

# Playing with the Discursive:

A feminist post-structural exploration of the words 'criminal woman'

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## Throwing Time into Tins

We have learned, indeed, to throw time into tins  
And have stirred in the condensed night at all times  
This century grows ever darker, and the next will not come soon,  
To wipe clean the names off yesterday's prison wall.

We loaded it with the voices of departing friends,  
With the names of unborn children – for a new wall.  
We equipped it so lovingly, but we ourselves  
Do not row in it, we are not even allowed on board.

But covering the measured-out load with coarse matting  
We still manage to broadcast the seed.  
Our hands are torn but we still pluck out the dragon's  
Teeth from the crops, which are fated to stand after us.

(Poem by Ratushinskaya, 1996)

## **Abstract**

In this thesis I examine the discursive subject of 'criminal woman' to uncover possible 'gaps' and 'silences' on the discursive ground on which 'she' stands. To do this I will apply a feminist post-structural reading, interpretation, and analysis to literature, and the experiences of two 'women' who have previously been imprisoned in Aotearoa/New Zealand prisons. This thesis begins with a description of myself, and my position at the start of my research journey. During this phase of my writing I will introduce the central theoretical constructs that will appear throughout my thesis, those of power, knowledge, power/knowledge, discourse, and subjectivity. I will also introduce here the ideas of Michel Foucault, and how these ideas have been developed in feminist post-structural theorising.

I will follow my theoretical positioning with three extensive literature reviews, the first being criminological literature, the second penological literature, and the third the intersection of these two forms of literature, or that of the experiences of 'women' in prison. Through the literature I will show how the discursive subject called 'criminal woman' is a construct, which applies 'gendered' dualistic extremes to position the 'criminal woman' as either too 'feminine' or not 'feminine' at all. Subsequently, penological practices tend to 'author' the 'criminal woman' into these dualistic positions. In addition, feminist standpoint literature on criminology seems to offer only two positions to the 'criminal woman' that of being a 'victim', or that being a 'mother'. This is further shown in the literature of intersections where the 'criminal woman' offers no resistance to penological practices but becomes a 'victim' to these practices, or succumbs to these practices in order to return home to her children.

Following the literature reviews I will introduce my own research which involved a series of interviews with two 'women' who recently had an experience of confinement in Aotearoa/New Zealand prisons. In my methodology, I will discuss the assumptions I have carried into my research and the methods I used to interview Rene and Sophia. Through analysing the experiences of Rene and Sophia I will show how penological practices attempted to rewrite Rene

and Sophia into the position of 'criminal women'. However, I also show how Rene and Sophia resisted this authoring after prison through the constitutive positions of their 'selves' that they introduced in the 'words' spoken in the interviews. I conclude that Rene and Sophia did not fit within the defined and confined space of the discursive 'criminal woman', and what penological practices attempted to do was to "strip" (Rene) or "crush" (Sophia) into this constitutive position. I argue that the discursive position of 'criminal woman' does not define Rene or Sophia, and that a discursive violence occurs when research or theory attempts to define them as such.

I conclude by looking back over my journey to show how my research does not stand in the domains of criminology or penology; that it stands outside of these knowledges through the theoretical positioning it uses. I look at what happens when 'we' as researchers, and readers of academic texts, use a theoretical knowledge to build our own understanding of the 'criminal woman' concluding that a need exists for more feminist post-structural reading and research. A type of research that attempts to question and disrupt the knowledges that create, recreate and surround the subject called 'criminal woman'.

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I first would like to acknowledge my faith. If it was not for the radical change that occurred in my life at the age of 16 with allowing my 'self' to develop 'spiritually' I would not have continued on with any form of academic thought or study. Secondly I would like to thank Dr. Lise Bird a supervisor with vision, and a supervisor that through this thesis was able to understand, and 'cope' with the ups and downs of my journey. You have been an inspiration to me, and have taught me to look outside the square I live in. Next come Rene and Sophia, this place of acknowledgement is not a place of pseudonyms, although your names are. Both of you have been amazing teachers to me about your 'selves', and your experiences. I can not do justice to the 'words' you shared with me, but what I hope is that your 'words' in this thesis teach others to address their ideas of 'criminal', and to allow people to live again after prison. Eric I can not let the acknowledgements go without you. Thank you for being with me, holding me and loving me through this journey, your patience, and understanding is something I cherish. To the discourse group at the School of Education, thanks for your help, and encouragement. Marcia, thank you for helping me readdress my life, I have needed that support this year, and you have allowed me to look at my 'self' as a 'child', and 'person' differently. Natasha thanks for all those hours you gave me proof-reading, I owe you big time, and I hope I have spelt your name correctly.

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## A Note on Tenses

The following thesis is a journey of tenses both past and present. I have attempted to display the thinking of my 'self'<sup>1,2</sup> as a researcher with present tenses. This means that sections throughout this thesis will be left in the present tense to indicate a continuous journey, or an unclosed ending for my 'self' in general, or for the concepts discussed. The most notable sections of my thesis that portray this are Chapter 1 (Theoretical Positioning) and Section 1 of Chapter 6 (Creating a New Narrative). Other parts of the thesis have been written using the past tense, in order to show reflective thinking or completion of an aspect of research. Notable Sections are the Chapter 5: (Methodology), Section 2 onwards of Chapter 6 (Creating a New Narrative) and Chapter 7 (An Analysis of Description and Interpretation). Chapter 8: (Uncomfortable Closures) will combine past and present text to reflect upon 'my' research and then position 'my' research into the present.

Tenses have also been mixed in the literature review with past tenses being applied to discussions of the author, or piece of literature, to indicate that the book or article stands completed in the past. Present tense has been applied to the concept of 'criminal woman' and penological practices described by the literature, to signify that 'words' from these discursive concepts continue to be pulled upon and used in discussions and subjective constitutions.

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<sup>1</sup>I have used single quotation marks throughout this thesis on specific 'words' to question their meaning and authority. This technique I borrowed from Judith Butler's (1995, p. 54) use of quotation marks to show that the 'words' within the marks: "are under contest, up for grabs, in order to initiate the contest, to question their traditional deployment, and call for some other ... The effect of quotation marks is to denaturalise the terms, to designate these signs as sites of political debate." I have chosen single quotation marks opposed to Butler's double quotation marks, to distinguish between my own questioning of a 'word' and the quoting of 'words' from other authors.

<sup>2</sup>The use of the word 'self' within single quotation marks in my thesis parallels the post-structural concept of subject 'positions'. By substituting 'self' for 'position', I am attempting to balance the theoretical post-structural notion of a subject 'position' constituted by discourse and the concept of 'who we think our 'selves' to be'. That is, I am attempting through 'self' to recognise the slippery surface post-structural researchers walk when they explore the constituted 'self' through discourse, and claim a 'discursive' 'position', when the 'participant' sees this 'position' as just another part of their 'self' as a person.



# 1. Theoretical Foundations

## 1.01 A Positioning of Sorts?

To 'position oneself' in post-structural research is both essential and problematic. It is essential in that post-structural researchers and theorists use their projects to disrupt the progressive quest for 'Truth'<sup>3</sup> within 'modern' institutions (e.g., Foucault, 1977a; Walkerdine, 1990; Walkerdine & Lucey, 1989). Their claim that the one 'Truth' sought by academia no longer holds relevance and thus needs to be replaced by a concept of several 'truths' requires the 'academic author' to highlight the 'truth' basis for their argument or research. That is, in order to produce credible research the researcher needs to state their 'position' in their 'text'. This seems straightforward; however, another post-structural principle makes this positioning very problematic. Madan Sarup (1993) highlighted this in his discussion of postmodernism and post-structuralism. According to Sarup, post-structuralism attempts to "dissolve" the subject and the claims of a Cartesian consciousness in which the act of thinking signifies the existence of the subject. Instead, the post-structural subject, is continually being moulded, and at the same time is being resistant to, the different 'truths' surrounding their 'self'. Taking this argument to position 'oneself' within a post-structural writing, means that the 'author', who now stands as a 'subject' created by 'truths', can claim no strict prior 'position' to their thinking, because their 'position' is continuously changing and being rewritten.

Another effect of the questionable 'position' of the post-structural subject as 'author' is one of interpretation. As each person is constituted of different 'truths', each person, as a 'reader', reads and interprets the 'author's text' differently. Hence, the message one person gets from a 'text' may not only differ from another person's interpretation, but also from the author's intended message. Furthermore, an authored 'text' is now constituted by several 'truths', reflective of the author's own reading of other 'texts', and their changing constitutive positions (Denzin, 1998). As such, the

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<sup>3</sup> By writing 'Truth' with a capital 'T' I am bringing into contention the word 'Truth' within the single quotation marks, whilst highlighting the dominance of the concept of a single absolute 'truth' or 'Truth' pursued through academic investigation.

postmodern<sup>4</sup> 'text' engages all those that encounter it in a process of "multiple reading" (Mukerji & Schudson, 1991).

In order to overcome these problems of changing subject positions and constitutions, authors like Michel Foucault (1980a), and Valerie Walkerdine (1990), have called their research projects "fictions." This 'naming' attempts to portray to the 'reader' that a 'Truth' does not exist, that 'Truth' replaced by 'fiction' becomes another story. Using 'words' such as 'fiction' also offers a new form of critique to researchers, because the hard and fast 'Truth' of rational science, which underpins academic research, is now susceptible to multiple readings and to the label of 'fiction'. In effect, science has been taken out of its position of authority, it has been problematised, disrupted, and repositioned as another interpretation, another 'fiction'.

Therefore, the term 'fiction' offers both a chance for multiple readings, and also provides two forms of questioning to the post-structuralist 'researcher', 'participant', and 'reader'. There is, first a questioning of their own 'position' and secondly, a questioning of other 'truths'. Subsequently, within my own questioning of 'Truth' I should expect to be engaged in a questioning of my 'self' in general, and in a shifting of my position by the end of this research. However, I do enter from a particular 'position' as a constituted subject, so who am I, and what is my project at this point, the 'beginning' of my journey?

As a 'researcher', I see the academic 'truths' that constitute my thinking being influenced by educational research and philosophy. I trained as a primary teacher in the New Zealand education system, in which debates of sex, gender, race, and cultural equality and equity, continue to surround the curriculum delivered in classrooms. In my second year of training I was introduced to Bourdieu's concept of "cultural capital" (cited in Harker, 1990), and I felt angered that one "hegemonic" structure governed not only the thoughts of the dominant but also the thoughts within

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<sup>4</sup> I will use the term 'postmodern' throughout my writing to refer to the period of time following the period of 'modern', which is generally thought to be from the eighteenth century until recently. 'Postmodern' thought is applied in, and made evident by, post-structural thought and theory (Sarup, 1993).

me. I found my 'self' as a student teacher asking how our education system could possibly change this? Further, why were we, teacher trainees, limited by a curriculum created through "hegemonic" ideas, being told, in a metaphoric sense, that the meaty dream of equality, held by our profession, offered nothing more than a pair of toothless jaws. Later, in my post-graduate studies in education, I became interested in Foucault's ideas of "power", "knowledge", and "discourse", and the later feminist post-structuralist readings and theoretical developments of Foucault's work. I found my 'self' as a Masters student using these ideas to question concepts of socialisation and normalisation in the New Zealand Curriculum. Later my thinking was influenced by Foucault's (1977a) studies on the penal system in Europe, which prompted me to ask how 'women' who failed to be socialised as 'girls' in schools were 'resistant' to institutions in society, such as the hospital, mental institution, prison, church, university, community groups, and home. Institutions, Foucault would claim to have the purpose of socialisation and normalisation of 'individuals' in society. I found my thinking drawn back to my own schooling. By the time I was fifteen I had successfully built, or had been built into, the reputation of a 'girl' heading to prison. I enjoyed school, but I did not like the messages I received about who I was, where I came from, and where I was going. I wanted to be a scientist, an inventor, and an archaeologist; all were not possible for a 'girl' from a 'solo family' whose only destination in life was to be a 'young mother'. I hated this. I saw two alternatives: resistance through active law breaking, and resistance through silent compliance. I resisted some ideas, I accepted others, and all for my own agenda: to disrupt the image others, and at times my 'self' in general, had about me. So even though I stand in this 'text' as an 'educational researcher', many other 'truths' have constituted me, and as this process continues, my view and my interpretation of the world changes.

In exploring 'women's' experiences of confinement in the penal system I do not approach my reading of the literature as a criminologist or penologist. Nor do I intend to enter into the internal debates within penology and criminology. I stand at this moment as an educational researcher who has an interest in the normalisation of 'women', both within the school, and the prison. It is the ideas I have about normalisation and my own reading of Foucault's *Discipline and Punish* (1977a),

a study focused on the “disciplinary society”, that I bring into ‘my’ own research<sup>5</sup>. In a sense, I see my project as primarily theoretical as I lean heavily on feminist post-structural theory and philosophy. Through applying post-structural theory to the topic of confinement experienced by two Aotearoa/New Zealand ‘women’, I am attempting to muddy the waters and to make the simple position of ‘criminal women’ complex. As such, before I depart from the introduction of this thesis to the literature review I see it imperative to define the post-structural concepts surrounding ‘my’ research.

## 1.02 A Foundation of Post-Structural Definitions

First, what do I mean by this term post-structuralism? Butler (1995, p.39), defined post-structuralism as a “politically engaged critique” of the effects of “power.” Other authors such as Alec McHoul and Wendy Grace (1993), and Sarup (1993), lay the foundations of post-structuralist theory in a critique of structuralism and Marxism at a time called the postmodern. From this foundation, a post-structural investigation holds a triple agenda: the “dissolving” of the Cartesian subject, “a critique of historicism”, or the teleological assumptions of modern history, and “a critique of meaning” or ‘Truth’. This short definition of the post-structural serves to make clearer both the theory and the reasons surrounding my attempt at positioning my ‘self’ as a researcher. In the following, I will dig deeper into the definitions that guide ‘my’ research, definitions from Foucault and the later feminist readings of his work.

### 1.02.01 Michel Foucault: power, knowledge and discourse

The early ideas of Michel Foucault influence ‘my’ research in topic, theory and method<sup>6</sup>. Penal regimes and the constitution of the ‘criminal’ subject were of central interest to Foucault in the 1970s. What distinguished Foucault from other penal researchers was his method of investigation, which he based on redefined concepts of “power”, “knowledge”, and “discourse”. Foucault (1972)

<sup>5</sup> In this thesis I have applied single quotation marks to pronouns of ‘my’ when I am signalling an ownership, hence not every pronoun is placed within single quotation marks, but rather a selected few. Through doing this I am attempting to show that at times the claim I make to ownership can be questioned. For example ‘my’ research pulls from the research of others to create an understanding and it also involves Rene and Sophia who have some ownership to the ‘words’ used throughout the later parts of this writing.

<sup>6</sup> Foucault’s ideas concerning methodology and the focus of investigation changed considerably during his lifetime. The main influence from his ideas on my own thinking come from his writing published between 1972 and 1980.

attempted to disrupt the thinking of a progressively realised absolute form of knowledge, which defined the human subject. Instead, he argued for many forms of knowledge, or 'truths', which he directly related to a structure of power manifested in specific and discrete historical periods. For example, in the book *Discipline and Punish* (1977a), and the papers *Prison Talk* (1980c), and *The Dangerous Individual* (1988c), Foucault attempted to disrupt the traditional concept of a power pictured as a possession of one person or group over another person or group. Foucault connected traditional possessive power to the different forms of knowing, or 'truths' present in "sovereign" society. According to Foucault (1977a), this power was defined as a possession of the sovereign who exercised it upon "his" [sic] subjects. This distinct period of history emphasised a hierarchical structure of power, manifested by overt forms of punishment on the subject's 'body'. Such power, Foucault argued, is no longer applicable to a "modern" society where the dominant form of knowing comes from the disciplines of "rational science". In "modern" society power does not overtly discipline 'individuals' into becoming "rational" "citizens". Instead, power covertly ensures that the 'individual' practises "self-discipline". A self-discipline taught through institutions, which define the subject through knowledges and position the subject through techniques of power.

Foucault (1977a), used the concept of Bentham's Panopticon to describe how institutions would achieve the self-disciplining of 'individuals' in an 'ideal society'<sup>7</sup>. The Panopticon was a tower in which 'individuals' were situated in such a fashion that they could be under constant surveillance. Due to the architectural design, these 'individuals' would not know when they were being watched and as a result they would "police" themselves, in effect they would be involved in a process of "self-discipline". The practice of this panoptic power created a space in which the 'individual' could be defined, described, and as an effect "normalised", through knowledge. That is, to Foucault (1977a, p.203):

The Panopticon was also a laboratory; it could be used as a machine to carry out experiments, to alter behaviour, to train or correct individuals.

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<sup>7</sup> I have used the term 'ideal society' to show that the ideas of Foucault reflect the theoretical concept of a perfect "disciplinary society" and not the reality of "modern" society (Sawicki, 1996). This society is not the 'ideal' society that Foucault would have us achieve, but rather gives a picture of what society is striving for in institutions of normalisation.

Bentham's Panopticon represents both a form of power, and a form of knowledge, that work upon an 'individual' to shape the 'individual' into the desired subject of a "disciplinary society". A "disciplinary society" evident in institutions central to the production and application of knowledge, such as the school, prison, army barracks, and hospital (Foucault, 1977a). Indeed, Foucault challenged the 'reader' to locate the differences in these institutions, as he claimed "modern" institutions all carry out the same practices of "classification", "examination", and "surveillance". Throughout his discussion of the Panopticon and "disciplinary society", Foucault's agenda was to bring into question the concepts "modern" society holds dearly such as "freedom", "progression", "rationality", "power", and "truth".

Foucault (1977a, 1980a), linked "disciplinary power" to knowledge in such a way that one is required to engage in a rethinking of the ideas of possessive hierarchical power structures. According to Foucault (1980a), power is not a possession but rather flows through individuals, and therefore, is exercised by 'individuals'. John Ransom (1997), described this 'new' form of power with a metaphor of machinery, in which power operates through 'individuals', who, as "cogs" are in a position to divert the course of power by altering the way they function. This 'new' power coupled with knowledge forms a concept Foucault (1977a; Gordon, 1980) coined as "power/knowledge". At this point I leave it to Foucault (1980c, p. 51-52) to describe the reason for this couplet:

Power itself creates and causes to emerge new objects of knowledge and accumulates new bodies of information ... The exercise of power perpetually creates knowledge and, conversely, knowledge constantly induces effects of power ... It is not possible for power to be exercised without knowledge, it is impossible for knowledge not to engender power.<sup>8</sup>

To illustrate this term of power/knowledge David Hoy (1986), used the game of chess. In the context of chess, hierarchical power would occur when a piece took possession of another piece, but according to Hoy this power is not the 'reality' of chess. In chess each move forms part of a "strategy", and each move may not appear to be an application of power but once seen in its entirety has a purpose in a framework of power. Further, it is within the game of chess that

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<sup>8</sup> Foucault (1988b) stresses that power/knowledge does not imply that power is knowledge or knowledge is power, but rather the concept of power/knowledge stresses that each is an effect of each other.



resistance to power by the subject can be observed. In a game of chess, the opponent's choice of moves can effect the strategy determined by the exerciser of power. In Foucault's "disciplinary society" subjects of power are also vessels in which power is exercised, resisted, and transformed (Foucault, 1980e). So, power/knowledge can be represented through the discursive metaphors of "strategy" and "game plan", which both, to some extent, show how individuals are surrounded by, and are capillaries of, power/knowledge (Hoy, 1986; Lacombe, 1996).

The word power/knowledge is related to another of Foucault's (1972) concepts that of "discourse". To Foucault, discourse was more than a linguistic reference to a sign. Discourses were ways of thinking, and acting, manifested through statements and practices. To link to the above discussion 'many forms of knowing', coupled with the exercise of 'powers' form discourses, which create discursive spaces for specific subjects to be defined and in some cases left out altogether. Because discourses speak 'individuals' 'into' and 'out of' being, Foucault stressed the importance of looking at "silences" in discourses. To look at what is not said, who is left out, and how omissions affect the exercising of power/knowledge in a society, and the subsequent positioning of defined subjects.

Consequently, discourse analysis should, to some extent, focus on the "normalising" practices on subjects that occur at the discourse's site of operation (Foucault, 1976, 1977a, 1980b; Walkerdine, 1992). The analyst should attempt to determine what was said, and what was left out, or to put it another way, who was spoken into being and who remains to be spoken. For this reason, discourse analysis becomes a powerful tool to examining the effects of power in society through techniques, or practices of power, and as later described by Foucault (1988c), and a variety of 'feminists', "power relations"<sup>9</sup> in society (e.g., Bordo, 1993a; Mills, 1997).

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<sup>9</sup> "Power relations," refer to the social manifestation of power and how power and knowledge effect the spaces 'individuals' occupy in social contexts.

Sara Mills (1997), further situated Foucault's discourse and the analysis of discourses into a feminist paradigm. According to Mills, discourse analysis takes the feminist inquiry beyond 'gender' to other effects of power on the 'female body'. She argued that:

Discourses do not exist in a vacuum but are in constant conflict with other discourses and other social practices over questions of truth and authority (Mills, 1997, p.19).

To effectively inquire into the effects of power, Mills encourages one to look at conflicts existing at the site where several discourses converge to define and exercise power. This means that discourse analysis should not stop at merely describing what a 'society' perceives as 'normal' and "natural" (cf, Walkerdine, 1992). Discourse analysis should challenge, it should offer a "denaturalising critique" showing that the "natural" 'body' and character of the subject is constituted through many discourses (Butler, 1999). This argument portrays the 'body' as a "text", a non-discursive site written by the constitutive actions of discourses.

However, 'we' are entering too far into a discussion of feminist adaptations to post-structural theory and Foucault still remains 'clean' with no criticisms of his theory or method. However, this is not the case, in order for many of his ideas to be adopted 'feminists' have had to argue out several conceptions given by Foucault in his earlier work (e.g., Bartky, 1988; Bordo, 1993a; Grimshaw, 1993; McCallum, 1996; McNay, 1992; Mills, 1997; Sawicki, 1996; Sumner, 1990). Therefore, in order to introduce post-structural feminist theory I will start by introducing criticisms of Foucault's concepts of "disciplinary power" and "resistance".

### 1.02.02 Disciplinary Power: a feminist critique

The 'words' of Sandra Bartky (1988, p.77) directly criticised Foucault's concept of "disciplinary power" claiming that he was "gender blind" in his theory and method:

Foucault tends to identify the imposition of discipline upon the body with the operation of specific institutions, for example, the school, the factory, the prison. To do this, however, is to overlook the extent to which discipline can be institutionally unbound as well as institutionally bound. The anonymity of disciplinary power and its wide dispersion have consequences that are crucial to a proper understanding of the sub-ordination of women.

In Bartky's 'words' (1988), 'women' have 'always' been more restricted in their positions within the power/knowledge constructs of society. Consequently, Bartky criticised Foucault for focusing on public institutions as such institutions emphasised a certain type of discourse. She further argued that disciplinary practices also occur in private institutions of 'modern' society such as the home. This argument was further shown by Patricia O'Brian (1982, cited in McNay, 1992), who maintained that Foucault did not distinguish clearly enough between the differences of treatment for 'male' and 'female' prisoners in his book *Discipline and Punish* (1977a). According to McNay, O'Brian claimed that Foucault in his ideas did not consider the different 'sexual' and 'gendered' notions about "normal", and the subsequent 'gendered' placement of 'women' outside of this definition.<sup>10</sup>

McCallum (1996), moved the discussion on from a direct criticism of Foucault to an investigation as to why his theory is "gender-neutral". To McCallum, Foucault did not focus on a dualistic discussion of power/knowledge centred on the dominant and the subordinate players in discursive structures. Instead, Foucault focused on the constitution of the 'gender-neutral criminal' through disciplinary practices. Consequently, 'gender' is only one effect of power/knowledge on the 'gender-neutral criminal'.

One cannot leave a discussion of 'gender' without allowing a feminist reflexivity, or self-critique of theory, to occur. Bordo (1993b), argued that feminism, by attempting to displace 'gender' through applying a Foucauldian approach enforced invisible patriarchal discourses through becoming 'gender-neutral'. Bordo further argued that when investigating the effects of 'gender', the interpreter<sup>11</sup> needs to see, and listen, to the effect of power/knowledge on other "dimensions" of the 'body', such as race and class. Further, the interpreter needs to locate each of these effects in a cultural context, as discourses are not absent from a culture but embedded within. Bordo,

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<sup>10</sup> An issue I had in reading feminist criticisms of Foucault's concentration on the prison was the silence of acknowledgement by feminist authors that 'women' did occupy a place in public institutions such as the prison (e.g., Dalley, 1993a, 1993b; Dobash, Dobash, & Gutteridge, 1986). As a result, I feel that one needs to question both the reasons as to why 'women' are invisible in the discursive illustrations of prison and why the same 'women' are invisible in feminist discourse.

<sup>11</sup> Bordo (1993b), argues that the act of feminist analysis of power relations is an interpretation or reading of the interplay of discourses on the body.

acknowledged that there were several problems associated to such a method of interpretation. These problems revolved around three questions: How are dimensions selected? Where does the selection of dimensions stop? Furthermore, who is ignored, or left out, in the selection of dimensions? Bordo cautioned the interpreter to look for concrete examples of “difference” that disclose the existence of dimensions before resorting to “generalisations” that everyone is constituted through the same dimensions. However, Bordo (1993b, p.223) still encouraged the post-structural interpreter to pursue their project in an attempt to:

reconfigure the realities we take for granted because they allow us to examine our lives freshly; they bring history and culture to new life and invite our critical scrutiny. Showing a bold hand, they can encourage difference to reveal itself.

Therefore, in my own project I have needed to situate it within the ‘gendered’, whilst at the same time, look beyond ‘gendered difference’ to the many other dimensions of the ‘woman’s body’ (Flax, 1990; Gatens, 1999; Shildrick & Price, 1999). After all, as Jane Flax (1990) noted we are all “prisoners of gender”. In establishing such an ‘interpretation’ I need to be aware of what McNay (1992), and Biddy Martin (1988), described as a return to the foundations of ‘difference’. To argue that ‘women’ are ‘essentially different’ to ‘men’, or even the opposite of ‘sameness’, could result in the re-inscribing of discourses of domination. Instead, I want to dig deeper into ‘difference’, locating the effects of the definition of ‘criminal women’ based on a ‘gendered difference’ and written through penological practices. As such, I will attempt to disrupt the ‘naturalness’ of the definition and reveal the complexities, and contradictions, found within ‘gendered difference’ (Flax, 1990; Gatens, 1999; Shildrick & Price, 1999). To help me understand this problem of re-inscription I have looked to Rosi Braidotti’s (1994) ideas of multiple layers of ‘difference’, in which, ‘difference’ moves beyond ‘biological’ and ‘cultural’ dimensions, to include the ‘differences’ we have within ourselves.

### 1.02.03 Resistance: a feminist critique

Returning to feminist criticisms of Foucault, Jean Grimshaw (1993), moved from discussing the effects of ‘gendered difference’ to a critique of resistance. Foucault (1980b), stressed that where power is exercised resistance exists. Grimshaw (1993, p.54), questioned the possibility of this on

the grounds that if power is everywhere “what space is there for resistance?” Grimshaw challenged the concept of the discourse speaking the ‘individual’ into being, and the consequent position that person has for resistance. Grimshaw’s argument stood that if the ‘individual’ can claim no ‘essence’ out of the power/knowledge practices that have constituted ‘her/him’, then that ‘individual’ is left hanging, with no ground to resist from and no goal to resist towards. As such, Grimshaw inserts an ‘essence’ into her argument that draws from notions of a ‘natural’ and ‘definable body’ that stands outside of language. Consequently, Grimshaw’s argument enforces power relations based on ‘natural’ arguments (Fuss, 1989). This has been a clear criticism of criminology to date, where by applying a focus on an ‘essential body’ called the ‘criminal’ based upon ‘biological differences’, has in effect become “the *end* of the analysis” (Carrington, 1998, p.84, author’s emphasis).

Butler’s (1993, 1999) own reading of post-structuralism and the essentialism of the subject allows one to disrupt ‘essential’ foundations of subjectivity to argue for the “reconstituting subject”. A subject that is an effect of discourse and effects<sup>12</sup> discourse.

In her book, *Gender Trouble*, Butler (1999) described the constitution of a subject’s identity through the practice of discourse. Butler argued that the one fixed and stable identity claimed through ‘essentialist’ arguments needs to be rethought of as many shifting constitutive and fictional identities.<sup>13</sup> The ‘gendered’ subject, in Butler’s context of multiple identities, is not determined by dominant discourses. But, rather this subject engages in a set of “reconstituting practices”, which like in Hoy’s (1986) chess metaphor influence the product, that is, both the discourse and the subject’s own ‘image’ of ‘self’ (Butler, 1993).<sup>14</sup> This subject resists power by repositioning ‘self’ through reconstituting practices that reflect the different subjectivities of the subject and, hence, redirects the effect power on their ‘body’.

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<sup>12</sup> During this thesis I will at times use the word ‘effect’ in the status of a verb, to describe how performative practices bring about discourse. That is, these practices effect discourse.

<sup>13</sup> The concept of many identities has been reinterpreted by other post-structural authors as subjectivities. In this context the ‘individual’ is seen as a subject of discourse, or the effect of discourse (McHoul & Grace, 1993).

<sup>14</sup> For further discussion of Butler’s (1999) concept of the “performative” please refer to Chapter 6 (Sections 6.02.02, 6.02.03).

For groups in society who have been defined discursively using 'biological' references to 'essential' dimensions, such as 'gender' and 'culture', this process of repositioning can be difficult but it is still possible. Take for example, Honi Haber's (1996, p.153) discussion of the "muscled woman":

The muscled woman does not speak her body in a private language, she is nevertheless speaking her body in a way that challenges traditional hierarchies. Her body combines two ready-made images that are not supposed to go together: muscles, which connote masculinity; and the physiological female body, which is supposed to connote femininity. The fact that these images do not usually go together is what gives her image subversive potential. While we know how to read the two images - the muscled body and the female body - separately, we do not know how to read their combination. Placing them side by side will expand our language, will present us with new metaphors, that like all good metaphors, will reshape our ways of seeing.

Butler (1993, 1999) and Haber (1996), both assume an 'individual' constituted through 'textual' discourses and in a position to subvert that discourse and reconstitute themselves. Bordo (1993b), in opposition to Butler claimed that this subversion is not a conscious action of the subject, but rather a purposeful interpretation of a reader. For example, on Butler's description of the performance of "drag dressing" to subvert discourses (1999), Bordo (1993b, p.292-293) stated:

She [Butler] does not locate the 'text' in question (the body in drag) in cultural context (are we watching the individual in a gay club or on the 'Donahue' show?), does not consider the possibly different responses of various readers (male or female, young or old, gay or straight?) or the various anxieties that might complicate their readings, does not differentiate between women in male attire and men in female drag (two very different cultural forms, I would argue), and does not consult (or at least does not report on) a single human being's actual reaction either to seeing or to enacting drag.

However, the action of 'interpretation' alone allows the 'reader' to subvert, challenge, and change dominant discourses through revealing conflicts and contradictions that are occurring in the discursive realm. For example, in Haber's (1996) description of the "muscled woman" she introduced us to the contradictions that exist when a certain discourse is placed next to another in the discursive realm. This discursive focus on contradictions to discuss discourses and reconstituting practices is a fundamental element throughout my thesis. I have primarily adapted my ideas of contradictions from the feminist thinking of Kathryn Anderson and Dana Jack (1991), and further, Tina Miller (1998), who spoke of using the site of contradiction to observe conflicting ideas in a subject's private and social worlds.

Anderson and Jack (1991) discussed how it is within the contradiction that both a dominant and a subordinate knowledge can be located. I will combine the methodological ideas of Anderson and Jack with the theoretical ideas of Foucault, and to a lesser extent Butler, throughout my exploration of the confinement experiences of Rene and Sophia<sup>15</sup>. The analytical action of locating discourses through contradictions creates a 'space' to disclose the invisible 'fictions' within the discursive confinement of dominant discourses and to further open doors that release the subject into a visible and vocal position. That is, I will use this strategy to problematise the discourses that define the 'criminal woman' and subsequently effect her penal experience (Butler, 1993, 1999). To use the 'words' of Michel Foucault (1972, p.151):

To analyse discourse is to hide and reveal contradictions; it is to show the play that they set up within it; it is to manifest how it can express them, embody them, or give them a temporary appearance.

Now that I have positioned both 'my' research and my 'self' in general, it is time to move into an introduction of the literature that will follow.

### **1.03 From Beginnings and Definitions to Introductions**

In the next three chapters I will attempt a traditional review of the literature. This aspect of my investigation will be in three parts; in the first I will introduce the 'authored woman' of penal confinement through both demographic description, and criminological literature. This is necessary, as I do not intend to define this person. I am more interested in how 'others' have defined her and what contradictions, if any, are present in their many definitions. This choice follows Gavin Kendall and Gary Wickman's (1999) sociological interpretation of Foucault's method. Kendall and Wickman described the non-discursive site of the "body" as being brought into existence through discursive definitions. As such, I will attempt to, by allowing 'text' to define the 'criminal woman', return to the post-structural questioning of the Cartesian 'individual' and the 'essential' definable 'criminal woman'.

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<sup>15</sup> Rene and Sophia are the two participants that assisted me in this research. Pseudonyms replace their real names to protect their identity in this writing, and ensure confidentiality in this research.

However, it is important at this point that I define what I mean by criminology. Writers, such as Bruce Arrigo (1995), and Jocelyn Pollock (1999), identified criminology as the explanatory research into the criminal, 'his/her' criminal behaviour, or 'criminality' and the causes of this behaviour. Consequently, this part of the review will create a discursive meaning of the 'criminal woman' authored by a 'science' that attempts to understand and position 'her'. What I will be particularly focusing on here is how past and present literature and theories have used a determined 'gendered' 'difference' to confine the 'criminal woman' in a discursive space. By placing criminology, or the definition of the 'criminal woman' first, I am starting at the visible effect or site where power and knowledge combine to define and control 'her' (Foucault, 1977a, 1980e). In other 'words', punishment and discipline within the penal institution work upon, and are resisted, in different ways by the 'criminal woman', so it is important to first understand the 'discourses' that define these 'women'.

Secondly, in my literature review I will focus on the literature of penology or the theories and practices of 'punishment'. I will pay particular attention within this second section on post-structural interpretations of penal governance and the literature about 'women's' confinement. Penology is the discursive site where the action of punishment is defined. Or, to put it in another way, penology can be thought of as the visible site in criminology of power/knowledge, as it positions, or denies a position, to the 'criminal woman' through 'practices' of 'punishment' (Howe, 1994; Kendall & Wickham, 1999).

Criminology and penology both combine in the final section, in which I will focus on the experiences of 'women' in prison. This is where the knowledge of criminology and practices of penology intersect to exercise a form of power. This discussion will clear the stage and open the curtains for my own research into the investigation of the experiences of confinement for 'women' who have been in an Aotearoa/New Zealand prison.

I will systematically examine two major forms of thinking in the research of 'women's' incarceration, criminology and penology, by mixing this discussion into two genres of writing, the



academic discourse and the fictional play. As post-structural analysis allows one to see the 'fiction' within 'Truth' an arena is opened to the academic reviewer to use a variety of methods for presentation (Jones, 1992). I do not intend to stray too far from academic correctness, but I do take leave, as a 'writer' of a post-structural 'fiction/truth' by beginning each section as a scene in a play. Each scene is not reflective of my theoretical position, but rather is reflexive of my reading of both the 'criticisms' and 'credits' of the topic in each scene. The scene opening is used to ground the theory in a context using exaggerated settings and over descriptive characters. The intention of which is to provoke and invite different readings and interpretations of my own writing. That is, I hope that by joining these two genres together that I construct a 'discursive stage' in which both 'Truth' and 'fiction' becomes blurred, multiple readings become possible, and through these readings 'spaces' for theoretical transformation open up. Furthermore, by the blurring of 'Truth' and 'fiction' the objective ground in which many of these theories arose from breaks apart and the myths of 'criminality' are exposed.<sup>16</sup>

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<sup>16</sup> For examples of post-structuralist writing that attempts to disrupt 'Truth' through using fictional genres see Sue Middleton (1996), Rogers and Rogers (1992), and Kendall and Wickham (1999).

## 2. Criminology

### 2.01 'Female' Prisoners in Aotearoa/New Zealand

*The curtains open on an empty stage, with a single blue light illuminating the backdrop. Out of silence, a male voice is heard. He is the statistician, the man of mathematical logic and scientific objectivity. He is the opening narrator. In a deep and strong voice, he tells the audience about female prisoners in Aotearoa/New Zealand prisons, during 1999.*

Since 1987, both the Ministry of Justice and the Department of Corrections, have undertaken biennial censuses on the demographic characteristics of prisoners within Aotearoa/New Zealand prisons with the latest available being from 1999, written by Michael Rich (2000). Rich described the purposes of census information gathering as primarily providing data to the Department of Corrections and other interested groups on current 'inmate'<sup>17</sup> "needs". To this agenda, Rich further added an extra purpose of contributing to policy development and further research. Although censuses such as Rich's concentrate on demographic details in the provision of data. Census data also, indirectly, provides further interpretable information on current theoretical thinking in criminology and penology. This is achieved through the statistician's concentration and identification of certain variables and further his/her comments of analysis. At this point, in identifying the 'criminal woman' written through census data I will not delve too far into theoretical interpretation, but I will speak the statistician's identified "variables" into being, in order to allow a picture to be drawn.

In the 1999 prison census, a picture was drawn by Rich (2000) of the 'criminal woman' in Aotearoa/New Zealand's institution of the prison. According to Rich's statistical analysis, in comparison to 'men', 'women' tend to have fewer previous convictions, commit more homicides, are over-represented in property offences, and have fewer convictions of serious violent behaviour. Of the prison system surrounding these 'women', Rich's survey revealed several characteristics. New Zealand prisoners are classified according to security status in which there are five

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<sup>17</sup> The term 'inmate' is applied to the 'individual' who resides in prison because of a conviction for a criminal offence.

designations: maximum, high-medium, low-medium, minimum, and unclassified.<sup>18</sup> In addition to security status, Rich (2000) further presented data on violent offences, gang membership, those prisoners with dependent children, and those prisoners undergoing psychological or psychiatric supervision. Although 'women' are situated within the first two concerns, it is within the later two that their position is dominant. Rich also gave an idea of what 'women' do in prison. Of the ten types of programmes offered in Aotearoa/New Zealand prisons<sup>19</sup> 'women' tend to enrol in leisure, personal development, substance abuse, language, and vocational programmes.

Throughout his entire report, Rich (2000) presented the data with clear divisions between 'male' and 'female' sets, such as separation in discussions, separate bars in graphs and separate columns in tables. This division allowed Rich to compare and contrast the 'differences' between 'men' and 'women' prisoners. The word 'difference' is further echoed in Departmental papers and working reports in recent years (Department of Corrections, 1998, 2001a; Lashlie & Pivac, 2000). For example, in a recent report from the Department of Corrections (2001a) an argument was posited for male-specific preventative and rehabilitative measures based on the premise that 'men' are 'naturally different' to 'women'. Such a focus on 'difference' reflects the dualistic conceptions of Western power relations discussed by 'feminists' (e.g., Bordo, 1993b), in which structures of power locate 'individuals' in dualistic oppositions, such as 'gendered male' verses 'female', and racial 'black' verses 'white'. Subsequently, "each of these dualities has had profound consequences for the construction of the experiences of those who live them" (Bordo, 1993b, p.234). The following review of the literature will show that the emphasis on 'gendered difference' in criminology is not limited to policy and statistical reports, but is central to defining the 'criminal woman' and effecting her experiences of prison.

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<sup>18</sup> 'Individuals' entering the prison system in Aotearoa/New Zealand are classified according to the Objective Classification System (OCS) (Lashlie & Pivac, 2000). OCS is an assessment tool used within the Integrated Offender Management system (IOMs) to measure the individual's risk to themselves and society. It is a 'gender-neutral' tool using the same form of assessments for both 'male' and 'female' 'inmates'. Lashlie and Pivac argued against the 'gender-neutrality' of OCS, through the claim that it relied on overseas research around the classification of 'male inmates' and then applied the same classification to 'female inmates'. Lashlie and Pivac further claimed that OCS is not the only classification system in prisons, and that 'female inmates' are further classified once they are placed in an institution by the "concerns" of senior 'prison staff'.

<sup>19</sup>The types of programmes outlined by Rich (2000) in Aotearoa/New Zealand prisons are: anger management, cultural, leisure/recreational, literacy, personal development, school subjects, sex offending, substance abuse, languages, te reo Maori, and vocational training.

## 2.02 An Introduction to Criminology

*The curtain now opens on one 'criminal woman' standing over another 'criminal woman' curled up into a foetal position. A spotlight creates a circle of dusty light around these two characters. Neither speak, instead they look up to the light, as if for recognition and then form a freeze frame. An over-voice is heard again, this time from a female introducing the scene. As she talks, her voice is drowned out in dominance of 'other' voices arguing amongst themselves. Words such as 'whore', 'masculine', 'victim', 'woman', 'monster', 'girl', 'Madonna', and 'feminine' resonate in the air.*

Within the context of the literature review, there are several ways of discussing and presenting current research and theories on criminology. In the first part of this review, I will attempt to combine feminist arguments and past criminological theories to expose the confined 'space' occupied by the defined 'criminal woman'. A 'space' drawn from images of dualistic 'sexual' and 'gendered difference'<sup>20</sup>.

Many critiques presented of criminological theories by feminist criminologists (e.g., Belknap, 1996; Cain, 1989; Daly & Chesney-Lind, 1988; Faith, 1993; Naffine, 1987, 1996; Scraton, 1990; Smart, 1995) question the scientific assumption that 'female' 'criminality' has inherent 'biological differences' to 'male' criminality. Criminological theories that emphasise 'biological differences', according to Heidensohn (1996), cause "troublesome" dichotomies to be developed. On a deeper exploration into such a 'Truth' basis these dichotomies have been found to be more 'gendered' in nature, with a purpose of a tighter social control of 'women' in particular constitutive positions such as 'mother' and 'homemaker' (Belknap, 1996; Feinman, 1992; Heidensohn, 1996; Pollock, 1995; Robinson, 1984). This can be seen in Karlene Faith's (1993, p.123) overview of the history of criminal 'women', in which she concluded: "The history of unruly defiant women is the history of men's efforts to control them". But this review of the literature is progressing too far, so let us add some seasoning by returning to ideas of predetermined 'biological differences'. The 'father' of the

<sup>20</sup> Generally, references to 'sexual differences' use 'biological' explanations to describe differences between 'men' and 'women'. This differs to references to 'gendered differences', which use 'cultural' explanations to define difference (Bartky, 1988; Belknap, 1996). Butler (1999) has argued that 'gender' and 'sex' cannot be separated, that each implies the other and each is an effect of the other.

theoretical “female offender” is Caesar Lombroso who in 1895, with his assistant William Ferrero, provided the European world with the first criminological definition of the ‘female offender’.

### 2.03 Father Lombroso and his ‘Criminal’ Daughters

*Enter onto the stage Father Lombroso, an old man with a long white beard. He sits on a large easy chair, sinking into the comfort of the nurturing leather upholstery. Two little girls run onto the stage and jump onto his knee. The girls are wearing dresses composed of screen-printed pink flowers on pastel fabric and have their long curly blond hair tied into ponytails with pink ribbons. Father Lombroso proceeds to tell them a story from two books at once. The first is a book of myths and legends of old Europe, and the second is Darwin’s ‘The Origin of the Species’. The story he tells is called ‘The Female Offender’.*

Douglas Morrison (1895) in his introduction to Lombroso’s work gave an idea of the world in which Lombroso lived. Morrison described a world of ‘ordinary men’ worried by the crime committed by a criminal population. His argument stood that if the world was all ‘ordinary’ then there would be no problems, but unfortunately, ‘differences’ existed, both “biological” and “social”, which determined the existence of the social deviants called “criminals”. It is on this stage that Morrison then placed the self-labelled “criminal anthropologist” Caesar Lombroso. A ‘man’ determined to show the “biological differences” inherent within criminals.

Previous studies by Lombroso on “habitual criminals”, or to be more precise ‘habitual criminal men’, found psychological and physical ‘differences’ between the studied deviant and the perceived idea of the ‘normal’ male. From these ‘differences’ Lombroso concluded that “habitual criminals” were “atavisms” in the evolutionary progression of the ‘civilised human race’. These ‘criminals’ stood in a family of evolution’s throwbacks such as “the lunatic, the epileptic, the alcoholic, the prostitute, [and] the habitual pauper” (Morrison, 1895, p.xvii).

With detailed tables of measurements and techniques employed in earlier studies Lombroso (1895) embarked on his own journey of ‘enlightenment’ to determine the ‘biological nature’ of ‘criminal women’. Despite finding several ‘differences’ in prostitutes, which he linked to the “primitive ‘women’ of pleasure” and their ‘sexuality’, he found very little in the way of physical abnormalities to

determine and define the “female offender”. Instead of rejecting his hypothesis of atavism, Lombroso concluded that ‘females’ are not as highly evolved as ‘men’. That ‘criminal women’ are the “primitive” of the human species and consequently do not have, or cannot have, strong physical determinants of criminality. In Lombroso’s ‘words’, ‘women’ are ‘naturally’ atavistic and hence this explained the difficulty he had in using the knowledge of atavisms to determine ‘female’ criminality. Then using the argument that an ‘abnormal man’ can be defined through regression into feminine attributes, Lombroso contended that ‘female offenders’ show attributes of maleness, such as muscle, intelligence, and a diversion from domestic duties. His overall conclusion is best left in his own ‘words’:

The criminal woman is consequently a monster. Her normal sister is kept in the paths of virtue by many causes, such as maternity, piety, weakness and when these counter influences fail, and a woman commits a crime we may conclude that her wickedness must have been enormous before it could triumph over so many obstacles (Lombroso & Ferrero, 1895, p.151-152).

Lombroso’s theory (1895) and the link of ‘female’ ‘criminality’ to an abnormal ‘sexual’ atavism is echoed in criminological theories of today. For example, Lee Ellis and Anthony Walsh (1997) presented an article of the current “gene-based evolutionary” theories of criminology, with the argument that although Lombroso is resembled highly within these theories, modern science has since offered more ‘Truth’ to the role of genes in criminality. Ellis and Walsh argued that ‘criminal genes’ do not determine future behaviour but can influence the outcomes. Furthermore, these genes do not present atavisms but a special form of adaptation. Ellis and Walsh did not offer a ‘gender’ or ‘sex’ specific theory of criminality, instead their theory could be described as ‘gender-neutral’. However, their discussion did mention a position of ‘women’ within gene-based evolutionary theories. Ellis and Walsh described the ‘criminal woman’ in an animal like mating position in which she plays the ‘deceiver’, who then preys upon weaker ‘men’ to reproduce criminal children. Unfortunately, even within a theory that spoke of evolutionary progression the ‘criminal woman’ remains a ‘sexual animal’, or using Lombroso’s ‘words’, stays reflective of the “primitive” atavisms in ‘mankind’.

## 2.04 Lombroso's Daughters Fight Back

*The story that Lombroso reads to the young girls comes alive. The stage becomes littered with apes, witches, scientists, whores, nuns, mothers, and men. All are dancing and chanting indecipherable words around Lombroso. No beat is supplied to their dance and their words resonate in the empty atmosphere.*

One cannot leave a discussion of Lombroso (1895) without mentioning feminist criticisms from criminological speakers such as Carol Smart (1976, 1995) and Frances Heidensohn (1996). Smart (1976), in her now somewhat dated critique of criminology, took Lombroso's work from the 'biological' realm and placed it into the 'gendered'. She argued that Lombroso did not use 'biological' traits in defining 'women's' criminality, instead he used cultural elements of 'maleness' to define what was 'normal' and then placed the 'criminal woman' outside of these. Consequently, once a 'woman' displays masculine characteristics she is labelled both 'not woman' and 'not man' and subsequent labels placed on her by society render her dangerous and doubly abnormal. Heidensohn, took Smart's argument a step further, she looked at the origin of the subsequent dichotomist positions available to 'criminal women' through criminological theories.

In her book *Women and Crime*, Heidensohn (1996) devoted much of her discussion to the problematising of criminological theories. Starting from the stage of 'difference', Heidensohn explored how theorists such as Lombroso (1895) devoted excess attention to discussing why 'women' are 'different' to 'men'. Heidensohn claimed that such theories were littered with three forms of 'difference' saturated and made evident through dichotomies based on images of 'women' in myth and folklore. The reason behind these dichotomies was the production of conformity in 'women' to a place of 'gendered femininity' and domestic servitude to their 'male domineers'.

The first form of mythical dichotomy, described by Heidensohn (1996), is embedded in 'sexual difference'. 'Women' are situated through both criminological theories and myths into the outer extremes of dichotomies, such as "chaste/unchaste", "good/bad", "virgin/whore", and "Madonna/Magdalene". As such the 'criminal woman' is either highly controlled, or out of control in her 'sexual nature'. Subsequently, Heidensohn argued that "sexual language" which originally

described and classified the prostitute through criminological theories such as Lombroso's (1895), continues to influence criminological knowledge.

The second form of 'difference' that Heidensohn (1996) discussed, was the 'gendered' placement of 'women' into "nature", and the realm of the darkness and witchcraft. This placement created a patriarchal fear of disorder, and through knowledges of "rational science" 'women' as a discursive subject came under control. Heidensohn discussed the 'natural' position of 'women' as one situated in dualistic opposition to 'men'. What the 'male' opposite to "nature" is, is unclear in Heidensohn's 'words'. As such, Heidensohn's act of silence allows the 'reader' to engage in guessing what the opposite of 'nature' is. For my 'self' as a reader, I found my thinking moving back into the structuralism of Claude Levi-Strauss (1988). Levi-Strauss, in his anthropological quest for answers, used dichotomies to argue that the opposite of 'nature' is 'culture'. In this context 'culture' is the stronger and the defining element in the dichotomy. By drawing Levi-Strauss into Heidensohn's discussion, the 'natural woman' is the opposite to, and the lesser of, the 'cultured man'. Instead, she is a mystery and a danger to 'cultural society', and is open to definition by the 'cultured'. However, in a movement beyond 'structuralism' into the 'post', the position of 'women' cannot be left in a discursive dependence of definition through 'difference' alone. That is, "women do not need to be compared to men in order to exist" (Cain, 1989, p.14), and further, the 'natural' position of 'women' determined by discourses is, indeed, a discursive construct, open to change, disruption, and a "denaturalising" (Butler, 1999).

In addition to the "sexual" and "natural" dichotomies of mythical 'difference' Heidensohn (1996), argued that criminological theories portray 'women' as bearing 'masculine' characteristics. As such, the 'criminal woman' is pictured as deviating from her correct position and role in society of 'mother', 'child-bearer', and 'man's partner'. 'Women' in deviance of such roles are depicted as "mad" rather than "bad". This is a point 'we' find reflected in the written prison statistics of 'women's' mental illnesses in penal institutions (Rich, 2000) and further in research in forensic psychology (Adshead & Morris, 1995; Burns, 1992; Fruchter, 2001; Gorsuch, 1998). Consequently, the only position available to the 'criminal woman' is one of negative deviance.



According to Heidensohn, it was Otto Pollak (1950) in his work *The Criminality of Women* who first acknowledged the 'male' authoring of the 'female' position in criminality. So let us now add some more seasoning to this review by looking at the theory of Pollak.

## 2.05 Pollak's Fear of the Unknown

*Enter onto the stage Mr. Pollak. A white middle-class man wearing the highest priced suit he could find in 1950. As he walks on stage he mumbles "Statistics, statistics and damn lies..." He turns and faces the audience and says in a loud voice: "No one knows the creature called women better than we do. After all it was man who created women it was man that gave woman a place in society. But like all animals, woman still has the power to elude our knowledge. She at times can mask from us her true self. Therefore men, watch your wives, for within that position that we gave her of domestic servitude, passive to our needs, she can overwhelm you, and she can kill you."*

Pollak (1950) set his research in the Anglo-American society of 1950. A society illustrated by Pollak as a world where "active" 'men' contributed in the workplace and community, and "passive" 'women' in the home and in jobs of care-giving. It was this "passive" role held by 'women', and their physical weakness in comparison to 'males', that Pollak focused on. Firstly, Pollak, reverted back to an argument based on the 'natural' to describe how 'women' have a "natural ability" to deceive 'men' through being able to hide both the 'sexual' orgasm and their own times of menstruation. Pollak (1950) also attributed the 'gendered' or 'cultural norms' surrounding 'women' to their ability of concealing and deceiving:

This interplay between physical and cultural factors seems, therefore, actually to result in a greater lack of sincerity in women than in men. For the latter it is always a deviation, for the former often a technical necessity and a social command. It is not surprising that this characteristic of the female sex should find its expression also in crime. Almost all criminals want to remain undetected, but it seems that women offenders are much better equipped for achieving this goal than are men (Pollak, 1950, p.11).

Consequently, Pollak (1950) described how the 'criminal woman' has the 'natural' ability and the 'cultural' position to hide her crime by giving several indepth examples of feminine concealment. For example, Pollak examined how the 'criminal woman' chooses weapons from her domestic position. Shown as the 'preparer of meals' and 'nurse of the sick', the 'criminal woman' uses insecticide intended to clean the kitchen of unwanted pests, to poison those who trust her. The

same is said of the 'mother' who resorts to the baby's own bath water in her act of infanticide. Thus, Pollak claimed the "honest", "sincere" and "loving" 'female', is "shrouded in contradictions" of "deceit", "insincerity", and "cruelty". The person 'society' thinks the 'criminal woman' should be is wrong and instead she is, in Pollak's argument, the complete dualistic opposite.

Pollak (1950), too, has been criticised by feminist scholars (Heidensohn, 1996; Smart, 1976, 1995) for his deterministic and dualistic positioning of 'women'. Like Lombroso (1895), Pollak has been accused of doing nothing more than arguing myths into science (Smart, 1976). However, Pollak's conception of the 'gendered woman' and her "passive role" has been picked up further in later 'role' theories.

## 2.06 'Gender' Roles and Crime

*On the backdrop of the stage an episode of the family sitcom "Malcolm in the Middle" plays. The father sits on the couch reading the paper. The two youngest boys run in and ask for his help resolving a dispute. The mother enters the room with shopping bags full of groceries; she puts the bags down and takes her jacket off, hanging it up on a hook. The father is now play fighting with the boys and the mother asks in a quiet voice for the three to calm down. She picks the bags up and goes to the kitchen. In the foreground of the stage, scientists sit and observe taking notes of each performer's part. One scientist dressed in a white lab-coat stands and writes on a blackboard facing the audience: "In a society determined by social functions, structures and organisations we all have a role to play. To divert from this role is to disrupt the stability of the very foundations of society."*

In Jocelyn Pollock's (1999) discussion of the development of feminist criminological theories, she claimed that the "sex-role identification" theories developed during the 1960s and 1970s continue to influence our thinking of the 'criminal woman'. According to Pollock, these theories assert that 'women' have a particular role in society defined by 'feminine' traits such as 'passivity', 'gentleness', 'love', and the ability to 'nurture'. By 'socialisation', the 'woman' learns to identify with the attributes that make up the roled concept of her 'body'. Consequently, the 'passivity' of the sex-roled 'women' renders her outside of the capability to become the perpetrating aggressive 'criminal'. 'Women', instead, become "victims of criminal acts and men [become] the perpetrators" (Burns, 1992, p.118).

Instead of hiding her 'criminality' under the guise of her 'passive' role as argued by Pollak (1950), the 'criminal woman' is painted in rejection of the 'feminine' roles society would have for her (Pollock, 1995). She becomes 'de-sexed' as a 'masculine' character, that is reflective of Lombroso's (1895) "monster". Subsequently, these theories have been criticised because of the highly "stereotyped" notions used to determine the criminal behaviour of 'women'. However, these 'sexualised' stereotypes continue to influence the way in which 'women' write about the discursive 'criminal woman'. I will next look at two such discussions from Karlene Faith (1993) and Patricia Pearson (1997).

## 2.07 'Women's' Discussions of the Criminal woman

*A woman dressed half-naked with her genital areas covered by patches of animal skin runs onto a stage showing a setting of nature, with props of trees and large rocks. The stage is dimly lit; with only a single red light focused on the floor. She chants random 'words' never composing a complete sentence. As she speaks, she lifts up rocks, throwing them around the stage and pulls the trees apart. During this performance, a woman's voice penetrates the background.*

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 offensive woman who acts in her own interests. She is the unmanageable woman who claims her own body, the whore, the wanton woman, the wild woman out of control. She is the woman who cannot be silenced. She is a rebel. She is trouble (Faith, 1993, p.1).

Faith (1993) opened her book with the image of the 'criminal woman' created through criminological knowledge (e.g., Lombroso & Ferrero, 1895; Pollak, 1950; Pollock, 1995). According to Faith, the 'criminal woman' is a 'woman' who acts outside of the 'gendered' role society has for her. In Faith's argument traditional and current 'women's' criminality, has, and continues to be, defined by 'biological' aspects derived from a patriarchal need to control 'women'. Now, instead of the uncontrollable 'hysteria' of the 1800s 'women' are controlled fully by the menstrual cycle. Consequently, murder, robbery, arson, and many other 'female' crimes can now be explained in the 'scientific framework' of 'Pre/Post-Menstrual Tension'.

Overall, Faith (1993) described a modern criminology that defines the 'criminal woman' as deviant and abnormal, resisting, or being 'victim' to, her own biology. The 'normal woman' remains crimeless and passive to her own biology and the patriarchal society that surrounds her. Faith's 'criminal woman' is trapped within a 'gendered knowledge', in contrast, Pearson (1997) used 'gendered knowledge' as a springboard to reargue that 'women' can be as bad as men.

Pearson's (1997) work *When She Was Bad*, explored the other side of the dichotomy. Instead of starting her questioning of 'gendered difference' from perpetrator positions such as 'whore', 'wanton', and 'deceiver' as taken by many feminist authors (e.g., Belknap, 1996; Daly & Chesney-Lind, 1988; Faith, 1993; Heidensohn, 1996; Naffine, 1987, 1996; Robinson, 1984; Scruton, 1990; Smart, 1995), Pearson started on the side of innocence where 'words' such as 'virgin', 'Madonna', 'good', and 'passive' reside. Her argument was that a difficulty existed for the 'criminal woman' in that she can never be defined as 'violent', and 'criminal', because her very 'nature' denies her access to masculine positions. Consequently, Pearson claimed that any form of aggression posed by 'females' is redefined within ideas of hysteria, deceitfulness and victimisation.

In a similar fashion to the early work of Pollak (1950), Pearson (1997) then attempted to explore the crimes of violence committed by 'women' to problematise the 'gendered' role of 'women' and the consequent excuses for crime. The conclusion is best left in Pearson's (1997, p.175) own 'words' "They are human first, and gendered second. They will destroy you in an instant, no slower than the men."

What has caused authors such as Pearson (1997) to move to the other side of a dichotomy in an attempt to reposition 'women' into criminal discourse? In order to understand such a shift in thought it is necessary to look at the literature calling for a new feminist, and at times, postmodernist exploration into the 'criminality' of 'women' offenders.

## 2.08 Where Are 'We' Now?

*A talk show setting is established on stage. The title of this show is pictured on a large television screen on the back wall, The New Criminal: A Victim and a Killer. A group of women come onto stage and sit in a panel. The talk show host asks them questions about the earlier scenes of the play. The panel attempts to tell the audience who the 'criminal woman' really is.*

One of the first theories posed by a 'woman' about the 'criminal woman', came from Freda Alder (1980). Alder discussed how crime has been traditionally a 'male' occupation with limited space for 'women'. Her argument, first presented in 1977, connected 'women's' liberation to a "new female criminal". Alder claimed that the increased opportunities the 'women's' liberation movement gave 'women' outside of their homes would also result in a 'women's' liberation in crime. That is:

It should come as no surprise that once women are armed with male opportunities they would endeavour to gain status, criminal as well as civil (Alder, 1980, p.152).

Consequently, Alder (1980) received much criticism for her theory from feminist academics. Smart (1979) accused Alder of being too "universal" in her assumptions and of ignoring the 'reality' that the statistics on 'female' crime actually presented. Closer to Aotearoa/New Zealand, Anne Hiller (1982) argued that Alder's theory did not reflect the reality of 'women' who commit crimes. To Hiller, 'criminal women' come from the "working-classes" and consequently have always had access to the workplace. Both Smart and Hiller claimed that Alder did not consider the fact that although 'women' do have more opportunities, the types of crimes committed by 'women' remain 'different' to 'men'.

Hence, Alder (1980) has been referred to as a 'female author' of the 'criminal woman' but she has not been awarded the position of a 'feminist author'. This position has been reserved for those authors who George Vold, Thomas Bernard, and Jeffrey Snipes (1998) described as fulfilling the two purposes of the "feminist agenda". The first of these purposes is the exposure of the imbalance of power within 'gender-neutral' theories. The second, is the investigation into how theories specific to the 'criminality' of 'women' recreate images and assumptions of 'women's' inferiority to 'men'. How does such a feminist investigation look? Feminist investigations appear to

be concerned with the 'gendered' 'difference' of 'criminal women' and their 'criminality' (e.g., Cooke, 1992; Daly & Chesney-Lind, 1988; Naffine, 1987, 1996; Pollock, 1995, 1999; Scraton, 1999, Sumner, 1990).

Ngaire Naffine (1996) offered a reason for this continuance of 'difference' in her own discussion called *Feminism and Criminology*. Naffine reflected the 'words' of other 'feminists', such as Smart (1976, 1995), Phil Scraton (1990), and Colin Sumner (1990), when she claimed that criminology originated as a study of 'men' by 'men'. Further, criminal subjects were given the 'gender-neutral', or 'unmarked' label of 'criminal', instead of the 'gendered criminal male'. This labelling resulted in many 'gender-neutral' theories of criminality, which in 'reality' were 'gendered' in the 'male' position. Consequently, Naffine argued that the application of the term 'gender' and subsequent ideas of 'difference' is the only way a 'criminal woman' can enter into criminological study. Therefore, the 'criminal woman' becomes a 'marked' category, defined through her deviation from the 'normal' and 'unmarked' category of 'male' (Davies, 1994). If the discursive category of 'gender' is not applied, the 'woman' is left 'invisible' and not given any discursive form at all. Hence, in such a discursively structured 'gender' biased domain, 'women' tend to be studied using a comparative form of research focusing on 'difference' to the 'normal' and 'stronger' position of 'male' (Scraton, 1990; Sumner, 1990).

Therefore, it is apparent that 'feminists' are questioning the 'maleness' of criminology. However, in literature written by criminologists attempting such a feminist analysis there are only two clear positions given to 'women'. The first is of the criminal 'mother', and the second the 'victim' (e.g., Carlen, 1983, 1985, 1988, 1998; Carlen & Tchaikovsky, 1985; Carlen & Worrall, 1987; Girshick, 1999; Hampton, 1993; Kingi, 1999; Kruttschnitt, Gartner, & Miller, 2000; Lees, 1997; Muraskin, 2000; O'Neill, 1989; Smart, 1995). Through focusing on these two positions alone, 'feminists' actually take the risk of reproducing, and reinforcing, the discourses of dualistic 'difference' that they set out to challenge (Martin, 1988). Consequently, the 'criminal woman' remains the image created by criminological theory, that of the 'passive', 'sexed', and 'gendered' player in society, the continual dualistic opposite of a patriarchal normative.

The criminological positioning of 'criminal women' in Aotearoa/New Zealand demonstrated by writing from penal practitioners shows both a questioning of the feminist positioning and a further contradiction of sorts. For example, in an unpublished report to the Department of Corrections Celia Lashlie and Kathleen Pivac (2000, p.18), created a picture of the 'criminal woman' in Aotearoa/New Zealand:

Until recently the profile of women serving terms of life imprisonment for murder has been dominated by women who had been the long-suffering victims of domestic violence ... In contrast, we now have the case of three young women willing to kill. Their histories show a well-developed propensity for violence and a complex web of abuse issues ... The new breed - young women who have been raised in a world that reinforces the belief that 'girls can do anything', young women who have visited the dark side of humanity far earlier in their development than their counterparts of even 10 years ago.

This quote provides evidence to the effect of criminological theories on the constitution of 'criminal women', and the 'contradictory space' people find themselves in when they try to challenge the effect of knowledges and discourses. Lashlie and Pivac (2000) did not place their statement on any theoretical foundation of sorts. Indeed, in an academic sense this statement is full of 'assumptions'. The 'assumptions' being, that 'women' prisoners are 'victims', 'assumptions' that 'women' prisoners were once children that "developed" into 'criminal women', and 'assumptions' that the liberation movement of later years has created a 'new breed' of 'criminal women'. But are these really 'assumptions'? It seems that much of this statement by Lashlie and Pivac, actually mirrors the feminist criminological discourses presented in this review, such as the liberation theory by Alder (1980), and the feminist questioning of criminology and repositioning of the 'criminal woman' as a 'victim' (Daly & Chesney-Lind, 1988; Muraskin, 2000). However, Lashlie and Pivac (2000, p.17), attempted to go beyond the 'criminal victim' and argued for a "new breed" of 'criminal women' who have done more than "taken a slight detour from a socially acceptable lifestyle." It is within this argument that contradictions emerge. Lashlie and Pivac, attempted to reposition the 'criminal woman' on the same 'discursive stage' created by criminological thought and penological practice. These 'women' may be of the "new breed" but they are still "victims", and they are still "mothers". Hence, Lashlie and Pivac argued for a penological "treatment" that addressed and focused on the abuse issues of 'criminal women'. Through Lashlie and Pivac's argument for

'abuse' focused strategies their mention of this "new breed" becomes only a whisper of challenge to the dominant forms of thought introduced by past 'male' criminologists and the 'newer' feminist criminology.

Perhaps one should be careful to even call into existence a 'feminist criminology' in a domain of criminology already shown to be constructed through patriarchal discourses. Maureen Cain (1989) argued that 'feminist criminology' goes beyond the usual 'agenda' of criminology.<sup>21</sup> Cain believed that criminology merely defined what already existed in the arena of penology, the prison. To Cain, 'feminist criminology' questioned how the non-discursive site of the prison uses discursive meanings found within criminology and penology to constitute the subject of imprisonment. Hence, the feminist agenda in criminology is a questioning and an exploration of constitutions rather than repositioning. As it is my agenda to explore the constitutive effects on 'criminal women', and to change the 'gendered' clothing defining the 'criminal woman', I will finish my exploration of criminology with a look at two perspectives which reposition the word 'difference'.

## 2.09 Re-positioning 'Difference'

*A large group of people walks onto the stage. There are clear differences between all the individuals. In the background music from the television programme Sesame Street (Sesame Workshop, 2002) is playing with the lyrics "One of these things is not like the others, one of these things is not one of the same." A voice asks the audience which one does not belong.*

Jan Robinson (1984) introduced a critique of dualistic positioning in the early prison system in New Zealand in her article *Canterbury's Rowdy Women: whores, Madonnas and female criminality*. Robinson's article clearly identified her 'position' as 'author' from the onset. Robinson intended to question the "polarisation" of the 'criminal woman' in early New Zealand. Robinson did this through reviewing court records of early Canterbury to find the language positions created around 'criminal women'. Her findings indicated that 'women' were not described in dichotomies. Instead, there was a myriad of positions given to 'women' within the extremes of whore and Madonna. She

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<sup>21</sup> The agenda Cain (1989) sets for feminist criminology has not been seen in the literature reviewed to this point in this thesis. This is because this form of criminology focuses its investigation at the site of punishment, the prison. As such, Cain's feminist standpoint 'agenda' will be examined in Chapter 4, where I look at literature on women's experiences of prison.



approached her study looking for more than just dichotomies, and consequently, she found many positions. Perhaps, it is this willingness to view multiple 'differences' and diversities that could aid in the dismantling and problematising of past dichotomist theories.

At this point it is worthwhile to present the work of other feminists such as Braidotti (1994) on locating 'difference'. Braidotti urged 'women' to look beyond 'sexual differences' to other levels of 'difference' located between 'women' and within the 'woman'. This implies, in terms of criminology, a movement away from categorising and defining the 'criminal woman' to a space that allows her to speak about who she is, and accepts the complexities of definition that surround her. This has already begun in criminological standpoint feminism (e.g., Carlen, 1983, 1988; Carlen & Worrall, 1987; Devlin, 1998; Hampton, 1993). The standpoint approach will be investigated further in Chapter 4.

## **2.10 A Return to Myth: where have we been and where are we going?**

*The music continues from the last scene and the speaker again asks the audience which one is different. After some time waiting, the people on the stage turn and face the audience and point their fingers to them.*

This review started with the presentation of the 'criminal woman' in Aotearoa/New Zealand prisons. From this, I reviewed how previous theories have relied on definitions of 'difference', located in 'gendered' dichotomies based around assumptions of 'natural woman'. Many of these dichotomies found in scientific knowledge actually originated from myth and folklore (Heidensohn, 1996). These dichotomies once applied to science have been described as a form of patriarchal social control of 'women' (Cain, 1989; Faith, 1993; Heidensohn, 1996; Naffine, 1987, 1996; Pearson, 1997; Pollock, 1995, 1999; Scraton, 1990; Sumner, 1990). Accordingly, within these theories and subsequent feminist oppositions, the 'criminal woman' was either positioned as dangerous, or as a 'victim' of circumstance. In concluding this review, I used the work of Robinson (1984) and Braidotti (1994) to present a picture of multiple 'differences' that move beyond dualistic opposites.

As we leave the 'criminal woman' defined and problematised, within the authored 'myth' of 'science' (Heidensohn, 1996), let us now look at a domain which has been defined by 'sameness' (Pratt, 1997b), that of the punishment-first penology.

### 3. Penology

#### 3.01 An Introduction to Penology

*The curtain opens on a setting of a prison cell lit brightly with white lights. The cell is separated from the audience by a wall of vertical bars. Inside the cell sits a bed, stainless steel toilet, and a basin.*

Authors who label their project penological, or whose projects have been labelled as penological, share an emphasis on punishment and, in particular, the ways in which society governs punishment within the institution of the prison (e.g., Adler & Longhurst, 1994; Brown, 1994; Feeley & Simon, 1992; Garland, 1992, 1997; Kruttschnitt et al., 2000; Pratt, 1992, 1997a, 1997b; Welch, 1997). This implies a structural analysis of the prison system and the practice of punishment within, such as that by Michael Welch (1997). Welch described his project as a focus on the “forces” that shape punishment. He described these “forces” in a way that is reflective of Foucault’s (1972) discussion of dominant discourses in that, in a discursive fashion, politics, economics, religion, and technology determine the experience of punishment for the ‘prisoner’.

When I was reading the penological literature three dominant forms or types of literature stood out for me. To develop my own understanding, I termed the three forms as ‘raw’ artefacts, theory, and analyses. I will use these terms throughout this thesis to differentiate between the different forms. So what do I mean by ‘raw’ artefacts, theory, and analyses? By ‘raw’ artefacts I am referring to the primary source data of penal regimes and punishment, such as government policies, personal memoirs, and photographs.<sup>22</sup> These materials can provide valuable literature for a preliminary review (e.g., Brown, 1994; Dillon, 1986), but they are also applied in the theory and analyses, and it is in this application that I am interested. The second form of literature, that of theory, I will use to refer to the literature that focuses on the ways of thinking, or discourses that surround punishment. Michael Feeley and Jonathon Simon (1992), provide a good example of theoretical literature with

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<sup>22</sup> In Chapter 7 (Section 7.03.03), I use one ‘raw’ artefact to ground a theme of analysis. That of the policy document *Penal Institutions Regulations 2000*. This document outlines minimal requirements for the administration of penal institutions in Aotearoa/New Zealand.

their theory of penological periods. The third and final form of penological literature, involves an analysis beyond these theories and artefacts to the social effects of punishment. The literature here crosses the boundary, if one exists, between penology and criminology, as the addition of the social element involves placing the 'criminal' into the centre of discussion (Howe, 1994). This penological/criminological 'crossover' is an essential element in the post-structural literature by authors such as Foucault (1977a),<sup>23</sup> David Garland (1992, 1997), Russell Dobash, Emerson Dobash and Sue Gutteridge (1986) and John Pratt (1992, 1997a, 1997b, 1998, 2000). From these authors it is Foucault who is accredited the position of bringing punishment onto a social, and therefore, criminological stage.

The review that follows will focus on penological theory and analyses. In the first part, I will outline the movements in penological thought on the governance of the prison system. This part will focus on the theories of penological movements in thought, found within Anglo-American and Aotearoa/New Zealand writings. In the second part of the review, I will introduce the criminological analysis of penology and the effects of punishment. Using literature of post-structural penological analyses, and a seasoning of some historical analyses, I will look at how these authors have crossed the assumed boundary between penology and criminology.

### 3.02 The Punishment-First Penology of the Nineteenth Century

*A single white spotlight focuses on the objects on the stage. The air is pierced with sounds of pick axes and whips curling on the backs of criminals. However, the subjects of punishment, the criminals, are not visible. Instead, the prison cell remains on the stage. Inside the cell sits a restraining chair, and a ball and chain.*

John Dilullo (1987, cited in Adler & Longhurst, 1994) placed the first 'period' of penology in the nineteenth century ending in the First and Second World Wars of the twentieth century. Adler and

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<sup>23</sup> Foucault did not claim to be a criminologist or a penologist. However, he did offer an analysis of punishment in modern society, which has been labelled as an analysis of criminological science (Garland, 1992, 1997). Because Foucault (1977a) offered a critique of criminality and how the criminal is defined, his project is criminological. However, he also engaged in an analysis of punishment and the changing praxis of punishing, and through its focus alone his project appears penological. However, what Foucault did was to cross both these projects together to create a discursive analysis of the power struggles that resulted from power/knowledge effects of the intersection between criminology and penology.

Longhurst, described this 'period' of penology as having a focus on the administration and governance of punishment in the prison system. In the punishment-first penology,<sup>24</sup> it is the prison and the regime, not the prisoner, that stood as the focus of punishment.

In his post-structural analysis of the Aotearoa/New Zealand prison system, Pratt (1992) offered more substance to this movement of penology. Pratt described the punishment-first penology as "classical", with an emphasis on ensuring that the punishment administered fitted the crime. It was a punishment of "sameness", where the crime specified the format of punishment and not the 'individual criminal'. In this 'period' of penology, the 'gender-neutral criminal' pictured by Pratt owed a debt to society, which 'he' paid with hard menial labour. Consequently, the punishment-first penology defined a specific space for the 'gender-neutral' or 'unmarked' criminal. That is, the 'gender-neutral criminal' was defined as a rational citizen in control of 'his' actions and 'his' behaviour. However, to be 'gender-neutral' was not to be called 'woman'; who in this case, Pratt gave a brief overview of the ways in which Government discussions pictured her as degenerate and beyond reform. Consequently, the 'criminal woman' occupied a space of 'irrationality'. This space was evident in a report by the Ministerial Committee of Inquiry into the Prisons System (1989) which described how early Government policies enforced a treatment of 'difference' on 'women', based on the premise that 'men' were reformable, while 'women' were not. The 'woman' of the punishment-first penology was subjected to harsher treatment and a rehabilitation regime that ensured that the imprisoned 'woman' provided for the domestic needs of the 'male' prison population (Ministerial Committee of Inquiry into the Prisons System, 1989).

According to Pratt (1992, 1997b), and later George Pavlich (1998), it was a change of political thinking from the "classical liberal" governance of the 'many', to the welfare and contribution of the 'individual' to society that ushered in the treatment-first penology.

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<sup>24</sup> My adjective labelling of the penologies as "punishment-first," "treatment-first," and "outcomes-first" applies the main theme identified by penological authors to differentiate between the different types of penologies. I have done this because of the difference of labelling in the literature with the treatment-first penology being called both 'old' and 'new', and further because of my post-structural reading that would have each penology seen as separate and discrete, not a progression from the preceding penology.

### 3.03 The Treatment-First Penology of the Early to Middle Twentieth Century

*On the stage sits a couch used for psychotherapy. On the backdrop are the twelve steps of Alcoholics Anonymous. Bars continue to separate the stage from the audience. In the background self-affirmation tapes are playing the message, "I love myself, I am normal, I do not need to kill him. I am in control. I am a lady."*

In the treatment-first penology the focus turned from a prison regime of hard labour and punishment to an emphasis on the treatment and rehabilitation of the 'gender-neutral criminal' (Dilullo, 1987 cited in Adler & Longhurst, 1994; Feeley & Simon, 1992; Pratt, 1992, 1997b). Feeley and Simon (1992), maintained that the purpose of this form of penology was to 'normalise' the 'gender-neutral criminal' back into "society". This entailed the use of scientific rationality in a language of "diagnosis", "interventions", and "treatment".

In Aotearoa/New Zealand, Pratt (1997b) described the treatment-first penology as a move in emphasis, from the classification of crimes to the classification of 'individuals'. After World War Two, Government groups and 'prison staff'<sup>25</sup> in Aotearoa/New Zealand began to put the treatment-first penology into practice by using scientific methods of data gathering, classification, and psychological treatment. Within Government policy, Pratt described how the language of psychological treatment thoroughly penetrated parliamentary discussions regarding the operation of the prison.

However, for 'women' in the Aotearoa/New Zealand prison system these reforms were described as being more damaging than successful in the rehabilitation and treatment of the 'inmate' (Ministerial Committee of Inquiry into the Prisons System, 1989). The Ministerial Committee of Inquiry into the Prisons System described the effects on imprisoned 'women' when the treatment-first penology emerged in Aotearoa/New Zealand. This was a time when the State attempted to intrude, and control, the 'sexual' lives of 'women'. The Committee claimed that the reason for this

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<sup>25</sup> The 'words' "prison staff" refer to employees of the Department of Corrections working in the institution of a prison. These staff members have specific positions that at times will be referred to in this thesis. Management staff, who are those employees overseeing the day to day operation of the prison. Custodial staff, who supervise the 'inmates' such as 'guards' and 'officers'. Lastly staff employed only for 'treatment' purposes, such as course facilitators, medical staff and psychologists. Another term used in this thesis is "case manager" this person is the specific custodial staff member who oversees the 'rehabilitation' of an 'inmate' or 'prisoner' in prison.

negative treatment was the stereotyping of 'women' within the prison system. Furthermore, the State applied masculine criteria to classify and treat 'women's' pathological conditions, an application that continues to occur in Aotearoa/New Zealand prisons (Lashlie & Pivac, 2000). The combination of masculine criteria and stereotyping, resulted in the continual infantising of 'women inmates' by 'prison staff'. Consequently, this move of penology took the responsibility for the 'woman's' actions off 'her' 'self' and promoted dependence on the prison system or the treatments received.

Feeley and Simon (1992) spoke of a 'newer' penology arising in the 1980s. This penology has been described as a penology of "managerialism" and "outcomes first" (Brown, 1994; Caird, 1999; Feeley & Simon, 1992) and will be the focus of the next section.

### **3.04 The Outcomes-First Penology of the Late Twentieth Century**

*The self-affirmation tapes fade out, replaced with computerised repetitive drum tracks. Strobe lights flicker on and off. The stage is alive with lights and sounds but no character stands there. Instead, a computer performs a 'dialogue' of line and pie graphs on its screen. An insurance policy is pictured on the backdrop.*

Feeley and Simon (1992) have been attributed the privileged position of 'authors' of the outcomes-first penology (Garland, 1995, 1997; Kruttschnitt et al., 2000; Miller, 2001). In their 1992 article *The New Penology*, Feeley and Simon described the emergent penology of the 1980s as one focused on the cost effectiveness of punishment. The outcomes-first penology applies a systematic and formal rationality to its administration of "systems" and "management", on a basis of statistical inference of the "probability" and "risk" of potential 'criminal groups'. The outcomes-first penology accepts 'difference' in a 'society' but also protects the greater interests of this 'society'. Lisa Miller (2001) described the outcomes-first penology as a postmodern one, which used "material" and "discursive" means to target criminal populations, treat them as irreformable, and argue for the need of a movement of these populations away from "law-abiding citizens". That is, the outcomes-first penology seeks active control by law enforcers of the 'different' groups that threaten the

stability of 'society' (Pavlich, 1998). To use the 'words' of Feeley and Simon (1992, p.452), the outcomes-first penology:

does not speak of impaired individuals in need of treatment or of morally irresponsible persons who need to be held accountable for their actions. Rather, it considers the criminal justice system, and it pursues systematic rationality and efficiency. It seeks to sort and classify, to separate the less from the more dangerous, and to deploy control strategies rationally. The tools for this enterprise are 'indicators,' prediction tables, population projections, and the like.

To see evidence of Feeley and Simon's (1992) outcomes-first penology in Aotearoa/New Zealand one only needs to look at the latest report from the Department of Corrections (2001a). This report, *About Time*, is an attempt to restructure the current prison system, to ensure that the "cost benefits" of punishment protect "society" from dangerous populations. Using a "benefit/cost" analysis, this report echoes the new penology and discursively situates 'women'. This can be illustrated with the following quote:

More than 95% of inmates are male, and among the 4 to 5 percent of inmates who are women, the risk of re-imprisonment is *significantly* lower than it is for imprisoned men. Consequently, a *systematic way of allocating resources for prevention or rehabilitation* - by means of *benefit/cost analysis*, or on the basis of *risk scores* - will *allocate resources* overwhelmingly to 'male' offenders. However, the Department of Corrections recognises that there is an ethical issue involved because it is unacceptable for women offenders to have fewer opportunities to address their offending (Department of Corrections, 2001a, p.24, my emphasis).

Therefore, within the outcomes-first penology 'women' have somewhat confined access to an 'ethical space'. What this space is, is yet to be defined, as the Department of Corrections (2001a) has only just begun to look into the 'different needs' and 'risks' of 'women' offenders.<sup>26</sup> However, the recent report did give 'women' two benefits from such a restructuring. The first, was in the "output" "benefit" of lower rates of victimisation with a focus of resources into the rehabilitation of the 'male' victimisers. The second, was in the context of prevention. The Department of Corrections recommended the identification of "high-risk" sexually active "girls", with further

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<sup>26</sup> There are two recent examples of reports concerning issues of 'women' and imprisonment. The first is Lashlie and Pivac's (2000) report requesting a different system for 'women' in Aotearoa/New Zealand prisons based on their different needs. The second report by Department of Corrections (1998) looks at specific needs of 'women' and the management of them as offenders. *Doing Time* (Department of Corrections, 2001a) does not refer to either of these reports. Further to these Departmental reports, a Masters thesis completed by Caird in 1999 described a prison climate for 'women' in the outcomes-first penology as 'male' focused and in her opinion more 'negative' in the experiences offered to 'women' than the previous treatment-first penology.



education into their 'sexual' behaviours and the consequential reproduction of "high-risk" 'criminal children'.

The penology described in the report cannot be situated purely within the context of Feeley and Simon's (1992) theory. Feeley and Simon specified that within the outcomes-first penology there would be a turn away from ideas of rehabilitation to predictable and achievement outcomes. The report presented by the Department of Corrections (2001a) specified that rehabilitation and the treatment of the 'male criminal' is still an essential element.<sup>27</sup> Pratt (2000) described this type of scenario as an older discourse of penology coexisting with a newer one, or a context in which a sudden shift occurs with the borrowing of concepts from earlier models to justify the change. This moves us onto the next stage in this review of penological literature. Returning to the discourse ideas of Foucault (1977a, 1980a), I will now look at post-structural analyses of penology and the governance of punishment.

### 3.05 Michel Foucault: a return to our beginning

*The scene of the prison cell which opened this act remains. In the cell, chains bind a wooden stool in which a criminal sits. To the criminal's left, a school child sits at a desk bound to the floor by chains. To the criminal's right, sits a mental patient, held by a restraining jacket to a chair, nailed to the floor. All sit in silence.*

Adrian Howe (1994) gives credit to Foucault for moving punishment out of the domain of penology and into one of "social analysis". Foucault (1977a) through his analysis of punishment and the punished subject brought the action of punishment and the defined subject of punishment, or the 'gender-neutral criminal' together. His agenda in bringing together penology and social analysis was not to solely focus on the institution of the prison, but rather Foucault wanted to explore the power of normalisation in a "modern" "disciplinary society".

<sup>27</sup> The mixture of treatment-first and outcomes-first penological ideas is also reflected in the United States of America where operation Weed and Seed policies sought not to reduce crime but to 'weed' criminals out of populated areas. Seeding involved resourcing an area to reduce the chances of crime returning. Miller (2001, p.176) found that when more finances were being allocated to the weeding, police tended to arrest "profiled" criminal types resulting in "harsh punitive law enforcement." She also found that communities would work together to ensure more emphasis on seeding and the rehabilitation of criminals in order to reduce the harsh actions of law-enforcers.

*Discipline and Punish* (1977a), was an attempt by Foucault to investigate the shift of power from a “sovereign” overt power to a “modern” covert power. In his book, he explored the open displays of punishment in pre-industrial Europe and the establishment of the prison, school, and infantry. Foucault claimed that the “modern” prison was not a “progression” from sovereign society, which was based on the “spectacle” of punishment. Instead, the prison represented a sudden shift in dominant discourses of power/knowledge. As such, a new society emerged in the 1800s, a society based on the practice of “self-discipline” and discourses of “rationality” and the “social sciences”. It was within this society that the “modern” prison, school, and army barracks appeared. These institutions acted as sites in which ‘individuals’ could be “normalised” into the discourses and practices of this ‘new’ society.

Foucault’s (1977a) “disciplinary society”, and subsequent discussion on the penology of “modern” punishment, is reflective of the treatment-first penology discussed earlier.<sup>28</sup> In Foucault’s “disciplinary society”, discourses embedded in science are able to provide definition for the ‘gender-neutral criminal’ and then provide treatment that promoted a return to ‘normality’. It is this juxtaposition of penological theory against Foucault’s own analysis where others have found fault in his work. Howe (1994) used the work of Garland<sup>29</sup> to highlight that the penological regimes Foucault addressed did not emerge at the time Foucault claimed in his analysis, but rather emerged a whole century later. This brings to question Foucault’s emphasis on the “disciplinary society” because, if the prison system did exist before the advent of the social sciences and subsequent discourses of governance then what purpose did it serve? The theories of the punishment-first penology (Adler & Longhurst, 1994; Pratt, 1992), are very similar to Foucault’s eighteenth century description of the sovereign’s overt manifestation of punishment. But, Foucault talks of this punishment as occurring outside of the prison institution. With the same criticism of historical inaccuracy Garland (1992), later accused Foucault of being selective in his choice of

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<sup>28</sup> In later work Foucault (1988c) began to toy with the notion of a criminal social population and the control of criminal ‘risk’. However, he continued to return to the ‘individual’ and the control of ‘individuals’ through criminal and psychiatric discourses.

<sup>29</sup> Garland represents a criminologist who is interested in the penological application of punishment. He also ‘gives light’ to why penology is so entwined with criminology. That is, because criminology, within the treatment-first penology, both defined the criminal and recommended treatment, it can be thought of as a criminological regime (Garland, 1992).

criminological aspects to criticise. Perhaps in his analysis of the “history of the present”, Foucault displayed a selectivity in the way he correlated history to fit discourse? Furthermore, Garland (1992, p.112) argued:

Foucault’s analysis of criminology should be viewed not as a history of criminology but instead as a genealogy of one of its elements. If we are to work towards an understanding of how the discipline developed into its present form, and with what effects, other questions and other roots will have to be explored.

Garland’s (1992) debate with Foucault’s theory, was based on the premise that Foucault focused solely on penal regimes of treatment and the criminological knowledge associated with such regimes. Subsequently, Foucault missed out on the many other “elements” connected to criminology. As such, Garland concluded that criminology today is very different to the one described by Foucault.

In later writing, Garland (1997) turned from critiquing the topic of Foucault to acknowledging the impact of Foucault on the rethinking of punishment and penology. Garland discussed Feeley and Simon’s (1992) theory of an outcomes-first penology and argued that Foucault offers techniques for the description and critique of the effects of this penology. The reason Garland gave for this acceptance of a ‘Foucauldian approach’ was that it offered a critical analysis without being in effect a “competing claim to truth”. Therefore, through Garland’s own ‘words’, he is a critic of Foucault and a disciple. That is, Garland seems a critic of Foucault’s ‘words’ and a disciple of Foucault’s method. To now place this review into an Aotearoa/New Zealand context of penology, I will now introduce the analyses of Pratt (1992, 1997a, 1997b, 1998, 2000).

### **3.06 Analysing the Penology of Aotearoa/New Zealand**

*On the backdrop is pictured a Maori Pa from the 1800s. This pa sits on a hill, it has been built for a specific purpose one of defence against the colonisers. It is circular in design, with high spiked Manuka tree trunks and only one visible entrance. In front of the backdrop two buildings stand. On the left is Mount Eden prison and on the right Victoria University. Both of these institutions share two things, both are on hills, and both show colonising institutional architecture of the late 1800s.*

Pratt (1992) combined the 'raw' artefacts of Government policy, the penological 'theories' of punishment, and the analyses of Foucault and Garland, to analyse the "monumental failure" of the Aotearoa/New Zealand prison system and the "silence" of penological discourse to Maori concepts of justice. Pratt through 'text', argued that the analyser of Aotearoa/New Zealand prisons needs to move beyond the "social control" theory, and analysis of Foucault, to acknowledge and investigate the effects of colonisation on penal "developments".

Pratt's (1992) experience of working in an academic institution in Aotearoa/New Zealand brought to his attention that in the 1980s to speak of penal history was to speak of the history surrounding the British and American penal system. His book then became an attempt to give to Aotearoa/New Zealand its own history of penal development. However, his description gave an illustration of a country torn between the acceptance and resistance of colonising policies.

Penal "development" in nineteenth century Aotearoa/New Zealand followed closely the penology of punishment-first, which Pratt (1997a) described as being based on the "less eligibility principle" of Victorian England and the Pentonville prison. Pentonville prison, according to Pratt was the reality of Bentham's Panopticon adopted by Foucault. That is, a prison built for control and surveillance but with the added concepts of "silence" and the punishment of "pointless work". The "less eligibility principle" that underpinned the Pentonville prison argued that 'gender-neutral criminals' should not benefit anymore than the poorest 'gender-neutral workers'. Therefore, the punishment of work needed to deter potential 'gender-neutral criminals' and not offer them any benefits.

Pratt (1992) described the penal policies that followed in the twentieth century as reflective of the Elmira reformatory in New York, United States of America. This prison combined a form of architecture and a type of psychological treatment to reform the 'gender-neutral criminal' into "normal life". Although this treatment-first penology established much of the penal policies in New Zealand, Pratt described this system as a "failure". This he claimed was because Aotearoa/New Zealand neither had the structures or the resources put in place for the effective management and

operation of individualised treatment<sup>30</sup>. Furthermore, Pratt highlighted the contradictions that existed in penal change when discourses of past penologies continued to effect current practices. In the case of penal reform in Aotearoa/New Zealand, Pratt argued that the “less eligibility principle” was still dominant in the penal thinking of the ‘gender-neutral criminal’s’ right to treatment. To illustrate this, Pratt (1992, p.245) gave an example of ‘society’s’ current attitude in Aotearoa/New Zealand:

Criminals should not be ‘let off’ but should be punished in such a way that recognisably disadvantages them, whether this be in the form of a financial burden, or disqualifications as the consequence of conviction, or, most dramatically, the loss of freedom through imprisonment.

Using the argument that discourses of penology continue to exist after huge discursive changes in policy, Pratt (1998, 2000) argued that “the less eligibility principle” returned in the policies of the outcomes-first penology. Pratt claimed that the emphasis on “risk management” and measurable “outcomes” had effectively returned the act of punishment into the visible arena of the streets and communities in Aotearoa/New Zealand, an example being “community detention”. At the same time Pratt (2000) maintained that the outcomes-first penology, although it coexisted with both penologies of punishment and treatment, was “postmodern” in its application. This, he contended was based on: a movement to localised or ‘decentralised’ policies; a focus on the “risk management” of certain populations; and the ‘new’ penal expert, who is now managerially concerned about effective systems and not the treatment of the ‘gender-neutral criminal’.<sup>31</sup>

However, through his predominate silence of the ‘gendered criminal’, Pratt spoke of the ‘criminal’ within unmarked terms. This creates some confusion for a ‘reader’ who wants to engage in understanding the position of the ‘criminal woman’ in these discussions. Why? Because further reading into Governmental documents surrounding penal ‘development’ in Aotearoa/New Zealand (e.g., Caird, 1999; Department of Corrections, 1998; Department of Justice Working Party on

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<sup>30</sup> The argument that Aotearoa/New Zealand neither had funding or structures to support a treatment-first penology continues to be the centre of debate in discussion of the inadequacies of the criminal justice system. With the latest example being from Charlotte Williams (2001) who looked at the shortcomings of the criminal justice system for Maori people.

<sup>31</sup> For a similar argument to Pratt’s (2000) claim that several penologies can coexist at the same time see Garland (1995) who investigates the penological policies of Great Britain.

Women in Prison, 1990; Lashlie & Pivac, 2000; Ministerial Committee of Inquiry into the Prisons System, 1989) suggests that the penal system has been far from 'gender-neutral', and in fact extremely 'gender-specific'.

But one cannot accuse Pratt alone of being 'gender-neutral'. It seems that much of the theoretical theories so far reviewed in penology carry this accusation. To take this further, the earlier literature reviewed on the 'criminal woman' was accused too of either being 'gender-neutral', or written within 'masculine' discourses (Cooke, 1992; Daly & Chesney-Lind, 1988; Naffine, 1987, 1996; Pollock, 1995, 1999; Scraton, 1990; Sumner, 1990). There has however, been literature produced in Aotearoa/New Zealand about the penology surrounding the 'criminal women', such as Bridget Caird's (1999)<sup>32</sup> analysis of gender punishment and rehabilitation and Bronwyn Dalley's (1993a) article on the history of 'women's' confinement.

In 1993, Dalley published an article on the development of 'women's' prisons in Aotearoa/New Zealand. Through using historical 'raw' artefacts, Dalley attempted to show how criminological knowledge about 'criminal women' reflected the development of a separate prison system. This article endorsed much of Pratt's (1992, 1997a, 1997b) writing concerning the historical "development" of the penal system in Aotearoa/New Zealand. But, by focusing on the history of 'women's' prisons, Dalley offered a different interpretation to the penology surrounding the 'criminal woman'. According to Dalley, the first prison for 'women' in Aotearoa/New Zealand was Addington Prison in Christchurch, built in 1913. The punishment-first penology experienced by 'women' before the establishment of Addington, reflected the criminological knowledge construct of the 'truly evil' and "irreformable" 'woman', by placing them into "inhumane conditions". Dalley then described the early policies of Aotearoa/New Zealand prisons, as arguing against a separate prison for 'women' because of the lower amount of 'female inmates' in comparison to 'men'.<sup>33</sup>

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<sup>32</sup> I will discuss Caird's (1999) analysis of women's experiences in an outcomes-first prison system in the final part of this review, as she focused on the experiences of 'women' in prison.

<sup>33</sup> Early reasoning of the non-existent need to establish a separate prison for 'women' based on the amount of 'women' in prison seems reflective of the current argument on the focus of rehabilitative incentives (Department of Corrections, 2001a). The argument of 'cost-effectiveness' is therefore not new, it is a borrowing and a change of language from one discourse to another in an attempt to sound 'logical' and justify what types of power are being exercised.

Reform was to come in the early 1900s, in what has previously been described as the beginning of the treatment-first penology. During this period, prison regimes established for the rehabilitation of 'women' were based on "domestic sciences". Regimes that Dalley (1993a) described as being justified by "scientific" proof for the "retraining" of the 'criminal woman'. When Addington was finally established in 1913, it continued to treat the 'female inmate' as irreformable, despite having domestic regimes. The argument 'prison officers' presented in this period was that 'women' who denied their 'natural' feminine position through their crimes alone, were beyond reform.<sup>34</sup> In summarising the treatment-first penology concerning 'women', Dalley (1993a, p.60) concluded:

The Department maintained a veneer of reformation, but punishment remained the guiding principle as the majority of imprisoned women continued to be viewed as irredeemable and beyond any influence. The separate women's prison before 1920 emerged as nothing more than a prison without men.

Dalley (1993a) showed a penology concerning 'women' in the early twentieth century unreflective of the treatment-first penology within Aotearoa/New Zealand's 'gender-neutral' prisons described earlier by Pratt. 'Women' were given a definition according to a societal role and if they failed to fit into that definition, they needed to be "retrained". Now, moving this argument to the present, in a penal system that works within criminological and penological conceptions of 'female' 'criminality' how do 'women' then experience confinement? Furthermore, in the view that the 'new' criminology does not endorse such a "retraining" and in Aotearoa/New Zealand these 'women' do not amount to needing an outcome focused imprisonment, what is actually happening in the penal environment? To use post-structural 'words', what power struggles and techniques of discursive rewriting do criminal 'women' engage in within the power/knowledge confinements of the prison? I will now move this review into the third and final [sic] phase to review the literature surrounding the experiences of 'women' in prison.

The review of the 'criminal woman's' penal experience will start with the criminological standpoint feminism of Pat Carlen who explored 'women's' experiences in Scottish, and later English prisons.

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<sup>34</sup> This argument of the 'unnatural female' discussed by Dalley (1993a) reflects the criminological thinking of 'women' at this time discussed in the earlier part of this review.

Carlen has been privileged with receiving criminological and penological praise for bringing the 'criminal woman' of theory to a position in which the 'criminal woman' is able to speak (Howe, 1994). Further, it was Carlen who was first accused of taking feminist criminology beyond the domain of criminology (Cain, 1989). Carlen does not offer a comparative analysis of 'women' against men, instead she moves beyond this and looks at how the prison itself treats the 'criminal woman', places the 'criminal woman', and defines the 'criminal woman'. After introducing Carlen, I will look at some of the literature that has resulted from the impact of her work.

The second focus of Chapter 4 will be on literature about current and historical experiences for 'women' in Prison in Aotearoa/New Zealand. Finally in Chapter 4, I will look at the post-structural investigations of 'women's' experiences by Dobash et al. (1986) and Mary Bosworth (1999). The post-structural literature comes after the contextual literature of Aotearoa/New Zealand as the post-structural literature acts as a theoretical 'launch pad' for my own research.

At times in this discussion, I may be accused of over interpreting the articles presented, as I will also refer back to the criminological and penological literature. Furthermore, I will be using this chapter to bring this thesis into a post-structural space by offering a post-structural interpretation of these 'texts'. This will help to establish discourses and their power/knowledge constructs, as well as the power relations and struggles present within the space of the discursively confined prison. In other 'words', it is through providing a post-structural reading that I hope to expose the contradictions present within penology and criminology, concerning the image of the 'criminal woman' and 'her' experience/s.



## 4. Intersections: 'women's' experiences of confinement

### 4.01 An Introduction to the Experiences of 'Female' Prisoners

*Pat Carlen walks out onto the stage with twenty women behind her. She walks up to the microphone to introduce her research to the audience. A spotlight shines on her dimming out the women who stand behind her.*

Explanations of female crime have usually been given in terms of the failure of individual women to adapt themselves to their supposedly natural 'biological' and/or socio-sexual destinies. The implication has repeatedly been that it is the individual woman who should change - rather than the social formations which impose restrictive and exploitative roles upon all women. As a result, in both criminological and lay explanations, criminal women have always been presented as being 'Other:' Other than real women, other than real criminals and other than real prisoners. (Carlen, 1985, p.1)

Pat Carlen (1983), turned criminology 'on its head' at the beginning of the 1980s by introducing the 'voice' of the 'criminal woman' in terms of defining her character, and the exploration of her 'punishment experience'. In 1983, in her book *Women's Imprisonment*, a feminist standpoint 'text'. Carlen focused on the "not-said" about the 'criminal woman' and her place in the treatment-first penology, Carlen wanted to present more than an ethnography of 'women' prisoners. Carlen wanted to "assess the moment of prison" (Carlen, 1983, p.4) and to do this she interviewed twenty 'women' in the Scottish penal system. What she looked for in their comments were the contradictions about their character and their subsequent experiences of punishment. She found that both the prison system and the criminological literature, made the 'criminal woman' "invisible" by covering her with contradictions. These contradictions were firmly established in the dominant patriarchal systems of governance, which used the power of definition to place the 'woman' into a certain role and render her 'womanless' if she strayed too far from it (Carlen, 1983, 1985; Carlen & Worrall, 1987).

In 1987 Carlen with Anne Worrall, applied role theories of criminology to identify the "roles" available to 'women' and consequently the 'criminal woman'. Carlen and Worrall identified three

roles available for 'women', that of "domesticity", "sexuality", and "pathological otherness". These roles operated as a form of 'patriarchal control' where dualistic extremes would be set and the "normal" 'woman' situated in a passive 'gendered' role with the 'criminal woman' the extreme opposite. So, within the role of "domesticity" the "normal" 'woman' produces and socialises the next generation. Within "sexuality" she functions, as not the possessor, but the "object of desire". Finally, as a "pathological other" the 'woman' is tied to a biologically abnormal 'body', which is forever subject to hormonal imbalances. Consequently, such roles define the 'criminal woman' as one without domesticity, and one overly controlled by 'sexual' desires and the urges of her hormones. Such a definition attempts to control 'women' by placing them into a passive role of the 'gendered woman' and further inhibits 'women' who challenge this 'placement'. What makes Carlen's work so unique and different to that of 'pure' criminology is that she takes the roled definitions of 'women' to investigate at the intersection of penology and criminology, the experiences of confinement for 'criminal women'.

What Carlen found in 1983 reverberated throughout her writing right up to 1998. Her argument stood that the prison system attempted to domesticate the 'criminal woman' back into the patriarchal desired 'gendered' role. Prisons in Scotland and England emphasised domestic training regimes, which disciplined 'women' whilst at the same time treating them as "infants", "masculine" and "mentally ill" (Carlen, 1988, 1998). This mixture of discipline and domestic training, infused within criminological definitions of the 'criminal woman', caused what Carlen described as "contradictions". The contradiction being that the 'criminal woman' carries the label 'criminal' because according to criminological knowledge, she does not fit into her 'gendered' role. Subsequent prison regimes attempt to enforce both the 'woman' into her 'non gendered' role, and the pushing of her into a more 'gendered' one. Thus, within this description, the intersection of 'criminality' and 'femininity' are infused into a practice and knowledge that causes a discursive dilemma, as 'criminality' and 'femininity' contradict each other. Why? Because 'femininity' defines the 'woman' as being 'non-criminal', passive, and serviceable to patriarchal needs, but on the other hand 'criminality' defines the 'criminal woman' as 'non-feminine'. Consequently, Carlen claimed that the 'criminal woman' cannot be 'criminal', as she is a 'woman' and cannot be a 'woman' as she

is 'criminal', so she is neither, hence she is "invisible". The effect of such a contradiction between definition and practice is reflected in other 'writings' from the 1980s that continued to catch the "moment of prison" (Carlen, 1983).

For example, the work of Barney Bardsley (1987), combined both media images of 'criminal women', and interviews of 'criminal women', to determine the effects of the prison experience. Like Carlen, Bardsley found that the prison experience involved strict regimes that treated 'women' like children and as being mentally unstable. However, unlike Carlen, Bardsley also described how 'women' exercised resistance to the attempts of criminology and penology to reposition them. Bardsley described three forms of resistance adopted by 'women' prisoners: playing the "system", using the "system" for the things it gives you, and developing friendships. Despite this discussion, Bardsley followed Carlen's reasoning in emphasising the negative effects of prison, where resistance is only exercised by a small proportion who acknowledge that they can resist.

Carlen and Bardsley leave us with a dominantly negative portrayal of the prison experience for 'criminal women'. Their discussion comes from the era of the 1980s, in which penological literature described as a time of change where an outcomes-first penology began to dominate in political discussions about punishment (Feeley & Simon, 1992). The next section of this review will look at literature that is more current. Some of this literature, like the studies of Blanche Hampton (1993), Angela Devlin (1998), and Lori Girshick (1999), reflect Carlen's project by looking at the many aspects apparent in the "moment of prison". Other, more recent writings, such as that by Cynthia Chandler and Carol Kingery (2000), and Patricia Eastaer (2001), focus on specific aspects of 'women's' experiences in the outcomes-first penology.

#### **4.02 Understanding Carlen's "Moment of Prison" in the 1990s and Today**

*On the stage sits a woman on a three-legged stool in a prison cell. She is dressed in prison issued garments and has a large number above her right breast. In her left hand she holds some flowers. She speaks to the audience:*

Maintaining a sense of self, let alone self-worth, is extremely difficult. To do so, a prisoner must reject the definition that the penal system imposes on her. Having been rejected by society through being defined as a criminal, rejection at this

point becomes mutual and is often irreversible. While this may not even be acknowledged by the woman herself, no matter how well 'socialised' she was prior to imprisonment and no matter how much she considered herself to be part of society, once she has experienced jail with all its pettiness, injustice, and insanity, a woman becomes sufficiently alienated to feel very little loyalty to the society which has imprisoned her (Hampton, 1993, p.146).

The above quote was selected from Blanche Hampton's (1993) book *Prisons and Women*, a 'text' which investigated the experiences of 'women' in Australian prisons. Hampton did not attempt to address criminological theories, but rather she littered her 'text' with the voices of fourteen "ex-inmates" and their experience in prison in the early 1990s. Furthermore, Hampton offered very little of analysis into their experiences, what analysis was offered was limited to the introduction, conclusion, and beginning passages of each chapter. What makes Hampton's 'text' interesting to the post-structural 'reader' is the access provided to hearing the prisoner's voices concerning the effects of prison confinement.

In addition to Hampton's 'text', Angela Devlin (1998) explored the experiences of 'women' in prisons in the United Kingdom. Her 'text' was a mixture of interpretation and quotation from forty 'women' prisoners and several penal workers. In many ways her findings reflected Hampton's (1993), and as Devlin's 'text' is more current at this point in time I will endeavour to discuss the themes present within both of these 'texts'.

The 'women' interviewed by both Hampton (1993) and Devlin (1998), spoke of encountering an environment of "power" that rendered them "powerless" on their introduction to prison. For 'criminal women' wanting to retain some "femininity", the prisons in Australia and the United Kingdom echoed the contradictions found within Carlen's (1983, 1985) writings. The 'women' Hampton and Devlin interviewed received "fat food", limited "opportunities to exercise", a constant change in unwritten rules, and infantile treatment by 'guards'. In Devlin's study, several 'guards' described their roles as "mothers" to the "girls". In addition to these messages, many 'women' were forced into 'sexual' activities with 'guards' to receive "privileges" or "rights", and were subjected to domestic based treatment programmes. Devlin further described how 'women inmates' who used

educational programmes to 'better' themselves were treated with resentment by prison 'guards'. For example, one prison 'guard' told Devlin (1998, p.125):

the rest of us law-abiding citizens ... have to work all day and attend night classes if we want to improve our career prospects!

In Hampton's (1993) findings a prison-based 'language' worked as a form of resistance for 'women'. Specific examples included tattooing which was seen as a way of personal identification, and a prisoner specific verbal or spoken language. Speaking this language, both vocally and through tattooing, for many of these 'women' signified strength and an understanding of the penal culture. Devlin (1998) spoke more of the 'women' openly challenging rules in such a way that 'women' who resisted felt "empowered" through their active opposition.

Another aspect explored by Hampton (1993) was the relationship between "inmates". This was described by 'women' as a hierarchical "pecking order" with some 'women' 'having' more power than others. In addition to the "pecking order", 'inmates' approached friendships with caution as those who were thought of as close friends often turned on each other in an attempt to obtain more power. Devlin (1998) explored further these relationships in terms of the negative effects that they had on 'female inmates'. She described how prison is a place where "dangerous relationships" are formed. 'Women' respect each other for fear of retaliation. In addition the increasing availability of drugs in United Kingdom prisons has resulted in fear and "bullying" among 'female inmates'.

What analysis of confinement experiences Hampton (1993) offered in her 'text' is invaluable to the post-structural 'reader' who is trying to both disrupt ideas of 'difference' and understand the complexity of power/knowledge in prison. In the beginning of her book, Hampton outlined her agenda: her desire to get people to stop seeing 'women prisoners' as 'victims', and further to realise that who the 'selves' of 'women prisoners' are inside the prison, may differ from their outside 'selves'. This is reflected in Devlin's (1998) writing as she cautions the public in their acceptance of the stereotyped images of 'criminal women' arguing that these 'women' are "a-typical" of any "labels" that "society" might have for them. Both Hampton and Devlin to some extent confuse and

challenge the traditional criminological theories of 'criminal women' and the current feminist writing on the 'criminal woman' as 'victim'.

Lori Girshick (1999) offered an investigation of the prison system in western North Carolina, United States of America. Girshick's investigation reflected Devlin's (1998) research methodology in her use of interviewing, and subsequent analysis, by combining interview data with theory. However, her findings differed dramatically to those of either Hampton (1993) or Devlin. Girshick's analysis of the interviews she had with 'women prisoners' showed a scenario in which the 'women' were subjected to penal regimes 'soaked' in a power structure beyond their control. They were oppressed both in the prison and outside, and, to use Girshick's 'words', these 'women' were "victims".

Girshick (1999) described her own work as a "gender analysis", emphasising the "victimisation" of 'criminal women' by both society and prisons. By comparing 'women' to 'men' in prisons Girshick described 'women' as "mothers" craving their children, and as "emotional", tending to be more prone to mental illnesses than 'men'. Much of Girshick's writing directly reflects the 'gendered' positions made for 'women' within the dualistic 'difference' discussed in the criminological part of this review (Chapter 2) and further the 'space' given to these 'women' within the three penologies (Sections 3.02, 3.03, 3.04). These 'women' were situated as 'mothers' and 'passive victims of circumstance'. Consequently, by constructing a "'gendered' analysis", Girshick seems to have reinforced the patriarchal space used by dominant discourses to constitute the image of 'women' and the consequent 'gendered' positions 'men' and 'women' occupy in crime (Carrington, 1998).

Other writers investigating the effects of specific prison experiences on 'women' endorse Girshick's (1999) findings of both the 'criminal woman' as a 'mother', and the 'criminal woman' as a 'victim'. For example, Kruttshnitt et al. (2000) investigated the effects of the outcomes-first penology on 'women' in prison. Through using an "intra-gender analysis", which focused on the differences between 'women', Kruttshnitt et al. (2000, p.686) argued that the outcomes-first penology views the 'criminal woman' as "dangerous, irredeemable, and in need of strict control". Images that are

directly reflective of early criminological theories (e.g., Lombroso & Ferrero, 1895; Pollak, 1950). The “intra-gender analysis” conducted by Kruttschnitt et al. showed that despite age and crime differences affecting experiences of ‘women’ in prison, the majority of ‘women’ shared a background of abuse and regarded the separation from children the worst part of the prison experience.

The image of the ‘criminal woman’ as a ‘victim’ is continued in studies such as Leanne Alarid (2000) and Patricia Easteal (2001), who both focused on the abuse ‘women’ received during their stay in prison. Alarid reviewed letters sent from ‘women’ in prison in an effort to highlight prison subcultures. She found that ‘women’ prisoners were also ‘victims’ and subsequently their being ‘victim’ made them “blind” to the coercion of other prisoners. In short, Alarid described a cycle of abuse, where ‘abusers’ and ‘victims’ both shared a ‘victim’ background and continued the abuse ‘cycle’ in prison.

Easteal’s (2001) study not only focused on the abuse between ‘inmates’ but also looked at the prison as an abusive environment. Easteal interviewed 56 ‘women’ prisoners in Australian prisons during 1996 and again in 2000, to determine what the prison experience was like and how it may have changed during this period. Easteal found that most of the ‘women’ she interviewed came from an abusive environment and that the prison continued to enforce ideas of the “dysfunctional family” by the ever-changing nature of prison rules. In enforcing dysfunctional behaviours, the prison then reflected an environment which disallowed prisoners participation in: talking, engaging in a trust of the system as a surrogate parent, development of a trust for themselves, and displaying feeling and emotions. Easteal (2001, p.108) concluded:

The cycle of addiction and dysfunction is reproduced within the prison and can contribute to the woman’s return to drug use and dysfunction on the outside.

Even in studies which focused on how ‘women’ resisted the discursive experiences of prison, the image of the ‘victim’ continued (e.g., Chandler & Kingery, 2000; Mantilla & O’Leary, 2001). For example, Chandler and Kingery interviewed HIV positive ‘women’ to find out how they challenged

discursive definitions of justice in the system. Although Chandler and Kingery found that these 'women' were 'strong' in their verbal and non-verbal challenging, they still situated the 'women' as being 'victims of abuse' in their conclusion. The same is said of Karla Mantilla and Claudine O'Leary (2001), who interviewed a feminist librarian in an United States of America prison. The librarian described the prison as being an abusive environment in which 'women' were treated like infants and entered prison as a "powerless" being, without the "knowledge" possessed of their 'male' counterparts.

Hence, the literature of 'women's' experiences in prison reflects the literature of current penology (Chapter 3) and criminology (Chapter 2). The 'criminal woman' is situated in a confined discursive space of 'victim' and 'mother'. Furthermore, if we follow the example set in the 'gender-neutral' literature of penology to resist this position is to return to an 'unmarked', and therefore masculine category. A category where the 'woman' holds no position or space. But, this review of experiences is not over yet, Aotearoa/New Zealand 'writing' on the experiences of 'women' in prison continues to highlight contradictions in the system concerning the 'criminal woman'. It also challenges much of the literature from other countries, showing like Devlin (1998) and Hampton (1993), and reflecting the 'words' of Foucault, that where there is power there is also resistance.

#### **4.03 'Women's' Experiences of Imprisonment in Aotearoa/New Zealand**

*The curtain opens on a prison setting with women doing various tasks. Some are doing domestic chores, some are performing a Maori haka, some a Samoan sa sa, some are kneeling in a position of prayer, some are physically fighting, some are playing knucklebones, and some are looking at books. All are singing "I will survive" (Gaynor, 1978).*

The article *Following the Rules*, by Bronwyn Dalley (1993b), combined some of her earlier work on the history of 'women's' imprisonment in Aotearoa/New Zealand, to an analysis of historical documents that described 'women's' experiences of imprisonment at the turn of the twentieth century. Dalley described a system that expected 'women' prisoners to oppose the structure, as defiance was the very reason they were in prison. However, the prison experience for Aotearoa/New Zealand 'criminal women' differed from that described overseas. The 'criminal



women' in Dalley's account did not resist prison regimes or rules; instead, a large majority of these 'women' seemed 'passive', and at times were described as 'docile'. Instead of arguing in favour of the docility and passivity of these 'women', Dalley argued that the compliance of many 'women' in early Aotearoa/New Zealand prisons was a form of resistance. According to Dalley many of these 'women' saw the benefits of compliance, as showing overt resistance could subject them to both negative labelling, and an increased harsher period of imprisonment. Whenever, overt resistance happened in these prisons, Dalley (1993b) described 'women' who resisted prison regimes that affected the health of their physical 'body'. Consequently, Dalley argued that these 'women' were not 'docile' but rather 'assertive' in their actions, and therefore maintained some control over their 'bodies'. Dalley (1993b, p.326) concluded:

Compliance within the disciplinary regime, for whatever the reason, does not automatically suggest acceptance of the penal philosophy.

In 1989, Rose O'Neill produced one of the first extensive reviews into the experiences of 'women' in Aotearoa/New Zealand prisons. In her thesis, O'Neill presented a study in which she analysed verbal accounts from 'women' who had been in prison in the 1980s. O'Neill focused on the physiological dysfunction, or social deviance, existent in 'women' prisoners. This focus in itself by O'Neill showed an influence of the treatment-first penology present in thinking during the 1980s (Section 3.03), in which O'Neill's writing situated the 'criminal woman' as 'abnormal' and needing 'treatment'. The accounts O'Neill presented showed both negative and positive aspects of the prison experience.

The 'women' O'Neill (1989) talked to spoke of their initiation into prison as a change of society's "label" for them, from that of an "individual" to that of a "prisoner". Once the 'woman inmate' went through her initiation, she had to learn a 'newness' of environment, routine, language, social rules, and hierarchy. O'Neill (1989, p.46) found that:

In terms of personal responsibility, the woman in some respects becomes 'other' to herself. While she may remain relatively autonomous in her reactions to other people around her, the monitoring of her reactions, and the control of those reactions are the responsibility of a staff member.

To O'Neill (1989) the experience of prison for many 'women' could be described as a struggle for power. The 'woman inmate' has some control over how she reacts to the exercising of power on herself. At the same time there are other power players in the prison, O'Neill's description does not give these other players ultimate power and control, in her account, the 'woman inmate' was still able to "react".

From the discussion of power, O'Neill (1989) described the positive aspects of the prison experience for these 'women'. Many 'criminal women' O'Neill claimed, came from environments of abuse. The experience of imprisonment for these 'women' helped them "reject the messages" they received in past experiences of abuse. Imprisonment offered a "safer" environment or a "time-out" from the reality of abuse.

O'Neill (1989) used the final part of her thesis to explore the effects of post-imprisonment for 'women' and the mechanisms that were not in place upon their release. It is here that we leave the 'criminal woman' described by O'Neill in the treatment-first penology, and move to a more recent study by Caird (1999) on the experiences of punishment and rehabilitation for 'women' in an outcomes-first penology.

Caird (1999) explored the effects of gender, punishment, and rehabilitation on the experiences of sixteen 'women' in Aotearoa/New Zealand prisons. Her agenda was to challenge the conception that rehabilitation could occur for 'women' in a prison environment. Additionally she sought to explore how the prison experience for 'women' in Aotearoa/New Zealand reflected that shown in overseas research, notably that of Hampton (1993) and Carlen (1983, 1985). To understand the experiences of 'women', Caird applied focus-group discussions in two Aotearoa/New Zealand 'women's' prisons and then analysed experiences against a policy submission (Department of Justice, 1988), three feminist 'texts' (Carlen, 1985; Faith, 1993; Hampton, 1993) and discussions with 'prison staff'. What must be noted at this point was the 'failure' of the policy submission to bring into effect major changes to the 1954 policy. Hence, Caird's political analysis is difficult to apply outside of 1999, as the submission was one in a line of many. Further, in 2001 the same

process occurred with Government intending to rewrite Corrections policy (Department of Corrections, 2001c).

In terms of infantile, 'gendered', and over-controlling treatment, Caird's (1999) findings reflected that shown by Hampton (1993) and Carlen (1983, 1985). However, Caird drew a larger picture of 'women's' imprisonment in the outcomes-first penology. Caird found that in Aotearoa/New Zealand prisons the cost allocated for the "upkeep" of each 'woman inmate' fell from \$60 000 per annum in 1996, to \$30 000 per annum in 1999. This drop in upkeep costs resulted in less specialised services and a reduction in the activities available to 'women' serving a prison sentence. Another important effect of the 'new' penology on 'women' noted by Caird, was the restructuring of prison services to include specific "target markets" with 'inmates' being only one of six.<sup>35</sup> From this, Caird (1999, p.80) found that:

Inmates are not construed as social, political beings but as apparently neutral 'markets.'  
Moreover, they are merely one out of six markets.

In Caird's (1999) research 'women' did not have space to resist without being subsequently seen as a 'victim'. For example, Caird described how compliance to prison codes is one major "survival" technique for Aotearoa/New Zealand 'women' prisoners. However, to Caird this technique was not a tool of resistance (cf, Dalley, 1993b), it instead was a necessity to stop harsher punishment and to finish sentences earlier. If one did not comply, the 'prison officers' made one's life in prison worse.

Caird (1999, p.106) described her approach as "feminist" because it explored the "universal phenomenon of gender". She achieved this by her focus on the 'gendered' dimension surrounding 'women', and further by her argument for an equitable system. Caird acknowledged that 'gender' was a cultural construct, but she did not attempt to question the grounds in which 'gender' itself shaped the 'feminine' and prohibited the 'criminal'. Indeed, it seems that Caird argued against the

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<sup>35</sup> The six "target market" groups described by Caird (1999, p.80, author's emphasis) applied in one Aotearoa/New Zealand 'women's' prison at the time of her thesis were: "*Minister*", "*inmates*", "*special interest groups*", "*local iwi*", "*the Courts*", and "*the general public*."

'gendered' in favour of a 'gender-neutral' prison system and then she reversed her argument to argue for a 'gender specific' system. For example, in her conclusions and recommendations, Caird argued for a 'neutral system' where conditions, rules, and treatment are the same for both 'men' and 'women' after previously stating that:

There is a fundamental need to pay attention to the distinct features of the 'female' inmate population from an *inmate* perspective. This would clarify *what* differences between the sexes should count" (Caird, 1999, p.214, author's emphasis).

It seems that Caird wanted to replace the 'gendered' with a 'sexual' or biological argument of difference, an incredibly difficult feat as post-structural writing has shown that the 'sexual' can be interpreted as a 'gendered' construct (Butler, 1993, 1999). We leave Caird troubled in post-structural readings to see how the 'post-structuralists' work with the discursive 'criminal woman' in gaining an understanding that reclothes the 'gendered' in other dimensions.

#### 4.04 The Post-Structural (?)<sup>36</sup> Image of the 'Women's' Prison

*The stage is cluttered with people speaking, such as university academics, politicians, prisoners, clergymen, and women's liberation movement speakers. Not only do these people represent different voices in society, heard and unheard, but also different decades from the eighteenth century to the present day. These people surround one woman, a prisoner.*

Dobash et al. (1986) took the work of Foucault (1977a) and placed it into the context of 'women's' prisons in the United Kingdom. Through applying Foucault's theory and method Dobash et al. attempted to provide the 'reader' with a "history of the present" concerning 'women's' imprisonment. Much of their findings reflected those of Carlen (1985, 1988, 1998, 1985; Carlen & Worrall, 1987) in that they described a system dominated by patriarchal discourses. What makes Dobash et al.'s findings significant is that they actually linked the images of 'women' to both criminological theory and penological movements. Instead of, as in the case of Carlen, arguing

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<sup>36</sup> A question mark follows the word 'post-structural' as I do not want to position both Dobash et al. (1986) and Bosworth (1999) into the post-structural label. Dobash et al. did not claim their work to be post-structural, they only claim to follow Foucault. However, Bosworth did claim to use some post-structural thought in her analysis.

that there was a link without providing 'evidence',<sup>37</sup> Dobash et al. attempted to use historical "raw" artefacts' to bring this link to the surface.<sup>38</sup>

In the book *The Imprisonment of Women*, Dobash et al. (1986) explored how the punishment of 'women' has been built out of ideas of 'women' being 'different' to 'men'. For example, early developments in criminological thought in the 1800s regarding the 'normal woman', resulted in harsher prison regimes that intended to keep the 'criminal woman' under control. Even in the days of prison reform and the work of the Quaker, Elizabeth Fry<sup>39</sup>, 'women's' prisons were not reformed for the betterment of 'women', but rather became sites of "paternalistic treatment". This paternalistic treatment was argued into being through both religious discourses that claimed 'women's' proper place and the new social sciences, which as shown earlier applied a mythical 'gendered' picture of 'women' as an 'unknown' object of fear. In these early prisons, 'women' followed the destiny set for them by becoming 'out of control' refusing to participate in prison regimes and re-offending once outside.

For the 'criminal woman' in the "modern" prison and the treatment-first penology, Dobash et al. (1986) described a system that follows closely the discourses that surrounded the prison at its birth. 'Women' prisoners are still, according to Dobash et al., viewed as more unstable than 'men', viewed as mentally disordered, and viewed as more difficult to control. Dobash et al. (1986, p.135) showed this in one quote taken from an interviewed 'woman': "They assumed I was mad because of the case." For most of the 'women' interviewed by Dobash et al. they were defined by the criminal justice system before they even committed the crime. Their treatment was far from individualised and continued to be based on the discourses surrounding the proper place of 'women' in society and not penological development. What becomes an interesting point for the 'reader' at this point, is when the interviewed 'women' begin to speak into their 'text', Dobash et al.

<sup>37</sup> The 'evidence' provided by Carlen (1985, 1988, 1998, 1985, Carlen & Worrall, 1987) consisted of the voices of those in prison. Carlen did not provide political or theoretical evidence and consequently has received some criticism for her conclusions (e.g., Howe, 1994).

<sup>38</sup> Dobash et al. (1986) claimed to use 'raw' artefacts in their analysis, but this claim has been questioned by other writers, such as Howe (1994) who argued that Dobash tended to limit much of their work to the secondary source 'texts' surrounding 'raw' artefacts.

<sup>39</sup> Dobash (1986) described Elizabeth Fry as a key agent in Nineteenth Century prison reform for both 'men' and 'women'.

reverted the terms 'women' and 'woman' to 'girl'. It seems that even within post-structural analysis the 'criminal woman' becomes to some extent, is infantilised within penal discussion.

In further criticism of Dobash et al. (1986), Howe (1994) commented that Dobash et al. covered the 'current' period in a small proportion of their 'writing', with the majority of their book focused on the period between 1840 and 1870. Howe was also very critical of the presented findings as the image created of the 'modern' prison was one where the only resistance possible was self-destructive in nature, such as the self-harming practice of 'cutting'<sup>40</sup> and the abuse of drugs. In conclusion, Howe claimed that the study was highly oppressive where 'women' could not exercise power in any form to effect change in the penal system. It was Mary Bosworth, who in 1999 produced a study into the resistance of 'women' in the prison context, who began a 'rewriting' of the 'criminal woman'.

Bosworth (1999) attempted to disrupt the hierarchical definition of power that she argued dominated prison research. Bosworth claimed that one reason for this dominance was the abstract nature of Foucault's "power/knowledge". Furthermore, Bosworth was of the opinion that people like Garland, who have tried to redefine the ways power was explored, still continued to speak in abstract terms leaving the subject upon which power was exercised out of the discussion. Bosworth (1999, p.98) said:

It is not possible to comprehend the choices they [women prisoners] have nor understand the reasons they [the women prisoners] find for the choices they make. Without knowing 'who' the prisoners are.

Bosworth (1999) attempted to explore who 'criminal women' were and how they involved themselves in power struggles. Her findings showed an image not portrayed in criminological or penological literature (Chapters 2 and 3). Bosworth found that in a penal environment that tried to 'coerce women' into a passive feminine position, 'women inmates' did not conform to the intended 'gendered' outcome. To Bosworth, these 'women' used the discourses surrounding themselves to engage in a form of self-constituting. That is, these 'women' would use the many different

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<sup>40</sup> 'Cutting' is a practice of self-mutilation in which the 'inmate' uses sharp objects to cut into the body's skin in a repetitive way.

discourses available to them to create their own 'feminine' identity, which at times conformed to the one written by criminology and at times competed with it.

Furthermore, Bosworth's (1999) findings showed how these 'women' resisted the label 'criminal'. 'Women' attempted to "work" themselves out of the label of 'criminal' through resistance. Consequently, 'women inmates' were engaged in a "negotiation" of power. To Bosworth, to resist was to use the discourses that were available to the 'individual' in order to gain desired outcomes. It was not compliance to the system, such as that described by Dalley (1993b), nor was it self-harm, such as that described by Dobash et al. (1986). Bosworth's effective resistance attempted to change the prison conditions 'women inmates' were subjected to.

Perhaps what limits Bosworth (1999) in her description of resistance was its connection to "agency" and "democratic freedom". Bosworth described a context where 'women' could only resist if they knew their "democratic rights" to "agency". Bosworth's 'words' assumed that democracy was not a discourse, that it was an ultimate 'Truth' of 'freedom'. However, in post-structural terms, 'democracy' can be thought of as a discourse, which has its own claims to 'Truth' and its own positioning of subjects (Beals, 2001).

#### **4.05 A Conclusion to the Literature**

*A new voice speaks.*

When it comes to the prison, one does not lay down theoretical guidelines, let alone solutions. One writes books to problematise, self-evidences, to throw them into question or, more graphically, one writes books which can be used as 'Molotov cocktails' (Howe, 1994, p.201).

The literature surrounding the 'criminal woman' defines and confines her in a space that may be accused of making her seem invisible (Carlen, 1983). To look at the literature reviewed from criminology (Chapter 2) and penology (Chapter 3) to intersections (Chapter 4), once a 'woman' commits a crime and becomes a 'criminal woman' an oxymoron occurs, in which each constitutive 'word' cancels the other out. This conclusion has been evident in this last chapter on intersections where I reviewed literature that combined criminology and penology together in exploring the

experiences of 'women' in prison. Even the very definitions of the 'criminal woman' (Chapter 2) seemed to cancel her out through offering definitions that came from dualistic extremes. That is, the 'criminal woman' was neither portrayed as a 'non-gendered' subject, such as Pollock's (1999) roled 'woman', where the 'criminal woman' was pictured as one in rejection of her correct societal role. Or, the 'criminal woman' was portrayed as 'over-gendered', such as Faith's (1993) description of the overly hormonal 'criminal woman'. What the literature cited in Chapters 2 and 3 showed was that once the 'criminal woman' entered into prison her constitutive position was even more troubling as penological practices attempted to author her into a position of being 'mad' rather than 'bad', as a 'victim' and not a 'perpetrator', and as a 'mother' in need of her children. Indeed, mental illness and amounts of dependent children was even reflected in the statistical data chosen to be reported on 'women' in the prisons of Aotearoa/New Zealand (Rich, 2000, Section 2.01). In addition, an argument of the need to focus on young girls at risk of pregnancy was a major preventive action suggested by the Department of Corrections in the re-structuring of the prison system (2001a, Section 3.04).

Chapter 1 and 2 gave us a picture of criminology and penology as seen through the academic eyes of theorists and researchers. The literature of 'women's' experiences in prison reviewed in Chapter 3 showed the need to allow 'women' to speak about their experiences into academic 'texts'. However, of literature published in Aotearoa/New Zealand, 'writing' concerning 'women's' experiences of imprisonment has been extremely limited. Aotearoa/New Zealand research has continued to start from an assumed pure essence of 'women' with no attempt to disrupt the 'gendered' nature of the discursive position held by the 'criminal woman' (e.g., O'Neill, 1989; Caird, 1999). Furthermore, post-structural research has shown the need to use theory and the voices of 'women', through methods of research to explore the discursive definition that lies within the 'words' of 'criminal woman' (Bosworth, 1999), and further how power and knowledge intersect to author or resist this position.

To achieve this, a mixture of method and theory needs to move beyond dualistic 'differences' into 'differences' as expressed by 'individual women' (Braidotti, 1994). In a way this will require my



'self' as a researcher to relinquish my position of playwright and step into the uncomfortable position of narrator/author. It is from this position that an attempt can be made to give the 'woman' a space in which she can speak into, and out of, her constitutive positions or 'selves' (Bosworth, 1999). It is from here that we leave the discursive 'criminal woman' authored thus far by academic discourse to move into the methods I will use for 'my' own research.

## 5. Methodology

### 5.01 Creating a New Stage, A New Setting

At the conclusion of my literature review I left the discursive 'criminal woman' troubled. I argued that the academic literature in both criminology and penology situated the 'criminal woman' on a 'scientific stage' bound by cords of mythological conceptions centred on a 'gendered' place in society. The 'gendered' discourses present in criminology and penology then constituted the experience of the 'criminal woman' in prison. With the exception of Bosworth (1999), even the 'criminal woman's' acts of resistance were not read by the literature as 'subversions' of constituted positions. Rather, the acts of resistance were pictured as a further enactment of the 'criminal woman's' 'abnormality' to her 'natural', and 'gendered', position as a 'woman'.

Post-structural argument presented by Bosworth (1999) showed that in order to move beyond the 'gendered' discourses established in the traditional scientific theories of criminology and penology, the post-structural researcher needs to use the 'voices' of 'criminal women' to disrupt, redefine, and recreate, a new stage for understanding. Hence, in order to understand the effects of the power/knowledge intersection of criminology and penology in Aotearoa/New Zealand prisons, there is a 'need' to explore how 'women' once called 'criminal' define their 'selves'. In a way this 'need' follows from the literature reviewed of 'women's' experiences of prison, because the experience of prison did not stand in discursive isolation for these 'women'. Instead, the prison acted as a stage in which the discourses present in criminology and penology manifested in the attempt to 'rewrite' them as 'criminal women'. Subsequently, to understand how a 'woman', once called 'criminal', experiences prison is to explore how penological practices define her and how she defines her 'self'. In exploring the experiences of confinement for 'women' who have been in an Aotearoa/New Zealand prison 'my' research started from three broad questions:

1. How do 'women' who have experienced prison define the purposes and limitations of the 'confinement' experience?
2. What are their feelings and reactions to these experiences of 'confinement'? and
3. How do these 'women' define themselves?

These research questions guided the construction of the research instruments and the methods chosen for investigation. They were designed to generate indepth information about the 'general' experiences for participants so that an analysis of power/knowledge and the constituted subject of 'criminal woman' could be pursued through exploring the literature and the 'voices' of 'women'. The questions were revisited and changed for the analysis of the collected data to allow a specific post-structural 'narrative' to be composed (Section 7.01).

In order to investigate these questions in depth I applied a qualitative research design. Eileen Honan, Michele Knobel, Carolyn Baker and Bronwyn Davies (2000) claimed the questions researchers pose demonstrate "different ways of seeing", or the epistemological assumptions applied by the researcher. Consequently, the methodology chosen in my study was a direct reflection of the post-structural theory and assumptions underpinning my questions and manifesting in my feminist post-structural interests in the 'body' as a constituted subject. The chapter that follows is dedicated to discussing my method and providing a rationale for the approaches I chose for data gathering and analysis. I will start by borrowing a technique from Patti Lather (1991) in laying my methodological assumptions on the table. For my 'self' as a researcher, these assumptions arose from post-structural and associated feminist resistance to the theories and methods of positivism<sup>41</sup> as well as assumptions that arose out of dilemmas present within the activity of qualitative research. It was the theory behind these assumptions that provided a rationale for my own research. Outlining assumptions also provided another valuable aspect in my writing. These assumptions were not only present as theoretical constructs within my work, but they also helped to constitute me as a post-structural researcher by displaying what I valued in the story I attempted to tell. In the following, I will expose the assumptions that theoretically laid the foundations for 'my' research questions, influenced my methodological discussions, and formed my 'self' as a researcher.

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<sup>41</sup> Positivism can be understood as the traditional approach to scientific research based on empirical evidence and focused on a 'quest' for a single 'Truth' (Clark, 1997).

## 5.02 Assumptions Guiding 'my' Research

### 5.02.01 The Dilemma of 'Voice' in a Postmodern Narrative

*Reflection: Positivism has failed to construct one unitary definition of the 'criminal woman' through the authoritative 'voice' of science<sup>42</sup>.*

The deductive logic of positivism and its claims to the superiority of scientific knowledge in the construction of 'Truth' (Clark, 1997) has been shown by feminist literature in criminology to offer nothing more than reinforcement of 'gendered stereotypes' (Chapter 2). Using quantitative methods focused on statistical analysis and reductionist reasoning (Denzin & Lincoln, 1997; Lather, 1986), positivism's agenda to define, predict, constrain, and change the 'criminal woman' has been labelled "patriarchal" by feminist critiques of criminological literature (Sections 2.04, 2.07 and 2.10). Writers such as Heidensohn (1996) claimed that the scientific narrative of the 'criminal woman' offered one 'biased story'; a 'story' that can not be discredited, but rather needs to have the capital of 'Truth' removed to make the scientific narrative of the 'criminal woman' one of many 'truths' (Sarup, 1993). Consequently, the post-structural researcher needs to open the "black-box" of 'science' exposing the 'story' it uses for its claim to the one 'Truth' (Kendall & Wickham, 1999) whilst constructing 'other stories' that apply 'truths' from 'other' dimensions.

Walter Benjamin (quoted by Britzman, 1995, p.234) argued that the enlargement of a photograph did not give a clearer picture, but revealed "new structural formations of the subject". By focusing 'my' research from the 'general' dualistic theory of 'criminal women' to a specific discussion of the constitutive dimensions of the 'individual woman', the subject of 'criminal woman' can be viewed at another angle problematising general theories. Furthermore, Deborah Britzman stated that a post structural ethnography "delivers voices" that were once made silent through generalised 'universal' theories which sought to normalise populations in society. Within the literature review I argued that much of 'science's' claims to the one 'Truth' surrounding the 'criminal woman' rested on an assumption of dualistic 'gendered difference'. Subsequently, to apply post-structural analysis there

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<sup>42</sup> Opening reflections throughout the methodology come from the personal thoughts that guided 'my' research.

is a need to take the discursive image of the 'criminal woman' to a space that looks beyond dualisms and where 'difference' is seen through multiple dimensions (Braidotti, 1994; Di Stefano, 1990; Flax, 1990; Gatens, 1999; Kendall & Wickham, 1999; Shildrick & Price, 1999). In such a space, 'gender' remains a dimension, however new 'truths' are constructed and sub-dimensions formulated through listening to the many 'voices' of the 'women' occupying a shared space of confinement which is defined through 'gendered' constructs.

The importance of 'voice' in 'my' research further comes from feminist thinking in reaction to 'patriarchal' positivist research methods (e.g., Anderson & Jack, 1991; Edwards & Ribbens, 1998; Oakley, 1981; Olesen, 1998; Ribbens, 1998) and in the feminist attempts to understand the 'differences' within feminism (e.g., Braidotti, 1994; Di Stefano, 1990; Flax, 1990; Gatens, 1999; Shildrick & Price, 1999). For example, in her contribution to Norman Denzin and Yvonna Lincoln's *The Landscape of Qualitative Research*, Virginia Olesen (1998, p.318) described the feminist focus on 'voice' as a reaction to:

the absence of women's voices, distortions and the charge that preparing the account in the usual social science modes only replicates hierarchical conditions.

However, the argument for 'voice' is 'easier said than done'. Jean Clandinin and Michael Connelly (1997) claimed that researchers experienced three dilemmas when they focused on representing participant's 'voices' in research. The first dilemma Clandinin and Connelly described was the direct transferral and representation of the participant's 'voices' from "field texts" to the final "research texts". The second two dilemmas focused on the 'silences' that both the participant and the researcher brought to the final selection of 'data' for the research report. As I was the one who constructed the final research 'text', the dilemmas that surrounded 'voice' haunted much of my writing as I sought to construct a 'fiction' of the prison experience for 'women', who were once called 'criminal'. Consequently, to try and 'resolve' some of the effect of this dilemma on 'my' final 'text' I found that I needed to address this dilemma as I composed my instruments of research. This meant being aware of the effect of 'silence' before the final writing of the thesis on both the participants and 'my' self as a researcher/author.

Lather (1991) claimed that Saville Kasher and Nigel Norris' idea of "negotiation" in the description, interpretation, and analysis stages of a research project, allowed 'voice' to enter the 'text'. According to Lather it is through such negotiation with participants that the researcher validate their research, establishing that it represents what the participant communicated and that the participant agrees with the subsequent interpretation by the researcher. This can be difficult as the 'text' is a construction of the researcher's constitutions which can only, at best, reflect the participant and can never really re-construct the participant through the participant's own constitutions (Denzin, 1998). Consequently, for me reflexivity has played a vital role in keeping my 'self' as a researcher and author 'in check' on who I am and whose 'voices' I seek to represent.

In Rahel Wasserfall's (1997) opinion there are two forms of reflexivity. The first, Wasserfall called "weak", this form involves the researcher's self-awareness and acknowledgement of researcher/participant relationships. The second was called "strong" reflexivity which

contains certain assumptions or the deconstruction of the authority and/or power difference in the field (Wasserfall, 1997, p.151).

When using "strong" reflexivity, researchers first attempt to represent the 'voices' of all the participants, and then further attempt to address power relations in the research context (Wasserfall, 1997). In addition to Wasserfall's description of the levels of reflexivity, Gavin Kendall and Gary Wickham (1999, p.101) described reflexivity in a post-structural sense as "applying a critical perspective to one's own knowledge claims". Further to this, Lather (1991) described it as a "deconstruction" of one's own work. Bringing Kendall and Wickham, and Lather together in a desire to have a "strong" reflexive focus, I applied field notes, notes from my talks to my supervisor, and the final report, to explore how I allowed the participants 'voices' to enter my thinking and re-thinking of post-structural theory. My writing too was an attempt of reflexivity in which I applied a 'folding back' at times, through acknowledging that the truths of past research informed and acted in the construction of my own research (cf, A Note on Tenses). But, at this same moment my writing troubled the reflexive path I attempted to walk while I wrote, with the continual haunting of 'universal' constructs and 'mythical' conceptions. I found in 'writing' that I could never truly free my

'self' from the past, as the past has acted in the constitution of my 'self' and the past remained, and remains, in my present, it remained, and remains, in my thinking (Edwards & Ribbens, 1998). Just like those I researched, I too was, and still am, a constituted subject.

Anderson (1991) advised reflexive researchers to "listen in stereo" when they attempted to explore the 'silent voices' of the participants. Such listening focuses on the contradictions and conflicts between the spoken and the silent 'words'. For my 'self' as a researcher, this form of listening meant that the participants were given the opportunity to participate in the exploration of their own 'words' and silences through the initial analysis. Thus, it situated them in a reflective revisiting, revising and at times re-silencing of their own 'words'. It also meant that I needed to be confident in listening, that I needed to 'pilot' my own listening skills, and further, to be open to the revisiting and highlighting of my 'self' in general.

### 5.02.02 The Dilemma of 'Other' in a Postmodern Narrative

*Assumption: No research is objective. Researchers within the process of inquiry subjectively construct 'others'.*

It is important to understand that the researcher should be unbiased and not have too strong a vested interest in the outcome. It is natural for people to do research in areas towards which they feel a certain value commitment, but it must not interfere with one's ability to preserve objectivity (Anderson, 1998, p.8).

This quote from Gary Anderson situated research in an "objective" "value" free sphere, free from "bias" and free from "misinterpretations". Such an "objectivity" is a hallmark of quantitative research and stands in direct opposition to the "subjectivity" argued in qualitative research (Davidson & Tolich, 1999) and further fundamental to post-structural and feminist inquiries (Clark, 1997; Lather, 1986, 1991; Oakley, 1981; Olesen, 1998; Ramazanoglu, 1989; Walkerdine, 1997). For example, using an argument for subjectivity, Lather (1986, 1991) claimed that no research can be "objective". Instead, all research is "value-laden" with "ideologies" carried into the research context by the researcher and the research method used. Moving back to my introduction, the discourses that constituted me affected the way that I viewed and interpreted the world, and the way that I am constituted affected the way that I researched.

Ann Oakley (1981) in her influential article *Interviewing Women* argued further for subjectivity in feminist research, as “traditional research” that emphasised “objective practices” represented ‘male’ “values” and excluded those classified as ‘female’. As such, instead of representing the ‘other’ of ‘women’ it silenced ‘women’ and replaced them with the ‘gender-neutral male’. To Oakley to be subjective was to listen, participate, and represent accurately the perspectives of the ‘other’. This has been previously recognised by researchers investigating ‘women’s’ experiences in prison where they adjusted their research instruments to suit ‘female’ participants in a ‘female’ setting (e.g., Bardsley, 1987; Bosworth, 1999; Carlen, 1983, 1998; Devlin, 1998; Dobash et al., 1986; Girshick, 1999; Hampton, 1993; O'Neill, 1989).

For Michelle Fine (1997), a dilemma existed in such a practice attempting to represent ‘accurately’ the ‘other’. Fine claimed that researchers whilst attempting to understand the world of those they researched, continually ignored the hyphen that joined the ‘other’ created discursively in research to the ‘self’ of the researcher. In writing about ‘others’, researchers do not engage in questioning the relationship between what they write and the ‘others’ they research. Fine (1997, p.135) argued that researchers need to “work the hyphen”, between the researchers ‘self’ and the authored ‘other’ to:

creat[e] occasions for researchers and informants to discuss what is, and is not, ‘happening between,’ within the negotiated relations of whose story is being told, why, and to whom, with what interpretation, and whose story is being shadowed, why, for whom, and with what consequence.

The ‘text’ I have written and the story I have told is about ‘women’ who were once called ‘criminal’, it is a story about an ‘other’ and as such, it is imperative to involve these ‘women’s’ ‘voices’ in the writing of this ‘fiction’. As such, I found it important to involve reflexivity and negotiation in reconceptualising the discursive category that is created by joining the nouns ‘woman’ and ‘criminal’ (Kendall & Wickham, 1999; Lather, 1991; Wasserfall, 1997). Therefore, within my illustration of research the action of research has had a purpose, one which promoted change, one which recreated ‘knowledges’, and exposed ‘other’ narratives (Britzman, 1995).



### 5.02.03 The Dilemma of 'Rapport' in a Postmodern Narrative

*Assumption: Research has a purpose, to lead to change and recreate new 'knowledges'.*

Lather (1991) described any research on 'power' as "emancipatory". That is, as a process where both the researcher and the participant are changed and in turn change 'others'. However, for my 'self' as a researcher to argue for an "emancipatory" approach to research was somewhat troubling. To be "emancipatory" conjured up, for me, images of 'empowerment' and ran in direct opposition to the concepts of power/knowledge in Foucauldian discourse (cf, Gordon, 1980). For example, Jennifer Gore (1992) described 'empowerment' as a "zero-sum" relationship, one that is hierarchical, in which you either have, or do not have power. In such a context the researcher imparts power on, or "empowers" the 'other'. This label of "empowerment" did not fit within my view of power, although 'power' was a central aspect within 'my' research (Sections 1.02.01 and 1.02.02). However, the purpose of providing research that benefits the participants and changes both the participants and my 'self' as a 'researcher' were assumptions that I did carry from Lather. I believe that the carrying of these assumptions has led to a dilemma in 'my' own research methodology. What sort of relationship did I engage in with those that participated in the research with me? How far did I go with this 'thing' called 'rapport'?

Oakley (1981) provided an argument against the traditional research concept of 'rapport'. In arguing for a more "subjective" research, Oakley demonstrated in her writing that 'rapport' in 'research' has tended to be shown as a form of "objectivity" (Section 5.02.02). In being objective, 'rapport' is about making the person you are interviewing feel comfortable enough to give you the information that you want (Anderson, 1998; Fontana & Frey, 1998). In opposition to this idea of "objective" 'rapport', Oakley (1981, p.41) argued that feminist researchers need to develop a "non-hierarchical relationship" with participants, and be "prepared to invest their own personal identity in the relationship." Oakley further described three elements to her subjective 'rapport', those of: responding to participant questions, preparedness for friendships, and openness of ethical procedures. In subjective 'rapport' there is a risk of de-validating data by introducing some 'bias' into the interview (Parr, 1998); however, in a context of reflexivity and negotiation Oakley's

subjective 'rapport' is an essential element. To move such a relationship between the participant and the researcher beyond 'bias' I needed to be, as Janet Parr (1998, p.91) described in her own research, "open and honest ... about my own position." But is this 'reality'?

### **5.03 Assumptions, Dilemmas and 'Reality': how it all looked and felt for me**

I anticipated that the research methodology that I embarked on with participants was one of "negotiation" (Lather, 1986). It was one that 'ideally' involved the participants and me in a reflexive practice, and it was one that involved a 'subjective rapport'. However, at the same time the research was skewed with power relations, and as such I found the research partnership 'loaded' with constituted dimensions brought to the setting by the participants and me (Aitken & Burman, 1999; Brannen, 1988). These dimensions at times positioned me as one 'with power', such as 'academic', 'researcher', 'white', and having access to an esteemed 'powerful knowledge'. Furthermore, the participants' brought their own dimensions, which enabled them to 'play with power' with positionings that overlapped my own, such as that of 'woman', or positionings that worked against those I held. For example, I found that the very label 'criminal' once carried by the 'women' I interviewed had the potential to conjure up not only images of 'powerlessness' but 'mystical' pictures that worked as a catalyst of fear. For example, images drawn from discourses revolving around the academic knowledge called criminology (see Chapter 2). In 'my' research there were two clear occurrences of 'fear' from the 'potential criminal side' of the participants. The first occurrence happened in the process of gaining ethical approval. I found that despite selecting 'women' who had 'finished' their term of confinement in a prison and 'ideally' were no longer 'criminal', the Ethics Committee insisted on safety precautions for my 'self' as a researcher. For example, I had to have a person available by cell-phone while the interviews occurred just in case my physical safety was threatened. Even I displayed fear of the 'potential criminal side' by selecting 'women' who had not been convicted of a 'violent' offence. Before I even entered into the setting, academic knowledge set me on a 'back foot' in terms of power dynamics. I was not only exploring an 'other' but I was exploring a 'mystery' and a 'danger' (Sections 2.04 and 2.07), and thus I needed to be prepared. Subsequently, negotiation before it started was not pure, but rather

skewed, filled with power dynamics centred on an academic knowledge. The very knowledge that I wanted to disrupt and question.

Further to the complications surrounding power dynamics and my 'self' as a researcher was another complication connected both to the building of 'rapport' and sensitivity of both the topic and the participants involved in 'my' research. When doing research with people from commonly labelled "sensitive" groups, such as children, victims, and institutionalised peoples, Julia Brannen (1988) cautioned researchers of the potential risks leading to the exploitation of these groups. In researching juvenile girls and their violent behaviour, Michele Burman, Susan Batchelor, and Jane Brown (2001) found that interview sessions had the potential to exploit participants and further place participants in distressing situations once sensitive information became disclosed. This I was aware of before I started the research. Furthermore, the 'academic' constitution of the 'criminal woman' being from the knowledge of criminology pictured 'criminal woman' as a potential 'danger' (Chapter 2). Hence, as a thesis student demonstrating a 'knowledge' of research on 'criminal women' I was also positioned to repeat the 'picture' to address issues of my own physical vulnerability, and possible ethical problems around my safety:

*I'm between a rock and a hard place. I feel crushed between discourses of madness and discourses of badness – it is hard to know where to go. I am trying to stay neutral but this can be difficult – I can see why Foucault did not interview people, it is easier to do discourse analysis on abstract documents about the 'body' but with the absence of the 'body'. One can read through the lines without having to question one's 'self'. Post-structurally the body is a parchment written and created by discourses but the 'body' is also those discourses – it is written upon and it is. Perhaps to challenge one must destroy the 'word normal' but I can't, my head keeps returning to it. To use Kendall and Wickham (1999, p.21) "My head is spinning."*

(Research Journal 1: 1 October, 2001)

Moving out of the "madness" and the "badness" did not occur for me in the abstract. Instead, these discourses fed into my ethics application as I attempted to predict possible adverse effects for those who participated in 'my' research (Section 5.06.02). As such, I pulled the concepts of "abuse" and "mental illness" from criminology (Sections 2.01, 2.08, 4.02 and 4.03) and further used penological discussions (Chapter 3) to predict possible effects of distress for 'women' participating in a study on their prison experience/s.

To theoretically address the possible feelings of distress and concurrent issues of power dynamics before I interviewed anyone, I turned to the work of Gill Aitken (2000; Aitken & Burman, 1999) and her writing about research and therapy. Aitken claimed that feminist research methodologies, such as Oakley's (1981) collaborative interviewing, shared "commonalties" with therapy, particularly concerning the topics of sensitivity and the techniques used by therapists and researchers to develop 'rapport'. Aitken joined both therapy and research together in her analysis of the effects of power in the contexts of therapy and of research. Aitken described how power relations for both researcher/therapist and participant/client could never be dissolved and needed recognition and negotiation at each stage of the therapy/research. Consequently, Aitken encouraged researchers and therapists to be involved in an interrogation of 'self': asking one 'self' how one used 'power', listened to challenges to power, and redistributed power in the therapy/research context.

In personal correspondence, Aitken recommended that I interrogate and investigate transference and particularly counter-transference in therapy sessions (e.g., Racker, 1968; Ryle, 1991, 1995, 1998), since the negotiation of power within both research and psychotherapy occurs on many levels: physical, emotional, and psychological. Through correspondence with Aitken, I saw a need to understand how those I interviewed, and my 'self' as a researcher, may have tried to 'control' the contexts that arose in discussion. An example of a play for control happened in the beginning of the second interview with Rene as we discussed alterations to the first transcript<sup>43</sup>. This discussion centred on differences between the spoken and written grammar, and my interest in presenting 'real', everyday spoken language. During this discussion I consciously attempted to 'negotiate' whilst 'controlling' what was 'negotiated'. I became caught in a dilemma, which I found difficult to work within, and as such what I said to close the discussion needed to be re-addressed and 'negotiated' in the final session.

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<sup>43</sup> With Rene I sent the transcript via registered post to her before the second session. Because I felt that our initial discussion in the interview about the transcript negatively affected the later discussion I discussed with Sophia the possibility of bringing transcripts and tapes to the second session and looking at the interview together during this session. This worked very well and consequently, I regret not offering this option to Rene.

The reality behind the 'pure' assumptions I brought to the research context turned my 'eyes' into 'multiple, fractured eyes'. There was no clear path to a "negotiation" that could be separated into two equal portions, but instead the participants and I were involved in many divisions. What I found uncomfortable was the task my 'self' as a researcher was left with, that of writing a 'text' of interpretation (a concept discussed in depth in Chapter 6). In the following section of this methodology, I will introduce:

- the context of my literature review;
- the 'women' I sought to include in this research;
- the setting for this project took place in;
- the instruments that I intended to use; and
- issues related to ethics.

#### **5.04 Instruments of My Method: creating an orchestra of research**

##### **5.04.01 Getting a Feel for the Genre: learning the sounds of criminology and penology**

Before even embarking on researching and questioning women's experiences of confinement in Aotearoa/New Zealand prisons, I considered it imperative to explore and understand the literature surrounding criminology and penology (Chapters 2,3, and 4). This involved an expansive literature search into current research, influential theoretical literature, and Governmental reports on penological topics. To apply a feminist post-structural reading to the literature I read, I involved my 'self' in a 'discourse analysis' of the 'criminal woman'. Such an analysis involves the researcher in establishing governing discourses, where they emerge, what institutions govern them and how discourses define a subject such as the 'criminal woman' (Britzman, 1995; Horrocks & Jevtic, 1997). In such a context, literature is not explored to determine authority and accuracy, but rather each piece of literature is viewed as an 'artefact' giving exposure to the discourses that constitute the present. In this sense the literature is reviewed, not to reflect back upon and 'justify', but to question and to displace. Consequently I read and reviewed the literature with the agenda to expose contradictions, constitutions, and fracture the 'essence' surrounding the 'Truth' of 'criminal woman' with the experiences of Rene and Sophia.

### 5.04.02 Selection of Participants: the subjects of my composition

In selecting participants for this study I considered several aspects:

- who would be appropriate to participate in a study looking at the experiences of 'women' in Aotearoa/New Zealand prisons;
- specific characteristics of possible participants and the subsequent effects these characteristics combined with my 'self' may have on the negotiation, reflexive and subjective 'rapport' environment of the research process (Aitken, 2000; Aitken & Burman, 1999);
- the qualitative nature of the project and subsequent effects on the number of participants chosen and length of project (Rountree & Laing, 1996);
- the method of recruitment for participants;
- the setting in which the research would occur.

As this project focused on 'women's' experiences in Aotearoa/New Zealand prisons, I found it imperative to select 'women' who had some experience of imprisonment in Aotearoa/New Zealand within the last 18 months (from mid. 1999 to 2001). These 'women' were not selected on characteristics of age, ethnicity,<sup>44</sup> nor the period of imprisonment. This was because the research questions focused on 'general' experiences of 'women' convicted of a crime and who subsequently served a period of confinement in a 'women's' prison. Not focusing specifically on 'other' characteristics allowed 'my' research to be 'gender-specific' as well as 'gender' challenging. My prior reading of 'women's' experiences of imprisonment showed a need to allow 'women' to define their 'selves' and their experiences (e.g., Bosworth, 1999), the openness of this category in my selection aided in the 'reconceptualising' of the 'gendered criminal woman'.<sup>45</sup> It allowed for 'other' unstable dimensions to enter that challenged and disrupted the 'gendered' within the 'gendered'.

<sup>44</sup> In reflection on ethnicity, if I were to approach this research again I would be more specific about cultural and ethnic issues surrounding imprisonment. Aotearoa/New Zealand is a country of many cultures and of a complex relationship between the Tangata Whenua, that is, the Maori people and the Pakeha, that is the European colonisers. My silencing of the complexities of this relationship and the effects of definition of the Tangata Whenua by the colonising culture did not help my efforts to get 'my' research approved by the Department of Corrections, nor did it help in providing a cultural dimension to my analysis. Rather my silence continued throughout my study and consequently ignored the issues felt by 'Maori' and 'Pakeha' 'women' who have been in the prison system. Because of the emphasis on 'Maori' and crime (Williams, 2001) and specifically 'Maori women' and crime (Ministry of Women's Affairs, 2001) there is a need in Aotearoa/New Zealand to muddy the waters regarding culture and crime through research.

<sup>45</sup> Because I saw that the 'demographic' features of participants needed to be taken from how participants described their 'selves', I will describe the 'selves' of the participants further in Chapter 7.

One important characteristic that I pushed in my selection of participants ensured that I took account of my own personal safety (Section 5.03). Participants selected for this study were not convicted of any previous serious violent offence in the five years prior to my study. The criteria established around 'violence' resulted from my own lack of training in working with violent people and consequent presumed lack of personal skills if I were to be placed in a threatening position. At this point I also considered that three 'women' would be the maximum required for this study, as the predicted depth of analysis was perceived at the onset to be substantial, with the thesis needing to suit Masters requirements.

When first investigating appropriate settings for my investigation, I selected the prison. However, after talking to a colleague who had recently finished her doctorate interviewing 'women' in several Aotearoa/New Zealand prisons I felt that for the purposes of this study working with 'women' who were now outside of prison would be appropriate. In past studies involving 'women' prisoners within the prison context, there have been concerns regarding coercion, privacy, protection, timing of the research, and the effects of the context on the researcher (e.g., Young, 1993). Further to these concerns, other researchers (e.g., Kingi, 1999) have spoken about difficulties in: fitting their research into prison routines, getting 'prison staff' on their side to ensure that access to prisoners is obtained, feelings of isolation in the prison environment, and negative feelings felt by prisoners in their participation.

Consequently, I chose to conduct 'my' research with 'women' who had an experience of an Aotearoa/New Zealand prison and who were currently using the Probation Services. Although a staff member at Probation Services supported the project, research 'gatekeepers' at the Department of Corrections felt that the research would not benefit the Department's goals with the research outcomes not being able to be generalised to the prison population of 'inmates' in Aotearoa/New Zealand.<sup>46</sup> Instantly I found my 'self' as a researcher questioning what side I was

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<sup>46</sup> The two concerns raised by the Department of Corrections on 'my' research reflect the 'differences' of 'my' research with contract research and further quantitative research and validity. If 'my' research was of a contract quantitative nature (Anderson, 1998) it would ensure that the Department's goals were of a primarily concern. The generalisation issue of 'my' research separated it from quantitative methods which argue for external validity criteria that allow outcomes to be generalised to whole populations (Denzin & Lincoln, 1997). Instead, qualitative research is concerned with the "face

on (Liebling, 2001), the 'woman's' or the Department of Correction's. Instead of attempting to refocus 'my' research to meet Departmental goals, I asked "Who was 'my' research for?" And "What did I hope 'my' research would achieve?" (Burman et al., 2001). This self-reflection redirected my thinking back to the participants and my 'objective' to question and disrupt current discourses within penology and criminology.

As a consequence, I found a community-based organisation to help me select appropriate 'women'. This organisation worked with 'women' in and outside of prison and kept records of 'women's' offending histories. People at the organisation asked various 'women' who they felt were suitable, and these 'women' then made contact with me. They were then sent an information pack about the study with a pamphlet, and a copy of the interview schedule (Appendix 1, 2 and 3). Two 'women' initially were interested. One 'woman's' participation had to stop because of an incident of re-offending that resulted in her returning to prison. Another 'woman' expressed interest in late 2001 and joined the research in 2002. Although 'women' in the study were to be involved in three sessions I attempted to meet or talk to each person before starting interviews to answer questions, to introduce my 'self' as a researcher, and to get to know something about each person. I wanted this research to involve negotiation beyond the discursive site of my methodology chapter, and as such I was aware that in such negotiation, it would take more than three sessions to establish a subjective 'rapport'. Hence, general talks either face to face, over the phone, or e-mail became a crucial part of the process.

In finding an interview setting, I attempted to find a 'neutral' space separate from the participant's residence and the university. The selection of a 'neutral' space for the data gathering ensured that emotional stress and apprehension experienced by the participant and I were not caused by adverse environmental attributes such as prison bars, other members in a house-hold, phone-calls, visitors, or university based equipment. For one 'woman' this was possible and I obtained the use of a private consultation room at a local community services building. Due to various restraints, this

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validity" of research. Lather (1986) described face validity as a clear demonstration within the research writing of its intentions, findings and conclusions. That is, research needs to make sense in itself.



'neutral' space could not be obtained for the other participant. Through negotiation and prior checks with her, and the Ethics Committee at the university, the interviews were held at her residence during the day and at a time she was the only occupant of the house. The final session occurred at university. These changes reduced locality apprehensions for the participant and me at the time and ensured that interviews could still occur.

## **5.05 Gathering the Data: the instruments in my composition**

### **5.05.01 The Sound of Reflection and Reflexivity: the research journal**

Laurel Richardson (1998) discussed in post-structuralist terms the 'reflexive' action of writing in research. Consequently, Richardson encouraged her readers to keep journals, because:

It not only frees up your writing, it becomes the 'historical record' for writing a narrative of the self (Richardson, 1998, p.365).

Richardson's argument for journal writing is reflected throughout Clandinin and Connelly's (1997) discussions of, and suggestions for research. Through the keeping of a journal alongside the other instruments of 'my' research, I endeavoured to engage in a continual reflexive practice throughout my own research journey (Lederman, 1990). I found that the journal showed me how I changed as a researcher, it aided in bringing out some 'invisible discourses' of my constitutive 'selves', and during the 'hard times' it helped to "relieve the mind" (Brown Jr, Gaye, & Ritz, 1983).

In addition to this journal being a personal description of my work, I also used journal writing as an aide to 'self' explore, discuss, argue, and resolve methodological and theoretical positionings and understandings. Richardson (1998) and Minichiello et al. (1990) positioned such writing as "field notes". However, for the purpose of my writing, field notes were notes taken when I was 'in the field' researching. In contrast, the journal was more personal as it illustrated my journey within three dimensions, that being my own personal feelings, methodological thoughts, and theoretical thoughts.

### 5.05.02 The Sound of the Past: field notes

In traditional anthropological accounts of research, field notes are continually referred to as an essential element of ethnography (e.g., Geertz, 1973; Lederman, 1990; Whyte, 1955). In such descriptions field notes are researcher focused observational records of the 'others' of focus and the environmental setting of the 'other'. At times, field notes are also referred to in the same light as the research journal. However, as an observational tool for observing and 'defining' the 'criminal woman' field notes were somewhat invalid for the purposes of 'my' research, because the research looked at 'women' after prison, and hence at a time where the label of 'criminal' is assumed have been dropped. Secondly, because the research occurred in three different research settings; the field notes having focused on the environment of the 'other' in these settings could not provide information about penological practices and the writing of the 'criminal woman'. However, I did not use this as an excuse not to write field notes but rather I changed my focus, and hence the observational field notes in the context of this research focused on what actually occurred in the interview. I focused the field notes on my feelings and senses of what I saw within my 'self' at the times of interaction with the participants (Tolich & Davidson, 1999, Richardson, 1998). Aspects from these notes were discussed with the participant during the analysis stage to explore any contradictions between the researcher and the participant<sup>47</sup>. That is, in contrast with the interview, the field notes acted as another instrument of negotiation for understanding between the participants and my 'self' as a researcher.

### 5.05.03 The Voices of the Participants and the Researcher: the interview

In her 1999 doctoral thesis, Venezia Kingi (1999) spoke about her experiences interviewing 'women' in prison concerning 'their' children. She found that 'women' in prison did not feel that they were given opportunities to speak about themselves, that in many cases 'women's' feelings and experiences were lumped into that of their 'male' counterparts and no-one cared to ask, "How does that make you feel?" So, in developing an interview schedule for this research project I wanted to not only build each question from 'my' research questions (Anderson, 1998), but to also allow 'women' to speak about their 'selves'; who they were, and how they felt (Fontana & Frey, 1998).

By allowing 'women' to speak about their feelings and define their own experience/s this interview created a space where the 'gendered' dimensions were both explored and disrupted by the many constitutive dimensions spoken by the 'women' participating in this study. Because I felt that it was within the intersection of feelings and experience that the contradictions which would disclose constitutive discourses would manifest, consequently bringing different understandings, different meanings, and different 'fictions' (Anderson & Jack, 1991).

In developing such an interview for these purposes I was also aware of: my own experience as an interviewer and a researcher, the time allocated for data gathering, and the funds available for 'my' research. Kathryn Rountree and Tricia Laing (1996) advised post-graduate students to consider using more structured interview schedules if constraints were evident on their research and they lacked experience and confidence in interviewing. For my 'self' in general, I had experience interviewing, but not in a feminist post-structural context where depth of information is sought in a reciprocal environment of negotiation (Lather, 1991). In addition to these factors, limited funding and tight time constraints drew me in considering a semi-structured approach to interviewing.

The use of semi-structured interviews separated my qualitative research design from other forms of qualitative research, such as grounded theory (Strauss & Corbin, 1998) and some interpretations of a 'general qualitative design' (e.g., Bogdan & Biklen, 1992), which maintain that qualitative interviewing needs to be unstructured and developed over the research period. In contrast to this argument, semi-structured interview schedules are developed and piloted before the researcher enters the field. They use open-ended questions with prompts for verification of themes, definition of concepts, and the participant's feelings (Anderson & Jack, 1991; Cohen & Manion, 1980; Minichiello et al., 1990; Rubin & Rubin, 1995; Tolich & Davidson, 1999). In semi-structured interviews "funnelling" is one technique that allows the researcher to safely move the participant from discussing general topics to explore more sensitive issues and pre-established themes (Anderson & Jack, 1991; Cohen & Manion, 1980; Minichiello et al., 1990). However, to funnel is

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<sup>47</sup> Field notes were not shown directly to the participants. Instead aspects from the notes were discussed with the participants in the analysis stage.

also to assume that one may be asking too sensitive a question (Minichiello et al., 1990). Through reading other interview schedules on similar topics (Bosworth, 1999; Caird, 1999; Carlen, 1983; Hampton, 1993; Kingi, 1999; Young, 1993) it became clear to me that this assumption was safe to hold. To assume the opposite may have resulted in unnecessary emotional, psychological, and spiritual stress, on participants, and I did not want to risk this.

The interview schedule I developed (Appendix 3) followed the guidelines of Tolich and Davidson (1999), Rubin and Rubin (1995), and Minichiello (1990), who all discussed to some extent the division of the interview into three parts. The first part was composed of open-ended introductory questions, or statements. Verification prompts for theoretical themes and redirection of discussion made up the second part, and thirdly, verification prompts for further information on participant answers.

As such, the interview schedule I composed was divided into four sequential sections. In the first questions were on the 'woman's' experience of entering the prison. In the second, questions focused on the 'woman's' experience of the prison day. Thirdly, questions centred on the 'women's' experience of the prison environment and fourthly, some general closing questions to conclude the interview. In each section, theoretical prompts were pre-established through piloting the interview. In applying further the suggestions from Tolich and Davidson (1999), I focused on the introductory questions in each section of the interview, making sure that they connected precisely to themes of prison experience, and feminist post-structural theoretical constructs, and were open enough to encourage indepth responses from the participants.

In the first section on 'women's' experiences of coming to prison, I attempted to open a space where the participant entered into what Tolich and Davidson (1999) described as a "time contrast". "Time-contrast" questions serve as an extremely effective measure in engaging initial discussion as participants are given two clear points of time to contrast. Literature on 'women's' prisons overseas speaks of the reception experience as a time when the 'female' loses her 'individual identity' and 'freedom' to become a 'classification' and in most cases a 'number' (Chapter 4). My aim in these

questions was to explore how the 'women' I interviewed found the experience of entering prison. This involved 'women' looking at two clear points in time, which emphasised a change in 'lifestyle' from one of 'liberty' to one of "examination" and "classification" (Foucault, 1977a).

The second section of the interview provided a "spatial contrast" (Tolich & Davidson, 1999) between the prison environment and the environment experienced by 'women' outside the prison. In this section of the interview the aim was to explore the structure of the prison day and how it, if it did, attempted to "normalise" the 'criminal woman' (Foucault, 1977a). My discussions with other prison researchers and the reading of feminist discussions and discourse analysis (Lees, 1989, 1997; Robinson, 1984; Walkerdine, 1990) disclosed two contradictions. That of, 'women' resisting the 'feminine' discourse and wanting to be within it, and that of, prisons attempting to place 'women' in the 'feminine' discourse whilst at the same time inhibiting access through regimes. These same contradictions occurred in discussions that pictured the 'criminal woman' as both adults and as infants (Chapter 4).

The third section on the woman's experience of the prison environment again followed the "spatial contrast" (Tolich & Davidson, 1999) of section two. The social power structure of the prison with regard to the 'hierarchies' present and the types of rules were the foci of questions in this section. Specifically, how 'individuals' in the prison enacted rules, and further how 'women inmates' interpreted the rules. My reasoning for this section came from Walkerdine's (1990; Walkerdine & Lucey, 1989) interpretation of Foucauldian discourse and subject constitution in the institutions of home and school.<sup>48</sup> However, for the purposes of my interview, I moved the institution of focus to the prison in which the 'inmates' are constituted within the discursive confinement of the prison. These questions further reflected *Discipline and Punish* (Foucault, 1977a) and the construction of the "docile body", or rather the process of "normalisation".

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<sup>48</sup> Walkerdine (1990; Walkerdine & Lucey, 1989) focused on the domestic, educational, and media institutions to explore the subject positions and limitations available within the discursive institutional construct.

The third set of questions finished by looking at the physical space of the prison. Foucault (1977a) described in his work how the organisation of space acts as a further mechanism in the construction of the “docile normalised body”. The environmental role of the prison as a discursive tool in the constitution of the ‘criminal woman’, or the ‘reformed criminal woman’ has not been an area of focus in research on prison experiences for ‘women’. I believed that it did indeed deserve some form of focus, as non-discursive elements do have a role in the enactment of discourses on the ‘body’ (Foucault, 1972).

The final questions were designed to elaborate on the first three Sections of the interview. The major focus was to look at the constructs of “normalisation” (Foucault, 1977a) placed on females in society and how these ‘women’ reacted, defined, and/or felt about such constructs. These questions also allowed both the participant and my ‘self’ as a researcher to reflect back over the interview and offered a space where participants could ask questions of ‘my’ research and my ‘self’ as a researcher. Oakley (1981) claimed that this invitation and the openness to answering participant’s questions was an essential element of subjective ‘rapport’ in feminist research. To reduce bias (Parr, 1998) I brainstormed possible participant questions before I started researching (Wolcott, 1995), and further asked those I piloted the draft questions with to also ask me questions throughout the interview.

In developing these questions I used research literature with published interview schedules (Bosworth, 1999; Caird, 1999; Carlen, 1983; Kingi, 1999; O'Neill, 1989) to gauge the types of questions asked of ‘women’ with prison experiences, and the sorts of responses such questions gave. This led to an interview schedule that followed methodological and theoretical ‘texts’ but was to no extent ‘reliable’ to the setting of Aotearoa/New Zealand in 2001. In order to gauge the ‘reliability’ of my questions and to gain more practice in listening, I piloted my interview with several ‘women’ of different backgrounds. These ‘women’ had some experience and/or knowledge of the prison institution in Aotearoa/New Zealand and/or were able to give me academic advice on interviewing techniques. A pilot interview was selected to be tape-recorded and transcribed to identify: answers that did not stem from the questions, my own prompting, the effect of my prompts,

and answers to participant's questions during the interview context (Anderson, 1998; Tolich & Davidson, 1999; Wolcott, 1995). As I wanted to get the most out of the interviews, I revisited the pilot transcript after interviewing to analyse and reflect upon my own listening skills.

Initially it was planned that interviews with participants in the field would be either audio-recorded or transcribed directly onto paper. The method chosen was a consequence of the participant's choice in the context of negotiation and 'rapport' building at the beginning of the research (Kingi, 1999; Lather, 1991; Rubin & Rubin, 1995). Both participants chose audio-recording. This followed my own preference because the audio-recorder allowed me to record verbal responses and observe non-verbal behaviour (Minichiello et al., 1990; Rubin & Rubin, 1995; Tolich & Davidson, 1999). When a researcher has been able to audio-record, it has been recommended (Rubin & Rubin, 1995; Tolich & Davidson, 1999) to still use note-taking to record: observations, further prompts, key interview answers, and a 'check' to keep the researcher listening to the participant.

Instead of including note-taking, I watched and mentally took note on what to record after each interview. This was because I felt 'rapport' establishment was a priority. Both my supervisor and I saw note-taking, as well as audio-recording, reinforcing unnecessary power dynamics with me non-verbally displaying overall 'control' of the interview (cf, Section 5.03). Through using both mental notes, and the audio-recorder to record answers, I was then able to engage in a self-analysis after the interviews to look at the patterns in my own thinking and observations (Fontana & Frey, 1998).

Once each interview was completed, I spent some time reflecting on the interview and writing necessary field notes (Anderson & Jack, 1991; Fontana & Frey, 1998; Minichiello et al., 1990). Through the transcribing stage, I would refer back to the interview and make connections to theory whilst reflecting on my method of interviewing. This meant that I transcribed the interviews within two to three days of conducting the interviews and recorded as much detail as possible on the typed transcript (Minichiello et al., 1990; Sissons, 1999; Tolich & Davidson, 1999; Wolcott, 1995). In addition to the interview and as part of the negotiation climate of 'my' research I involved the participants in the interpretation of the interview and discussion of the preliminary analysis

(Anderson & Jack, 1991; Lather, 1991). These sessions followed from the first interview. In the first session, participants were invited to review raw and recorded transcripts, both audio and written to add, amend, elaborate, delete, and discuss their initial responses. This session also allowed some elaboration of past comments to be addressed by either the participant or myself as a researcher. In the final session participants were invited to review initial analyses of the transcripts to ensure that there was, to some extent, a shared understanding of meanings (Anderson & Jack, 1991). This follow on from the initial interview not only reflected the negotiation context of 'my' research, developed from Lather's (1991) work, but also the ethical considerations surrounding 'my' research.

### **5.06 Delving into Ethics: ensuring everything is prim and proper**

Despite reading 'texts' on ethics in Aotearoa/New Zealand universities (Davidson & Tolich, 1999; Rountree & Laing, 1996) nothing could quench my fear of the possible outcomes of the ethics process. The Ethics Committee can make or break the thesis. I will not accuse them of 'holding power' but as in Hoy's (1986) power/knowledge context of chess I felt like a pawn against a queen, my strategy was to get across the board, become a queen and 'attack' using the same tactics that were available to the opposite queen. In the context of ethics at Victoria University this meant finding out what ethical code was being followed by the various committees in the university. Through consulting the guidelines available on the university's web-site I found that Victoria University followed the code of ethics set out by the Health Research Council of Aotearoa/New Zealand (Human Ethics Committee, 1997). As such, the ethical procedure followed an "utilitarian" format (Flinders, 1992) with central concepts of "informed consent", "avoidance of harm", and "confidentiality". Consequently, my first move in my 'game-plan' was to consult and use an ethical code of practice to inform 'my' research that followed such "utilitarian" principles. The guide I chose was the "New Zealand Association for Research in Education", a code that I was familiar with in previous academic research, and in my own research work outside the university. Once this code of ethics was selected I set out to address each ethical concept in my application.



### 5.06.01 Informed Consent

Each participant before starting the project received a letter of invitation (Appendix 1) and an information pamphlet on the project (Appendix 2). I was careful to avoid research jargon in the pamphlet, but ensured that the whole project and the roles of both the participant and my 'self' as a researcher were outlined in depth. If a participant expressed interest in the project, I discussed with them again the project as outlined in the pamphlet and guided them through the consent form (Appendix 4) which was then verified by signatures from both the participant and me.

### 5.06.02 Avoidance of harm

I was aware that through discussing experiences of imprisonment some 'women' may experience emotional and psychological problems from their discussions (Young, 1993). Subsequently, I ensured that participants were aware of this from the onset. To all participants I provided a copy of the interview schedule so that they could prepare themselves for the interview. I further adjusted my methodology to one being more sensitive to possible needs with the funnelling of questions, and audio-recorders placed in a visible location where both participants and I had the ability to turn off the recorder at any time (Young, 1993). In addition to this, I supplied 'women' with a list of counselling services available to them in their locality and offered to pay for one meeting with a counsellor during the course of the research. Finally, participants were able to withdraw from the research at any time up to the time of the initial write-up and all raw data was destroyed at the completion of the thesis.

### 5.06.03 Confidentiality

Confidentiality was ensured through the use of pseudonyms for participants, institutions, and people associated with the participant on the raw data transcripts, analysis scripts, and the final published thesis. The participants, my supervisor, and I, only saw the raw transcripts. Only the participant concerned and I could listen to the recorded tapes. Data storage also ensured confidentiality, all data was stored in a locked cabinet at the university, or during the transcribing stages they were kept secure at my private residence. Lockable satchels were used when transporting data and no data were stored on the hard drive of my computer, instead data were

stored on floppy zip discs with passwords attached to both the read/write functions. Again, at the end of 'my' research all raw data held by me were destroyed using the services available at the University.

#### 5.06.04 Beyond Medical Ethics: other issues needing addressing

Because my project moved beyond the medical code of ethics typically associated with positivist research (Flinders, 1992) I wanted to also address ethical issues associated with research of a negotiation nature (Lather, 1991). I found such an ethical code in David Flinders' 'writing'. This code Flinders labelled "relational ethics". Within "Rational ethics" the researcher is foremost concerned with "collaboration", "avoidance of imposition", and "confirmation". Hence, within 'my' research I attempted to involve participants in the "confirmation" of transcripts and in "collaborating" on a joint understanding. I endeavoured to establish an atmosphere of negotiation that avoided "imposing" my own agenda onto the participant (cf, Sections 5.02 and 5.03). I worked at conducting a research of "mutual benefit" where both the participant and I felt a sense of gaining something from the research, whether it was the final report or just a chance to discuss issues of imprisonment and research.

### 5.07 Moving Beyond the Experience of Ethics: moving into the field

With both the "medical" and "relational" ethical concepts addressed in my ethics proposal I submitted it to the committee and after addressing minor concerns such as correcting grammar and using university letterheads for participation information, I was ready to conduct my field work. However, the ethics experience for 'my' research was a double experience in that I needed to submit two separate applications. The first occurred with the Department of Corrections identified as 'gatekeepers', and when the Department confirmed that it was unable to assist in 'my' research, I needed to reapply for ethical approval. Consequently, ethics combined with the Department of Corrections procedures took four months and this had a negative impact on my thesis.

Thinking about ethics and Masters research, I could understand at the end why the university used the 'words' to state that in addition to literature candidates "may also add to this by their own

research” (Faculty of Humanities and Social Sciences Te Wahanga Aronui, 2002). The word “may” suggests that research is not a necessity and is a choice of the Masters candidate. Because research committee procedures at the university level are consistent over degree programmes a theoretically based thesis would have insured a speedier closure for me. For my ‘self’ as a Masters candidate the processes that held back my thesis resulted in a long delay that saw me losing a potential participant. The consequent reactions I had at time appeared in ‘my’ research journal:

*While all this ‘bull shit’ was occurring with things the participant that I was getting to know quite well got put back into prison – so by last Thursday I felt that my research was ‘one big joke’ – a label I’m still trying to shake off ... so now I have to decide ... I am beginning to fall for the document analysis as I am aware that a Masters thesis should show an indepth understanding of current literature and thinking – this also allows for indepth discourse analysis of positionings.*

(Research Journal 1: 8 October 2001)

Despite the obvious negativity seen in my above journal extract, and as the methodology shows, the research did proceed and in the following chapter I will discuss the effect of the research experience on my ‘self’ as a post-structural researcher. Although I recognised that the research experience would challenge and change me, the changes I experienced occurred directly through my interactions with Rene and Sophia, two ‘women’ who shared a moment of their lives with me. Two ‘women’ whom ‘you’ will finally get to meet on a more discursive level in the concluding Sections of Chapter 6.

## 6. Creating a New Narrative

### 6.01 There's No Turning Back Now: the dilemmas of interpretation

*Authoring and not determining a reality*

(Research Journal 1: 29 October 2001)

In the social sciences there is only interpretation. Nothing speaks for itself. Confronted with a mountain of impressions, documents and fieldnotes the qualitative researcher faces the difficult and challenging task of making sense of what has been learned. (Denzin, 1998, p.313)

Representation, of course, is always self-presentation. That is the Other's presence is directly connected to the writers' self-presence in the text. The Other who is presented in the text is always a version of the researcher's self. (Denzin, 1998, p.319)

*"Doin Wildcat" by Mudrooroo Narogin (1988) has made me aware of how I portray the participants in my research. The metaphor of filmmaking is well suited to the deconstructive effect of post-structural research. In Narogin's writing, Wildcat is very conscious of the deconstructive power of film and the authoring of himself by the director and camera:*

Like they cuttin' the flesh from me body. Suppose, later on they'll sew the pieces back together in a shape I most likely won't even like. Well, let it 'appen  
(Narogin, 1988, p.15).

(Research Journal 1: 22 January, 2002)

The selection of quotations introducing this chapter of 'my' thesis serves the purpose of introducing this part of 'my' journey as unstable and threatening both to my 'self' and potentially to those 'women' who participated in 'my' research. During the early stages of 'my' research, within the literature review and methodology construction, the participants of 'my' research were solely discursive 'women'. These 'women' were constructed and disrupted through my reading and illustration of the literature. To put it another way, the 'criminal woman' of the literature review had no 'flesh' she was composed from my own written interpretations of other authors' 'texts'. It seemed simple for my 'self', as a 'reader/author', to pull from these 'texts' the necessary 'words' to establish the 'argument' or the 'understanding' I wanted to present. The 'criminal woman' of the literature review was 'simple' to analyse because she presented her 'self' on one dimension, the 'textual', and as such she was manipulable to my interpretation.

Thus, the object of the discursive 'criminal woman' as written in, and by 'text', was similar to Foucault's (1977a, p.136) conception of the "docile body", which joined "the analysable body to the manipulable body". Writing, like Foucault's "disciplines", "makes individuals" in a process that is incredibly one-sided. The 'body' of the discursive 'criminal woman' portrayed in literature is an interpellated subject of discourses composed through and composing the knowledges of criminology and penology. Even after prison the 'woman' still carries the 'criminal' constitution given to her through the criminological and penological authoring of the prison institution and of the 'voice' of 'academic' literature. Further, for the purpose of this thesis, it was from the literature that my 'first' interpretation of the 'criminal woman' and her experiences in prison occurred. An interpretation without 'flesh', and without the complexities of bringing 'meaning' to the 'realities' of the 'voices' of those we call, or have called 'criminal women'.

Consequently, I have found my 'self' approaching the analysis of 'my data' with caution. The end product of 'my' research will create another written image of two 'women' who have had an experience in Aotearoa/New Zealand prisons. I do not want 'my' analysis to deconstruct<sup>49</sup> Rene and Sophia to a point that, just like a film director cutting and recreating scenes, the image I put together in the end becomes unrecognisable by them (Narogin, 1988). As such, even within the discursive limits of 'my' thesis I will attempt to allow some 'flesh' in. I will achieve this by acknowledging, and at points showing, that complexities of subjectivity and 'difference' shape these 'women' as more than 'inmate', more than 'criminal women', and more than 'women' (cf, Braidotti, 1994).

Furthermore, the very act of my presentation being a written 'interpretation' and another creation of discursive subjects, adds instability to any claim of my ability to communicate the 'reality' of imprisonment or confinement for Rene and Sophia. Denzin (1998) claimed that research in the social sciences can be nothing more than "interpretation", or another "presentation" of the author. Taking Denzin's definition, this analysis is not a 'deconstruction' of Rene and Sophia, but rather, a

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<sup>49</sup> By using the word "deconstruct" I am not referring to Derrida's post-structural analysis, but rather I am referring to an action of research that attempts to pull apart subjects or objects of research to create a 'new' narrative.

'textual' construction of 'me' as a 'researcher'. It shows what I look for in analysis, how I create/reposition and disturb the discursive 'subjects' of research and it shows within the 'spaces' between 'text', what I am missing out, overlooking, or am blind to (Foucault, 1977b). By placing the analysis and my 'self' as a 'writer' in this position I attempted several strategies to show that I too am a subject of 'my' research and later a construction of 'my text'.

## 6.02 Placing My 'self' in the Process: positioning the analysis

Rountree and Laing (1996), suggest to the humble post-graduate student embarking on the road of analysis that one should write down what they think the analysis will reveal beforehand. Despite doing this within a meeting with my supervisor, I found value in what Rountree and Laing were suggesting. The value lay within the reflexive action of research, which apparently if done correctly, occurs throughout the whole research process (Wasserfall, 1997).

As such, before I started the analysis I sat down to write the themes that were 'swimming' around in my head after the interviews. I found by doing this I first had to explain where I was positioned as a 'researcher', as the research process had changed me in two ways. First, being my methods of analysis and second, my understanding of the connection between discourses and subjectivity.

### 6.02.01 Repositioning the Researcher: methods of analysis

In contemplating the method of 'my' analysis I became aware that a deep deconstructive analysis of subjectivity might displace and create a 'false story' for those who gave their time to me to take part. During the interviews I became aware of how the system deconstructed 'women' through classification and then reconstructed them as 'numbers' or 'categories'. Although Rene and Sophia talked about it in different ways, this deconstruction and reconstruction was apparent for both of them:<sup>50</sup>

*To me they looked at you as a number not as a person.*

(Sophia, Interview 1: 28-29, my emphasis)

<sup>50</sup> See Appendix 5 for a reading guide to the quotations selected from the transcripts in this thesis.

*You are classified into a category of security classification.*

(Rene, Interview 1: 229, my emphasis)

*You know, you're umm, ... you're not flesh, you're not blood. You're an object.*

(Sophia Interview 2: 364-365, my emphasis)

*Again this new IOMs<sup>51</sup> you get categorised.*

(Rene, Interview 1: 1222, my emphasis)

These 'words' affected me deeply, challenging and changing the processes I went through to analyse the interview 'data'. My prior experience in qualitative coding of interview data taught me to follow three procedures (Anderson, 1998; Huberman & Miles, 1998; Richardson, 1998; Rubin & Rubin, 1995). First, read the data and establish categories. Second, for efficiency, number these categories with the last category being equivalent to 'other'. Finally move all data into one of these categories, or adjust categories so that all data fits. These procedures allow the researcher to see past the subject and to view the interview 'text' "as a distinct object for theorizing" (Wengraf, 2001, p.311). I felt that if I were to apply such procedures I would do to the 'women' who participated in 'my' research a similar deconstruction of the 'body' as what they had experienced in prison. This was reflected in my journal writing:

*A fear of turning my analysis into just another system is a real concern for me. I don't want to take the 'human' out of the 'subject', but I am scared that in this attempt I will reinstate a 'biological essential'. Or I may lean on something that I am aware holds some danger as the discourses I seek to challenge may sneak back in under the cover of biology.*

(Research Journal 2: 1 March 2002)

The consequences of this thinking occurred in my *Prior to Analysis*<sup>52</sup> writing where I considered my reading and treatment of the data I had collected. After writing the *Prior to Analysis*, I read through the literature review and interviews and identified all the points that 'stuck out at me'. Although the first interview schedule was composed of the same questions for Rene and Sophia, I did not read to cross-code, or compare, the answers given in the attempt to look for 'themes'<sup>53</sup> of confinement. Rather, I attempted to find 'themes' within each woman's description of their experience. As such, I

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<sup>51</sup> See Footnote 18 for a definition of IOMs.

<sup>52</sup> The name *Prior to Analysis* refers to the piece of writing completed before I started the analysis.

<sup>53</sup> By the word 'theme' I am not referring to consistencies within the interview data that would allow me to explain "what happened or [to] provide a description of the norms and values that underlie cultural behaviour" (Rubin & Rubin, 1995, p.229). Instead, the 'themes' I sought through my reading of and listening to the interviews were references, both reflective of, and in contradiction to, the knowledges of criminology and the practices of penology identified in the literature reviews.

read through each of Rene's and Sophia's interviews separately and looked for 'themes' occurring within their 'words'. I then looked at the themes presented by the 'voice' of literature and endeavoured to visualise how Rene and Sophia positioned their 'selves' within, out of, and next to, the position of the 'criminal woman' as 'written' through criminology. My journal writing at the time described further my reasoning for this:

*The body is more than a discursive site that situates an individual into the world by metaphors of flesh and blood. Discursively the body is written physically, mentally, spiritually, culturally, emotionally etc. In a prison where an attempt of power/knowledge seeks to reconstitute 'women', we can see all these rewritings occur. However, because differences exist on many levels (Braidotti, 1994) the rewriting will be quite different for each 'individual'. But, what this rewriting is seeking to do will occur through similar practices based on 'universal' criminological and penological assumptions.*

(Research Journal 2: 3 March, 2002)

During the interviews, what came through for me were the 'differences' of experience for Rene and Sophia. It was clear to me at the time that one reason for this was that Rene and Sophia were 'different'. However, each participant had shared the experience of having practices work upon their 'bodies' in an attempt to 'rewrite' who they were. By focusing on the whole interview for each participant, I endeavoured to understand the 'differences' and 'similarities' on a level where I could also see the effects of power/knowledge.

Once I had identified the 'themes' within the interviews I took all the identifying tags off the pages and began to listen to the tapes:

*I did this because I d[idn't] want to feel trapped by the tags on the pages, which look[ed] for themes rather than taking the 'words' in their entirety ... I felt I needed to move my eyes from the written word and begin to listen again to the voices of myself and those I interviewed ... I ... listen[ed] until I c[ould] see things clearer – instead of a saturation effect of many interviews (Strauss & Corbin, 1998) or burying myself deeper in written data – I w[anted] to experience the effect of burying myself in the spoken word.*

(Research Journal 2: 11 March, 2002)



By listening to the spoken word as well as working with the written transcripts, I came to a place where I could connect the 'words' back to the 'person' who spoke them. To me this was important, as I wanted to see the 'person' in their fullness and not just as categorised interview data:

*The tapes have achieved something – I do see the women I interviewed before the text and not vice versa. As such, I am aware that my analysis cannot focus on subjectivity alone but must allow practices to be analysed.*

(Research Journal 2: 18 March, 2002)

### 6.02.02 Repositioning the Researcher: the connection of discourse and subjectivity

As the last snippet from my journal suggests, the concept of subjectivity and how it should be analysed has been a major part of 'my' research. Before I started the interviews, the literature review left me with a desire to use this thesis to challenge 'gendered' discourses both within the penal institution, and within society in general. The literature left me angered at the restrictive discursive space given to 'women' and I 'saw my job' as subverting this space in order to open it up. However, this was challenged in my experience of interviewing 'women' and later hearing Kathleen Quinlivan (2001) speak about her experiences sharing post-structural theories to secondary school teachers. As post-structural researchers, in questioning or attempting to rewrite those discourses that constitute 'us', there is a danger that 'we' leave our 'selves' with nothing, or 'we' question, without permission, the 'identity' of our participants. Hence, a dilemma I found with post-structural research had been the potential to create a:

*Disruption between theoretical notions or thinking of the 'self' and the subject's 'desired' 'self'.*

(Research Journal 1: 13 December, 2001)

I used Butler (1999) to understand and create some repose between the post-structural 'need' to question the discourses that constitute 'self' and the 'desire' to not damage the 'self' that is constituted by discourse. Butler's concept of the "performative" achieves such balance, as it allows one to recognise the 'body' as a surface that is 'written' upon by discourse and to understand how one "performs" discourse. As such, Butler's performative can be seen as a "strategy of survival" manifested within the repetitive actions of the subject who is continuously taking-up, challenging, and rewriting discourse. Butler's performative re-directed my thinking into seeing how subjects

resisted being subjected to a rewriting of their 'selves' into a certain position by reconstituting the 'selves' excluded from the position they were being 'written' into. In my *Prior to Analysis* thinking, I coined this action as a 'reflexive discourse'. This term 'reflexive discourse' I will not pursue in this thesis but will introduce to show my change of thinking. By using the term 'reflexive discourse' I could visualise a discursive site of resistance where subjects, such as Rene and Sophia, drew upon their constitutive 'selves' to resist being 'written' into the discursive space of the 'criminal woman'. Many times these constitutive 'selves' had been denied, by definition, a space in the position of the 'criminal woman' and consequently, through taking up of another 'self' Rene and Sophia challenged and disrupted the position of the discursive 'criminal woman' causing instability to a term once seen as stable. As such, I viewed Rene and Sophia as palimpsest<sup>54</sup> 'bodies' of authoring.

By viewing the 'body' as palimpsest and bringing the understanding that the 'individual' is constituted by many subjectivities, it is possible to view the complexities between the relationship of discourse and 'body'. Instead of viewing the job of the researcher as the 'scratcher', who through analysis peels back the layers of writing to come to an understanding of the constituted 'body'. Using a focus on how subjects reconstitute their 'selves', I found that one could view the 'body' as already 'scratched'. Consequently, during times of 'rewriting', such as the prison experience, past constitutive layers remained and 'subjects' 'subconsciously' pulled from these 'scratched' layers to reflect upon, take-up, resist and reposition their 'selves'. Hence, exploring how subjects reconstitute their 'selves' allows a different angle to view the complexities of discourse and the discursive 'body' through the 'words' of the subject.

The change of position for 'me' as a researcher both methodologically and in my views of subjectivity and discourse affected the position of 'my' research.

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<sup>54</sup> The word palimpsest refers to a parchment composed of layers of 'writing'.

### 6.02.03 Repositioning the Research: digging into practices of writing.

Being a student of post-structural analysis, I wanted a 'text' that could give me a step-by-step procedure to effective analysis. I found 'how-to guides' in Kendall and Wickham (1999) and Lindsay Prior (1997), but both were limited to an historical 'text' based analysis. So consequently, I turned to examples of post-structural analysis, such as Walkerdine (1992, 1997) and Honan et al. (2000). Again, I felt limited with what these examples gave me. In desperation, I turned back to Foucault and finally found a way into exploring confinement and the complexities of power/knowledge. Foucault, in *Questions of Method* (1991, p.75, author's emphasis) emphasised that "*practices* should be the target of analysis". Hence, using the term "practices", one is able to look at the institution of the prison as a site of 'authoring'. That is, a site where the 'criminal woman' becomes 'authored' through the penological practices exercised upon her 'body'.

By bringing Foucault's (1991) focus on practices into 'my' analysis, a further connection to Butler (1999) occurred. Butler emphasised that the performative writing of the 'gendered body' is achieved through the 'individual's' repetitive practices. That "it is only *within* the practices of repetitive signifying that a subversion of identity becomes possible" (Butler, 1999, p.185, author's emphasis). Consequently, by combining Foucault and Butler one can see that the 'body' is written through practices and that the 'body' can subvert or challenge certain positions through its own practices. To move this back into the way I have pulled from Butler, by focusing on how Rene and Sophia 'speak' about their prison experience, it is possible to see how they resisted penological attempts to 'rewrite' them through the constitutive positions that they brought to their 'words'.

So with this 'developed' understanding of reading for practices and a more 'developed' picture of the 'women' I interviewed, I revisited my methodology questions (Section 5.01). What I found was that I needed to move from the answering of questions to the identification of practices of penological authoring and consequently the 'words' of resistance used by the participants. I felt that I could no longer offer answers but instead I needed to work within the words 'criminal woman', by exploring the sites of contradiction where the discursive 'criminal woman' became disrupted

through 'her others'. But before 'we' move into the analysis I feel it now is time to introduce to 'my' 'writing', Rene and Sophia and their constitutive 'selves'.

### 6.03 Positioning the Participants: introducing Rene and Sophia

When I first composed the interview schedule I purposely did not ask for any demographic features about the 'women' I would interview. My feeling at the time was that demographic focused questions tended to create a 'research picture' of those researched (Willig, 2001). These questions added the possibility that the researcher would ignore aspects that the participant considered important to them. Or, through focusing on specific aspects demographic questions would highlight factors that the participant considered unimportant. Consequently, I listened, read, and pulled from the interviews to 'understand' and construct a picture of two 'women' who had an experience of confinement in Aotearoa/New Zealand prisons. Not only will the following descriptions introduce Rene and Sophia, but also they will pave the way for the analysis that follows. The picture painted of these 'women' will show, through the later analysis, how the reconstituting 'words' of Rene and Sophia reflected the palimpsest scratches of 'writing' on their 'bodies'.

#### 6.03.01 Introducing Rene

Rene was the first person I met for this project. Our initial contact occurred via e-mail during the final stages of my second ethics submission. So, by the time of the first interview we had already established some 'rapport'. Rene had recently finished a prison term for a property offence<sup>55</sup> in Hardnut Prison.<sup>56</sup> Rene was in her mid-thirties when she started her prison sentence and consequently had some years of "life-experience":

*37 years old when I go[t] to prison, I'd been independent really since the age of 12. Umm, well travelled ... okay so I made some poor choices which led me to where I was, umm. But generally I could look after myself. I wasn't overly [pause 2 secs] afraid of being confronted or confronting someone else, umm, very well rounded, as in ... life skills.*

(Rene, Interview 2: 506-512)

<sup>55</sup> I have generalised Rene and Sophia's offences into the codes used by the Police and applied by the Corrections Department in the 1999 census (Rich, 2000). There are six codes applied to offences, that of: violence, sexual offence, property, drugs, traffic, and miscellaneous. By generalising Rene and Sophia's offence into these codes, I am endeavouring to provide autonomy to their identity in this writing, and, further to show that in finding participants I have followed the ethical conditions of confidentiality negotiated with the School of Education Ethics Committee at Victoria University.

<sup>56</sup> Pseudonyms have been substituted for place names and the names of institutions in all the quoted transcript selections through this thesis.

Rene's age and life experience as a 'woman' played a major part in her discussion of her prison experience. Rene described her 'self' throughout the interviews as "mature" and as an "adult". Consequently, much of our discussion explored how prison affected these positions for her. In addition to her age and maturity, Rene also described her life 'before' prison. Rene had, previously to prison, been an "independent" "working" 'woman'. She did not have a secondary school qualification, but had "applied herself" in her professional working career:

*I'm, ah, overly not well educated, as in I didn't get., stay for School C et cetera. But I've applied myself throughout my working career and.., you know I did definitely have a career field in a successful [professional]<sup>57</sup> career.*

(Rene, Interview 1: 516-518)

Rene also had comments about being a 'woman' and what she felt a 'woman' was:

*I believe that every woman has a maternal instinct, the nurturing instinct.*

(Rene, Interview 1: 411)

Even though Rene's 'words' about "every woman" were relatively few in the interviews overall, in later coming to understand what Rene was saying about her 'self' as a 'woman' and about 'women' were extremely important to my 'self' as a researcher. In addition to a "maternal" "nurturing instinct", Rene referred to other aspects of being a 'woman'. Specific examples of these included the "emotional" aspect of women's personalities, "PMS", and the physical "body's" needs. Furthermore, Rene specifically linked the prison environment to the ways in which these aspects were treated and manifested. To Rene, being a 'woman' was important and, in her 'words', the prison did not provide a "conducive environment" for 'women'.

Finally, in addition to her age, professional career, and position as a 'woman', Rene was also conscious about other aspects of her 'self', such as the physical, spiritual, emotional and cultural<sup>58</sup> dimensions of her 'body'. These were important to Rene and the needs of each of these dimensions held a significant proportion of the 'words' said in both interviews. During discussion

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<sup>57</sup> I have omitted and replaced Rene's previous occupation to ensure her autonomy in this writing.

<sup>58</sup> Rene's cultural and ethnical dimension of her 'self' can not be 'identified' through the 'words' she expressed during the interviews, and consequently remains 'invisible' in this thesis. However, it should be noted that for Rene, culture and ethnicity played a major part of her 'self' and her experience of prison.

on these needs, Rene's 'words' connected her needs to her consciousness of her 'self' as an 'individual body'. Sophia, on the other hand, described her 'self' in an ecological sense, connecting her 'self' to aspects outside of the concept of 'individual'.

### 6.03.02 Introducing Sophia

Sophia joined the research in early 2002. We did not have the chance to 'get to know each other' to the same extent as Rene and I did, but by the end of the second interview I had begun to get a picture of Sophia through her 'words' and personality. Sophia, like Rene, had completed a term of confinement at Hardnut Prison for a property offence. She was an "older" 'woman' who described her 'self' as "soft". For example, in talking about relationships between the 'inmates' in the prison Sophia referred to both her age and her softness:

*I find with the older, like I'm lucky I went in there at this age, if I was younger I would of got hassled because I'm a soft person anyway.*

(Sophia, Interview 1: 223-224)

Although we did not 'explore' what she meant by the word "soft", in the second interview Sophia explained her personality a bit more and how it led to her crime:

*Some of us, like with me, my heart was just too big ... and I would always give, give, give, whether it meant me going down.*

(Sophia, Interview 2: 595-596)

The reference to "giving" defined for me what Sophia meant when she referred to her 'self' as a "softie" or as being "soft" during the interviews. To be "soft" was to be malleable and, at times, 'yield' to the requests of the others in her life. In addition to "softness", when Sophia talked about the 'individual' effects of confinement, she referred to her 'self' mentally and how in order to survive the "crushing" effects of prison one had to be "strong":

*You've gotta be able to be very mentally strong.*

(Sophia, Interview 2: 603)

Moving from the 'individual' effects of confinement Sophia's references to being a 'mother' and a 'wife' dominated much of our discussion of her prison experience. At many points of the interview,

Sophia's references to her 'self' as a 'mother' and 'wife' appeared to include external dimensions, such as the 'family' on the outside of prison:

*The thing that really haunted me was knowing that my husband and my children were on the outters struggling just to get a milk and a bread. Yet I'm in there ... run as much hot water as I like, and, and I get fed on time and I never miss a meal, you know. You never having to look in the cupboard for something, and, and I felt guilty on that part [...] I mean you get salads, and you get a sandwich, fruit everyday, fruit [emphasised]. I can't even buy my kids now a banana. I haven't had fruit since I've come out.*

(Sophia, Interview 1: 147-155)

Sophia's 'self' included a 'family' on the outside<sup>59</sup>, and her 'words' throughout the interviews reflected an awareness of the 'physical', 'financial', and 'emotional' needs of her 'self' and her 'family'. Consequently, it appeared throughout the interviews that the dimensions of 'mother' and 'wife' affected Sophia's experience of prison, both as an 'individual' and as a 'member of a family'. Sophia's positions of 'mother' and 'wife' also affected her image of what her needs were as a "human" and further her references to being a 'woman'. Sophia described how for her it was "natural" to want to know how her 'family' was surviving:

*It's natural to wanting to know "How's my husband, how's my child, how are they coping?"*

(Sophia, Interview 2: 204-205)

Sophia's 'words' of her prison experience centred on who she was as a 'mother' and as a 'human'. Sophia's community also played an important part of her 'self' and the 'words' she used to describe her experience in prison. Indeed, 'culturally' her 'family' was much wider than the institutional setting of the home, since it included other aspects of society. For example, in discussing how her "strength" came from her children and how she also "gave strength" to her children, Sophia mentioned her children's school, the local Kura Kaupapa<sup>60</sup>:

*I'm really fortunate, I mean even the whanau at the Kura, oh the open arms, they're so proud of me.*

(Sophia, Interview 2: 761-762)

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<sup>59</sup> By claiming that a 'self' could include a 'family' I am moving from Western theories of the autonomous 'individual' and moving more to an ecological and holistic niche based picture of 'self' (for a comparison and description of niche theories see Super & Harkness, 1997).

<sup>60</sup> Kura Kaupapa refers to schools in which te reo and tikanga are the central methods of learning and teaching. That is, where Maori culture and language are the means of instruction.

As shown in the 'words' above and as talked about in the interviews by Sophia and my 'self', Sophia's 'cultural' self also affected her image of 'self',<sup>61</sup> especially in the holistic connection of her 'self' with the wider social structures. As such, Sophia's experience did not focus on the 'individual' effects alone but also focused on the 'family' effects.

Sophia and Rene were, and are, two very complex and very 'different women' who presented their 'selves' as more than just the 'crime' that saw them residing in a prison. The purpose I had in introducing each 'woman' through the 'words' from the interviews, was to show how these complexities existed even in a controlled context, such as the interview. I know that these descriptions missed out many constitutive dimensions of Rene and Sophia, because the written word limits me in what I can portray, and my own constitutive positions limits me in what I can read and how I can read it. Rene and Sophia however 'different' they were, and still are, shared the experience of confinement in a prison. In the following, I will endeavour to portray the experience of confinement for Sophia and Rene.

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<sup>61</sup> The Maori culture constituted one dimension of Sophia's 'self'. For my 'self' as a Pakeha researcher I did see a 'need' in the interviews to talk to Sophia about her feelings about talking to a Pakeha researcher. But in talking about 'culture' and its effect on the research context I also saw a need with both Rene and Sophia to speak of other dimensions as I differed to both of them in many ways. Talking about differences helped to 'balance' the interview context, however as spoken about in Methodology (Section 5.03) power relations needed to be addressed throughout the interview. Consequently, I found despite cultural differences the most 'powerful' dimension that needed addressing for my 'self' was that of my 'self' as a 'researcher' and an 'author' and how I was potentially going to use the 'words' given to me by Rene and Sophia.



## 7. An Analysis of Description and Interpretation

### 7.01 Introducing the 'Themes' of Analysis

In moving from 'my' research questions (Section 5.01) to 'themes' that would enable me to describe and explore the experiences of confinement for Rene and Sophia, five 'themes' appeared in the interview 'data' for me. These 'themes' allowed me to explore the feminist post-structural concepts of power/knowledge, subjectivity, and practices (Section 1.02) whilst conveying the confinement experiences within its 'limitations' and 'probabilities'. The 'themes' were:

- the physical environment of the prison institution;
- the shape of penological power, or the 'rewriting' of the 'body' through institutional practices;
- the shape of penological power relations, or the complexities of power and resistance;
- the shape of 'resistance', or the 'rewriting' of the 'body' through reconstituting practices; and
- the 'written' 'body' returned to society.

In the following sections I will travel the road set by these 'themes' and amplify each 'theme' with the 'words' of Rene and Sophia. Further discussion and interpretation from my 'self' as a researcher will also occur.

### 7.02 The Physical Environment of the Prison Institution

Stones can make people docile and knowable. The old simple scheme of confinement and enclosure – thick walls, a heavy gate that prevents entering or leaving began to be replaced by the calculation of openings, of filled and empty spaces, passages and transparencies (Foucault, 1977a, p.172).

In *Discipline and Punish*, Foucault (1977a) described how the architecture of a society's institutions reflected the dominant discourses within a society and controlled the ways in which power, through an 'established' knowledge, moved through, and around, the 'individuals' within an institution. Past research on women's experiences of confinement in Aotearoa/New Zealand prisons has been lacking in discussion or analysis of the architecture. The closest descriptions I could find was from Kingi (1999), who described how the architecture of the prison made her feel threatened as a

researcher, and further Pratt's (1992, 1997b) discussions of the differing architecture of the Pentonville Prison and the Elimira Reformatory. Consequently, I was interested to hear how Rene and Sophia talked about the physical environment, how it portrayed itself, and how it gave them control or took control from them.

Despite not having any interview questions about the experience of the holding cell, for Rene and Sophia the holding cell, whether at court or the Police station, was described as the "hardest part", or the most "traumatic" part, of the confinement experience:

*Umm ... funny enough the hardest part of all was the actual Police cells ... was actually a lot worse than in prison.*

(Sophia, Interview 1: 15-16)

*For me the holding cell ... at the courts, I was at Hardtown District Courts and for me that was more traumatic than the.., than physically going to prison itself because ... there's.., although wo.., men are segregated from women in there, umm, there are four, I think, holding cells at the back of the court and it's really substandard. It's, a lot of graffiti, a lot of excrement on the walls, it's just a concrete jungle. Basically it's a concrete room with a concrete bench and with a stainless steel toilet. No toilet seat predominantly, usually you have to ask for toilet paper.*

(Rene, Interview 1: 22-27)

Rene started her discussion by taking 'me' into a 'visible' discursive image of the "holding cell". A space of 'gendered' segregation. A "concrete jungle" of "substandard" conditions. The holding cell appeared through Rene's 'words' as a 'space' of enclosure and control. Carlen (1983, 1985, 1987), Belknap (1996), and Devlin (1998) described the prison as a place that made 'women' "invisible" through contradictions. Hence, it was in this holding cell that the invisibility of 'women' started for Rene through the absence of a toilet seat. This absence of the toilet seat signified the start of a confinement experience, which attempted to 'rewrite' Rene as 'other than woman' by introducing her to an unmarked 'masculine' environment.

One argument for the absence of a toilet seat in this 'masculine' environment comes from penology and statistics. Statistically, prisons have accommodated more men than 'women' (Rich, 2000). Policy and subsequent penal practices have been directed at the highest proportion of the penal

population (Department of Corrections, 2001a, 2001b, 2001c; Lashlie & Pivac, 2000). As such, it was in the holding cell that Rene was classified as 'woman' and thus segregated, but in contradiction to this, she was treated as a 'gender-neutral body', that is the unmarked male (Davies, 1994). She had to find another way of using the toilet. Rene was classified as 'woman' but through the contradiction of the environment she was portrayed as being not 'woman'.

Further to this, Rene's use of the word "jungle" suggested that the "holding cell" was a place that treated her as 'other' than 'human'. This "jungle" was "concrete" and absent of any forms of 'nature' but it did manifest the 'animal' marks of a 'territory'. Despite having a toilet, this holding cell had 'territories' marked out by previous occupants through "excrement" and "graffiti". The holding cell reflected Lombroso's (1895) theories of atavism and criminality, where the 'gendered criminal', whether 'male' or 'female' was visualised and 'written' as "primitive".

Once through the holding cells both 'women' described Hardnut Prison in a similar fashion. Connecting it to other institutions of confinement or normalisation in society, such as the school:

*So it was very much like a dormitory effect, and it was old, it was dilapidated ... if you went off the wing. I mean there were few, there were very few people who had walking privileges, so if you went off the wing you usually had to be escorted by an officer [...] basically all you really saw were corridors ... because once you enter the institution apart from going to the administration [...]. You really were down in the institution side, which is just one main corridor and the wings run off the corridor. And like I said, if you..., in your wing you don't get to mix into someone else's wing. Umm, each wing does have a little courtyard ... umm, we had one that you..., where we actually had a garden [...]. It wouldn't even be half a rugby field. Maybe quarter of a rugby field size. And ... your clothesline facilities were out there as well. So you didn't have, it wasn't like we could go out and play touch rugby or anything like that. Umm, everything was indoor activities ... umm, ... very stark, cold environment.*

(Rene, Interview 1: 717-739)

*A long corridor. It actually reminded me of college. Walking down those long corridors and then you walk into a classroom and then that's another long corridor with a wing, umm, and then you just have a square piece, that's your quad. Umm, you were lucky ... to be outside, to be able to sit outside in the quad. Cause you have to wait for the officer to open it and if the officer doesn't feel like opening it. He or she won't.*

(Sophia, Interview 1: 598-601)

For both Rene and Sophia the architectural environment of the prison reflected that of a “dormitory” or a “college”. The environment of prison was an enclosed and controlled space where “corridors” and “wings” controlled movement, and “officers” and architecture controlled the space occupied by Rene and Sophia. The design of the prison into “wings” allowed for the further control of the ‘inmates’. For example, “wings” ensured that certain ‘inmates’ lived together and did not “mix” with other “wings” in the building. Rene and Sophia both described the wings as spaces of security classification, such as “low”, “low-medium”, “medium”, and “maximum”. Rene described how they kept a certain type of ‘inmate’ in each wing, and consequently, how her wing was given a name that reflected the types of ‘women’ within:

*Generally they keep the wings sort of ... customised ... I'd call it, because, depending on your security classification, and I've always been minimum ... I went straight into the ... some people call it the retirement village [in Hardnut Prison], because ah, it's the more mature minimum women offender.*

(Rene, Interview 1: 589-593)

The combination of the architectural control of movement through classification, and the division of the building into corridors, allowed the operation of disciplinary power in the prison to be centralised on Rene’s and Sophia’s ‘bodies’ (Foucault, 1977a). To illustrate this point, in the earlier comments of Rene and Sophia on their freedom of movement in open spaces, Rene spoke about the need to have an “officer” as an “escort”, and Sophia spoke about needing an “officer” to open a door into the “quad”. Rene and Sophia, in the position of ‘inmate’, needed to be watched in open spaces, they, to use Foucault’s ‘words’, needed to be under “surveillance”. In addition to ‘officer’ surveillance, camera surveillance was a method specifically incorporated into the architecture of the prison:

*I was put in a hold.., into an observation cell, which had a camera [...]. But you're also under a camera for twenty-four.., well for the period that you're in that cell. And in that cell is also your toilet So you go to the bathroom you are being constantly watched.*

(Rene, Interview 1: 75-79)

*That wing, the new wing to the old ones, umm, ... yeah, you're, you didn't have to wait for an officer to op.., unlock the door so you could go and sit outside ... you got through the corridor and then they unlock the door and then you go straight into open, it's ah, how is it shaped? [Pause 3 secs]. Yeah like a horseshoe [draws shape with hand in air], with a square around*

*here. But then you've got, umm, what do you call it, not patios, in one area you've got a roof shelter [...] it's the clear plastic and you, you could feel the heat, you walk through that, and then you come out to the square part which is all open air. So, you know..., and you sought of felt "Oh, this is good," and you had the volleyball net up there, you could play whenever you wanted to. You didn't have to wait till it was your time to go to the gym. So that was all the positives that I could see. Umm, one negative was the cameras [laughs] [...]. I said to my case mother,<sup>62</sup> "You know want, you know the bad thing about this place?" She said "What's that?" and I said to her "I forget that the cameras are there." She goes "That's good, that's good that you forget the cameras are there [laughs]." I said to her "I've got nothing to hide anyway"*

Why did you find it bad originally?

*The cameras?*

Yeah.

*Oh, because I found most girls would start sneaking. They become more cunning, that's what I saw about the bad part of the cameras. Umm, not only that, it was like, umm, ... even though you've got no privacy in prison but you would like to have some kind of privacy without someone sitting at the main office watching you eat. Or watching you do [exercise].*

(Sophia, Interview 1: 617-670)

Both Rene and Sophia experienced camera surveillance during their period of prison confinement. A type of surveillance that demonstrated a "visible and unverifiable" (Foucault, 1977a) power upon Rene and Sophia. They could see the source of power, the camera, but they were never aware of when they were being watched. So, for Sophia, in a space that offered her 'freedom' to the extent that she could choose when to move in and out of the open space of the courtyard, her movement into the courtyard evoked an invisible power. For Rene, her experience of being in a "holding cell" after being defined as "at-risk" during "reception" into prison, placed her 'under' power for her own 'protection'. For both Sophia and Rene, the addition of a camera into the prison demonstrated how the architectural control of the movement of power centralised the effect of power on their 'bodies'. Both were aware of being watched and both expressed this awareness through descriptions of this power on their 'body'. Rene could not go to the toilet, and Sophia could not eat or do exercise without the constant awareness of being watched.

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<sup>62</sup> Sophia called her case manager in the first interview a "case mother," this 'slippage' of 'words' shows a structure of power within the prison similar to that of a 'family' (cf. Section 6.03.02) with 'case managers' as 'parents', and 'inmates' as 'children' (cf. Sections 7.04.04 and 7.04.05).

In talking to Rene and Sophia about the architecture of the prison I was able to see how the power circulated within the architectural design of the prison (Foucault, 1977a). Movement and space was controlled, and surveillance was a practice that was incorporated into the design of both the open and the confined spaces. In the discursive position of 'inmate' Rene and Sophia's 'bodies' became the effect of power in this architectural environment. In the following I will explore the shape of power in more depth by looking at the penological practices exercised upon Rene and Sophia.

### 7.03 The Shape of Penological Power: 'rewriting' the 'body' through institutional practices

To expose the shape of power with the 'words' of Rene and Sophia is both simple and complex. Both 'women' described an environment of confinement in the prison, which consisted of rules, regulations, structures, regimes, and procedures. The ways in which Rene and Sophia experienced these 'words' of power depended upon their "security classification", "numerical category", and "sentence planner". Hence, the 'thematic' pattern within their 'words' and the ways in which these 'words' reflected penological literature was comforting. But Rene and Sophia talked about penological 'power' practices differently, they talked through their own subjectivities. Furthermore, being an "effect of power" (Foucault, 1980e), the power exercised through penological practices, attempted to 'rewrite' Rene and Sophia with the same pens, but in different ways. The pens of 'rewriting' that I will focus on in this analysis are the penological practices of classifications,<sup>63</sup> rules,<sup>64</sup> regulations,<sup>65</sup> procedures,<sup>66</sup> and regimes.<sup>67</sup> I will start by looking at classifications.

#### 7.03.01 Classifications

Classification is a specific procedure carried out by the prison institutions under the conditions set by the *Penal Institutions Regulations, 2000*. Subsequently because classification is also a

<sup>63</sup> Classifications refer to the category an 'individual' is placed in after being assessed through OCS (Lashlie & Pivac, 2000).

<sup>64</sup> Rules refer to the specific orders and conditions placed on 'inmates' by the prison they carry out their prison sentence in.

<sup>65</sup> Regulations refer to those conditions set out in the *Penal Institutions Regulations 2000*.

<sup>66</sup> Procedures refer to the management and administrative 'systems' in which institutions cover the regulations set in the *Penal Institutions Regulations 2000*.

<sup>67</sup> Regimes refer to the activities in a prison day and the timetabling of the prison day.

procedure, I could have chosen to place my analysis of classifications under Section 7.03.04. This was a decision I chose not to make because of the importance that penological literature has placed into discussing classifications, and the place that the classifying of inmates holds in the institution and society (cf, Criminal Justice Policy Group, 1998; Farr, 2000; Foucault, 1977a; Lashlie & Pivac, 2000). Hence, I will begin this discussion of the institutional practices with classifications and the 'words' of Rene:

*Umm, but again they use that 'one size fits all' category, they do try to. Keep all the old women together but the security classifications are done by ah, ... a rating system. So it depends on one: your age, two: your crime, and whether you've got any history of violence, as to which security classification you get put in. So a relatively new inmate, whether they be 18 or 60 would probably fall into a high classification – at least for a couple of weeks. And like I said those needs are vastly different.*

(Rene, Interview 2: 187-192)

As Rene and I talked about how the needs of different aged 'women' were not being met, Rene described to me her experience of classification and the "one size fits all category". Although the word "classification" stems from the treatment-first penology (Foucault, 1977a, 1988c; Pratt, 1997b), Rene's 'words' suggested another form of knowledge and power revolving outside of the language of the 'treatable criminal'. Rene spoke of "classification" as a process based on "security", one that ignored 'inmate' "needs", and one that exerted a "one size fits all approach". 'Words' pulled from a newer knowledge of penology where "systems and "management" have become the function of penal practices (Brown, 1994; Caird, 1999; Feeley & Simon, 1992, Section 3.04).

In such an environment, Rene's 'body' as one portrayed by her 'self' through a language of "needs", became invisible to "budget constraints" and "accountability" structures. In the first selected example, Rene pulled 'words' from her 'professional' 'self' in describing how the prison met her needs by using a metaphor associated with business decisions and found in political dialogue of the criminal justice system, that of "the too-hard basket" (Williams, 2001)<sup>68</sup>:

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<sup>68</sup> Williams' (2001) book, *The Too-Hard Basket: Maori and criminal justice since 1980* is an investigation into political administration of the criminal justice system of Aotearoa/New Zealand. In a talk about her book, Williams (2002)

Why do you think the needs of women in prison were not being met? Do you have any thoughts on that? You've talked about the 'one size fits all' is there any other reasons?

*Umm, budget constraints I would say plays a big part. Ah I would probably be inclined to think that it would be ... put into the too-hard basket So they don't want to deal with it. Because you got to remember all, all these management decisions are not made at institution level either. They've got guidelines which they have got to run by, they are accountable to people higher than them who are accountable to government, who are accountable to the general tax-payer, Joe-public.*

(Rene, Interview 2: 204-210)

Classification was not directly discussed indepth with Sophia, however she did speak of being within a "system" of confinement in prison. When the concept of "system" was discussed in the second interview, there appeared a tension between Sophia's 'human' 'self' and the 'object'ive 'authoring' powers circulating within the system:

*How they [the inmates] challenge it is by saying "We're humans don't treat us like ... like we're a number." You know "We've got feelings and we've got emotions and ... to hang with what's written on your blimmin paper" sorry but [laughs].*

So would you say that the system then treats inmates more like numbers?

*Oh yeah, to me, that's what, yeah, you're just a number and ... you've got no feelings, you know you're umm ... you're not flesh, you're not blood. You're an object like a table or a chair that's just there, don't talk. That's how I., that's my way of seeing the system, mm, yeah.*

(Sophia, Interview 2: 359-366)

Sophia's reference to the penological practices that treated her as a "number" or "object", demonstrated a power/knowledge strategy that attempted to 'author' and consequently 'classify' her as being 'other' than "human". In such penological attempts, the dimensions Sophia defined her 'self' through, that of "feelings", "emotions", "flesh", and "blood" were removed. Sophia was discursively in her 'words' left in the state of an inanimate "object", being no longer able to speak, she was left to be defined through a piece of "blimmin paper".

Through a classification system pulled from the language of the outcomes-first penology (Section 3.04), Rene and Sophia's descriptions of classifications and systems moved from the position of 'woman' and 'human' to "budget restraints" (Rene), and "numbers" (Sophia). As classified 'objects'

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described how a need existed in Aotearoa/New Zealand to take Maori issues concerning criminal justice out of the "too-hard basket" to place into the "in-tray."



they were taken to a confined place of definition, within this space further practices continued a process which attempted to 'rewrite' Rene and Sophia's 'bodies'. One of these practices was that of rules.

### 7.03.02 Rules

A common theme discussed by authors in the literature of intersections (Chapter 4), was the effect of rules on 'women' inmates (e.g., Bosworth, 1999; Carlen, 1983, 1998; Dalley, 1993a; Girshick, 1999; Hampton, 1993; O'Neill, 1989). Rene and Sophia spent much of their time speaking about rules in the first interview. Both talked about two types of rules. The first type of rule was clear and written, such as "cell standards". The second rule was dependent upon the 'officer' on duty. In order to limit this part of the analysis to the effect of rules as a penological practice, I will concentrate on a specific aspect of Rene's and Sophia's responses, that of contrabands, or prohibited items:

*Women play the emotional mind games and..., as well as the physical. But umm, oh yeah. They will push ... every limit. I mean something that you would think is totally ... just an everyday item ... some of the women inmates can turn around to something that either is..., can be physically used ... or substance..., become a substance to get them high. It's stupid, you take for granted the fact that, you know perfume, ... we are not allowed perfume in prison, because of the alcohol in it, they drink it. I mean, how ludicrous. Not allowed glass cleaner because they smell it and get high ... you know it's just, some of them are so substance dependent.*

(Rene, Interview 1: 888-895)

In our discussion on how 'women' challenged rules in prison, Rene's 'words' offered a description reflective of her 'self' as a 'mature woman' and a 'feminine woman'. The objects referred to by Rene, that of "perfume" and "glass cleaner", engender 'feminine' and 'domestic' discourses. Sophia's description of the rules in prison situated her into a 'different' 'self', that of a 'mother', but at the same time accomplished a similar picture to Rene's 'feminine woman':

*I expected rules, umm. Some of them were rather pathetic [laughs] ... oh, but I guess they were put there for a reason, they had to be put there for a reason and it's only because of past inmates. Umm, like Vicks, you are not allowed Vicks when you got the flu, you are not allowed to have Vicks and see well that's what my mama use to put on me, is Vicks.*

So why's that?

*They would use the Vicks to hide the smell of drugs.*

(Sophia, Interview 1: 350-356)

In Sophia's description of "Vicks", an image of the 'nurturing mother' comes through in her reference to her own "mama" putting "Vicks" on her when she had a cold. The objects of "Vicks", "perfume", and "glass cleaner" discursively used by Rene and Sophia created a 'contradictory' picture as they situated the 'criminal woman' within, and out of, the 'selves' of Rene and Sophia. The 'nurturing value' of "Vicks", the 'feminine value' of "perfume", and the 'domestic value' of "glass cleaner", all became, in the selected quotes, 'dangerous' objects for the 'female inmate' as defined by criminology (Chapter 2). A 'woman' who through discourse sprung from the 'words' of "darkness", "deceitfulness", and "irrationality" (Heidensohn, 1996; Kruttschnitt et al., 2000; Pearson, 1997; Pollak, 1950). A 'woman' that displayed 'deceitfulness' and 'irrationality' through using the non-discursive 'cultural' objects that constituted her as a 'woman' for her acts of crime. Through their 'words' Rene and Sophia appeared confined within a discursive space, as the discourses that constituted them as being 'feminine' and 'motherly', also appeared to trap them through penological practices. Subsequently, penological practices, through denying Rene and Sophia 'objects' of definition, attempted to situate them outside of definition and consequently outside of a 'gendered' constitution (Carlen, 1983, 1985, 1988).

### 7.03.03 Regulations

Regulations whilst often intermingled with the discussion of the rules and procedures, specifically refer to the regulations set out by the *Penal Institutions Regulations 2000*, a document to which each prison in Aotearoa/New Zealand is required to conform. Regulations 42 to 112 of the *Penal Institutions Regulations 2000*, specifically describe the minimal requirements that prisons in Aotearoa/New Zealand need to ensure are in place to meet the 'individual' 'needs' of inmates. One 'need' covered in the regulations is the adequate provision of dental treatment (Regulation 69). In Rene's discussion of her own 'physical' need for dental care she began by describing the "prison unit":

*I think the prison staff ... and management, the whole prison unit took a..., very much a 'one-size-fits-all' category. And in their..., maybe in their book of procedures it tells them that they have to do something a certain way or you know. Umm, ... Inmate A comes to you with a problem [such as dental care], you look up the problem find out how to deal with it.*

(Rene, Interview 2: 111-114)

The practice described by Rene to meet her 'physical needs' was one of a "book of procedures" which detailed a "one-size-fits-all" approach. In an indirect way this "book of procedures" represents the *Penal Institutions Regulations 2000*, and what prisons 'have to do' for the 'general inmate' at the minimum level. Indeed, within Rene's 'words' 'individual' needs were not taken into account, instead the "prison unit" structured needs on the 'generalised' category of 'inmate' found within the *Regulations*.

Furthermore, Rene started her description with 'managerial words' to explain the procedures that were set in place in the prison to meet regulations. For example, 'managerial words' like "management", "unit" and "one-size-fits-all". These 'words' reflect the outcomes-first penology (Section 3.04). But, as Rene moved into her example a change of the types of words she used occurred:

*They [the prison staff] would be tardy I suppose you could call it over..., giving you correct..., or having you see a doctor or a professional. For example, my tooth. I had broken tooth for six weeks, before it got fixed [...]. I could understand if a person didn't look after their teeth and were trying to get the most out of the system so to speak. But, you know I'd spend a lot of money on my teeth and ... I thought it was disgusting that I waited six weeks and then only got a real makeshift job done. Umm [Pause 2 secs]. And then the make-shift job that they [the medical staff contracted by the prison] did only lasted three weeks and then I had to wait another three weeks to get it fixed again. So ... yeah I just think that was inappropriate and that also is similar with any medical treatment ... umm [Pause 2 secs]. They ... they don't like putting inmates out for ... to attend specialist appointments and they would quite often cancel them.*

(Rene, Interview 2: 143-163)

In receiving the necessary "treatment" the less eligibility principle echoed, reflecting the punishment-first penology of Aotearoa/New Zealand's early prisons (Pratt, 1992, 1997a, 2000, Section 3.06). Rene, having been placed through imprisonment into the 'category' of 'inmate', and into the position of 'criminal woman', talked of "tardy" practices in which "real make-shift" jobs were done and where the prison did not like "putting inmates out". The 'criminal woman' here appeared, through practices, undeserving of the treatment received by those outside of the prison.

Rene's 'words' directly talked about the effect of these practices on her 'physical' self. When Sophia spoke of prison practices she talked from her 'self' as 'mother'; one of the "special categories of inmates" found within the *Penal Institutions Regulations 2000* (Regulation 131), and of her 'need' for contact (Regulations 70-112):

*I guess that is the system eh?*

Umm hmm.

*Part of the system that can be quite crushing ... for you as a human. Because it's natural to wanting to know "How's my husband, how's my children, how are they coping?" And you're in there, you've just ... you can't do anything, it's out of your control, you can't do a thing. Even for visitors, every week you had to write in, fill out a visitor form. Send that off to your visitor, then the visitor has to send that back into the prison. It's such a long process, it's ridiculous. Then they've got to check [the visitors] out, are they ex-inmates? Are they ex-criminals or whatever? Have to..., are they out for sentencing? They've got to check all that out before they'll approve your form. And then by the time you get the approval, then you gotta write a letter to your visitor "Okay when will you be able to come and visit me?" Then they've got to write back to you and say "Okay we can come on this date." Then you've got to get another approval form from the guard. "Can I please have a visitor's pass?" Then you've gotta fill in their names, you're only allowed three people, fill in their names, what date they're coming and are they coming for morning visit or afternoon visit. Then you've gotta send that back to your visitors, two weeks later [laughs] ... umm it's ... oh ... that.., it drives you nuts, it really does. Well it drove me nuts, it was frustrating for me and all I really wanted to do was, do my time ... but still have that contact with my family, and that just put up the walls. It really, it was frustrating for my children. They were wondering how I was getting on, they couldn't contact me either, cause they weren't allowed [by the Department of Corrections]. And it, it painted an ugly picture for my children, like "Oh gosh." This is what they would discuss with me "How's mum, because we haven't heard, why haven't we heard from mum, doesn't mum love us any more dad?" When it's not my..., it's out of my control, I had not control over it ... that was really crushing, that.*

(Sophia, Interview 2: 201-221)

Sophia described her experience of the "system" by talking about the process she needed to go through each time to organise a visit from her family. Sophia's 'words' moved emotionally throughout this piece of dialogue with metaphors that suggested a destructive effect on her 'self' as a 'human', 'mother', 'wife', and 'family'. The penological practice of organising contact with the 'outside' world for Sophia involved "a long process" of form filling and processing. Indicative of Rene's experience of the "book of procedures", where the process is directly governed by regulations. Consequently, Sophia described her 'self' as experiencing a "crushing" effect. Her 'self' as a 'human', 'mother', 'wife', and 'family' became disrupted by the "system" and this

disruption to her 'self' seemed through these words, to be out of her "control". The prison procedures discursively attempted to 'write' Sophia out of these positions and "crush" her into the discursive space defining the 'criminal woman' as a 'bad mother' and 'non-human' (Heidensohn, 1996; Pollock, 1995; Young, 1993). The attempted authoring of Rene and Sophia as 'other' to 'woman' was experienced for both of them in the procedures surrounding visits.

#### 7.03.04 Procedures

Procedures for Rene and Sophia were an important way of ensuring that the regulations were followed. Not only were procedures evident in the prior discussion of regulations (Sections 7.03.02 and 7.03.023), but procedures experienced by Rene and Sophia enabled Hardnut Prison to meet the Regulations efficiently. For example, the *Penal Institutions Regulations 2000* allows the prison to specify the clothing to be worn in certain activities (Regulation 54), allows private visits to the inmate at specified times (Regulation 80-84), but also through "testing" regulations recognise the possible entry of drugs and alcohol to the prison during times of visiting (Regulations 158-177). Consequently, Hardnut Prison introduced a piece of clothing to control substances entering the prison and being concealed on the prisoner's 'body' during times of visiting. This piece of clothing further altered the presentation of the 'woman inmate' during visits:

*I mean we've all got to wear the monkey suits or the Teletubby suits.*

(Rene, Interview 1: 877-878)

*I mean that it's shameful enough going in there with your crime, but having to come out in a Teletubby suit, we all wore them Teletubby suits. It's just so humiliating [loudly, laughs throughout last words]. Coming out like a Womble.*

So, describe these suits to me..

*Oh, they are awful, they are overalls, but I'd rather wear a pair of overalls. You look like a blimmin, someone from outer space, it was all puffed up with tight elastic around your wrists and around your legs. You're just all ballooned out, it's got no shape at all, you're just one round tub [FB laughs]. And it's all clipped in around there [points to her wrists], oh, and it zips at the back ... now, I felt terrible [laughs] the first time, oh it was just humiliating. You know, you'd feel, it does nothing for your self-esteem. It really puts you down. I mean and if they want people, well women to start thinking positively ... and to umm ... what is it? Decrease crime rates ... oh, it would be nice to have some ... nicer looking overalls so you feel good [laughs].*

(Sophia, Interview 1: 392-402)

Both Rene and Sophia were required to wear “*Teletubby*” suits when receiving visits at Hardnut Prison. Despite not ‘prompting’ Rene for more of a description of the suits, her ‘words’ with the amplification of Sophia’s description illustrated these “suits” as ‘de-humanising’ through metaphoric descriptions. For both ‘women’ the word “*Teletubby*” was used, a ‘word’ that refers to a television show for infants about four “technological babies” (Wood, cited by British Broadcasting Corporation, n.d.). The *Teletubbies* are:

Four soft roly-poly creatures played by real people. These actors [who are adults in costume] have been trained to talk like toddlers, run like toddlers, eat like toddlers, and swing to music like toddlers (Kjos, 2002, Section 1, para. 2).

The metaphor of “*Teletubby*” flipped the ‘woman’ from a position of being “mature” into one of “infantile” proportions (Bardsley, 1987; Devlin, 1998; Hampton, 1993). Sophia was dependent upon her custodians to release her from the suit. Further, through the “ballooning” effect of the suit her ‘gender’ became ‘a-gendered’ as the organs of her maturity became invisible within the “tub”. Like the “*Teletubbies*”, her ‘gender/sex’ could only be found within the pronouns that described her (British Broadcasting Corporation, n.d.; Kjos, 2002). Consequently, the suit humiliated and “really put [her] down” doing nothing for her “self-esteem”.

In addition to the ‘maturity’ and ‘gender’ of Rene and Sophia becoming invisible through the “ballooning” effect of the suit. These “overalls” presented the ‘women’ as something ‘other’ than ‘women’, they became metaphoric “animals” or “creatures” of the imagination played by people, such as a “monkey” (Rene), or a “*Womble*”<sup>69</sup> (Sophia). Consequently, the control of ‘women’s’ ‘bodies’ as a potential smuggling vessel wrote them into positions of ‘animals’, and stories of an imagined world of ‘fantasy’. Positions that have been argued to exist throughout the criminological knowledge that authors the discursive ‘criminal woman’ (Heidensohn, 1996, Chapter 2).

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<sup>69</sup> The *Wombles* were television characters of the late 1970s and early 1980s. Similar to the *Teletubbies*, the *Wombles* were large furry creatures with pointed faces played by adults in costumes.

### 7.03.05 Regimes

Regimes have been identified in Chapters 3 and 4 as a specific 'tool' to change the 'criminal' into the constitutive and normalised position of 'woman' (Caird, 1999; Devlin, 1998; Dobash, 1986; Hampton, 1993; O'Neill, 1989; Foucault, 1977a; Pratt, 1997b). It was also within the literature of Chapters 3 and 4, that a form of contradictory regime appeared, which attempted to author the 'female inmate' as 'other to woman' and into an invisible position (e.g., Belknap, 1996; Caird, 1999; Carlen, 1983; Devlin, 1998; Dobash et al., 1986; Hampton, 1993). In this section I will look at Sophia's experience of prison courses, and Rene's experience of the regimented day. During her stay at Hardnut Prison, Sophia was involved in two courses, "Life Skills" and "Parenting". Her descriptions of the courses reflected much of the past analysis where penological practices questioned Sophia's discursive 'self' as 'mother' and 'family':

What messages do these courses give to women about themselves when they do them?  
*Oh, they're, they're. It's like "Eh, are we that dumb?" ... It really makes you feel like ... you are not capable of doing anything. Nurturing your child, and, and because you are in prison that means that you are not a good parent, mm. That's was what I got from that and parts of it "Well why are you in prison ... you say how good of a parent that you are, why are you in prison?"*

(Sophia, Interview 2: 465-471)

Sophia described her 'knowledge' of, and 'position' of 'mother' being challenged through practices that constituted her as "dumb" and unable to "nurture". Because she occupied a space in "prison" she was no longer able to take the position of a "good parent". It was earlier in the first interview that Sophia described the place of these courses in the institution of the prison:

*I was fortunate enough to get on, was it three courses? Two courses, living skills and parenting. And, I felt that they were not, ah ... they weren't real. Yeah, I actually had a lot more experience than what they were teaching [laughs][...]. I felt they got the information more out of books. Rather than the actual experience. One of the facilitators wasn't even a parent.*

(Sophia, Interview 1: 105-139)

*Even they'd [the officers] think it's pathetic. Cause they think "Oh, how's this gonna address your crime, by going on this course. This is not going to address your crime."*

(Sophia, Interview 1: 716-717)

Courses within Sophia's description of the prison occupied a site of falseness. Not only was Sophia's 'self' as a 'mother' questioned, but the facilitators did not know the position of 'mother' as

they “weren’t even a parent”. The courses did not offer a rehabilitative treatment, which would address the needs that led to the offences by the ‘women’ in the first place; a ‘desire’ that is portrayed by Departmental documents (Department of Corrections, 2001a, 2001b, 2001c). But instead, a ‘rewriting’ treatment occurred through these courses, which has attempted to label the ‘woman’ as ‘other’ than ‘mother’.

In experiencing courses, Rene mentioned only once that she completed a pre-release pilot course before being released from Hardnut Prison, a point that I did not pursue in the interview. So, in interpreting how Rene talked about prison regimes I have selected her description of the structure of the prison day:

*Laundry use to go off to work at about 7:30, return about 3:00, they would also come back for lunch somewhere between 11:30 [am] and 12 [noon] supposedly for an hour lunch. Everyone was supposedly having a hour lunch but it didn’t work always that way. Umm, sewing used to work from 8 till 4, kitchen was 9:30, no 9:00 till 12:30 and then 2:30 to 5:30 give or take a little bit. Grounds girls and myself [...] was usually 8 till 4. So, once everyone from the wing had disappeared it didn’t leave many girls in the wing all day. So there was very little to do .. umm ... [Pause 2 secs]. And of course all industry was basically finished by 4:00 excepting of course the kitchen girls, and so you had all evening, which also meant that you are left with many hours of idle time on your hands, so..*

Yep, so what did you do in that time?

*Umm, you could sleep, you could watch TV, you could, umm ... socialise. Just ... a lot of girls used to just vege, vegetate and umm in that time you’d also have your showers and your meal would come to the wing about 4:30. That was something that was difficult your mealtimes in a prison. Your having dinner at 4:30 in the afternoon was ludicrous, but ... I suppose they gotta go home some time.*

Yeah, it’s just interesting eh, having an early mealtime..

*Oh, it’s so regimented I mean breakfast was on weekday mornings at 7 and 8:00 at weekends. Lunch was between 11:30 and 12, seven days a week and dinner was at 4:30 ... So I mean you don’t have balanced meals, or mealtimes. They do become routine, but ... certainly not overly long between ... sittings.*

(Rene, Interview 1: 238-259)

In first reading this description of the prison day, one is left with a picture of a timetable and various forms of time fillers. Upon a second reading, ‘words’ of ‘gendered’ jobs are clearly apparent. However, there is a danger in attributing a ‘gendered nature’ to these jobs as current penal policy, based on “cost-effectiveness” would first have all ‘inmates’ employed in the ‘domestic’ jobs situated



in prisons (Department of Corrections, 2001d). Therefore, in a third reading from Rene's 'words' I will return to her description of the day and how "time" was portrayed as being organised. What Rene offered in her description was a list of times, starting with "laundry" at 7:30 a.m. and ending the day in the "kitchen" at 5:30 p.m. Foucault (1977a, p.149) claimed that the timetable was a practice incorporated into institutions to 'write' the "docile body". Such timetables, based on monastic communities "establish[ed] rhythms, impose[d] particular occupations, [and] regulate[d] the cycles of repetition". For Rene, the imposition of the institution's occupations, the rhythm and regulation of mealtimes, and work, all worked together in an attempt to 'rewrite' her 'body'. As a 'woman' Rene described a rewriting through rhythm and "cycle" occurring for her 'hormonal' 'self':

*Well something that interested me was ah ... they said to me that when a bunch of women are together they fall into the same ... menstrual cycle. And I thought "Yeah right," you know, we all have our own cycle but it actually is true ... you eventually you'll find that you all are sought of perhaps two weeks out of four the whole wing has had it in those two weeks. And yet ... it just, everyone sought of ends up conforming and I thought "That is absolutely ironic how could that happen?" And ... but it does. Thing is, it makes for two stressful weeks in the wing and two that are probably not [both participant and FB laugh]. But everyone seems to fall into the same, umm menstrual cycle [...] obviously with the wings that are more high turnover, I think it would be a little bit more harder to have that conform cause I don't think it happens overnight, it certainly takes a couple of months to get the women's cycles forming together.*

(Rene, Interview 2: 629-654)

In Rene's description of the menstrual cycle the 'words' created a picture of regimented time rewriting the 'hormonal body'. The effects of regiment are 'powerful' upon the 'body'; 'women's' good and bad moods were "conformed" into a regulated pattern through "time" and order. In other words, as criminological knowledge defined the 'criminal woman' with the inability to control her own biology (e.g., Faith, 1993), penological practice attempted to enforce control through the imposition of "time" and the grouping of 'women' together into a "wing".

So far, the analysis of practices has been on the simple level of penology without the complex addition of the 'individual' or of 'people'. As such, an image has been created of practices that attempted to write the 'female inmate' into the 'criminal woman'. In the following I will move into power relations and Rene and Sophia's descriptions of practices through the complexity of 'people'.

## 7.04 The Shape of Penological Power Relations: complexities in power and resistance

### 7.04.01 The Relationship of Power to Resistance

The shape of power became more complex and at times appeared unbalanced in Rene's and Sophia's 'words' when the 'officers' and 'inmates' were introduced. In this context 'power' became a strategy, that is, a power relation with "individuals circulat[ing] between its threads", (Foucault, 1980e, p.98). Foucault (1980b, p.142) stressed "that there are no relations of power without resistances". Therefore, power is a complex 'word' to analyse, as the shape of power can be read as the shape of resistance and vice versa.

Rene and Sophia described the shape of power and how people were organised throughout the threads of power using 'words' of hierarchy. The institutional environment of Hardnut Prison created an atmosphere where the description of power moved downwards and resistance moved upwards.<sup>70</sup> Take, for example, Sophia's description of the "wing" being punished for an 'inmate' who "stepped over the mark":

*I mean if there was one inmate in a wing that stepped over the mark, we'll all get punished. The whole lot of us go down. Like, for example, for splashing water around the wings. It's only water but ... a guard would just see it as something funny and go "Clean it up, hurry up." Whereas, another would say "Lock down." And you all gotta go to your rooms and you get locked until they're ready to unlock you ... so ... and then that's when, as soon as we're unlocked we'd all go down on that person [laughs] "It's all your fault." [...] like if someone beat up on someone else, lock down, you all got punished ... not just that person. And then when you get unlocked you have a meeting, sort it out, but the person who caused the trouble would still be locked down [...]. I thought "Well consequences, you wanna play up, well take the consequences." That wasn't too, too harsh but the harsh part about it was you're the innocent one and you get punished.*

(Sophia, Interview 2: 544-560)

<sup>70</sup> In other contexts showing relations of power in the prison, such as *Badgirls* (Park, 1999). The discursive description of power uses adjectives to demonstrate a power moving upwards through 'officers' and a resistance moving downwards through the 'inmates'. However, in the context of Hardnut Prison, both Rene and Sophia reversed this, as shown in the selected quote. What this shows is that one clear 'universal' description of penal power relations can not be given, but instead all descriptions of power relations are open to contradiction through other descriptions.

Sophia's description of "wing" punishment incorporated 'words' of power. When an 'inmate' stepped "over the mark" the whole wing went "down". Instead of being locked up, the wing was "locked down" by "guards". Once the wing was "unlocked" instead of 'ganging up' on the person, the wing went "down" upon the person. So power through these 'words' seemed to 'flow' in a downward fashion through the "guards" to the whole wing. But this was not the only structure of power, as power too 'flowed' from the whole wing to the 'individual' who caused the situation. Sophia also allowed 'us' to see resistance in her 'words' through the use of the adjective "up". The first example came from the "guard", who did not "lock down" the wing, but instead the "guard" asked the 'individual' to "clean it up". In these 'words', the "guard" appeared to be 'resisting' the position that they had to "lock down" through allowing the 'individual' to step back onto the right side of the "mark". The final two references to the upward 'flow' of resistance came through the 'inmates'. In the first reference, one 'inmate' "beats up", or attacks violently, another 'inmate'. In the second reference, the 'inmate' "plays up". Both instances resulted in the "guards" taking up the power and "locking down" the "wing", and the 'individual', hence showing how power itself became resistance and vice versa in the relationships that existed between "guards" and "inmates". Consequently, Sophia's 'words' demonstrated a complex context of 'power' where downward flows were disrupted through upward 'flows' by 'guards' and 'inmates'. For this reason power can not be the only 'item' read in the descriptions of penal power relations, resistance too, must be read (Foucault, 1980e).

#### 7.04.02 The 'Individual' Verses the 'Collective'

A further reading of Sophia's 'words' in the previous section portrayed an erasing of the 'individual' dimension of the 'body' through a 'collective identity' of the 'inmates'. Sophia described the structure of power between the 'inmates' and 'guards', as 'one guard' over a 'group' of 'inmates'. This was shown further in Rene's descriptions of power relations between the 'guards' and the 'inmates'. The penological practices of classification and placement in a prison wing of the 'female offender' (Section 7.03.01) makes invisible the differences between 'individuals'. This can be 'read' in Rene's 'words' through the blending and disappearance of the 'word' "my", to the 'collective' 'words' of "we" and "wing":

*The of.., the officers used to love coming to my wing ... because they, it was a holiday for them, because we were the good, the crème-de-la-crème we were. We were the older women, who didn't have, they didn't have problems, umm, we weren't in their face all the time. I mean some of the other wings where the girls were younger, you know they'd try pulling the wool over the officer's eyes. Well in our wing they used to sit in the day room and watch TV ... with us. Because I mean there was instances in which we dyed the hair of officers, I mean that's a no no, cause their.., if we wanted to we could of taken that officer out, taken the keys, the radio, everything. But they knew that they could trust us and we weren't the type to take advantage of that trust. [Pause 3 secs]. But then the next day you'd get an officer who was totally the opposite. That was so regimented.*

(Rene, Interview 1: 786-798)

Rene described her “wing” with specific references to “we”. The “women” in her wing were “good”, “older”, and with no “problems”. Compared to the “girls” in the other wings, Rene’s wing was the “crème-de-la-crème”. Subsequently, a place where an ‘officer’ could “sit” back and “relax” whilst having their “hair dyed”. In this description, the ‘officer’ could become a regimented vessel of power or could resist and disrupt the flow of power.<sup>71</sup> If the ‘officer’ resisted the flow of power a situation was created that offered the “objects” of power to the “wing”, such as the “keys” and “radio”. Instead of taking these “objects” in resistance, which would see these objects taken up, grasped, and then worked ‘down’ upon the ‘officer’, in Rene’s ‘words’ the “wing” worked in a resistance of silence reinforcing “trust”.

#### 7.04.03 “Trust”: a tool of power and resistance

In Rene and Sophia’s ‘words’ “trust” became an invisible object of power in the wing, allowing the ‘women’ some resistance to the ‘authoring’ structure of penal practices:

*With certain guards ... like with umm, ... certain, us inmates would know which guard would let us do something..*

*Okay.*

*And know that we won't break it, we won't break that trust that we have with the guard. Like ... to open up the quad door when they are not meant to and the guard, the guard would go “You know the rules eh? You are not allowed to go talking to the other..” we'd go “Yeah, yeah, yeah.” But umm, you know sneak and go ‘Is he looking?’ And quickly run over [both participant and FB*

<sup>71</sup> The claim that ‘officers’ become vessels of power or resistance, is not a claim of agency, or free-will, on behalf of the ‘officer’. Subjects, whether ‘inmates’ or ‘officers’ were constituted through many discourses. Consequently, as this thesis is attempting to portray, the differences of experience for the ‘individual’ is a result of the many subjectivities that constitute the ‘self’. Rene and Sophia expressed throughout the research a difference between the officers and their “backgrounds.” Unfortunately, the space and topic of this thesis does not allow me to dig any deeper into the ‘subject’ of the ‘officer’.

*laugh]. So we do, we do challenge like that, but not to the point that where it's gonna ... put the guard at risk, because we are so thankful for the guard umm ... looking at us as humans and knowing that, you know, we do have needs and wants.*

(Sophia, Interview 2: 341-350)

The development of “trust” described by Sophia for her wing created a context where ‘women’ were able to challenge certain rules when the “guard” was not “looking”. Consequently, through breaking the constant penal surveillance the ‘inmate’ had opened a ‘confined’ space for the movement of their physical ‘bodies’, and were able to then cross the “wing” boundaries to speak to other ‘women’. Furthermore, the development of “trust” between the ‘inmates’ and the ‘guard’ disrupted the dehumanising practices of the penal environment, as implied in the statement “looking at us as humans”. Through “trust” Sophia was not looked at as an ‘inmate’, instead she was seen as a “human” with “needs” and “wants”. Another ‘word’ that enabled the hierarchical shape of power to be disrupted was the “respect”.

#### 7.04.04 “Respect”: a tool of power and resistance

Throughout the literature of intersections (Chapter 4) ‘female inmates’ were subjected to infantile treatment in prison. The “child-like” treatment of ‘female inmates’ was a theme throughout Rene’s ‘words’ (also see Section 7.03.03, 7.04.05). In the second interview, Rene and I followed up on discussing how she described practices and power relations in prison in her ‘words’ with references to, and metaphors of childhood:

*I think it, not so much it didn't come down to them perceiving me 'child-like' or ... feeling that, I think it came more to power and control. Now they are the power, and they, and it's us that they have the control over. So I think for some of them, yes, it's very much a power and control issue. For others ... you're treated as an equal. You're treated.., I was told, a rum.., was at the first couple of hours of being in prison, I was told umm, "You treat us with respect and we treat you with respect." And that is probably correct about 50 percent of the time. Others [officers] it's definitely a power and control and they are, no matter what they say, they're.., it's right, even though you know it might not be. I mean that they might be calling a colour black when it is definitely red. But they'll say it's black. And basically they have, you have, you have to just let them get away with it, which I think is wrong, because we should be challenging. Umm, the whole reason that most of us have offended is because we have lacked the ... process of challenging someone's decision or a comment, or a way of doing something.*

(Rene, Interview 2: 290-301)

In her explanation of the “child-like” treatment, Rene described how power relations did not position her as being “child-like”, but rather how these “child-like” ‘words’ explained the “power” and “control” for the position of the ‘officer’. Through the “child-like” treatment of Rene, the ‘officer’ appeared as “power”. In other words, a ‘substitute parent’ in “control” over the ‘female inmate’ (cf, Bardsley, 1987; Caird, 1999; Easteal, 2001; Mantilla & O’Leary, 2001). It was through the ‘officer’ that ‘knowledge’ came to operate, they could call a colour “black” and hence through their position that “colour” was black. But, this did not take from Rene the ‘knowledge’ of what the colour really was. It was her position as an ‘inmate’ that ‘took from her’ the opportunity to challenge, and define, the “colour” her ‘self’. That is, the penological environment of the prison incorporated, and was dominated by, another knowledge of definition, one that attempted to silence her.

Outside of “power” and “control”, Rene spoke of a “respect” that if given, could be given back. This respect also allowed a change in “power”, but it was still limited, as “respect” had to be given in order for it to be received. For Sophia, ‘guards’ and ‘inmates’ gave this “respect” to a “lifer”, an ‘inmate’ who had been sentenced to a long term of imprisonment:

*That lifer, she actually, umm, officers would look upon her in respect, there’s quite a few, umm, feuds [between inmates] that have happened in the prison, where she’s become the mediator, not the actual officers.*

(Sophia, Interview 1: 467-468)

Was she looked up to with respect from younger inmates as well?

Yep

Yep

*Yep, she was and the older ones, very respected and I guess it’s because she showed respect too, but you dare cross her, look out [laughs]. You only get one shot. She won’t ... she doesn’t take it out in violence, she just won’t be there to, umm, help you again, you are on your own.*

(Sophia, Interview 1: 490-496)

The “lifer” described by Sophia’s ‘words’ was a ‘woman’ of respect. ‘Officers’ and ‘inmates’ gave her “respect” and consequently, she used her position to divert violence between ‘inmates’. However, the “lifer” was also in a position of contradiction, as an ‘inmate’ she was the final point of application for penal power (Foucault, 1977a). She was defined, through being called once a ‘criminal woman’ as being ‘without’ power, but through “respect” from both ‘officers’ and ‘inmates’ she was in a position of ‘power’, flipping the power hierarchy onto its side. Furthermore, Rene and

Sophia had their own metaphors to describe the complexity of power relations, as I will endeavour to show in the next section.

#### 7.04.05 Metaphors of Power

##### (i) The Babysitter

More than just straightforward descriptions of power relations came through the ‘words’ of Rene and Sophia. Both described the shape of power through their own metaphors. For Rene, the metaphor was one of the “babysitter”:

*They’re ... in my opinion, they are, they’re glorified babysitters, and in sometimes their opinion they are babysitters too.*

(Rene, Interview 1: 316-317)

*The reason we..., the officers used to like coming and working in my wing, was because they didn’t really have to really do any work ... where as when they were in the other wings which had some of the younger girls in it. They were constantly on their toes they were having to break up squabbles. They were having to be ... minders. They were having to be more involved. Whereas, in my wing and perhaps in one of the more mature wings they, they didn’t have the inmates in their face all the time. [...]. I would liken it probably to babysitting maybe children who are six or seven who are in bed ... asleep. You don’t have them waking up every five minutes wanting to be..., diapers changed or whatever. You know, they are old enough that they have got a bit of independence to ... you know ... go to sleep do their own thing, if they were to wake up, they are not going to wake up necessarily scared, cause they are in their own environment. So that’s, that’s how I liken it. [...]. So yeah, that’s why I, I constantly refer to the officers as glorified babysitters. Because they are dealing with..., either with the infantile or the mature who can..., really don’t need to be looked after they are just being supervised. And that’s exactly what it was.*

(Rene, Interview 2: 463-497)

Rene in describing the relationship between the ‘guards’ and ‘inmates’ at Hardnut Prison used a metaphor of “babysitting” throughout interview one. Consequently, part of the second interview included expanding this metaphor. Although Rene earlier described the purpose of this type of relationship as one of “power” and “control” (Section 7.04.04), the ‘inmates’ here in Rene’s ‘words’ appeared to take on the characteristics of ‘children’ being looked after. Her wing because of the “age” and “independence” of the ‘inmates’, were less dependent on the ‘officers’; they were older

“children” about “six or seven” who were described in a metaphor of docility. Furthermore, in Rene’s ‘words’, being likened to “children” being “in bed”, and as such only requiring “supervision”. The “girls” in the other “wings” were younger, and were more dependent on the ‘control’ offered by the ‘officers’. They displayed the “infantile” characteristics of the theoretical ‘criminal woman’ (Heidensohn, 1996; Lombroso & Ferrero, 1895; Naffine, 1996; Pearson, 1997; Pollak, 1950; Pollock, 1999; Smart, 1995), and of the ‘female inmate’ as envisioned in the *Teletubby* suit (Section 7.03.04). Within such knowledge constraints, the ‘words’ of Rene defined the younger ‘women’ as needing to have the ‘officers’ “involved”, and as such, the ‘officers’ were “always on their toes” excising penal power. For the “older” ‘women’ who were outside of the ‘theoretical’ definition of “infantile”, but within the confines of the penal institution, power relations became more complicated. The “older” ‘women’ were “mature” but their treatment was now of that given to a “six or seven” year-old child, a subject not defined through ‘words’ of maturity. This uneven balance contradicted the “adult” position of these ‘women’:

*We should be relating adult to adult where as some of these peo..., well especially some of these women they think it's..., they're the parent and we are the child [...]. For the older ones who are not ... stepping over the gr..., you know, the fine line, they are working in .... in harmony you know, what's the point of stripping them of every single piece of dignity basically. Umm just to be reminded that you are in prison, that you made wrong choices.*

(Rene, Interview 2: 317-325)

For her ‘self’ as an “older” ‘woman’, Rene described how the “adult-child” shape of power stripped “dignity” from her ‘self’ as an ‘adult’. Power relations developed with regard to knowledge of the ‘infantile female offender’ complicated the experience of ‘confinement’ in Rene’s ‘words’. This complication of power and knowledge played out through power relations happened within a different metaphor for Sophia.

## (ii) The Player of Games

Sophia’s ‘words’ described both a limited position for the ‘female offender’ in prison and a type of discrete resistance through a metaphor of “game” playing:

*I guess what got me through it was sitting back and looking at them and thinking “Oh you ... fudging idiots” [both participant and FB laugh]. “You think we’re that dumb, hello” [laughs]. “Okay we’ll pay your game just so I can walk out those doors, but look out when I walk out those*



*doors. Are you gonna be in for it [laughs]. Then you can play our game" [...]. And it's only, it comes from, right from the top, the, coming down to the guards, oh they're lovely [...]. And it just, just goes to show who's got the heart in there, I mean and there's these top dogs they're flesh and blood like us. But they're like machines, they got no feelings.*

(Sophia, Interview 2: 492-501)

The context of the above quotation was a discussion on the ways that Sophia stayed strong whilst the parenting course appeared to tell her that she was “dumb” (Section 7.03.05). Sophia’s ‘words’ here complicated the earlier discussions of ‘officer’ to ‘inmate’ relations, which would show a hierarchical flow of power with the ‘guards’ appearing to have the access to power, while the ‘inmates’ appeared to have a limited access to power (Section 7.03.01). Instead Sophia’s ‘words’ confused the notions of ‘inmates’ and power through discursively showing a threat of revenge. Sophia’s ‘words’ suggested a feeling that the ‘prison staff’ saw her as “dumb”. As such, the word “dumb” showed a pulling from early criminological knowledge, which would place the ‘criminal woman’ in the position of lacking intelligence and rationality (Heidensohn, 1996; Lombroso & Ferrero, 1895, Chapter 2). However, Sophia attempted to throw off the ‘writing’ of “dumb” in her ‘words’, by first calling the ‘staff’ “fudging idiots” and then by giving a threat, that the ‘staff’ would soon be the subjects of her “game”. If one was to look further for an action of discursive violence, Sophia’s ‘words’ flipped metaphors of power onto their sides. In earlier discussions, Sophia described how the prison “system” visualised her as “not” having “flesh or blood” (Section 7.02.01), now her words have reasserted that she is “flesh and blood” like the “top dogs”, but that these “top dogs” act like “machines” with no “feelings”. Sophia’s ‘words’ through the introduction of a metaphoric “game” inserted ‘anger’ whilst she sat “back and look[ed] at them” reflecting Dalley’s (1993a) ‘passive’ ‘criminal woman’ who through the compliant playing of the “game” resisted the effects of penological power. Why? Let ‘us’ go deeper into the ‘words’. Sophia later said:

*But, oh well to keep the peace and ... to be able to get me home earlier, to be with my kids, I will do it [the courses] ... that's what I felt was the false part about it. And, and they put on, you know. They do up a graduation thing, when you graduate you get a certificate and they make a big deal about it. And they bring in all these big wigs, all these ones from the prison. And I think “Oh god, you know we're just like your bloody guinea pigs”<sup>72</sup> [laughs] [...]. But when*

<sup>72</sup> In later discussions on the metaphor of “guinea pig” it was found that the courses that Sophia participated in whilst in prison were trial courses and that the evaluations at the end of the course would determine its worth, as a course of rehabilitation for ‘women’.

*we're being presented with certificates we had to put a beautiful smile on our face and get dressed up and "Oh thank you, I really appreciated this experience," but inside you feeling like "We're having to do this for you." "We're doing your job." That's how we felt, but on the outside they'll get lovely write-ups in the paper and we'll think "Erh" Some of the girls' umm, physical expressions were very good [laughs throughout last words].*

(Sophia, Interview 1: 689-701)

Playing the "game" successfully meant a certain type of 'performance'. The 'female offender' became a "guinea pig", she completed the course, dressed up, attended the graduation and passed on her gratitude. Even though the action of "game" playing dehumanised her into the "guinea pig", she was required to present a false image of a "dressed up" 'woman' with a "smile on her face" (cf, Section 7.02.05). Within this atmosphere, even the "big wigs" became other than human, as Sophia's 'words' took an object of presentation and falseness the "wig", and applied it to the 'senior staff' of the prison. This was seen to occur within the first selected quote, of "game" playing and as such, both quotes used 'words', which disrupted the hierarchical shape of penal power with metaphoric imagery of "machines", and animals, called "top dogs" and "guinea pigs". By reverting the 'individuals' positioned higher in the penological power structure into dehumanising metaphors, Sophia disrupted the effect of power on her 'self'. In a penal institution that 'dehumanised' her through attempting to place her within the discursive space of the 'criminal woman', Sophia resisted through 'dehumanising' the 'individuals' that appeared in 'control' over her through the use of metaphoric language.

The exercise of power both within penological practices and power relations attempted to constitute Rene and Sophia within the discursive space of 'criminal woman'. In the next section I will endeavour to portray how Rene and Sophia's comments maintained a coherent 'self' through the 'words' they used that reconstituted their 'selves' as outside of 'criminality' .

## 7.05 The Shape of 'Resistance': 'rewriting' the 'body' through reconstituting practices

### 7.05.01 Looking at the Scratches on the Palimpsest Body

To just focus on the penological practices and power relations would create a distorted one-sided picture that would illustrate the 'bodies' of Rene and Sophia before their experience of confinement as clean slates, or slates written with the discourses of criminology alone. Through talking with Rene and Sophia I found that it necessary to view the 'body' as palimpsest, an essential component of 'my' analysis. In both interviews Rene and Sophia spoke their 'selves' into the interview. It was from this that the earlier descriptions of Rene and Sophia were developed (Section 6.03). In a similar practice I now intend to expose the 'scratches' present on the palimpsest 'bodies' of Rene and Sophia.

During the listening and reading of the interviews, I noticed a pattern occurring within Rene and Sophia's dialogue. Both described their experiences of confinement through their own constitutions of 'self'. Further to this, both Rene and Sophia in their description of practices resisted these practices through reconstituting their 'selves' outside of the position of the 'criminal woman'. In this part of 'my' analysis I will focus on the practices described by Rene and Sophia which demonstrated a reconstituting of 'self' through 'actions' and 'words'.

### 7.05.02 Rene

Rene's 'words' exposed many examples of reconstituting practices in her resistance of penal 'rewriting'. I will focus on three examples, that of 'maturity', 'gender', and 'individuality'. At times in Rene's 'words' many reconstituting examples could be read. For example, Rene spoke of having to ask to go to the toilet:

*I had to ask my supervisor to go and let me out so I could go to the toilet I mean I haven't had to ask to go to the toilet since I was a child. You know I mean..., so that's something that, some people would probably just accept. But for me that was, that was difficult. To have to ask to go to the toilet! I mean that's, every human being needs to go to the bathroom and I had to ask. An*

*adult woman had to ask to go the toilet And nine times out of ten umm, my supervisor or the officer was younger than me, so and sometimes that could be a male officer as well.*

(Rene, Interview 1: 691-697)

This example was firstly reflective of Rene's 'mature self'. In the practice of speaking this experience Rene disrupted, and resisted, the 'infantile' space created for her out of criminological knowledge by reinserting her position as an "adult". For Rene the "infantile" was a "difficult" space to occupy, the 'dependence' on another 'younger' or 'male' person for her 'bodily' functions was a "difficult" space of definition to accept. It was uncomfortable and unsettling for her 'self'. But here Rene also spoke of her 'feminine' 'self'. At times she had to ask a "male officer" to go to the toilet. Such a repositioning of her 'self' as 'feminine' was a common aspect in Rene's 'words'. In such a confined environment described as by literature as being 'not women' and consequently, with no defined space for the 'female offender' (Carlen, 1983) Rene created a space for the 'feminine' within her 'words':

*They [the officers] would play one another off against each other and that is also an environment that is conducive with women. The ... bickering and the cattyness.*

(Rene, Interview 1: 349-350)

*Sure you'd have your, your little ... bitchy sessions especially with so many women [inmates and officers] in an environment together and ... PMS and all the rest of it. Umm ... there used to be little niggles, but generally it was pretty okay.*

(Rene, Interview 1: 378-380)

In this quote, Rene moved 'gender' into the environment of the prison. Criminological knowledge would place the 'criminal woman' in a place where she can not control her biology (Faith, 1993; Heidensohn, 1996; Pearson, 1997). Even though Rene used such 'biological words' as "PMS and all the rest of it", she disrupted the criminological 'criminal woman' in two reconstituting discursive actions. First, Rene did not attribute "niggles", "bickering" and "cattyness" to the 'body' of the 'woman', but instead attributed these aspects to an "environment" composed of 'women'. Second, not only were the 'inmates' subjected to "PMS and all the rest of it" but 'female officers' could also "bicker" and be "catty". The 'non-gendered' environment of the prison became 'gendered' through Rene's 'words' and consequently Rene disrupted the 'non-feminine authoring' attempt of penological power and criminological knowledge.

Rene's 'mature' and 'gendered selves' were reconstituted discursively throughout Rene's 'words' around the experience of confinement. On the other hand, 'individuality' (cf, Section 7.04.02) was reconstituted both discursively through Rene's 'words' and was further shown in direct examples as described by Rene:

*I kept to myself. I ... worked each day that I could. I use to try and make things for myself to do to keep myself busy. Umm it was a great time for me to be reflective, but I was very proactive in my [own] self-help recovery.*

(Rene, Interview 1: 522-523)

*Like I said if I hadn't done a lot of my own self-help recovery, I'd be no further changed in my thought processes than what I was when I was offending. And I certainly could have learnt more about being an effective criminal in prison.*

(Rene Interview I: 1288-1290)

*I spent a lot of time on my own. Umm, you don't really socialise with the officers. Umm, I went to work, did my job. Basically thought, well I looked, and some people may say this "I was taking a cop-out way of doing things." I just thought "Well okay it's not ... of benefit for me then let it happen." You know. "If it's not disadvantaging me too much or if I am not getting too much advantage for me let it happen. Who cares? This too will pass. I will get out of here. I will regain my freedom, I will regain control of my life." So I use to, there were times that I use to, it use to get on top of me umm, and those times I would just hibernate basically, do my own thing. Wrote letters ... time out.*

(Rene Interview 2: 339-346)

Reading the 'individual' self through the reconstituting practices of Rene became possible in Rene's descriptions of how she 'survived' her time in prison. In such an environment, which classified and grouped 'women' into wings (Section 7.02), Rene "kept to herself". By discursively situating her 'self' as a 'professional worker' on the outside of prison, Rene brought the practice of "working each day" into her experience of confinement. By focusing on her own "freedom" and the regaining of "control" over her 'individual' "life" Rene completed her term in prison. Rene's 'individual self' separated its 'self' from the 'defining space' of 'criminal', using "self-help recovery" techniques and "hibernation". Rene therefore, recreated her 'working self' through descriptions of her own exercising of 'control' in activities such as keeping her 'self' occupied through "writing letters". In contrast to Rene, reconstituting practices within Sophia's 'words' centred round her 'self' as a 'mother' and the keeping of this 'self' intact.

### 7.05.03 Sophia

In speaking about her 'self' as a mother in prison Sophia's 'words' described two distinct practices. The first involved a focus on her 'self' as a 'family' and a 'mother' outside of the prison, and the second involved a focus on "turning" the confinement experience into a "positive". In focusing on her 'self' as a 'mother' outside of prison the reconstituting practices of compliance, reminding, and self-talking came through in Sophia's 'words'. Let 'us' start by looking at Sophia's 'words' of compliance:

*So, you really, you are really put into a position where you, know you have to do [these courses], not cause you want to do it for yourself, you know "Oh, well I've got to this, if this means me getting out earlier to go home to my children, so be it, I will do it. I will do what ever it takes"*

(Sophia, Interview 1: 117-119)

The practice of compliance came through heavily in the two interviews with Sophia. When talking about compliance, Sophia linked the practice of compliance to her "children". Sophia's 'words' demonstrated how the action of compliance 'reminded' her of her 'self' outside of prison as a 'mother' and a 'family'. She was not doing these courses for "herself", she was doing these courses for her "children". Consequently, compliance kept Sophia focused on who she was outside of prison. In contrast to compliance, directly reminding her 'self' of her "children" was another form of focusing in Sophia's words. For example:

*I would ring my children and I would go back to my room and just crying, "Oh gosh," you know, "Regrets, here go these regrets again. I shouldn't have done, what I done, but I've ... I've done it." And I'd just think "Oh, god when am I going to go home" and all these thoughts and "My poor children their suffering" and "It's them [emphasised very strongly] that paid the penalty not me."*

(Sophia, Interview 1: 325-328)

In describing her feelings about her experience and her children, Sophia demonstrated how she attempted to remind her 'self' of her "children" outside of prison through "regrets" and "crying". Her focus again turned to getting "home" to her "children" who had in her 'words' "paid the penalty". The reconstituting practice of "guilt" reminded her of her 'self' as a 'mother' and the space she

occupied outside of prison as a 'family'. Another form of reminding that occurred for Sophia was in her conscious "self-talk" as follows:

*It's one of the things that I would, umm, self-talk, is umm, "I've got to be strong for my children. I have to be. I have to show them. Okay mummy hit rock bottom, I did a bad thing. I regret what I done, but umm it's not the end of the world. Life still goes on. The world keeps on turning."*

(Sophia, Interview 2: 731-734)

*But [emphasised] I tend to turn it to a positive, I, I turned it to a positive thing "If I didn't walk through these doors, I wouldn't have the experience, and I wouldn't be able to tell my children, 'This is what happens in prison.'"*

(Sophia, Interview 2: 471-473)

Sophia's description of "self-talk" did not focus 'her' on an 'individual' 'self' but instead it moved 'her' out through a 'focusing' on her "children". Sophia's 'self' as a 'mother' engaged in a reconstituting practice, through speaking of the prison experience as an opportunity to teach her "children" about "life" and about the prison experience (cf, Walkerdine, 1992). By focusing on her "children", Sophia described turning the prison experience into a "positive" experience. An experience that retained her 'self' as a 'mother' despite the attempted 'rewriting' of penological practices to render her a 'bad mother', or without the necessary skills or 'mental' stability to be a 'good mother' (Girshick, 1999; Heidensohn, 1996). Turning the prison experience into a "positive" experience also occurred in Sophia's descriptions of 'resisting' the falseness of the courses in prison:

*One of the facilitators wasn't even a parent. And I ... she learnt a lot from us mothers [...]. There was a lot that we shared with her that she had never ever thought of, or even seen in a book. So I thought "Oh well, use that as a positive thing" [laughs].*

(Sophia, Interview 1: 138-143)

*With the parenting one [course], I looked at it like, I'd be more help to mothers ... inside that don't know ... umm, oh well not so much don't know, but they need to be uplifted again and made to feel good about themselves, because they regret drinking..., driving and their kids are neglected, and just letting them know that it's never too late. You know, never too late ... [Pause 2 secs]. So ... they all wish that I wer..., wa..., was their mother, they'd go "Gee we wish you were our mother." I said "No, you wouldn't want as your mother" [laughs] [...]. "You wouldn't want me, you seen one side of me there is another side."*

(Sophia, Interview 1: 718-730)

In both these examples Sophia described using her 'self' as a 'mother' turning the course into a "positive" experience for other 'individuals'. First the facilitator, who being outside of the position of "parent" lacked the 'knowledge' needed in teaching parenting skills. In this context the 'words' of Sophia turned the 'inmates' into "mothers" again as they shared their experiences with the facilitator and taught the facilitator about parenting. Through disrupting the facilitator/teacher position by introducing her 'self' as a "mother", Sophia's 'words' therefore, described the reconstituting resistance of her 'self' to the messages of being "dumb", and a "bad mother".

In addition to the facilitator, Sophia described how her 'self' as a 'mother' attempted to "uplift" other "mothers" from the downward motion of penological power that would 'author' them as being other than a 'mother'. Subsequently, Sophia's 'self' as a 'mother' reappeared in this description as the other "mothers" who were also 'inmates', "wished" Sophia into the position of being "their mother". Sophia's 'words' suggested that the other "mothers" recognised her 'self' as a 'mother' and subsequently were drawn to this 'self'. But Sophia's 'words' were quick to remind these "mothers", and my 'self' as a researcher, that this was only "one side" of her. Sophia's constitutive 'self' as a 'mother' worked as a form of resistance against the 'authoring' attempts of the prison. Although this analysis showed Sophia's experience of confinement through the 'self', first as a 'mother', it was clear that this 'self' was, and is, not the whole 'self' of Sophia.

What I have attempted to show in examining the reconstituting 'words' of Rene and Sophia has been to display how different these two 'women' are from one another. It is possible to pull out common aspects, such as 'gender', 'age', and the experience of confinement, and then group both Rene and Sophia into one category, that of 'the mature women who has been in prison'. However, this category does not allow one to see the subject, but rather it tends to re-establish 'norms' and consequently establishes an object of analysis. Rene and Sophia both experienced confinement in similar but different ways, or to put it another way, the same pens but on different 'bodies'. In this final part of 'my' analysis, I will look at Rene and Sophia's descriptions surrounding their return to society and how the confinement experience had left them.



## 7.06 The 'Body' Returned to Society

Both Rene and Sophia spoke about being 'written' as an 'inmate' through the prison experience. In both these descriptions there is a sense of discomfort, as the 'words' used suggested that the 'body authored' through the prison did not fit into who Rene and Sophia expressed their 'selves' to be:

*So I had 37 years of experience under my belt of how to live life and suddenly in 10 months that's all wiped clean [...]. You come out and you have this stigma that everyone's looking at you and that you are wearing a label basically saying ex-inmate. Cause you feel that everyone knows where you've been and, I mean, that's not so, but it's still ... you go out and you are not confident, you are stripped of all your confidence. You go to a supermarket and you, it's very difficult to be the confident person that you once wa..., were. You ... can't look people in the eyes ... cause you, you are afraid ... that they are going to see written in there that you're an inmate.*

(Rene, Interview 2: 513-519)

*One thing I did find though, my first day being let out. All ... even though I knew everybody knew what I had done, I would, you know, I would walk around quite easily, but it was when I come out of prison I tended to back off. I found that really hard. So I'm thinking, you know "They all know, they've read it in the paper" although they already knew ... I don't know why it felt like that, I think it's because I done the, the prison ... I guess I was trying to, I guess I was thinking "Now how do they feel about me now, that it's been in the paper."*

(Sophia Interview 1: 801-806)

For Rene, the confinement experience had "wiped clean" the 'self' developed through 37 years of "life experience". Penological practices through attempting to 'author' her as a 'criminal woman' had "stripped" her 'body' of "confidence". She could no longer present her 'self' as she once thought her 'self' to be, but rather she needed to now build her 'self' up again. The experience was described as stigmatising with the uncomfortable 'self' of "inmate" being "written" in her "eyes".

For Sophia, the experience of prison meant that everyone in her community knew where she had been. The uncomfortable 'criminal' 'self' had been written in the "papers" hence restricting the movement of her 'body' in her community. "They", the community, part of Sophia's extended 'self' (Section 6.03.02) "knew" and consequently she was aware that her position or the space that she once occupied in the community that defined her 'self' had shifted. Once, "out of prison", instead of

stepping into her community she “tended to back off” and the coming back into the space of community definition she once held was “hard”.

For both Rene and Sophia, the penological shape of power created in a space of surveillance continued once they left the penological environment. Their ‘body’ being an effect of that power now became an ‘object’ to be ‘gazed’ upon, and a form of information (Foucault, 1977a) in a space not representative of the prison. However, it is here that I leave ‘my’ analysis as how Rene and Sophia ‘recreate’ a space for their constitutive ‘bodies’ once they are out of a ‘space’ of confinement diverges too far from the topic of this thesis. What ‘words’ I will leave here is the reminder that the interviews occurred after the prison experience. Consequently, the ‘selves’ I have written about in this analysis showed that the criminological authoring through penological practices did not wipe the slate clean. What this analysis has showed has been that Rene and Sophia were, and are constituted in many subjectivity positions, and the position of ‘criminal woman’ was one position that ‘they’ needed to be “stripped” (Rene) or “crushed” (Sophia) into, in order to fit. Through this analysis it seemed that ‘they’ in ‘fact’ do not fit this position at all.

### **7.07 ‘Abuse’: a ‘word’ of silence**

After reading the literature about the ‘criminal woman’ (Chapter 2) and the ‘criminal woman’s’ experience of prison (Chapter 4) I expected to find the language of ‘abuse’ in the ‘words’ of Rene and Sophia. Like the way in which the process of ethical approval placed me into a position of using ‘criminological’ ideas to predict the types of ‘women’ I would be interviewing (Section 5.03) I, without realising at the time, predicted the themes of my analysis before even meeting Rene and Sophia. However, once I situated my ‘self’ as a researcher into the ‘words’ and ‘voices’ of Rene and Sophia the subject of ‘abuse’ was barely mentioned. Both ‘women’ talked about ‘abuse’ on only one occasion each, and for both Rene and Sophia, it was me who raised the issue to verify the meaning of past comments. This interested me, not because Rene and Sophia did not situate their ‘selves’ as subjects of ‘abuse’, but rather that I assumed and predicted the discursive presence of ‘abuse’ before I even got to the interview stage. This small piece of learning for my

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'self' in general showed me how I too relied on, and in that process re-constituted an 'academic knowledge', in the attempt to understand a person I did not know.

## **7.08 A Discussion of the Analysis**

Although at times I found that the literature was comparable to the analysis that I have presented, a dominant reading I came to as a result of this analysis was how Rene and Sophia's experience contradicted much of the criticism presented in the literature. The literature presented in the literature reviews (Chapters 2, 3 and 4), showed a picture of 'gendered' dichotomies based on controlling 'women' in specific constitutive positions such as 'mother', 'victim' and 'female' (Chapter 2). Consequently, literature on penological practices and various pieces of literature on 'women's' experiences in prison revealed 'gendered' practices that attempted to 'domesticate' and 'trap' the 'women inmate' into this 'gendered' dichotomy or move the 'women' into a 'space' of 'otherness' (Chapters 3 and 4). Hence, through criticisms on penology and criminology the 'gendered' position of 'woman' not just 'criminal woman' was portrayed in a negative sense where the only way out was to 'disrupt' and 'rewrite women' out of 'male' domination.

Rene and Sophia described their 'selves' in a positive sense, one that enabled resistance through reconstituting practices that reinstated various feminine 'selves'. This placed the very position of 'women' as being 'passive', and as 'victims' of 'circumstance' as shown in criminological literature (Chapters 2) under a form of disruption. This was noticeable throughout the interviews, as neither Rene nor Sophia used 'words' to describe their 'selves' and others as 'passive victims' outside and/or within the penological environment. When 'abuse' was a topic in the 'words' of Rene and Sophia it was only used in conjunction with other factors, such as 'choice' and 'financial' circumstances.

However, Rene's and Sophia's reconstituting practices can not be confused with a form of agency, or free-will, that can make 'independent' decisions, such as the 'women' described by Bosworth (1999). Rene and Sophia's reconstituting practices reinstated the various constitutive 'selves' that composed their 'bodies'. They did not attempt to actively 'rewrite' a 'feminine' identity, but rather

their constitutive 'selves' disrupted the non-'feminine' positions created through criminological knowledge and penological practices.

Further to this, Rene and Sophia's 'words' demonstrated that there was more to their 'selves' than just being a single identity, such as 'women' or 'mother'. Rene and Sophia were more than just dichotomies, more than just 'women' and more than just an 'inmate'. Rene and Sophia were complex in their constitutions and this analysis has not been able to cover their complexities within the space of the 'words' or within the application of the 'written word'. Despite the penological 'rewriting' attempts in the confining space of the prison, Rene and Sophia demonstrated that constitutive scratches remained on their palimpsest 'body'. They were more than 'criminal' and were unable to be "stripped", "crushed" and confined with the discursive space of 'criminal woman'.

## 8. Uncomfortable Closures

### 8.01 Introducing the Closure

The story I have created here of criminology, penology, and the experiences of Rene and Sophia in Aotearoa/New Zealand's prison is about to close. This is a closure that I feel uncomfortable with, as no conclusions can be created that will truly finish this story within the covers of this thesis. Instead, the conclusions this research leads 'us' to, question the once stable paths of academia that 'we' as 'academics' and/or the 'readers' of academic language walk. In this sense I have achieved what I set out to do, that of disrupting the confined space of 'criminal woman' (Sections 1.03 and 4.05). However, in disrupting this space a 'void' of sorts now exists and I feel it necessary to address this space again in an effort to see who it 'confines'. Consequently, the first part of my closing will look within the discursive space of 'criminal woman' to discuss what this space has meant in the 'words' of 'my' writing, and in 'my' reading of the voices of Rene and Sophia. In this regard the first part of my closing will be topical as it looks at the subject/s of my research.

Related closely to the topical closure are the methods I used in this research. As such, the second part of this closure will reflect back upon the dilemma I found relating theory to the context of research and how this dilemma affected the position of the discursive 'criminal woman' within this thesis. Thirdly, I have found that my research moved dramatically from a 'topical' investigation into the confinement experiences of Rene and Sophia, to one that was more 'theoretical' in which I had to readdress feminist post-structural investigations into subjectivity and 'self' as I discussed in Chapter 6. As such, my position as a researcher changed dramatically throughout this journey. Hence I will attempt in this closure to show how this research affected my 'self' as a researcher.

Finally, this thesis was completed to the requirements of a Masters of Education by thesis. Education has traditionally been a topic that appeared interested in the 'schooling' of a society's 'individuals', and what I did in this thesis was to move beyond this invisible boundary to look at another institution in society. Subsequently, it has been hard at times to find a place in education for 'my' research. How I will finish this thesis is by firstly talking about the experiences I have had

being in the position of a Masters of Education student, and then I will attempt to 'position' this research 'back' into 'education'. But first let me return to the topic of the discursive object that is the 'criminal women'.

## 8.02 Digging Into the Discursive Object: a 'closure' to the topic

*An anagram play*

*To unwrap the 'criminal woman'*

*And offer some reading space*

Criminal Woman

A criminal moan

Criminal Woman

A minimal crown

Criminal Woman

Anal mimic worn

Criminal Woman

Manic nail worm

Criminal Woman

Manic moral win

Criminal Woman

Can immoral win

*A play with anagrams*

*The 'criminal woman' remains*

*Trapped within a discursive space*

Surviving prison is an art; containing it by artistic reconstruction is probably the engagement of a lifetime; once a prisoner always a prisoner (Mapanje, 1996, p.170).

The world outside of prison is another dark prison ... the battle for survival continues. For some it never ends (Mapanje, 1996, p.173).

After reading the literature defining the 'body' that existed within the discursive space of 'criminal woman', I found that in a similar fashion to Howe (1994, Section 4.05) I needed to create a "Molotov cocktail" to throw at the stable understanding created by criminology of the 'criminal woman'. Within the criminology literature (Chapter 2), in both theory and criticism, the 'criminal woman' was defined through 'negative' attributes or through 'lacking' the characteristics that defined 'women' through a 'difference' to the 'masculine' norm. Being a 'woman', the 'criminal

woman' was pictured by theory as the lesser to 'man', a 'person' to be feared because of her connection to 'nature' and an 'individual' that needed strict control through definition and social positioning (Chapters 2 and 4). The 'criminal woman' was seen as such because she rejected the 'gendered' position given to her by patriarchal theories such as Lombroso's (1895) atavistic 'woman'. Or, the 'criminal woman' dwelled too far within the 'gendered' definitions in using the 'gendered' objects of her 'culture' to commit ghastly deeds, such as Pollak's (1950) 'woman' of deceit. Indeed at times, criminological literature created a troubled definition of the 'criminal woman', because the definition of her 'self' as 'woman' defined her as being unable to commit purposeful crime because of her passive and submissive position in relation to 'men' (e.g., Pearson, 1997). It was this unclearness that left the literature positioning the discursive 'criminal woman' as a 'victim' and a 'mother' (e.g., Girshick, 1999; Hampton, 1993; Kingi, 1999; Kruttschnitt et al., 2000; Lees, 1997; Muraskin, 2000; O'Neill, 1989; Smart, 1995). As such, the discursive 'criminal woman' was left sitting awkwardly within the discursive space of her definition. Consequently, as Carlen (1983, 1985, Section 4.01) found the 'criminal woman' could not be called 'criminal', or 'woman', as each term through its own definition once placed next to each other created an oxymoron. That is, each word cancelled the other out by contradicting it, and subsequently, leaving the 'criminal woman' invisible. As if the literature review was not troubling enough to open up a wound of discursive proportions, Rene and Sophia added more salt to this wound by both sitting within, and contradicting, past and present 'writings' of the 'criminal woman'.

First 'we' met Rene (Section 6.03.01), a person who disrupted criminological literature through stating a 'femininity', 'independence' and 'maturity'. Rene disrupted the passive position attributed to 'women' by the criminological literature through 'words' of 'independence', she was not the 'passive women' required by literature, and nor was Rene the direct opposite of this 'passivity' that would justify her as a 'criminal being' (Carlen & Worrall, 1987; Faith, 1993; Pearson, 1997; Pollak, 1950; Pollock, 1999). Instead, Rene was both 'independent' and 'feminine', two words not put next to each other in criminological literature. In literature (Chapters 2, 3, and 4), the 'criminal woman' was either in rejection of her 'gendered' position, through showing an 'independence' or was too 'gendered' thus being so 'feminine' that she needed to 'depend' on others and could not be

'independent'. Rene's 'independent self' also joined with her 'mature self' to further contradict definitions of the 'criminal woman'.

Penological literature (Chapter 4), and literature of 'women's' experiences of confinement (Chapter 5), has shown that through criminological definition the penological control of 'female inmates' relied on a definition and hence treatment of "infantile" proportions (Caird, 1999; Carlen, 1988, 1998; Devlin, 1998; Hampton, 1993; Mantilla & O'Leary, 2001; Ministerial Committee of Inquiry into the Prisons System, 1989). According to criminological and penological literature, 'women' being less advanced than 'men' were 'creatures' of 'dependence'. As such, 'women' were 'infantile', not 'mature', and unable to control their 'selves'. Rene through her 'words' of 'independence' and 'maturity' contradicted and confused the 'criminal woman' confined within criminological and penological knowledge. For Rene, the prison experience attempted to write her into discourses of 'childhood' and 'infancy' (Sections 7.03.04 and 7.04.04). As such, her descriptions of these experiences 'fought' this positioning by reconstituting her 'self' back into the position of a 'mature' and 'independent' 'woman' (Section 7.04.04). Furthermore, for Rene her experience reflected the penological literature (Chapter 5) and the literature of intersections where 'women's' experiences of confinement were explored (Chapter 4). In addition to this, Rene's 'self' did not fit into the position of 'criminal woman' comfortably. For Rene, prison attempted to "strip" her of those 'selves' not conducive to the 'criminal woman', and then confine and clothe her within the words 'criminal woman'. On the other hand, criminological knowledge could grab Sophia as her position of 'mother' was also one written into, and through criminological knowledge.

Sophia (Section: 6.03.02) described her 'self' as a 'mother', and consequently her experience in prison was described in relation to her position as a 'mother' and member of a 'family' outside of prison. Things here could now appear easy for my 'self' as a 'researcher' and 'author', all I needed to do was to look back at the 'mother' defined by criminology and put Sophia back into the discursive space of 'criminal woman'. But this was not a clear task to do. Sophia's 'self' as a 'mother' could only reflect some of the themes within criminological literature. This was because criminological knowledge seemed to place the 'criminal woman' both into, and out, of the position



of 'mother'. Subsequently, what one was left with was a 'questionable mother'. A 'mother' more reflective of penological experience (Chapter 4), and of the literature of intersections, which showed 'women's' experiences of confinement (Chapter 5). I will explain this a more.

Criminology (Chapter 2) would have Sophia both as a 'mother' (e.g., Kingi, 1999; Young, 1993) and as a 'mother' in rejection of her role (e.g., Pollak, 1950; Pollock, 1999), two discursive definitions that seem to contradict and cancel each other out. Therefore, to see how this contradiction has manifested for Sophia there is a need to move on into penology (Chapter 3) and the experiences of Rene and Sophia in prison. Rene and Sophia described their experiences through 'words' reflective of all three penologies (Sections 3.02, 3.03 and 3.04). However, it was in Sophia's 'words' that a blurred clearness occurred of the 'criminal mother'. Sophia described for 'us' a retraining through courses on parenting (Section 7.03.05). Dalley (1993a) would argue that such a "retraining" is a reflection of the treatment-first penology. Therefore, the "retraining" comes from a criminological knowledge that would position 'women' outside of the societal roles they should occupy. Furthermore, the image of the 'criminal mother' being in rejection of her role as a 'mother' is a 'story' portrayed throughout the literature on 'women's' experiences in other penal systems (e.g., Dobash et al., 1986; Girshick, 1999). Sophia's 'words' therefore, not only created a picture of a criminological knowledge that attempted to acknowledge her 'self' as a 'mother', but concurrently questioned Sophia's claim to that role by placing her into courses that questioned her ability to 'mother'. Sophia was both without, and within, the position of 'mother' and consequently her 'words' worked with this contradiction to reconstitute her 'self' as a 'mother' beyond criminological question. Sophia's experience became one of being "crushed" into a definition she did not fit, and she resisted this through discursively placing her 'self' out of this definition.

Through my reading of Rene's and Sophia's 'words' I have not been able to arrive at a clear definition of who this 'criminal woman' is. It seems that the picture that the criminological literature has painted of the 'criminal woman' has been with colours derived from someone else's palette. That is, throughout the literature on 'women's' criminality, a type of literature exists that is either 'gendered' or 'gendered neutral', and the 'criminal woman' seems to be defined only through a

category of 'difference'. A 'difference' defined by the 'norm', and that this 'norm' has appeared to be 'masculine'. The effects of this has been recognised by feminist criminological literature (e.g., Cooke, 1992; Daly & Chesney-Lind, 1988; Heidensohn, 1996; Naffine, 1987, 1996; Pollock, 1995, 1999; Scraton, 1990; Smart, 1976, 1995; Sumner, 1990). However, if I were to continue this argument from the literature I would find my 'self' as a 'writer' questioning the very positions Rene and Sophia spoke of in their constitutive 'selves', because these very positions were 'feminine' (Section 6.03). Such a questioning can be dangerous within feminist post-structural investigation as it has the potential of negating the very 'selves' that 'we' pull upon to explain, position, constitute, and resist rewriting through 'our' reconstitution (Chapter 6). Consequently, there is a need to look into 'difference' as told by the 'selves' that have experienced confinement.

Through using Braidotti (1994) one is able to see that 'difference' moves beyond dualistic positionings to the acknowledgement of 'difference' between 'women', and between the very constitutive 'selves' 'we' claim for our 'self'. Rene and Sophia both 'differed' to 'men' on a 'gendered level' of 'difference', but they also 'differed' to each other. For example, Rene was not a 'mother' at the time of this research, and Sophia was a 'mother'. Hence 'women' were constituted of many different subjectivities that pulled from a vast array of discourses and knowledges (Section 6.03). Bordo (1993b, Section 2.01) claimed that 'gendered difference' plays a major part in the experiences lived by an 'individual'. Not only is this relevant to Rene and Sophia, but what this investigation has shown is that the very 'differences' surrounding their 'selves' as 'individuals' had a profound effect on the ways in which they discussed, and portrayed, their experiences of prison.

Hence, the very concept of 'criminal woman' is one of contradiction, it is one of difference and one that has the potential to deny to those 'women' who have committed, or commit crime, a place of discursive rest. Like Bosworth (1999, Section 4.04) 'women' such as Rene or Sophia who have been constituted at one time by criminological knowledge and penological practice as 'criminal women', want to shed the adjective 'criminal' but at the same time remain 'women'. For Rene and Sophia this was possible in the 'words' they shared with me because 'my' reading looked for something else, it looked for the 'other' as opposed to 'criminal'. But, what the experience of

research has taught me is that the word 'criminal' is difficult to shed because of the effects of criminological knowledge based on the 'mystery', and potential 'danger' of the 'creature' called 'women' (Chapter 2, Section 5.03). Hence, for me it was through my methods of research that I found the discursive 'criminal woman' heavily confined in an 'academic' as well as a penological space.

### **8.03 The Uncomfortable Marriage Between Research and Feminist Post-Structural Theory: a 'closure' to the methods**

If I had completed this thesis through investigating and critiquing literature alone I would have found a relatively smooth path to walk. With the 'criminal woman' being a discursive 'victim' of criminological knowledge I would 'simply' free her through the analysis of the authored 'word'. This, I admit, is probably not a good assumption to hold, as I would still be open to the critique and questions of my examiners. In short, my argument would have to be a good one, and if it were, my argument would win the day for me. Well, that is what I am left to think about after trying to combine a feminist post-structural questioning of the 'woman' within the discursive space of 'criminal woman', to an investigation of Rene and Sophia's 'words'. They were two 'women' who 'had once' been called 'criminal'. What I found was that these 'words' 'criminal' and 'woman' confined Rene and Sophia into the discursive space of 'criminal woman' even after the experience of imprisonment. Not only was this expressed through the 'words' of Rene and Sophia (Section 7.05), but this also occurred throughout my 'reading' and as I wrote the methodology in my 'quest' to protect my 'self' and 'others' from the potential danger these 'women' signified (Sections 5.03 and 6.01).

Through introducing 'women' once called 'criminal' into 'my' research I effectively found my 'self' fighting within my 'self' and with the 'others' that stood beside me in 'my' research. This happened because the 'mythical threat' represented by 'criminological truth' (Heidensohn, 1996) was now in a 'bodily' form and as such I had to face head on discourses of 'madness', 'irrationality', 'violence', and 'hormonal imbalance'. Discourses that are found within the 'truth' we call criminology. What I found was that Rene and Sophia did not represent these 'words' at all, they contradicted these

'words' but I, for my own protection and that of others, was required to place Rene and Sophia back into the discursive space of 'criminal woman'. For example, my last meeting with Rene occurred at Victoria University. By this stage Rene and I had developed some 'subjective rapport' (Oakley, 1981) and I felt that I knew enough about the 'selves' that constituted Rene to say that she did not fit within the discursive definition of 'criminal woman'. However, because of the position Rene 'once held' within criminological discourse I had to ensure that my 'self' and others would be protected whilst she was on campus. I found my 'self' writing:

*I feel that I am being forced into seeing this person as 'criminal' after she has finished her term of imprisonment.*

(Research Journal 2: 10 May 2002)

What this 'learning' showed me was not that the University was unjustified in requiring certain precautions, but rather that criminological knowledge may be defining, labelling, and consequently, positioning the 'wrong' person. It seemed through penological literature that the prison occupies a place in society of definition. It is within the prison that the 'criminal' is classified, surveyed, controlled, tested, and defined (Chapter 3, Sections 7.02, 7.03.01). Hence, it is within the prison that criminology becomes alive, establishing itself as a 'truth' in academia. But once the 'rehabilitated'<sup>73</sup> person leaves prison, this person is thought of within penology as 'no longer' criminal.<sup>74</sup> However a contradiction now exists, as criminology through the laboratory of the prison, uses the prison to define the 'criminal' (Foucault, 1977a). Therefore, because criminology is based on information obtained about the person whilst they are occupying a space in the "criminal justice system" (Williams, 2001)<sup>75</sup> it does not in 'reality' define the 'criminal woman'. If a 'woman' commits a crime, and does not get caught, she does not occupy a space in what criminology defines as the 'criminal woman'. Yet that woman whilst she committed the crime is what criminology is seeking to explain. I will let Rene explain this further:

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<sup>73</sup> Aotearoa/New Zealand's prison system has not been built solely on a premise of 'rehabilitation', however within a penological system of outcomes, the Department of Corrections sees that one of the purposes of imprisonment is to rehabilitate the "offender" and then "reintegrate" them back into society (Department of Corrections, 2001a, 2001b, 2001c; Ministerial Committee of Inquiry into the Prisons System, 1989).

<sup>74</sup> Penology does not label a person who reoffends a 'criminal' but rather a "recidivist" or "reoffender" (Department of Corrections, 2001a, 2001b, 2001c; Ministerial Committee of Inquiry into the Prisons System, 1989); consequently the 'criminal' is the "offender" or person who commits crime before imprisonment.

<sup>75</sup> According to Charlotte Williams (2001) the "criminal justice system" is a "complex" system of governmental departments and policy that an offender/victim experiences in the administration of justice.

*Society also needs to remember that ... the person that doesn't have a criminal conviction doesn't mean to say they are not a criminal or have criminal intentions. Because for the four to six years that I was offending, people looked at me and thought I was an upstanding member of community ... but I wasn't. I knew that, but they didn't know that. And I, I got many, I went for many jobs in that time frame. And ... I can't, what I don't agree with is society simply saying because now I have a criminal conviction that I am a person that has lesser wealth or lesser worth than someone who doesn't have a criminal conviction.*

(Rene Interview 1: 1009-1015)

Subsequently, the very dilemma I faced with 'my' research came from the constraints of criminology as it attempted to hold on to the person once they left the penological confinement of prison. I am now beginning to see that it is the job of academia and of researchers engaging in feminist post-structural research, to begin a disruption of the discursive violence that occurs through knowledge/s. That is, by trying to pin down the 'criminal woman' 'we' at times, as 'academics', and supposedly 'law-abiding citizens', engage in a discursive violence of definition where we trap people because of a 'fear' that has been fed by criminological knowledge. A criminological knowledge that we position and reposition as a 'viable' and 'valid' 'truth'. As such, I found that my thinking changed within my thesis from one that could be defined as topical, to one that became more theoretical, as I tried to disrupt my own thinking of the 'criminal woman', and then reposition my 'self' as a 'researcher'.

#### **8.04 A Repositioning of Sorts: a short reflection on my 'self' as a 'researcher'**

*To 'position oneself' in post-structural research is both essential and problematic ... within my own questioning of 'Truth' I should expect to be engaged in a questioning of my 'self' in general and a shifting of my position by the end of this research.*

(Section 1.01)

I started this research as a budding young educational researcher excited with the possibilities of feminist post-structural research. A person set on fire by the post-structural writing of Walkerdine (1990, 1992, 1997, Walkerdine & Lucey, 1989), and the earlier writing by Foucault (1972, 1976, 1977a, 1980b, 1980c, 1980d, 1980e, 1988a, 1988c). Even now I still am 'burning' with the potentialities of post-structural 'reading' and 'writing'. But what this journey has shown me has

been a renewed conception of the intersection between power and knowledge in Foucault's term power/knowledge (1977a, 1980a). What I found in this research has been that the power attached to the academic knowledge of criminology, is not only in the penological practices one finds within the prison (Section 7.03), but additionally it is in the way 'we' position people in 'academia' (Sections 5.03, 6.01 and 8.02). Consequently, this 'new' acknowledgement by 'my' self as a positioned 'researcher' has made me realise how trapped I am in the discourses and knowledges that constitute my 'self' in general.

Whilst I was approaching my methodology I recognised that the discourses that constituted my 'self' in general, would haunt the 'text' that I would compose (Section 5.02.01). Indeed, this 'story' is more than an 'story' about Rene and Sophia's experiences of confinement in a prison told with 'post-structural words'. This 'story' is an interpretation of my 'self' as a 'researcher' and 'author' (Sections 1.01 and 6.01). As such, it has shown me two 'weaknesses' I have in 'my' application of post-structural research. First, as the previous section showed, what this writing has shown me is that I find it difficult to compete with the academic positioning of the 'criminal woman'. Even when I attempted to use Rene and Sophia's 'other' constitutive positions to interpret their experience of confinement in a prison. The academic institution I was positioned in required me at times to take up the position created by criminological academic knowledge, to situate and describe Rene and Sophia in 'my' research. The 'criminal woman' constructed by knowledge is confined within academia and as such 'my' writing at times has become a discursive fight against the practices of academia that would keep her in that position.

Secondly, my 'writing' showed that at times I am uncomfortable in applying feminist post-structural analysis to the 'actual' experiences of Rene and Sophia. That is, at the beginning of 'my' research I saw a need to place not only the 'criminal woman', but also the 'gendered woman' under erasure, in order to disrupt the term to such an extent that it would become unstable and therefore have nothing to stand on:

*I now see too that I need to place the term 'woman' under erasure as this is a cultural/gendered construct and not a biological given (Butler, 1999; Di Stefano, 1990; Flax, 1990; Gatens, 1999)*

*... To effect change one must be able to show why terms need to be questioned and allow those on the battlefield, that is the site of the body (Bordo, 1993b) to participate in a movement beyond stability and contradictions.*

(Research Journal 1: 7 September, 2001)

Consequently, I was beginning to see that feminist post-structural research should place all constitutive 'selves' under question and erasure:

*Moving into analysis – suggested movements:*

1. *Breaking the 'self' up;*
2. *Breaking the 'institution' apart; and*
3. *Breaking the researcher apart.*

*Following from past ideas on analysis I think that a good approach would be to use the ideas of many subjectivities and many discourses (Sarup, 1993; Threadgold, 1996) to challenge these positions.*

(Research Journal 1: 20 November, 2001)

However, as Chapter 6 showed placing participant's 'selves' under question and erasure did not become the focus of my research. Instead, I was beginning to see that such analysis could question the very dimensions we pull upon to define our 'selves'. As I found through Chapter 1, there is a time when it is essential to position one 'self' in order to explain how one sits in relation to the topic in question. Consequently, I applied this same thinking to Rene and Sophia, finding where they positioned their 'selves' in relation to the discursive 'criminal woman'. Such thinking allowed my 'self' as a 'reader of discourse' to view the body as both the written site of discourse, and as the pen of discourse. This new thinking repositioned my 'self' as a 'researcher' into one of a 'reflexive author' who pulls from 'emotional' knowledge and combines this knowledge with 'academic' writing to convey the voices of her 'self' and those she researches.

In addition to repositioning 'my' self as a 'researcher' my research needs to now be positioned within the knowledge that composed me first as a 'researcher' (Section 1.01): that of education.

## **8.05 Bringing a Closure: where does my research fit?**

I would first claim that 'my' research is more theoretical than topical. It uses feminist post-structural ideas to explore what lies within the discursive space of the 'criminal woman'. Because the

'criminal woman' is the 'topic' of 'my' research it could be seen that 'my' research fits nicely within the domain of criminology, or even penology. But I would argue that this is not so, and instead one would need to strip my research of its theoretical constructs if one tried to push it into this confined space. This thesis is full of literature about criminology and penology; perhaps too much literature has been used. But I consciously chose to keep the literature reviews (Chapters 1, 2 and 3) intact to show 'readers' of my work the uncomfortable fit 'my' writing has within these reviews. With the exception of Bosworth (1999) and Dobash et al. (1986), the subject of 'criminal woman' has not been 'read' with post-structural 'eyes'. Nor has there been any feminist post-structural analysis to 'my' knowledge, that questions the authoring powers of criminology both within the penal institution and within academia. Instead, when literature has questioned the 'gendered' it has moved to the other side of the dichotomy, reinforcing 'gendered difference' rather than working within the discursive space that joins the 'criminal' to the 'gendered'.

As an 'educational researcher' I have found that throughout my analysis I began to question how society's institutions work at shaping the 'criminal woman'. Further, what would have happened to Rene and Sophia if the position they had been written into since childhood, was one of 'criminality'? Both Rene and Sophia entered prison at an 'older' age, both entered as constituted subjects of many discourses, of which I could not determine because I did not know these 'women' before prison. However, it was clear that it was within the prison that Rene and Sophia became subjected to an authoring that attempted to place their 'selves' into the position of 'criminal woman' (Section 8.02). I could not help but question other institutions in society, especially the school where the 'child' has been described by one person as identifiable by the age of five as a 'criminal' on the path "to prison" (Lashlie on 20/20, 2001). A description of prediction that echoes the statements found with the outcomes-first penology (Section 3.04). Furthermore within this outcomes-first penology, through predicative statements and through a focus on 'preventing crime' by identifying those 'at-risk' of 'criminality' when they are young (Department of Corrections, 2001a) are we pushing children into a position of 'criminal' before they have entered prison? What effects does this have for the child and society through such identification and positioning? This is not only a critical question for criminology and penology, but is of importance for education as the school is in



partnership with academia, it is an institution of normalisation, an institution of authoring (Foucault, 1977a; Walkerdine, 1990, 1992).

Again as an 'educational researcher', I have looked at another institution of 'authoring' in society, the prison. I have done this to show the discursive danger of the practices 'we' employ as 'academics' and 'professionals', when 'we' attempt to understand those 'others' in society who 'just don't seem to fit', by using the institution the 'others' are confined in as site of 'knowledge'. My thesis is topical because it looks at the experiences of Rene and Sophia. However, my thesis is strongly theoretical as it begins to challenge positions of 'criminal', a position that 'we' have assumed to be stable. There is a potential danger of discursive violence in positioning 'individuals' into categories of 'criminality'. Whether it occurs in the prison, the classroom, or the researcher's desk, feminist post-structural 'researchers' in academia need to move beyond an engagement with the 'written text' to a position that allows the researcher to engage with the discursive so that 'academic' knowledge can be visited from other angles and questioned.

Let us play within the discursive space

Not only with 'words' but with 'voices'

Let us listen to our 'others'

And let us listen with our 'selves'

Let us work within the discursive space

To bring to light questions and possibilities for answers

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## **Appendices**

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## **Appendix One: Letter of Invitation**

**Date**

An Invitation to Women who have been in New Zealand Prisons to share their experiences of confinement

**Hi,**

**My name is Fiona Beals and I am a Masters of Education Student with the School of Education at Victoria University. I am seeking women who have been in a New Zealand prison, who have not been convicted in the last five years of a violent offence, and who would like to share their experiences of imprisonment.**

**If you are interested, or have any questions, please contact me at Victoria University on 04-463 6889 or email me: [fib74@yahoo.com](mailto:fib74@yahoo.com). I have put with this letter an information pamphlet telling you more about this project.**

**Thanks heaps for your time in reading this letter.**

**Fiona Beals**

**Masters of Education Student**

## **Appendix 2: Information Pamphlet**

The following two pages form the front and back of the information pamphlet

#### **What happens to the information I share with you?**

I will use what you have shared with me to write a report looking at several women's experiences in prison, which will include some anonymous quotes from interviewed people. Once this is done I will destroy our interview transcripts and erase the tapes and computer discs using services available at the university.

This same process will also happen if you choose to stop being part of the study at any time.

#### **How will I know what is happening with this study?**

I will keep you informed throughout the study on what is happening, by either e-mail or mail updates, or ring you and talk to you (your choice). At the end I will use the interview information and my research to produce a thesis at Victoria University. I may submit shorter versions of the thesis to academic journals in the areas of education and criminology.

I will provide you with a summary of the research, but you are quite welcome to request a copy of the final thesis.

#### **What do I do if I have any more questions?**

Give me a ring or email me, or my supervisor. (Contacts on the back on pamphlet).

## **Contact Details**

For answers to your questions or further information contact me or my supervisor at the following address:

C/- School of Education  
Victoria University of  
Wellington  
PO Box 600 Wellington

Fiona Beals  
Ph 463 6889  
fib74@yahoo.com

Dr Lise Bird (my supervisor)  
463 5164  
Lise.Bird@vuw.ac.nz

VICTORIA UNIVERSITY OF WELLINGTON  
*Te Whare Wananga o te Upoko o te Ika a Maui*



## **Exploring confinement :**

An invitation to women  
who have been in New  
Zealand Prisons to share  
their experiences of  
imprisonment

**Information Pamphlet for  
Potential Participants**



Fiona Beals

Fiona Beals

Masters of Education Student  
Victoria University

# INFORMATION

This pamphlet is intended to provide information about the research I would like you to be a part of. I have designed it in the format of questions that you might have and will also discuss these points with you if you choose to take part. If you have any questions feel free to give me a ring or e-mail (contact details on the back).

## ***What is this research looking at?***

I hope to discuss with women their experiences of imprisonment in New Zealand. This topic has not been covered in any real detail for some time.

## ***Who is doing the research?***

My name is Fiona Beals and I am a Masters of Education student at Victoria University. I have had no personal experience of prison, but have had friends imprisoned in the past. I think having someone who thinks differently asking questions may provide a different picture of New Zealand's prisons.

## ***Why this topic?***

I think that many women who experience prison have been left out of discussions of both imprisonment and education. This is a chance for them to speak and to have someone listen about what it was like for them in prison.

## ***What do I have to do if I participate?***

I would like to ask you some questions about what it was like for you during your time in prison and involve any thoughts you have in the research I am doing. This will include you in three sessions of approximately one hour. In the first I will ask you some questions. In the second you get to check your answers and make any changes and in the third you are able to look at how I am using the information you have shared and make changes.

These talks may be audio-taped or written down by me (your choice).

## ***Where will this happen and how will I get there?***

Our talks will happen in a private sound-proof room at a local community centre (to be advised). In order to help you arrange your own transport I will reimburse your costs, through petrol vouchers or ten-trip public transport tickets (to the value of \$20).

## ***What do I risk in talking about my experiences?***

Your main risk is the possibility of having issues of your prison experience affect you emotionally, during and perhaps after our talks. I will provide a list of counselling services available to you and will either pay or reimburse your costs for one session. This means that you will need to give me an invoice or receipt of the counselling costs.

## ***What about my own confidentiality and privacy?***

Nothing that you choose to tell me will be given to Corrections including Probation Services. The information from our discussions will always be kept secure in a locked drawer at the University or in a lockable satchel.

Anything that you choose to share with me will be in confidence. The written copies of your comments, without your real name, will only be seen by you, me and Dr Lise Bird (my supervisor). Only you and I will hear the tapes of our discussions. I will not be saving interview transcripts on the hard drive of my computer but will keep it on floppies locked away at the University or when I am travelling in a locked satchel. Information used from our interviews in the finished study will continue to have false names used.

## ***Can I choose to stop being part of the study?***

Anytime up to the initial write-up (first drafting) of my report you can choose to leave the study. If you do you can request that all the information that you have shared will not be used in the final report and be destroyed straight away.

## Appendix 3: Interview Schedule

### COMING TO PRISON

"I thought that the best way we could talk about your experiences in prison would be to start at the beginning and how it was like for you."

1. Could you tell me about your experience coming to prison?
  - 1.1. Find out more about experiences of 'reception'.
  - 1.2. Explore the woman's reaction to a loss of freedom.
2. What were your ideas of prison before you got there?
  - 2.1. Explore media images seen of prisons – programmes on television, magazines et cetera
  - 2.2. Ask about any images they had of prison from discussions with others.
3. Do you think 'reception' prepared you for the rest of your stay at prison?
  - 3.1. In terms of how staff and prisoners relate.
  - 3.2. In terms of the environment.

### THE PRISON DAY

"The questions I am going to ask you now are looking at how the prison day is organised, the sorts of things you did, and the how you felt about these things, and whether prison life prepares you for living in the community again."

4. Could you tell me how a day in prison is organised?
  - 4.1. Explore the timetables in a prison.
  - 4.2. Ask about the types of courses.
  - 4.3. Investigate dress codes.
  - 4.4. Investigate diets – the type of food she is allowed to eat.
5. What sort of woman is able to survive being in prison?
6. Does life in prison prepare you for when you leave?

### THE PRISON ENVIRONMENT OR SPACE

"So far we have looked at your experiences coming to prison, and then how prison organised your life in terms of what you could do. These questions look again at prison, but now at the rules, relationships, and the way prisons are built."

7. Would you like to share with me your experience of prison rules?
  - 7.1. Find out about written and clear rules.
  - 7.2. Find out about unwritten and unclear rules – especially regarding 'contrabands'.
8. Do you think women challenge rules?
  - 8.1. How do women resist rules?
  - 8.2. How compliance becomes a type of resistance?
9. How do the staff and inmates get along in prison?
10. What about inmates? Could you describe to me how the inmates get along with each other?
  - 10.1. Top dogs.

10.2. Challenges.

11. Now that we have talked about prison routines, rules and relationships, let's look at the physical way the prison is organised, describe to me how the way prisons are built to control the things you can do and the places you can go.
- 11.1. Spaces you felt controlled in.
- 11.2. Spaces that gave you freedom.

GENERAL QUESTIONS

12. Is there anything you would like to add to our discussion on how prison life is different to life outside of prisons?
13. What do you think are the advantages of prisons?
14. How about disadvantages, what ideas do you have here?
15. Do you think you were changed as a person in prison?
16. How would you like people you talk to outside of prison to see you?
17. Do you have any questions about my research?

## Appendix 4: Consent Form

### ***Exploring Confinement: An Exploration into the power/knowledge relations experienced by women in New Zealand's prisons.***

#### Consent Form

I have read the information form provided by Fiona Beals for the proposed project she intends doing. I have had the opportunity to ask questions and have had them answered to my satisfaction. I understand that I may withdraw myself, or any information I have provided, from this project at anytime before the initial writing up of the research report and I will not have to give reasons and will not be disadvantaged by this.

I understand that anything that I share with Fiona will not be accessible by Corrections or probation services and will only be seen by Fiona, her supervisor, Lise Bird, and myself. I acknowledge that the purpose this information is being collected is for an investigation of the experiences of women in New Zealand's prisons.

I also understand that any travel costs incurred for me taking part in this research will be reimbursed by Fiona in the form of petrol vouchers or public transport tickets. In addition to this, if I should require a counsellor I will have my costs paid for one session by Fiona once I give her the invoice.

*Please indicate specifically below by ticking the box next to what you agree to, understand and would like in this research:*

- ☐ I agree to be interviewed about my experiences in prison.
- ☐ I agree that information taken from my interview will be used for an analysis of the women's experiences in prison (with names changed and no reference to who I am).
- ☐ I agree to any follow-up interviews intended to allow me to check over initial interviews.
- ☐ I understand that only myself, the researcher and her supervisor will see the original transcripts of the interview (with your name changed to a pseudonym).
  
- ☐ I understand that I will be reimbursed for my travel costs.
- ☐ I understand that the researcher will use this information to write her thesis and journal papers.
  
- ☐ I do not mind being audio tape-recorded.
- ☐ I would like a complete copy of the final thesis.

I would like to be contacted by:

- ☐ Telephone
- ☐ Post (land mail)
- ☐ E-mail



Signed: .....  
Name: .....  
(Please print clearly)  
Date: .....

In my opinion consent was given freely and with understanding.

Signed: .....  
Name: .....  
(Researcher)  
Date: .....

Your own contact details

Address: .....  
.....  
Phone: .....  
E-mail .....

## Appendix 5: Transcript Guide

All the selected quotations from the interviews with Rene and Sophia in this thesis come from raw data transcripts. Some words have been replaced at times to preserve the conditions of confidentiality in which this information was shared with me, and to ensure that within this writing Rene and Sophia have complete autonomy. The following is a guide to the presentation and reading of these quotations.

<b>Words in Italics</b>	Participant's words
<b>Words in plain type</b>	Interviewer's words (myself)
<b>Single full stops and commas</b>	Indicators of pauses or full stops in the speaker's speech
..,	Indicators of a change in direction occurring in the speaker's communicated message
...	Indicators of a short pause of a length of one second or smaller in the speaker's speech <sup>76</sup>
<b>[Pause 2 secs]</b>	Indicators of the length of longer pauses in the speaker's speech, to the closest second
<b>[...]</b>	Indicates omitted words by the author of the thesis (myself) to shorten selected quotations from the transcript and to remove identifying phrases
<b>[Hardnut], [exercise] etc</b>	Indicates that identifying words have been replaced by the author (myself) either by pseudonyms or general nouns

<sup>76</sup> Please note, the three dots used in transcript quotations to indicate a pause are used in quotations from other sources to indicate omitted words.