

EDITOR'S INTRODUCTION

Criminalizing Women – Past and Present

Jennifer M. Kilty

This special issue of the *Journal of Prisoners on Prisons* (JPP) examines some of the ongoing criminal justice concerns that affect criminalized women. It is a timely issue which has been a long time in the making. The last special issue on women, edited by Liz Elliott and Gayle K. Horii, was Volume 5(2) published in 1994. Since that time, there have been several important penological changes regarding women's incarceration around the world, and in particular, in Canada. The political push for mass imprisonment continues to thrive and women have become the fastest growing component of the wider prison population (Kilroy and Pate, this volume). When examined in conjunction with race and class, it is clear that while more women in general are being sentenced to lengthier terms of imprisonment than ever before, it is racially minoritized and economically marginalized women that are experiencing incarceration at highly disproportionate rates. The racialization of criminalized and prison populations is not a new phenomenon (Chan and Mirchandani, 2002), but the method by which it is occurring is nevertheless alarming. Accordingly, I wish to highlight the growing disjuncture between public knowledge and the reality of crime, crime rates, and the contextual situations in which crime occurs.

While media outlets all seem to have adopted the 'when it bleeds it leads' approach to journalism, the public's growing fear of crime and victimization has heightened to the point that many have become supportive of the increasingly punitive political agendas advocated by politicians at every level of government (Makin, 2010). In Canada, Prime Minister Stephen Harper has at times publically denounced the need for more research on crime and has rejected empirical evidence suggesting that the rates of violent crime have actually decreased over the last twenty years. The current Conservative government continues to publically state that we are at risk of crime and that their proposed get tough on crime bills will be the way to make Canadians safe (Moore and Donohue, 2008). Justifying increased terms of imprisonment for less and less serious crimes by ignoring social scientific research that not only problematizes the stricter use of legal sanctions as a way to secure public safety, but also demonstrates that we are at less risk of crime now than we have been in the past 20 years, is not only dishonest and misleading to Canadian citizens, it is serving to set us up for an American style populist punitiveness.

The United States is the world leader of incarceration, with nearly 2.5 million bodies warehoused in some form of detention on any given day (Sabol *et al.*, 2009; Christie, 2000). A lengthy series of punitive crime control measures, including but not limited to mandatory charge policies (adopted in Canada in domestic violence cases), three strikes laws, mandatory minimum sentences for certain crimes (some proposed and adopted in Canada for gun and gang-related violence and drug crimes), and the ongoing war on drugs, have effectively worked to disenfranchise members of certain groups and to expand the carceral net to the point where large numbers of Aboriginal, Black and Hispanic men and women have a greater chance of going to prison than they do of securing a higher education (Davis, 2003). The effects of punitive and racialized crime control are many and varied. Accordingly, the goal of this issue of the *JPP* is to introduce and discuss how some of these crime control measures affect the lives of the always already marginalized.

This special issue contains a variety of different types of entries and pulls together pieces written by current and former prisoners, advocate/activists, as well as feminist academics – all of whom work in some capacity – be it frontline, advocacy, political, not for profit/NGO, governmental public service/civil servant representation or education – against the criminalization of our sisters inside. In this volume you will find art, poetry, personal stories of courage, tragedy and the power to overcome, as well as articles based on empirically grounded academic research.

This issue falls on the heels of the 20 year anniversary of *Creating Choices*, the federal policy document conceptualized as a new way forward for women's corrections, and written in a collaborative effort by feminist academics, former prisoners and the Correctional Services of Canada. However, while Canada's correctional restructuring for women's prisons is lauded by correctional workers and managers around the globe as the new standard after which to model corrections for women, prisoners, feminist activists, and criminologists alike have criticized the newly built federal prisons for women in Canada as simply smaller versions of the now closed Prison for Women (Chan and Mirchandani 2002; Kilty, 2006; Kilty 2008; Glaremin, this volume). With increasingly punitive sanctions such as initial year long segregation, universally witnessed harsher/lengthier sentences, and the growing state of institutional overcrowding in women's (and all) prisons, there is little to celebrate in terms of correctional progress for women's prisons in Canada or around the world. This issue sheds light on

some of the concerns identified by women currently inside, those who have been released, and those of us who work to raise the alarm to the fact that choices were and are still not created through the use of imprisonment.

This volume is bookended by two beautiful works of art by Ojibway artist Jackie Traverse, whose paintings reflect the embodiment of her experiences of incarceration and how these experiences have affected her life. Refusing to allow her criminalization and past to haunt or mar her, Traverse's art not only tells a story of self-harm, it teaches us that art can be therapeutic and educational. Several of the written entries touch on the three key issues painted by Traverse – self-harm, pregnancy/motherhood, and drug use/addiction. Interestingly, albeit not surprisingly, many criminalized women highlight the connection between their drug use and criminalization, and between their incarceration and self-harming behaviours (Kilty, 2006; Kilty, 2008). In fact, the entries by Acoose, Elliott, McMillan and Granger-Brown, Acoby, "Petey", Kilty, as well as Dell, Desjarlais and Kilty all tie in discussions relating to these three key issues.

The volume opens with two startlingly telling portrayals of the processes of criminalization and the transformative effects imprisonment has on the identity of the individual. The first piece, written by an anonymous author, describes the devastating financial consequences criminalization has, even upon an educated and aspiring academic. Her story illustrates the links across women and how criminalization contributes to shifting identity politics and the maintenance of a glass ceiling that confronts women of all classes. The second piece by Marina Nemat describes her experiences of being a political prisoner in Tehran and the life long personal struggles she has faced as a result of the various forms of torture she endured inside. For Nemat, coming forward to voice her experiences is both an important political statement, but also a method of catharsis, as she strives to be open about her past with her friends and family, and in the process hopes to release the demons of her incarceration.

The third entry about incarceration in an American prison is written by Yraida Guanipa, who published in the *JPP* in 2003. In this article she examines the use of prison labour and her experiences of reintegration after serving a decade inside. In "My Healing Journey", Sharon Acoose takes the reader through a journey of self-discovery, self-awareness, and self-awakening, as she documents her life in and out of prison, and how she "rose from the ashes" to become both an academic/activist and the mother

she could not be while incarcerated. The co-authored piece by Colleen Anne Dell, Valerie Desjarlais and Jennifer Kilty highlights the importance of collaboration in research regarding crime and criminalization and the role of knowledge translation in different formats – a point similarly made by Gaucher (2002) in his discussion of writing as resistance and by the very mission of the *Journal of Prisoners on Prisons*. By examining the problematic substance use of Aboriginal and First Nations women, the authors illustrate through song, not only the ups and downs of the healing journey but how researchers can affect social change by reaching out to audiences through song, video, group work, and participatory action research via team involvement.

Lynne Elliott's poems touch upon how imprisonment affects a woman's ability to mother her children while incarcerated, setting the stage for McMillan and Granger-Brown's entry on mothering in prison. The mother-child program that operates (sparsely) in federal and some provincial prisons for women in Canada is often a source of public outcry, as citizens decry the thought of infants living behind prison walls, yet ironically fail to find the separation of mother and child similarly objectionable. The "Presentation of the Organization" by Continuité-Famille Auprès des Détenues (CFAD) is an example of the determination many criminalized women exhibit. It is this commitment to helping other women maintain and strengthen their bonds with their children in spite of their incarceration that CFAD marks as its primary objective.

The entries by Cathy Marston, Renée Acoby, T.A. Glaremin, "Petey", and Véronique Strimelle and Sylvie Frigon draw attention to the structural injustices of most modern penal systems. By emphasizing the (un)intended negative consequences of mandatory charge policies, Marston's poem "Justice is a Woman" provides insight into the state of domestic violence cases in Texas – where approximately 20 percent of women are charged following an incident of battery. Renée Acoby's piece on segregation in federal prisons in Canada demonstrates how race, class and gender intersect and come to affect how Aboriginal, First Nations and Métis women are unjustly sanctioned inside prison to more frequent and lengthier periods of time in administrative and disciplinary segregation than are their White female, or male counterparts.

Acoby's article is hauntingly reminiscent of Mme. Justice Louise Arbour's (1996) scathing evaluation of the unlawful strip searching and

segregation of women in the now closed Kingston Prison for Women in 1994 (see also Frigon, 1997). This ‘incident’, also demonstrative of the disproportionate representation of Aboriginal women in prison and in segregation, was the impetus that set into motion the massive restructuring of federal corrections for women in Canada described by T.A. Glaremin. The entry by “Petey” documents multiple failures of Canada’s correctional system for women and girls, and the ease with which individual women can fall through the cracks. For “Petey”, being sentenced as a youth but coming of age inside resulted in her being caught between the youth and adult correctional systems. Her tale is eerily reminiscent of the case of Ashley Smith, a young woman who was transferred from a youth to an adult prison, and who committed suicide in plain sight of correctional officers after nearly a year in segregation. Kilty describes Smith’s case in greater detail in her piece on self-injurious behaviour.

Finally, Strimelle and Frigon’s careful examination of women and work in Quebec identifies a number of the structural barriers that women face when attempting to survive economically and to provide for their children and families. With the penological pendulum swung toward the right and increasingly punitive sanctions invoked, their study is all the more important in terms of our ability to understand the long range and lasting impact of incarceration on women and their ability to (re)integrate post-incarceration.

Working as the Special Editor for this issue of the *Journal of Prisoners on Prisons* was time consuming, involved, eye opening, rewarding and humbling. It takes much dedication to see a special issue from its initial inception to print, especially when you are working with contributors who lack access to computers, literature and other resources. It is a testament to Bob Gaucher’s, and now Justin Piché and Mike Larsen’s, tireless commitment to the spirit of this journal that ensures the *JPP* sees publication twice a year. It is my hope that this special issue on criminalized women provides *JPP* readers with insight into the effects of criminalization and imprisonment on the lives of women serving time in Canada and elsewhere. Moreover, it is my hope that this issue acts as an alarm to those who believe that we have achieved equality, that women are no longer marginalized or that prison does not affect women in disproportionately negative ways. Finally, if the entries in this issue are able to provide hope – for women inside and/or for their children and families – then it is my belief that we will have succeeded.

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ABOUT THE SPECIAL ISSUE EDITOR

Jennifer Kilty is Assistant Professor in the Department of Criminology at the University of Ottawa. Her primary area of research interest is criminalized women – their experiences of incarceration and reintegration, their adoption of self-harming behaviours, and their construction as ‘violent’, ‘dangerous’ and/or ‘risky’. Using identity and citizenship theories, Professor Kilty examines how different health and mental health statuses come to affect the construction, maintenance, and negotiation of identity in prison and post incarceration. Much of this work is based on discussions of rights and ethics of care, and is framed by a prison abolitionist standpoint.