Contemporary Criminological Issues

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In 1993 Canadian feminist criminologist Karlene Faith (1993, 1) began her classic book Unruly Women: The Politics of Confinement and Resistance with these words: “The unruly woman is the undisciplined woman. She is a renegade from the disciplinary practices which would mould her as a gendered being. She is the defiant woman who rejects authority which would subjugate her and render her docile… She is the unmanageable woman who claims her own body, the whore, the wanton woman, the wild woman out of control.”

Despite the gains women have made in the twenty-five plus years since Faith’s groundbreaking work was published, her words continue to resonate. In this chapter, in order to understand the stubborn entrenchment of the unruly woman trope, we consider the role and complicity of mainstream feminists who use gendered ascriptions of risk to frame women who fail to conform to the white middle-class ideal of victimhood as both unruly and bad neoliberal subjects. In so doing, we trouble the narrative of progress that underlies the oft-told history of feminism in three distinct waves, each an improvement of the last. Instead, we argue that mainstream feminist efforts have long excluded and perpetuated the “othering” of—and continue to marginalize—“unruly” women. The goal of this chapter is to bring critical criminology into conversation with feminism; deploying the conceptual tools of criminology provides a point of entry for respectful and productive critique of feminism at the same time as it affords space to celebrate important gains made by women reformers.

Feminism is perceived as a social movement that—to a greater or lesser degree—can be credited with the significant gains made by
women over the last hundred years. As Janet Halley (2006) argues, however, mainstream governance feminists—feminists who claim narrative authority to position themselves as experts, advocate for, and work alongside legislators to develop policy responses—explicitly put forth solutions to gender inequity and violence that, although well-intentioned and symbolically significant, reflect their own privileged world view insofar as these solutions fit neatly into state discourses and established institutions. These ostensibly gender-responsive initiatives work seamlessly with—indeed offer justification and legitimation to—state initiatives and repressive regulatory apparatuses (e.g., the criminal justice system).

In this chapter we, three self-identified feminists, interrogate how “ideal” women victims (e.g., of men’s violence, of criminogenic life circumstances) are constituted in governance-feminist discourse to elicit both sympathy and, relatedly, protectionist legal responses. We reflect upon the implications of subsequent interventions on the unruly woman and how the unruly woman is the foil to the ideal woman victim whose respectability and innocence are inextricably intertwined with gendered expectations of conformity that reflect the experiences of middle-class, white, heterosexual women (Chan and Chunn 2014). In so doing, we examine how governance-feminist discourse—advanced by academics and activists (e.g., Barry 1979, MacKinnon 1982, Murphy 1922), and reiterated through feminist-influenced policy frameworks (e.g., mandatory charging for intimate-partner violence)—operates in tandem with neoliberalism’s reconfiguration of citizens as rational, self-interested, responsible, free-choosing subjects to task individuals with managing (social) risks and hold them to account when they fail to do so. Applying Alan Hunt’s (2003) insights into the neoliberal intertwining of morality and risk, we consider how narratives of risk—to self, to society, to children, to other women—are mobilized by mainstream feminists to render non-compliant women legitimate subjects of governance. To this end, we examine three populations: women in violent intimate relationships, sex-working women, and imprisoned women. These three populations, which have been subject to a great deal of attention by feminist and other reformers, embody the characteristics enumerated in Faith’s quote above, as respectively undisciplined, defiant, and unmanageable. Moreover, representing a broad spectrum of women’s experiences and responses to structural constraints they lay bare the tension between the conflicting social expectations
women face. Looking at these populations, then, allows us to unpack how feminist foregrounding of mental or moral deficiencies is not only used to “read over” the voices of women themselves, but to legitimate regulatory interventions. We start by considering feminists’ complicated relationship to normative social scripts, which have been, and continue to be, roundly critiqued and, often simultaneously, perpetuated.

Looking Back at Feminist Issues, Literature, and Strategies

A movement that, at its core, endeavours to shed light on women’s oppression and the mechanisms enabling it, feminism has nonetheless been wrought with ideological contradictions, often pivoting on questions of inclusion and virtue. On the one hand, there is a long tradition of women writers and activists critiquing the entrenchment of gender inequality, and concomitant exclusion and oppression of women in social institutions and practices. We can think, for example, of women like Mary Wollstonecraft (1992 [1792]) who in 1792 examined how the gendered expectation that women be “pleasing,” rather than rational or educated, was reproduced in and through the family, philosophy, and consumer culture, as well as Sojourner Truth who famously asked the attendees of the 1851 Women’s Rights Convention in Ohio, “Ain’t I a woman?” (Sojourner Truth Memorial Committee n.d.), thereby challenging the normative trope of fragile white womanhood that permeated suffragism by highlighting that “the safety of the pedestal, questionable though it was, had not been extended to her” (White 1985, 14).

On the other hand—and as Sojourner Truth’s words so powerfully illustrate—working-class and racialized women were not meaningfully included in mainstream first-wave feminist campaigns and indeed were often excluded from hard-won rights. For example, while the federal franchise was “extended to all British subjects, men and women, over twenty-one in 1918 … voting restrictions on citizens of Asian background and those of Indigenous ancestry were in place until 1949 and 1960, respectively” (Sangster 2018, 3). Racialized and working-class women did, however, often find themselves the subjects of well-meaning, albeit ultimately unhelpful, interventions. As Constance Backhouse (1991) documents, in the late-nineteenth and early-twentieth century middle-class women, concerned that participation in waged labour threatened working-class women’s
reproductive health (from extended periods of standing and hazardous conditions) and moral integrity (from exposure to men and poor wages they might supplement through prostitution), mobilized for protective labour legislation. When these workers—preoccupied with their inadequate earnings—found ways to circumvent such protective measures as restricted hours or longer unpaid lunch breaks, middle-class women maternalistically insisted that “in this matter the girls themselves are not the best judges” (Jean Scott, quoted in Backhouse 1991, 276).

The next iteration of feminism would both reproduce and address these implicit biases: middle-class women continued as its visible proponents, now turning their attention from workplace sexual morality to women’s sexual victimization. Updating the long-held critique of gender roles, Susan Brownmiller (1975, 343) problematized (hetero)sexual norms and their perpetuation of aggressiveness among men and passivity, fear, and “a victim mentality” among women. She further framed rape as culturally enabled, but also biologically determined, emanating from men’s superior physical strength and ability to penetrate. Radical feminists like Catharine MacKinnon (1982) argued rape is an especially violent manifestation of imposed, and thus already, violent heterosexuality (Cahill 2001). Alerted to the pervasiveness of sexual violence, feminists demanded more protection from the state, precipitating significant changes: the offence of rape was transformed into three tiers of sexual assault, acts besides forced penetrative intercourse were recognized, and the exceptionalization of sexual assault within marriage—and husbands’ entitlement to their wives’ bodies—was ended. While Halley (2006) characterizes solutions relying on state institutions as manifestations of governance feminism, Elizabeth Bernstein (2010, 54) goes further, describing “collusion between mainstream feminism and state agendas” as carceral feminism—an imperative to punish and incarcerate that overshadows structural considerations and pre-empts solutions addressing the root causes of gendered violence.

Unsurprisingly, the legalistic solutions put forth by mainstream governance feminists were not uniformly embraced. So while reformist second-wave activists “succeeded in presenting themselves as feminism tout court” (Maroney 1987, 99), they were contemporaries of other variations and political orientations. Feminists trained in critical criminology and legal scholarship cautioned against the misguided attempt to use the criminal justice system to realize gender
equality (Los 1994; Snider 1985). They similarly insisted that extending the regulatory power of the state further entrenched perceptions of women as weak, sexless victims (Smart 1989; Valverde 1989)—imagery that, as we see below, continues to exclude unconventional women. Carol Smart (1989) famously argued that law disempowers and disqualifies women, and that conforming to its methods only entrenches its authority and the dichotomous gender norms on which it rests. Kimberlé Crenshaw (1989) further asserted that law’s single-axis analysis is unable to recognize intersecting forms of discrimination. Along with other critical race theorists, she challenged the white, middle-class bias of mainstream second-wave feminists’ analysis of sexual violence for failing to consider that rape can be a “weapon of racial terror” (Crenshaw 1989, 158) and that sexualized, racial stereotypes engender lighter sentences for men who sexually assault Black women, but harsher penalties for Black men (see also Davis 1983). In short, in the second wave, as in the first, there were rigorous and multidimensional counter-narratives that rejected the regulatory solutions put forth by governance feminists.

Contemporary feminist scholars—referred to as third- and sometimes as fourth-wave feminists—build on these critiques of law, the state, and other social institutions. Crenshaw’s concept of “intersectionality” has been widely adopted to provide a framework to think about the mutually constitutive relationship between identity categories, such as gender, race, class, sexual orientation, ethnicity, citizenship, and ability (Hill Collins 2015). These categories are in turn (re)produced through mutually interdependent social relations, institutions, and structures, which Patricia Hill Collins describes as “interlocking,” a term denoting the “interconnectedness of race, class, gender, and sexuality as systems of power” (Hill Collins 2015, 9). These developments have not, however, upended governance—or, for that matter, carceral feminism—nor have they halted the advancement of morally informed solutions, endorsed by mainstream feminists, pivoting on myths of female victimhood and irresponsibility.

**Theoretical Framework: Risk and Morality in Neoliberal Times**

Since Ulrich Beck (1992) proposed that we live in “a risk society,” a vibrant body of literature has emerged that engages with the question of risk; much of it challenges Beck’s central premise and focuses on the regulatory potential of risk narratives (Dean 1999). What is of
particular interest to us is the extent to which, in the neoliberal context, morality is subsumed into these narratives of risk. As Alan Hunt (2003, 167) explains, “the most striking feature of the hybridization of morals and risks is the creation of an apparently benign form of moralization in which the boundary between objective hazards and normative judgments becomes blurred.” Building on Hunt’s work, we argue that middle-class morality and notions of respectability (Skeggs 1997) permeate mainstream feminists’ framing of gendered risk. Moreover, these narratives (informed by stereotypes and entrenched gendered tropes) culminate in the constitution of “othered” women as at risk and—should these women challenge the feminist narratives, fail to recognize their vulnerability, or reject prescribed solutions and insist on charting their own path—as risky. As such, feminists are profoundly implicated in the reproduction and legitimation of narratives of vulnerability that inform protectionist state rhetoric. Indeed, in this chapter we see that stigmatic discourses, pivoting on notions of risk, that are advanced by governance feminists routinely come to be embedded in policies and laws—what Stacey Hannem (2012) calls “structural stigma.” In the issues to which we now turn—violent intimate relationships, the sex industry, and incarceration—the regulatory underpinnings of mainstream feminism are rendered visible when unruly women challenge normative tropes and claims by words, deeds, or inaction.

Women in Violent Intimate Relationships: Unmanageable, Bad Victims

In the nineteenth and early twentieth centuries, women reformers drew attention to domestic violence, fighting for the right to divorce on the basis of physical cruelty. They also undermined prevailing social, legal, and religious legitimations of a husband’s right to “domestic chastisement” (Siegel 1996, 2123). In so doing, they challenged the dominant narrative of disobedient women subject to judicious correction from rational men and (re)cast women in violent relationships as victims of husbands under the influence of alcohol. In the process they also, however, affirmed cultural assumptions about brutish working-class men, effectively framing male violence as a “lower” class problem (McLean 2002). The ensuing efforts toward temperance—and the assistance provided by anti-cruelty and child protection agencies to modest, responsible mothers—reiterated assumptions about the venality of
working-class men and normative expectations of women’s virtue (Gordon 1988; McLean 2002).

By the 1970s, prevailing narratives once again routinely blamed women in abusive relationships regardless of their behaviour: “If they are passive, they are doormats that invite abuse. If they are aggressive, they invite the beatings that put them in their place” (Martin 1978, 125). Held to account for provoking “marital discord,” women of the day were urged—by counsellors, priests, and family—to adjust their behaviour and save the marriage lest their children be deprived of their father. In response—and alerted to the pervasiveness of intimate partner violence (IPV) in their consciousness-raising groups—second-wave feminists started to mobilize (Martin 1976). To this end, they shifted the image “from a low-income woman of color to a passive, middleclass, white woman cowering in the corner as her enraged husband prepares to beat her again” (Goodmark 2008, 77). The stereotype of this downtrodden, passive, bruised victim was invoked in arguments for state protection (Johnson and McConnell 2014; Stubbs and Wangmann 2015), giving rise to mandatory charging and no-drop prosecution policies across Canada (Abraham and Tastsoglou 2016; Johnson and McConnell 2014). In the ensuing decades, the governance-feminist “ideal victim” (and her foil the irresponsible woman) and how she should, or should not, respond to violence—including whether or not she turns to the criminal justice system—has become entrenched in state mechanisms, with disastrous effects for othered women.

For governance feminists fighting violence against women, state protection was “a way to equalize power between women and their male abusers, provide a credible threat of prosecution, and empower abused women” (Johnson and McConnell 2014, 118) by removing them from the batterer’s control and alleviating the onus of deciding whether or not to charge him. In practice, of course, mandatory charging policies are not empowering because they disregard both the victim’s wishes and her socio-economic context. Indeed, there are many reasons why a woman may not want to see her abuser criminally charged. For example, she may fear this will cause her partner to lose his job, impacting household income or child support (Cuomo 2017), or she may fear increased violence from the abuser once he is released from custody (Johnson and McConnell 2014). It is unsurprising, then, that forced to comply with no-drop and pro-prosecution policies, 40 to 65 percent of women in Ontario recant their testimonies in court
(Johnson and McConnell 2014). Moreover, the weapons of the court have been used against noncompliant women to compel them to testify against their violent partners: women who recant their statements or refuse to testify may be charged with contempt of court and, by extension, be threatened with incarceration (Snider 1998).

In the current context, state actors (e.g., police, judges) routinely regard women’s level of co-operation with the criminal justice process through a neoliberal, paternalistic lens: a woman who establishes contact with authorities in a timely manner, is respectful, participates fully, and expresses gratitude, is seen as co-operative and deserving of help—a “good victim” and a responsible citizen. In contrast, a woman who refrains from co-operating is perceived as immoral, selfish, deceitful, irrational, irresponsible, and at least somewhat to blame; her failure to uphold her responsibilities to the state is seen to render her undeserving of its protection (Cuomo 2017; Johnson and McConnell 2014). These framings not only individualize the problem and make the victim responsible, but are also profoundly gendered, echoing characterizations of women as weak, irrational, unintelligent (i.e., gullible), overly emotional, and submissive (Cuomo 2017).

Furthermore, women who do not embody these characteristics may not be perceived as victims at all: if police are unable to distinguish the primary aggressor, both parties are arrested (Abraham and Tastsoglou 2016) or only the woman is arrested, who—once convicted—will be ineligible for victim support services (Johnson and McConnell 2014). This means that violence against unconventional women—who, for example, were drinking on the night of the incident (Johnson and McConnell 2014); are racialized, Indigenous, or poor; are unwilling to turn to police; who lack access to other support resources leaving them with no other option but retaliation (Goodmark 2008); or any combination thereof—is not taken as seriously as the victimization of white, middle-class women who conform to the ideal victim trope (Snider 2014).

Implicit in the prescribed script is the dictate that victims of IPV end the relationship. This expectation, too, disregards women’s circumstances and strategies to protect their well-being; cognizant for example of the increased threat of separation-instigated violence (Canadian Women’s Foundation 2014) or wanting to retain residence in her home, a woman may elect not to leave her partner, which has particular consequences for mothers. Although a woman may want to keep her family together, judges’ and social workers’ perceptions
of what is best for children can override her autonomy. Child welfare and shelter workers position mothers—not, notably, abusive fathers—as responsible for protecting children and for leaving the relationship as the only legitimate response (Morgan and Coombes 2016; Stubbs and Wangmann 2015). Moreover, transition houses sanction women who refuse to comply with “no contact” rules (Abraham and Tastsoglou 2016). Compounding victim-blaming with blame for failing to protect her children, Canada includes exposure to IPV in mandatory child abuse reporting requirements (Morgan and Coombes 2016).

In addition to limiting women’s autonomy, these tropes shape women’s understanding of their victimization. Informed by the stereotype of IPV as severe and continual—the victim trope advanced by governance feminists—some women minimize or discount their experiences of emotional, psychological, and occasional physical violence (Morgan and Coombes 2016). In spite of the significant ways in which the criminal justice system reproduces these myths and fails to consider women’s diverse circumstances, identities, and resistance strategies—and critiques by feminists and criminologists to that effect (see Conners and Johnson 2017)—governance feminists, in concert with state actors, continue to proffer and even argue to increase carceral responses that include bail and prison sentences for repeat offenders (Bill C-75; Hayes 2018; Smithen 2018), a process which further entrenches not only the “right” way to respond to IPV, but also the irresponsibility of those who do not.

**Sex Workers: Defiant Sluts**

There is a robust history of women reformers mobilizing narratives of enslavement, debasement, and gendered victimization to justify protectionist laws aimed at forcibly “rescuing” women from prostitution. We can think, for example, of the shocking, albeit unsubstantiated, tales in W. T. Stead’s *The Maiden Tribute of Modern Babylon* (1885) or *The Black Candle* by Canada’s celebrated Emily Murphy (1922) that wove together cultural anxieties about racial purity, morality, prostitution, and lurid tales of the “lowest classes of yellow and black men” (Murphy 1922, 17). Fifty years later, second-wave feminist icon Kathleen Barry (1979, 47) unambiguously reproduced this white-slave trope—complete with the racialized, dangerous other—arguing, for example, “that many of the several thousand French teenagers who
disappear every year end up in Arab harems.” The maternalistic and xenophobic discourse of such women reformers challenged normative framings of prostitutes as immoral women at the same time as it affirmed narratives of vulnerable women at risk of malevolent, foreign men. Recently, this enduring narrative has been augmented by one that evokes a well-established mechanism of patriarchal control—the hierarchical division of “good girls” and “bad girls”—to denigrate and negate othered women. The legislative process surrounding the Protection of Communities and Exploited Persons Act (hereafter PCEPA) provides a salient illustration of this process.

In 2013, ruling on a case brought forward by Amy Lebovitch, Terri-Jean Bedford, and Valerie Scott (one current and two former sex workers), the Supreme Court of Canada in Canada (AG) v Bedford (hereafter Bedford) struck down key provisions of Canada’s prostitution laws on the basis of unconstitutionality (see Belak 2018). In response, the Conservative majority government of Stephen Harper tabled Bill C-36, the Protection of Communities and Exploited Persons Act on June 4, 2014. The legislative process, including hearings by parliamentary committees, provides a recent context in which to examine the ways sex workers are constituted by mainstream feminists. During the 2014 House of Commons Committee on Justice and Human Rights and the Senate Standing Committee on Legal and Constitutional Affairs hearings on PCEPA, sex-worker rights activists were characterized as a tiny minority representing perhaps “3 percent to 10 percent” of the industry (MacDonald 2014, 13) who take up a disproportionate space in the debate and speak “loudly” (Nagy 2014a, 2). These women were trivialized as engaging in sex work “to buy a thousand dollars’ worth of shoes” (Nagy 2014b, n.p.), and their “individualistic argument[s]” delegitimized as being driven by self-interest (Smith-Tague 2014, n.p.). Named “pro-prostitution advocates” (Nagy 2014a, 2), the women were condemned for “enable[ing] people to stay” in the sex industry (Falle 2014, 13) or even “endeavour[ing] to keep women in prostitution” (Matte 2014, 6). At worst, they were characterized as part of the “pimp lobby” or—in the words of Gunilla Ekberg (2014, 9)—the “pro-violation constituencies” seeking to “increase their exploitative access to those victims.” Here, a moralistic and dichotomized framing of women as “good girls” who would never exchange sex for money or, having done so, are now on “the other side of it” (MacLeod 2014, 5) is juxtaposed against “unrepentant whores,” who not only reject offers of salvation, but claim public
space and loudly assert their rights. The latter are impugned as morally bereft, selfish, and superficial bad girls who pose a risk not only to would-be good girls, but also to gender equality, and for putting forth arguments that “[privilege] a few women’s experiences over the collective well-being of women” (Smith-Tague 2014, n.p.).

Notably, we see not only the reinvigoration of the narratives of unworthiness and disrepute on which the “whore stigma” pivots (Pheterson 1996, 45), but also the constitution of saviours. Unlike their progressive-era foremothers whose moral authority—based on class and race location—went largely unquestioned, modern-day governance feminists need to first neutralize those who disrupt the victim narrative. In the prostitution debates, we see this explicitly when middle-class and, predominantly, white social workers, lawyers, and academics dismiss the words of sex-working women, whose labour and lives are marked by stigmatization and criminalization, on the basis of exceptionality and privilege (Forth et al. 2017). That the “privileged few” sex workers include women who labour(ed) in the street-based sex industry evinces that, in this context, privilege is strategically—and ironically—transformed from a sensitizing device to one of delegitimization, weaponized by women who have considerably more social and cultural capital than those they seek to discredit. Rendering invisible their own class and race privilege allows neo-prohibitionist feminists\(^3\) to assume the mantle of saviours who “speak for the vast majority of people in the sex trade” (Nagy 2014a, 2). Megan Walker (2014 n.p.) of the London Abused Women Centre neatly sidelined the narratives of sex workers, explaining why she—and not women in the industry—was appearing before parliamentarians, evoking imagery worthy of a nineteenth-century reformer: “I am here today speaking on behalf of the rights of those whose voices are not represented, those who are forgotten by policy-makers and the general public… It is their human rights that need protecting … those who are forgotten, those who are silenced… If you listen carefully enough, you will hear the cries for help from survivors and those prostituted women who will not be represented before you this week.”

Speaking to governance feminism, the condemnation of the “unrepentant whore” put forth by these reformers was, perhaps unsurprisingly, embraced and amplified by committee members aligned with the Conservative Party of Canada. While women who identified as victims were applauded for their courage, praise was noticeable in its absence for current and former sex workers who gave
equally powerful testimony, but shamelessly rebuffed offers of rescue in favour of rights. Indeed, these witnesses were either ignored and snubbed (Porth 2018), cut off (Porth et al. 2017), or subjected to disparaging questions and commentary—for example, then Member of Parliament Stella Ambler characterized Natasha Potvin’s eloquent testimony about her experiences of stigma, social judgment, and the threatened loss of parental custody as akin to “a TV sitcom about happy hookers” (Ambler 2014, 15). In short, discrediting women who dared to reject the victim narrative as pathological and irresponsible “whores” worked seamlessly to support a law (PCEPA) that not only increases sex workers’—and most especially those for whom neo-prohibitionists purport to speak, street-based workers’—vulnerability to violence, but also to criminalization (Belak and Bennett 2016).

**Imprisoned Women: Mad, Bad, and Out of Control**

As is the case for women in abusive relationships and sex workers, there is a robust history of women reformers advocating on behalf of women in conflict with the law. Indeed, from the mid-1800s onward there was a concerted movement to reframe “the female criminal” as a fallen, infantilized woman. Reformers petitioned for separate prisons that were run by and for women, certain that “the fallen could be redeemed and made into true women” (Freedman 1984, 45). Predictably, the implementation of these new prisons also meant that women spent long periods in institutions designed to save them (Brock 2003), receiving instruction on hygiene, morals, and domestic skills. Those who successfully refrained from unseemly behaviours (e.g., swearing, chewing gum) were rewarded with badges and privileges, while those who rejected the middle-class ideal of femininity fell outside the redemption narrative and were subject to harsh physical sanctions (Faith 1993).

The narratives regarding imprisoned women continue to pivot on stereotypes of ideal femininity: they are straying from traditional gendered expectations of being passive, docile, caring, nurturing, and selfless (Dell et al. 2009; Hannah-Moffat 2001) by acting out and being violent (Kilty 2012; Pollack and Kendall 2005). Women prisoners in Canada are routinely sent to segregation, given institutional charges, or otherwise sanctioned for behaviour that is considered outside of the normative construction of femininity (e.g., swearing) (Kolind and Bjønness 2019). At the same time, women’s aggression is
read as emotional instability and is “pathologized, disciplined and censured even when it is defensive” (Hannah-Moffat 2010, 204). Harking back to diagnoses of hysteria in the nineteenth century and anorexia nervosa in the early twentieth century, women’s reactions are deemed pathological and stereotypically emotional (Hepworth and Griffin 1990)—framings that overlook structural factors, including the prison environment and, in a neoliberal context, put responsibility on women to control themselves.

Feminist activists and scholars have inserted another trope into this narrative since the 1980s, drawing attention to the high rates of victimization that criminalized women experience at the hands of the men in their lives (Johnson 1987; LaPrairie 1987; Shaw 1999). For example, the Canadian Association of Elizabeth Fry Societies (CAEFS) highlights that women’s violence is “defensive or otherwise reactive to violence directed at themselves, their children,” or another party (CAEFS 2015, 2). In short, the bad female criminal trope was supplemented, but not replaced, by the trope of the victimized woman; the latter provides a gendered narrative that contextualizes her violence at the same time as it erases her agency.

Again, we see the complicity of feminist reformers in the dualist construction of othered women. A trenchant example is the Creating Choices report, authored by the Task Force for Federally Sentenced Women (Task Force 1990). Creating Choices was generated in reaction to the rampant issues in Canada’s only federal prison for women at the time, the Kingston Prison for Women (informally known as P4W), a harsh, maximum-security facility built to nineteenth-century prison standards. The Task Force responded to P4W’s atrocious conditions, the high number of suicides (especially among Indigenous women), the poor treatment of women prisoners generally, and (in comparison to imprisoned men) the lack of programming. The Task Force, comprised of predominantly women representatives from government departments and feminist organizations (including CAEFS) sought to counteract gendered narratives of “bad women” and called for significant institutional change. The authors adopted a “woman-centered approach” (Task Force 1990, 27) and expressed confidence that “women’s needs” (Task Force 1990, 109), including their “security needs” (Task Force 1990, 110), could be met in a “supportive environment” (Task Force 1990, 133). In short, they framed criminalized women as victims who could be healed and empowered in penal facilities and ultimately go on to live “productive and meaningful”
lives (Task Force 1990, 133). There are clear echoes of the essentialism that drove nineteenth-century reformers to become “their sister’s keepers” (Freedman 1984, 2) and, like their foremothers, the Creating Choices authors sought to bring feminine influence to foster middle-class sensibilities: “the presence of women staff particularly in key positions, provides a powerful message of self-sufficiency to women. Teaching strength and self-esteem to women can be achieved when women can daily observe these characteristics in other women” (Task Force 1990, 109).

Although well-intentioned, the recommendations of the Task Force were folded into the Correctional Service of Canada’s (CSC) policies and procedures, and translated into security-based regulation and management of women and their social, cultural, and economic disadvantages (Chartrand and Kilty 2017; Hannah-Moffat 2000). As such, they support a neoliberal agenda of penal discipline, stressing self-governance (e.g., through empowerment by building self-esteem and encouraging a “take charge” attitude), responsibilization (e.g., exhorting women to be accountable, to self-govern, and to change their “deviant ways”), and the shared responsibility of prison staff, prisoners, and community members to engage in a “holistic approach” to rehabilitation and reintegration of prisoners (Hannah-Moffat 2001; Task Force 1990).

Moreover, the bifurcated framing that emerged in the context of Creating Choices, which remains evident in the most recent policies that govern mental health for women in prisons (i.e., the Mental Health Strategy for Women Offenders [Laishes 2002] and the Mental Health Strategy for Corrections in Canada [Correctional Service Canada 2012]), means women continue to be divided into reformable victims of circumstance and risky women beyond redemption. The same narrative that positions some women as potentially good neoliberal subjects also constitutes the mentally disordered incarcerated woman as other (Hannah-Moffat 2000, 525). The latter is the “mad woman” who defies prison authority, engages in self-injury, and lashes out—an unruly woman whose behaviour is read not as resistance, but as evidence of faulty cognition and a maladjusted psyche (Dell et al. 2009; Hannah-Moffat 2010; Pollack and Kendall 2005). In the penal context these “complex needs cases” (Sapers 2016, 20) or “unempowerable prisoners” (Hannah-Moffat 2000, 525) are subjected to harsh penal sanctions. For example, women who have mental health concerns in prison are more likely to be assessed by CSC as high-risk and high-needs, to be
prescribed (and administered without the woman’s permission) psychotropic medication, to experience increased levels of force by prison staff, and to be placed in segregation (Hannah-Moffat 2013; Hannah-Moffat and Klassen 2015; Kilty 2012, 2014). On the basis that they pose a threat to the security of the institution and to themselves (Hannah-Moffat 2010), they are also physically restrained (e.g., by strapping a woman onto a Pinel board, thereby preventing any movement—see Richard 2008), subject to strip searches, and shackled during medical appointments (Zinger 2017).

In short, women’s mental health concerns are regulated through gendered strategies that individualize their criminality and pathologize their state of mental health. Accordingly, rehabilitative strategies for women include teaching them to contain their emotions, improve their self-esteem, and monitor their interpersonal relationships (Kilty 2014; Pollack and Kendall 2005; Wyse 2013). The underlying assumption—that this will position women to better manage their behaviours and improve their relationships—affirms and reinforces the gendered stereotype that women are inherently irrational, overly emotional, and influenced by their interpersonal relationships (Kilty 2014; Pollack and Kendall 2005). None of this logic informs men’s rehabilitative strategies in prisons, which instead focus on problem-solving, aggression management, and the improvement of communication and interpersonal skills.

**Discussion: Structures, Agency, and Resistance**

As the examples above have demonstrated, the bifurcated governance-feminist framing of women as either good, responsible women who acknowledge their victimization and support state interventions, or irresponsible women who reject the narrative and/or the solutions, is absorbed into state policies with disastrous results for “unruly women.” Moreover, we have seen othered women—in violent intimate relationships, in the sex industry, and in prison—further marginalized by feminists who claim to have their best interests at heart, but collude with government mechanisms and the carceral system (Bernstein 2010; Halley 2006) to perpetuate myths framing those who fail to conform to the ideal woman trope as mad, bad, and sluts. We see that by advancing a risk-focused narrative and protectionist rhetoric, the actions of governance feminists—and the stereotypes and gendered tropes on which their actions pivot—legitimate
regulatory responses. Hannem (2012, 25) describes such interventions as structural stigma, “the result of a carefully calculated decision at an institutional or bureaucratic level to manage the risk that a particular population is perceived to present, either to themselves, the institution, or to society.” We contend that regulatory efforts that responsibilize, delegitimate women’s agency, and reify gendered tropes also constitute maternalism, a paradoxical relationship between privileged women—governance feminists who are “saving” other women through control and regulation—and the marginalized—who are deemed unruly and bad neoliberal subjects in need of being saved, through a “mix of condescension and genuine caring” (Cummins and Blum 2015, 625).

Structural stigma and maternalism are evident in stigmatic assumptions about “mentally disordered” imprisoned women that become embedded at the structural level where their risk to themselves, the institution, and society are managed through mental health policies and security logics that justify the use of solitary confinement, involuntary psychotropic injections, and extreme force by correctional staff (Hannah-Moffat and Klassen 2015; Kilty 2006, 2012). They are also evident in the treatment of marginalized women confronting IPV for whom mandatory charging policies that override agentic strategies to manage financial and family concerns can exacerbate the risk of violence or result in punishment by the state. Similarly, framings of sex workers as “unrepentant whores” and exploited women in need of saving are entrenched in the strict regulation and criminalization of sex work. In short, mainstream feminist interpretations of these (gendered) risks, and how women should manage them, are deeply moralistic. They are measured on a continuum of “degrees of wrongness or immorality” (Hunt 2003, 171) and enforced by law, reflecting a maternalism that reiterates the good girl/bad girl distinction, long a regulatory device that operates against the interests of all women.

Even when women engage in strategies of resistance—when women experiencing IPV choose not to testify, when sex workers reject being defined as victims, or when imprisoned women who have mental health concerns engage in self-injurious behaviour—governance feminism, embedded within a neoliberal framework, transforms their actions into evidence of the need for further control and risk management. Yet questions of risk are grounded in a moral discourse that fails to acknowledge the structural factors (Hunt 2003)
that intersect and interlock in the lives of “unruly” women, conditioning the challenges they face, their agentic strategies to meet these challenges, and how their resistance is read. In this context, women are exhorted to manage risks as neoliberal subjects exercising self-control, self-knowledge, and self-improvement (Hunt 2003). Consequently, othered women who face intersectional oppressions are “promoted within discourses of social obligation or non-compliance,” and relegated to spaces of control, exclusion, and violence (Chartrand 2015, 11).

Although women’s resistance strategies, as we have seen, seldom successfully prevent or counteract intrusive regulatory interventions and punitive sanctions, they nonetheless draw our attention to the moralization embedded in neoliberal risk discourses. As Faith (1993) argues, resistance involves rejecting the ideals and values that sustain power relations. Thus, when women prisoners argue that their mental ill-health is precipitated by the violence of incarceration itself (Cree 1994), when sex workers organize to challenge harmful and stigmatic laws using a discourse of self-determination that rejects tropes of victimization and false consciousness, and when women have the audacity to assert they know better than state and welfare officials on how to respond to intimate partner violence, they are (re)claiming narrative authority. At the same time, these acts of resistance highlight how myths perpetuated through governance-feminist tactics support the structures that engender the challenges women face and delegitimate women’s agency. Recognizing the significance of these contestations, it becomes imperative that critical feminist criminologists continue to expose the maternalistic, neoliberal, risk narratives and gendered tropes governance feminism deploys to “read over” the voices of “unruly” women.

**Conclusion: From Risk to Respect**

In this chapter, we considered feminism’s long and fraught history of both advancing radical discursive change and perpetuating normative tropes that continue to exclude women whose conduct is perceived as unruly and punish them for being mad, bad, and sluts. In so doing, we have highlighted how these unruly women resist and challenge both the normative order and maternalistic feminist orthodoxy, exposing governance feminism’s dark regulatory underbelly. To recall the words of Karlene Faith (1993) with which we began the chapter,
characterizing women as unruly, defiant, and wild has all too often reflected ascriptions of riskiness and judgment of poor choices. In this context, rethinking these enduring myths, and how they are reconfigured in relation to neoliberal narratives of risk and choice, takes on particular urgency.

While this chapter has encouraged reconsideration of women facing intimate partner violence, sex workers, and imprisoned women, we invite feminists and academics to continue to reflect on other populations of women who challenge gendered conventions (e.g., drug users—Dell and Kilty 2013). This is not to suggest abandoning the analysis of oppressive structures and institutions; rather it is to acknowledge the possibility that, even—and perhaps especially—when women make unconventional decisions within diverse contexts of constraint, they are mobilizing the resources at hand and operating in what they perceive to be their own best interests. In place of attempts to reform or “save” women who do not engage in neoliberal responsibilization strategies or conform to a white, middle-class ideal of victimhood, the aims of feminism are perhaps better served by respecting marginalized and criminalized women’s narrative authority and recognizing that their rejection of subjugation and docility may challenge gendered expectations in complex, contradictory, and unconventional ways.

Notes

1 For example, the ideal victim of sexual assault—a white middle-class woman whose behaviour is “above reproach”—dresses modestly, is monogamous, and does not drink excessively.

2 In neoliberalism individualized, market-based competition is framed as the superior mode of organization, which culminates in social and economic policies favouring free markets, free trade, and private property rights (Harvey 2007; Mudge 2008). The concurrent emphasis on personal autonomy, competition, and self-sufficiency renders invisible social and economic disadvantages engendered by social structures (Gingrich 2008) that constrain and condition people’s options.

3 Feminists who, like reformers in the early twentieth century, advocate for vigorous anti-prostitution laws with the goal of eliminating the sex industry.
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