

BOOK REVIEWS

IN CONFLICT WITH THE LAW: WOMEN AND THE CANADIAN JUSTICE SYSTEM

Ellen Adelberg and Claudia Currie,
eds. Vancouver: Press Gang Publi-
shers, 1993.

BY CYNTHIA CHEWTER

In Conflict With the Law is an updated version of an earlier work, *Too Few to Count: Canadian Women in Conflict With the Law*. It is a fascinating and eminently readable text designed for courses in law, criminology, women's studies and social work. Included are four new chapters. One canvasses the work of the 1990 Task Force on Federally Sentenced Women. A second describes the role of Aboriginal women in the Task Force and the soul-destroying Catch-22 that First Nations women experience in prison. Another new chapter questions the conventional wisdom of prostitution as a "female crime" and the fourth contains a critical analysis of the law of self defence in Canada as it pertains to women who retaliate against abusive spouses.

In the Introduction, the editors express cautious optimism that a "shifting political climate" may allow "significant future improvements" to the status of women in conflict with the law. The six years since those words were written produced very mixed results: the disappointing performance in the implementation of the recommendations of the Task Force, the Arbour Inquiry and the events that resulted in the need for it, the Self Defence Review, and the advent of conditional sentencing. All

of the events together warrant a third revision of the book, which would have to be significantly supplemented at this point to be used as a text.

The chapter providing an overview of the federal women's prison system demonstrates the very slow timeline of progress in women's corrections, a pattern that began in the seventeenth century. The fact that this book requires updating within six years of going to print is in itself a promising development.

The most powerful chapters canvass the experiences of women first from statistical and then from individual perspectives. According to justice statistics, women make up roughly two percent of persons incarcerated in Canada. Women who find themselves in conflict with the law tend to be young, poor, under-educated, and unskilled. Two thirds or more have children. A disproportionate number are Aboriginal. Many are battling addictions and up to 80 per cent have experienced physical or sexual abuse.

For individual perspectives the editors interviewed seven women serving federal sentences. Barbara, was serving a two-year sentence for manslaughter. She told the editors:

The mistake I've made all through my life is never going for help. I was always afraid to go for help because I thought if they think I can't handle something, maybe I'll lose my kids....

Barbara's boyfriend broke into her house one night and raped her. The next day he came to her house again.

From what I've been told, I was really hysterical, tried to get him to leave, asked people to call the

police and nobody would do anything. And I walked over to the drawer, took out a knife, and I walked over and stabbed him. I don't remember doing it at all.

The book demonstrates that the political, economic and social factors relevant to the subordinate position of women in society are the same factors that contribute to women coming into conflict with the law. The editors put it simply: "... It is difficult to imagine their offences occurring in a society characterized by economic and sexual equality."

Future updates to the book should include a chapter on the Arbour Inquiry into events at the Prison for Women in April 1994, in which a male emergency response team conducted a cell extraction and strip search of eight women in segregation, leaving the women wearing only paper gowns and confined in cells with restraints and leg irons.

The chapter on the law of self defence should be expanded to cover the Self Defence Review completed in 1997. The Review made recommendations with respect to less than ten of the approximately 100 women applicants. It also made recommendations for law reform.

Another recent development that deserves attention in a revised edition is the advent of conditional sentencing. Persons who are sentenced to less than two years of imprisonment and who would not endanger the safety of the community may be permitted to serve their sentences in the community. As the vast majority of women who come into conflict with the law are sentenced to less than two years imprisonment for non-violent offences, conditional sentencing legislation offers a

powerful new tool for those who advocate for women in conflict with the law. The legislation also helps to alleviate some of the most serious burdens that women face in the correctional system: inability to serve their sentences close to their communities, loss of their children, and potential access to a greater variety of programs and counselling.

The book contains some obvious gaps that could be filled in future editions. *In Conflict with the Law* purports to be a work about women and the Canadian justice system, but in truth it focuses almost exclusively on federally sentenced women (i.e. women serving sentences of two years or longer). This focus is unusual when one considers that 99 per cent of the women who serve time do so in provincial institutions and that only one in ten women who comes into conflict with the law receives a jail sentence. This is not to say that the consequences that women experience are fleeting: for many, they include increased disadvantage in the workplace, the entrenchment of poverty, increased dependence on sometimes abusive partners, and the possible loss of their children. Given that the experience of the vast majority of women is limited to treatment by police, the court, and probation services, a chapter on the experience of women who do not receive custodial dispositions would be a welcome addition to this varied and interesting work.

BREAKING THE RULES: WOMEN IN PRISON AND FEMINIST THERAPY

Judy Harden and Marcia Hill, eds.
New York: Haworth Press, 1998.

BY SANDRA E. THRONESS

The purpose of this collection of essays is to identify and discuss

gender-related issues arising from a patriarchal prison system. In what the editors approvingly describe as "feminist, unruly behaviour," it questions the assumptions associated with the existence of prisons and the very definitions of what a prisoner is. Harden and Hill conclude that a feminist view of the treatment of women prisoners is required.

The prison system is yet another societal institution where one size does not fit all. Punishment and rehabilitation programs developed for men who are the majority of the prison population continue to miss the mark by ignoring the increasing level of diversity in the prison population.

Although women comprise only 5.7 per cent of the total prison population in the United States, their rate of imprisonment has exploded. From 1980 to 1994 the number of women inmates increased by 386 per cent compared to an increase in male inmates of 214 per cent. This increase coincided with the escalation of the war on drugs. Most women inmates are mothers with dependent children on the outside while few male inmates are primary caregivers. In addition male inmates tend to have been incarcerated for mostly violent crimes while female inmates tend to have been arrested for drug-related and status crimes (those activities that are illegal due to age). Clearly the programs developed for male prisoners will have little relevance when applied to women prisoners.

A number of essays examine the impact of a patriarchal prison system on women inmates. First, incarcerated women are more likely than the general population to have been abused in childhood. Prison recreates that experience through a culture that often involves traumatic sexualization and powerlessness.

Second, retraining programs tend to focus on gender-stereotyped skills. Such programs give the impression that successful rehabilitation for women means knowing your place and

not making waves. In addition, drug treatment programs that focus on submission as a requirement for fighting addiction contradict feminist ideals of empowerment.

Third, the boot camp approach to rehabilitation is based on certain assumptions about criminal motivations garnered from research on male inmates. This research determined a direct correlation between criminal activity and the lack of discipline and responsibility. Boot camps are intended to teach this missing discipline and responsibility by breaking down and building up male inmates. However, the relevance of this research to women inmates has not been proven—partly because women tend to commit crimes for reasons unrelated to gender stereotypes or control theories. In addition, boot camps are less likely to successfully rehabilitate women prisoners due to their greater need for connection and relationship.

Although this book does not fully address those issues specific to women from equity-seeking groups, it is generally effective in identifying a range of important concerns relating to gender and prisons.

INVENTING THE SAVAGE: THE SOCIAL CONSTRUCTION OF NATIVE AMERICAN CRIMINALITY

Luana Ross. Austin, University of Texas Press, 1998.

BY KIM ANDERSON

Many of us are aware that the prosperity of the Americas has been achieved through the colonization of Native peoples. In her book, *Inventing the Savage: The Social Construction of Native American Criminality*, Luana Ross now shows us how this prosperity has involved the criminalization of Native peoples.