active in the ongoing, local site of her experience. What is not immediately available is how that action is hooked into the extended organizational and social relations that rule.

In the preceding section we examined what these women told us about their lawbreaking experiences. There were many examples of the women's courses of action setting up and participating in lawbreaking events. It is clear that these women were active in their local everyday sites. These women expressed that they were quite knowledgeable about their situations and the various courses of action that were available to them. Further, they also expressed that they were quite familiar with the risk and consequences of certain courses of action which could bring them into conflict with the law. What came to happen was the result of women negotiating their local site of experience and the coordination of their local sites by the ruling relations, in order to come to a course of action. In the following section I look at some ways that these women's local sites of experience were coordinated by the ruling relations and how that concerting organized their courses of (lawbreaking) action.

The most visible coordination of these women's local sites is that of the criminal justice system. Beyond criminalizing two accessible means of good income (the sex trade, the drug trade) for many of these women, the CJS concerts women's local sites in a number of other ways. The CJS is often prejudiced in its detection, prosecution and detention of many (usually disadvantaged) people (LaPrairie 1987, 1993, Johnson & Rodgers 1993). For example, TJ's guilty plea was the result of an entrapment and she expressed that she knew she had little credibility against the police "witness". Beth, on the other hand, had a trial for her charge but saw her lawyer only twice before and during

the trial. When she was sentenced, her lawyer failed to appear on her behalf. This was Beth's first charge and she was sentenced to 8 years. If we compare that to Amy, who was convicted for 2nd degree murder and was sentenced to 6 years, or Arlene who plead guilty to manslaughter and received 4 years (and consider that both had criminal histories), we can see that even amongst this small group the law was inequitably applied.

Once women become involved with the CJS it often is not long before they are in the custody of the correctional system. In almost every study on confined punishment it has been shown that detention does little to deter crime (Van Ness & Heetderks-Strong 1997, Howe 1994). Most non-violent crimes are often disposed of with a "fine or X time served" sentence. Those unable to pay the fine must instead serve time in detention. If the term is served without incident, the person would be eligible for release after serving anywhere between one-third and two-thirds of their sentence. At this time they would be on probation where certain activities are prohibited (consuming substances, co-horting with known criminals, living on the street) and if found participating in these activities, they are returned to custody to serve the remainder of their sentence (as is the case with many lawbreakers who have "street" lifestyles, like Amy and TJ). Those with the means, like Jade, pay their fines and are free to return to their day-to-day lives. Once some women get involved with the criminal justice system, their experience tends to resemble that of a revolving door. Due to the ineffectiveness of detention and/or the ability to avoid detention when one has the means, women's courses of action rarely just stop. Further the CJS is a system of

management that seeks to control lawbreaking behavior, not understand it. As a result the CJS tends to be less effective in deterring lawbreaking acts. Hence, the revolving door. This, in combination with prior experiences with other branches of the organizational relations of ruling (Social Services, Income Assistance), can concert a bureaucratic over-management of just about every aspect of women's lives.

When women are mothers, over-management stretches further into their lives. Four of the women in this study were mothers and only one of those women had custody of her children around the time of her lawbreaking event/s. Two of the women began their lawbreaking stories by noting that they had had their children removed from their custody before, and close to, their lawbreaking event. Although it was apparent that the children were removed for their protection, that action by family/social services, nonetheless, coordinated these women's local sites of experience. The many emotional repercussions that stem from having one's children removed often impacted women's local actualities in devastating ways. For example, a couple of the women expressed how they did not care about anything after losing their children. Once these women's children were removed from their custody, it seemed the "stakes" in life were lowered. Without children to care for, there was less incentive for women to negotiate healthy courses of action. To be clear, I am not trying to make a case for cause and effect. What I am attempting to illustrate is the dialectic between women's local sites (having children removed) and the organizational and social relations of ruling (social/family services), and how those experiences are negotiated by

women to come to a course of action (lawbreaking). It seems to me that in some cases, the devastation of losing their children allowed women the space to 'suspend' their knowledge/understanding of risks and consequences of their actions. Further if they 'don't care', the meaning and impact of consequences are diminished.

As with other experiences in their lives (invalidation, addiction), women's lawbreaking experiences are hooked into the market economy. Beyond, yet still connected to, the commodification of women's bodies, the power of a market economy (in conjunction with the CJS) to distinguish legitimate work from illegitimate work coordinates the kinds of work available to women. Further, the historical exclusion of women from the workforce, the current gender wage disparity and the "glass ceiling" relegate many women to low wage work (Zukewich-Ghulam 1992). Women's options for a good wage, therefore, are coordinated in a market economy. A good deal of the 'work' these women were skilled at doing is de-legitimized by both the CJS and the market economy. Under this concerting, these women often negotiate a course of action that, albeit risky, often secures them a better wage than they would have gotten through "legitimate" work in a market economy.

In the previous sections I have discussed how a gender ideology can operate to concert women's local sites of experience. Many of the ways gender concerts women's experiences of invalidation and addiction relate to women's lawbreaking experiences as well. This concerting would include, among other things, the commodification of women's bodies, the gender-wage disparity and

the de-legitimization of gendered ways of being/expressing. For some women, lawbreaking can be seen as a response to concerting by gender ideologies. Some women, for example, chose to maximize this concerting for their own benefit. TJ for example, accomplished this by working in the sex trade. On the contrary, some women chose to resist/re-appropriate this concerting for their own benefit. Susan, for example, accomplished this by conducting large-scale drug trafficking. This action can be seen as resistant in that the drug trafficking trade is, for the most part, monopolized by men; this also reflects a greater risk and a greater consequence than most crimes that women are convicted of.

Further, the management of women's lawbreaking experiences by the CJS is also concerted by a gender ideology. While this concerting is neither the same for every woman, nor the same for each woman over different times, it is in place in many ways. For some women this ideology translates into a more lenient treatment. For example, Jade had a succession of charges that were disposed of by fines. In almost every case, Jade evaded detention by utilizing the resources of her doctor, her responsibility as a mother and her male partner to "take responsibility" for charges they were both involved with. Jade was able to utilize her gendered experience as a way of avoiding detention. By contrast, a gender concerting can also translate into harsher punishment by the CJS. For example, Beth received an 8 year sentence for only a group of charges stemming from one incident (robbery, discharge of a firearm and unlawful confinement). As we discussed earlier, this sentence was harsher than other similarly violent crimes committed by women in this study. Despite the fact that this was her first charge

and that there was a co-accused who appeared to be the primary organizer of the series of lawbreaking events, Beth received a lengthy sentence on par with what a person in Canada would receive for manslaughter. Beth was unable to avoid detention by arguing that this was her first infraction and that a male co-accused was primarily responsible. Without familial or legal support, Beth was put under a stricter judgment before the courts: Beth was unable to utilize her gendered experience to lighten her sentence. It may be that there was a "backlash" against cases such as Jade's that resulted in a stricter judgment being applied to Beth. Regardless, the point is that the criminal justice system's management of women's disposition is concerted (to varying degrees of benefit and detriment for each woman) by a gender ideology. They experience their local sites (of lawbreaking, of prosecution, of sentencing) as women.

In this section, I explored women's lawbreaking experiences and examined how they are hooked into organizational and social relations. Many details of the risky courses of action these women took that brought them into conflict with the law were uncovered. As well, many of the ways these women's courses of action were concerted by the ruling relations were exposed. This is not to say that either side of this dialectic is static and applies to every woman's local sites of experience equally over time and places. However, I am arguing that this inquiry has exposed the dialectical, ongoing negotiation between women in their local sites and the relations that rule. This is the same dialectic all women (and men) find themselves in in their local sites. What distinguishes these women from others is that their courses of (lawbreaking) action were detected and

further orchestrated by the criminal justice system. Women lawbreakers are just as active in their negotiation of their local settings as other women. What distinguishes them, then, is that what these women saw to be their best course of action was illegal.

Chapter Five – Implications

In the preceding chapter I explored women's standpoints in their local actuality to uncover both their actions and how those actions are concerted by the ruling relations. By attending to women's lived, local, experiences, their negotiations of the ruling relations become visible. Instead of beginning my analysis with structure, as most feminist scholarship does, I began with the lived experiences of women. This is important because if we do not understand how women negotiate the ruling relations in their local sites, it is difficult to attempt to make suggestions as to how women may act differently.

Over the course of this paper I have developed Smith's methodology in order to include women's agency/actions in explanations of their lawbreaking behavior. Smith's method of inquiry allows for women's agency in that it recognizes the dialectical nature of social interaction. This dialectic exists between women in their local, everyday sites and the ruling relations. This method allows for both how women organize and negotiate their lives through action and how that action is concerted by the ruling relations. Without attributing women's lawbreaking to an individual effect or a structural effect, Smith's method of inquiry allows accounts of lawbreaking to explore what women are actually doing. This method is important to an inquiry into women's lawbreaking because it explores women's course of action, as well as how that action is organized by objectified relations of ruling. In doing so, Smith's method allows us to include what has been missing in feminist scholarship in and around women's

lawbreaking –women’s agency. This method of inquiry should prove to be useful to future scholarship which seeks to explain women’s lawbreaking behavior without a determinist understanding of action. This method for examining women’s lawbreaking includes women’s agency yet retains feminist insights into economic and cultural inequities. With this method of inquiry, all courses of women’s action are made visible and hence this method ‘corrects’ previous distorted representations of women’s lawbreaking. It does so by resisting using structural forces (those of a determinate, oppressive character) as an explanatory framework for women’s lawbreaking. Instead, this method *discovers* how ‘structural’ forces organizes women’s local experiences.

The data which were presented in the previous section illustrate that lawbreaking women are very active in their everyday lives. The data also uncovered that women’s experiences are as much constituted by their actions as through the ruling relations. The representation of women lawbreakers as the ‘victims’ of structural and ideological oppression, therefore, is not sufficient. When we consider women who were *de facto* ‘victims’ of abuse, for example, we saw that connections between past victimization and lawbreaking do not adequately explain women’s (lawbreaking) actions. Further, by taking the standpoint of women, we uncovered experiences of invalidation that were more prevalent and significant in the women’s local experiences. It seems that the specific experience of being invalidated is more relevant to understanding women’s courses of lawbreaking action, than the experience of ‘victimization’ generally.

Lastly, if I were to suggest what future research using Smith's method to look at courses of women's lawbreaking action might look like I would like to see more research that includes women lawbreakers. I would like to see these women involved in designing, conducting and producing research on their actualities and their courses of (in this case, lawbreaking) action. At the very least, an exchange of transcripts and/or work shopping analysis with women participants would be a very exciting direction for Smith's work to head in. As well, I think it is essential to look at other ways of producing the research material (multi-media) in a way that does not exclude the 'subject' of the project as much as an academic paper does/can with women lawbreakers (who mostly have limited experience with the lexicon of academic work). This kind of research also needs to be done on a larger, more diverse sample that represents the status of women convicted of breaking the law in Canada. As well, I feel the research needs more interviewers, especially those who more closely reflect the status of women convicted of breaking the law.

What has stuck out to me after this project is that there is a need to look more closely at why women take certain courses of action and others do not. I believe that there has been quite enough research done on women who have broken the law – enough to statistically know crime profiles and demographics. This was demonstrated to me during my recruitment session where many women who declined to participate stated that they had had enough of being studied and researched in prison and through community services. Perhaps by taking a sample group of the population at large from birth, or an adult sample that

resembles women who break the law but has not been convicted for breaking the law and using Smith's method of inquiry, we can unpack how people survive those same actualities and map how people do or do not get caught up in the criminal justice system. It would be very interesting to unpack what people's, women's, course of action were in their actualities and what their courses of action, their survival strategies, were in response.

Conclusion

I began my inquiry into women's lawbreaking from a disquiet between what I "knew" (from academic feminist accounts) and what I "saw" (as a worker). My understandings of women's lawbreaking (what I "knew") came from a distorted representation of women lawbreakers as victims produced by academic feminist scholarship. This distorted representation, what Daly calls the 'leading feminist scenario', came from a feminist practice of emphasizing women's victimhood (whether literal or symbolic) as an explanatory framework. This framework is exemplified in Faith's "victimization-criminalization continuum" which explicates women's lawbreaking behavior as connected to their victimization. The problem with this tendency in feminist scholarship is that it renders the women as 'victims' – a representation that relies on women's object, rather than subject, status. Further, this distorted 'victim' representation produced by feminist scholarship fails to examine the way women can, and do, negotiate 'structures' to shape their own lives. What is problematic about this failure by feminist scholarship is that it obscures women's agency. Women's actions are

not registered and their agency, therefore, is missing from feminist scholarship on women lawbreakers.

As a result of my disquiet, I began to ask what is it about victimization that contributes to women's lawbreaking? I adapted Smith's method of inquiry to develop a method which includes women's agency and yet retains feminist insights into economic and cultural gender inequities. Further, I developed a method which allows one to understand agency, particularly in the context of victimization and its entanglement with lawbreaking. This method does so by understanding the dialectic nature of social interaction – the exchange that takes place between women in their local sites and the relations that rule. This dialectic understanding of action is important because we can examine not only what things come into view as structural or institutional process, but also see more clearly the undercurrent of resistance and survival so relevant to feminism. Looking at women's engagement with the ruling relations, then, uncovers not only how 'oppressive forces' organize women's lives, but also how women *negotiate* those forces through action. Further, this method looks at women's lawbreaking differently – it captures women's agency as a counter-discourse to existing feminist discourses of victimization.

In the data chapter, I employed this method to provide an account of what the women in this group actually did in their everyday lives and how their actions and their everyday experiences are both established by, and responses to, the ruling relations. By beginning my investigation from women's standpoint, I began to see that *how* women lawbreakers were represented (as 'victims') in feminist

scholarship did not always hold true for women in this study. What is more, this representation of “women as victims” seems to speak to the status of women more generally than women lawbreakers specifically.

What I uncovered in my study was that these women have agency. In their everyday local sites, these women are active and knowledgeable individuals. This is not to say that their agency was not concerted – in different times and places it was. However, the concerting of the ruling relations upon women’s local sites is not always consistent, nor does it always have a determinate oppressive character.

In this paper, I have aimed to make a new contribution to feminist scholarship on women’s lawbreaking. By overcoming methodological problems which resulted in ‘distorted’ representations of women lawbreakers, I have presented a counter-discourse to most academic feminist scholarship – a counter-discourse that begins in women’s standpoint. By beginning at this point we can include women’s agency, their actions, while at the same time uncovering how those local actions both express, and are organized by, the ruling relations. It is hoped that this method will prove useful for future feminist scholarship on women’s lawbreaking which seeks to expose women’s agency without understanding it in an essentialist manner.

The way we understand women’s lawbreaking necessarily impacts (to varying degrees) the conditions, the detection, the punishment and the community resources available to women who break the law or are at risk of doing so. At the time I started this project to present, there has been no one

researching with a methodology that recognizes the dialectic of both women's agency, their actions and the organizational and social relations of ruling. Over this time, few criminal justice strategies have been effective in reducing crime and the recidivism rate has remained relatively unchanged for the last two decades. It is important to be critical and mindful of discourses such as conventional criminology and feminism because they are all discourses of power; they are part of the organizational and social relations of ruling that concert the everyday/everynight actualities of women. Feminist discourse, specifically, is a discourse of power, this very paper is now part of that machinery. Feminism is not only a discourse of power that operates from the pillars of academia, but is also a discourse of *practice* – it is at work in the resources that address, support and manage women who break the law. As such it is important that its products of inquiry have come from sounds, sufficient and complete methodologies, such as the one used in this project.

I believe this project to be important because it is innovative. This project aims to contribute to and advance feminist scholarship by offering a method of inquiry (Smith's) into women's lawbreaking that is attentive to both women's agency and the cultural and structural inequities of the organizational and social relations of ruling. It is my belief that this type of methodology will also allow for feminist scholarship on courses of women's lawbreaking action to better reflect feminism's larger principles of empowerment for women everywhere. For, if we do not recognize all women to be everywhere/always active, how can we hope for our empowerment?

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