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Karlene Faith

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Seeking Transformative Justice For Women: Views from Canada

By Karlene Faith, Ph.D.¹

In the USA, late 18th century, the Quakers of Philadelphia proposed the penitentiary as an alternative to the death penalty. In their vision, lawbreakers would be confined within a peaceful place where in isolation they would do penance, and become penitent, hence a penitentiary. By the early 19th century, having seen the results of their experiment, Quakers and many others were decrying the stultifying effects of incarceration on the human spirit, for both the guards and the guarded, and the power abuses that are structurally inherent to imprisonment (PREAP, 1976). Two hundred years later, internationally, the Quakers are still prominent among the "faith communities," and the human rights activists, politicians and career professionals of every ilk, including criminal justice, who envision more practical, community-based modes of responding to unlawful behavior while addressing the reasons for it.

With reference to women's imprisonment in the Canadian content, this article discusses alternatives to retributive punishment, as posed by academics, human rights activists, officials and former prisoners. As an activist academic who consults with prisoners and former prisoners, I speak from engagement with as well as critical perspectives on this movement toward community-based justice.

My purpose here is to situate gender as a key factor in a historical movement toward prison abolition. A shift toward restorative or transformative justice, theoretically, is reintegrative in that it benefits the offender, the victim and the community. The first offenders to be diverted from prison to any new program are generally those with the least serious offences and/or those who pose no risk of committing violence; women commonly fall into this category, but, as discussed, very few community alternatives exist for them. The last section addresses some of the key issues facing women in prison, women getting out of prison, and those who serve advocacy on their behalf.

The history of prisons is the history of prison reform, but critics in the new millennium are not seeking an improved prison, but rather an end to prison through more structured community and victim involvement in problem-solving (see, for example, Umbreit, 1985; Vass, 1990; Miller, 1991; Morris, 1995, 2000; Galaway and Hudson, 1996; Consedine, 1999). Currently under the rubric of "restorative justice," though with very different meanings and applications of the term (Van Ness and Strong, 1997), diverse groups are proposing more pragmatic, thoughtful and contextualized responses to crime than warehouse-imprisonment. Activist advocates are linked with and include social critics and academics concerned with the politics and practices of punishment (see, for example, Foucault, 1979; Auerbach, 1983; Lacey, 1988; Braithwaite, 1989; Reiman, 1990; Zehr, 1990; Pepinsky and Quinney, 1991; McMahon, 1992; Bianchi, 1994; Christie, 1994; Howe, 1994; Cayley, 1998; Cook and Davies, 1999).

¹ Karlene Faith, Ph.D., School of Criminology, Simon Fraser University, Burnaby, B.C. V5A 1S6, (604) 684-1384, faith@sfu.ca, Fax: (604) 683-3374

Antithetical to the strategies of 1990s prison abolition movements, the dominant victims' rights movements of the 1990s, with strong retributive motivation, called for longer and harsher prison sentences for offenders, with the implication that all "offenders" are dangerous and irredeemable. Judges obliged as did politicians, by stripping prisons of all "frills": for example, in Canada, they slashed funds for university programs in men's prisons, even though they were a success by any measure. (Women had never had the benefit of such programs.) Whereas some administrators in both men's and women's prisons still attempt to implement constructive programs for prisoners (Faith, 1995), so they can use their time constructively and better their prospects upon release, generally prison is no longer expected to be rehabilitative. (The term "rehabilitate" has its origin in the ancient practice of casting a person naked into the wilderness to reckon with their offence; when repentant, they return to the fold fully clothed, at peace with their gods, their dignity restored.)

Prison is commonly an experience of social, physical, sensory, intellectual, sexual and material deprivation, constant tension, sleepless nights, health dysfunction, anger, despair, irritation, lethargy, fear, claustrophobia and loneliness, in a noisy state human warehouse. For women, separation from their children is often the worst of the punishment, and the children invariably suffer when their mother is incarcerated, often with lasting effects. Degrading strip searches and indiscriminate use of pepper spray are commonplace in many prisons (Faith, 1999). At their most brutal, women's prisons have been terrifying places of sexual assault and virtual enslavement by male staff (Faith, 1993: 246-54)). At its best, prison is a dehumanizing place where many women nevertheless form solidarity with one another for constructive purposes, giving each other empathy, support, humor and healthy distraction.

Women in prison are not the Amazon beasts of the B-movies. Women who leave prison with their humanity intact, or expanded, give credit to the emotional support they receive from other women inside, and outside friends and family who help them survive the prison nightmare. Even at its most benign, the prison experience is not conducive to penance or rehabilitation. It is a setback to lives already set back — through racialization, histories of sexual and other violent abuse, and socio-politico-economic exclusions. Penal abolitionists seek not to reform prisons or to supplement the system with "alternatives," but rather to transform the conditions that first produce injustices and then justify selective incarceration for victims who have offended.

The Gender Factor

Hierarchical power differentials invariably produce methods and systems of criminalization and punishment which are most vigorously applied to young men. The young men under the closest surveillance are those with the least social resources, who, by virtue of their color or cultural identity, are regarded as *de facto* adversarial and therefore dangerous to the dominant classes. Marginalized groups which are perceived as generally docile, which do not intrude on public life or vie for equality or sovereignty, are left alone. Groups whose leaders organize in social and legal defense of their human rights are perceived as a political threat, and the crimes of primarily young men from those groups are punished severely. In North America early in the 1900s it was the Irish who filled the prisons and met the gallows. Half a century later, with the acceleration of mid-century civil rights movements in the U.S., Irish-Americans were among those who

arrested, imprisoned and executed African Americans. In Canada in 2000, First Nations women constitute less than four percent of the national adult female population, but almost 20 percent of federally incarcerated women, and they often constitute over 80 percent of women in prairie and territorial jails. In the eastern provinces, African-heritage women are similarly overrepresented (CCJS, 1999; Faith, 1993).

In male-dominant cultures, across class, it is expected that fathers and husbands will keep track of the comings and goings of "the weaker sex." In most countries women generally comprise no more than 20 percent of convictions for illegal actions, and two to six percent of incarcerated persons. In other words, women's crimes are usually of such a minor nature (such as shoplifting, or solicitation in public) they don't call for imprisonment, unless a woman becomes chronic in her criminal habits, or commits assault or worse. I've met women who are serving virtual life sentences (almost 20 years to date) for chronic minor theft when they were very young; their original sentences were two to three years, but because they have never been able to adapt to imprisonment, and because their independent ways are interpreted as "bad attitude," they have been repeatedly turned down for parole. Partly because there are relatively few women in prison, they receive more attention in terms of surveillance, but they receive less attention in terms of resources upon which they could build a new life.

It is axiomatic that in eras when women get uppity, men renew their efforts to tame and domesticate them, through traditional, cultural, religious and legal injunction. Women who are unmanageable are demonized and masculinized as a threat to good order. This cyclical phenomenon was illustrated vividly in the USA in the post-war 1950s, with significant increases in the numbers of women confined for mental or emotional disturbance. Reactionary attitudes toward women re-surfaced in the 1970s, during a peak period in the Second Wave women's liberation movement. For every assertion by women of their equality rights, would-be patriarchy resisted with re-entrenched gendered biases and smug confidence that the Equal Rights Amendment would be again defeated, and it was. In this period, paranoia about women at large exacerbated the stigma of women labeled "criminal." By the mid-1970s, as an outcome of the "feminization of poverty" and the "war on drugs," more women were being sent to prison on theft and drug charges that formerly would have put them on probation or short jail time.

The media, joining and often leading the misogyny chorale, loudly capitalized on Freda Adler's work concerning gender convergences in illegal behaviors (Adler, 1975; Faith, 1993: 60-68): With reductionist finesse, and without empirical grounding, journalists spread the warning that women's liberation would be turning out a new "liberated" breed of criminal woman, as violent as any man. These feminist amazons would be as cruel and predatory as the subjects of Cesare Lombroso, the late 19th century Italian father of criminology. He examined the skeletons of dead prostitutes to determine that women's (usually latent) criminal nature was more vile and dangerous than that of any man — which was why poor, beleaguered men had to keep unruly women under strict surveillance and control. Similar primitive theories are now being applied to "girl gangs," which is code for groups of girls who are not white (Chesney-Lind, 1997).

Presently in Canada, with a total population of approximately 30 million, about 15,000 men are federal prisoners (serving two years or more), in over 40 prisons across the country according to their levels of custody classification: minimum, medium or

maximum. By contrast, only about 350 women are serving federal sentences, in one of six prisons that opened cross-country in the 1990s (CCJS, 1999: 58-9). Again by contrast, in California, a highly carceral state where the total population is likewise about 30 million, over 11,000 women are serving sentences in prisons across the state in 2000 (approaching the rate for men in Canada). Although all but 14 percent of women in federal Canadian prisons are classified minimum or medium security, given that women of all three classifications are held in each of the prisons all are subject to maximum security conditions. Also, women who are diagnosed by the institution (often erroneously) as suffering a mental health problem are classified maximum and held in segregated cells even when it is clear that they pose no threat.

In North America through the 1950s, as noted above, when women defied authority they were more often sent to a mental hospital than to prison. Whereas bad boys who broke convention were stigmatized or glorified as bad, bad girls were feared as mad. From the 1970s onward, prison populations have radically increased due to many factors, including the war on drugs, increasingly punitive courts, and the urgings of technology-driven contractors representing the burgeoning punishment industry (Christie, 1994). In Canada in 2000, women's incarcerated populations have more than tripled since 1970; in California, where many judges serve as generals in the war on drugs, they have increased almost twenty-fold, far exceeding population increases. In 1972, there were 600 women in California state prison, and now, to repeat, there are 11,000 plus. In the 1990s, and despite all the statistically-irrelevant but otherwise sensational headline cases, the rate of serious, violent crime has steadily decreased in both the United States and Canada for both men and women (CCJS, 1999: 118-26; DeKeseredy, 2000).

The populations of men's prisons have also radically increased, and women remain a distinct minority in criminal justice systems. Because most women in prison do not constitute a threat to public order or safety, and because their incarceration and the displacement of their children is costly to the state as well as in human terms, reformers have often pressed for reduction in the numbers of women incarcerated and early paroles. To that end, they urge that resources be diverted from prison construction to alternatives based on expanded community resources (see, for example, Carlen, 1990; Faith 1995). The current notion of "restorative justice" is one means by which some women could be diverted from prison into community-based programs, as an incremental means of closing prisons rather than expanding them. As employed by criminal justice agencies, however, restorative justice can also have the effects of both "net-widening," that is, extending the boundaries of criminal justice surveillance and authority, and re-entrenching women's subordination through informal conflict resolution which fails to address structural power imbalances.

Restorative Rhetoric vs. Reality

In Canada, isolated experiments in "restorative justice" are attempts to bypass the jail and prison systems in coming to a resolution of harm, though with many definitions of the meaning and purpose of "restorative justice" and how best to achieve it. One of the potential benefits of alternative sentencing is that it returns the challenge of problem-solving to all parties concerned. It acknowledges that offences harm real people, not just the impersonal state with the power to punish. A former Solicitor General, Andy Scott, defined restorative justice as "an approach to resolving crime that brings victims,

offenders and communities together in an effort to repair the damage caused by crime" (SolGen, 1998:6).

Commonly espoused forms of restorative justice include circle sentencing (where all concerned parties ostensibly have an equal voice), community accountability boards, family conferencing, community living and mediation, all of which seek victim-offender (re)conciliation outside of but accountable to the court of law. The ultimate purpose, hence the global involvement of spiritual, aboriginal and religious groups, is reciprocal healing and the creating and strengthening of community through restitution and reparation (see, for example, Consedine, 1999; Morris, 2000). As an example of community sentencing, in a First Nations community here in B.C., a young man who committed a sexual assault was banished by his elders to an unoccupied island, where he lived alone for more than a year, learning to survive in the traditional ways. The group, including the victim, must be satisfied that the offender is genuinely remorseful and ashamed, and must trust that he or she will make amends to those affected directly and also indirectly by the crime. Everyone must work together on a plan for the offender's accountability, and the victim has a significant voice in the process, not for retribution but for resolution.

As expressed at meetings I've attended, critical opposition to "restorative justice" in its newly-institutionalized forms is coming from First Nations women and from women who work with victims of violence. They observe the ways that imbalanced power relations affect mediation outcomes. Even if people are theoretically equal within the healing (or sentencing) circle, in fact they carry their respective status into the circle, and their status-laden standpoints and biases. Within the dynamic of the circle, a woman is tacitly intimidated by a man who has abused her; if he has status in the community, other people also may not challenge him. Children, similarly, would find it difficult to confront an adult abuser.

Critics of restorative justice models do not conversely defend existing criminal justice practices, or assume that justice or future safety will be served by jailing the offender (Pate, 1994; Hannah-Moffat and Shaw, 2000). But given the failure of most restorative justice models to reckon with gendered or other power relations, children, disenfranchised men, and women generally, especially women of color, could suffer even less opportunity to be heard, to resolve harms done to them, or to heal.

There is a clear need for caution in creating restorative justice alternatives to incarceration, but the basic idea — to move away from retribution and toward healing — is potentially progressive. Many penal abolitionists and most decarcerationists (also known as minimalists, who would reserve prisons for those who are demonstrably violent), tacitly support alternatives while recognizing the need to work on social inequities more generally. As Solicitor General during the 1990s, Andy Scott pointed to his Ministry's efforts to cooperate with aboriginal communities which are seeking self-government. He took particular pride in the Okimaw Ochi Healing Lodge for a maximum 30 aboriginal women and, in some cases, their children, staffed primarily by Native women. Opened in the mid-1990s, the minimum security Healing Lodge focused not on judgement of past errors but on rebuilding one's life. Located in a pastoral, wooded area in the Saskatchewan prairies, the women's small cottages are not locked, and they engage in traditional healing practices, including a sweat lodge, with the support of elder guides.

A few women have been able to keep their infants and young children with them (Faith, 1995).

Predictably, because it is under the jurisdiction of Correctional Services Canada (CSC, 1997), after six years the Healing Lodge has become more institutionalized, punitive and colonized (Monture-Angus, 2000). CSC has failed to recognize the contradictions of practicing a healing philosophy within a retributive system governed by penal ideologies (Kendall, 1994). The Commissioner speaks of the value of restorative justice, and returning to communities the opportunity to re-learn how to resolve conflict and repair harm. But the practice is to request and receive ever-larger portions of the federal budget for new high-tech carceral projects.

The failure of retributive justice to acknowledge socio-political and economic inequities, and the selective criminalization of members of the most socially vulnerable groups, requires new ways of thinking about crime and punishment. With Ruth Morris, a leader in the Canadian penal abolition movement, I agree that we must work toward justice that is reflective of social, economic, political and, often, personal transformation, rather than restoration. As Kim Pate says, also in agreement, "First we must achieve justice, then when things disrupt it, we may be better able to restore it" (Pate, 1994:64). Meanwhile, hope is raised at the prospect of reducing the numbers of people in prisons, applied equitably to both men and women who pose no threat of harm to others.

At Simon Fraser University, within the School of Criminology, we now have a Centre for Restorative Justice, and popular, optional courses on restorative justice alongside courses that view prisons uncritically. Some of us wanted to call ourselves the Centre for **Transformative** Justice, because restorative suggests returning a person to a former condition and it was often that former condition and a dysfunctional community that induced the illegal behavior. Transformative justice affirms that mindful, collective work, within a region or a jurisdiction but with international alliances, may incrementally transform social conditions and human relations, and build or strengthen communities. The long-range goal is prevention, rather than reaction. Yet, because government and criminal justice agencies use the term "restorative justice," as do many community groups, and because the term has entered mainstream Canadian vernacular, the decision at the Centre was to follow that convention. Already, across North America, the idea of restorative justice has been co-opted and institutionalized, while penalty is more firmly entrenched in practice.

Theoretically, and sometimes in practice (Consedine, 1999), the restorative approach to decarceration seeks to divert lawbreakers away from criminal justice and toward reconciliation, with restitution to the harmed individual(s) and reparation and accountability to the entire community. As advocated by the first CSC Deputy Commissioner for Women, Nancy Stableforth, early paroles, as a means of reducing the prison population, could be accomplished with satellite apartments, private home placements, women's centres, and day reporting centres to meet parole requirements (Stableforth, 1998). This approach would be decarcerative not only through early release, but, if there were adequate community resources, it would reduce the numbers of women who are returned to prison for technical parole violations or new crimes. Access to resources generates opportunities for reconciliation, restitution, reparation and accountability.

Women who have family awaiting them are least likely to recidivate, but few women exiting prison have that security (Faith, 1993: 183-228). Until the 1970s, few women in North America who had been in prison were open about it, and people on parole were commonly forbidden contact with other former prisoners (which still happens). In that decade, the prisoners' rights movement accelerated, and gradually more women were willing to speak of their experiences, alongside politicized men who were former prisoners. By now there are networks of women in various countries who have served time and who are speaking out. Following is an account of a Canadian group that has demonstrated ways by which individuals can participate in a transformational justice process.

Strength in Sisterhood (SIS)

A support and advocacy network started modestly in 1994 on the west coast in British Columbia, with members across Canada. Known as SIS, Strength in Sisterhood, a number of women who have done time (and women and men who are allies) have been challenging women's prison practices: doing research and writing papers (Boyd and Faith, 1999; Faith, 1993, 1995; Horii, 1994, 1995, 2000; Lyons, 1996; Mayhew, 1997; Norwich, 1997), and letters to editors (Turner, 1997); testifying at federal and provincial hearings; participating in grassroots and professional forums and rallies; and, in other ways, protesting human rights abuses in prisons. SIS members (spanning three generations) have also given both moral and practical support to women in prison or newly paroled, without any agency involvement. One woman, Kris Lyons, went to court and persuaded judges to release women to her supervision, instead of sending them to prison. She opened up her rented home as a temporary shelter and became someone the women could talk to, because she understood their situation from her own experience, and because she was like family, not an agent of the state.

Kris taught crafts at the prison and became a confidante to women there, and often a friend to them when they are released. She continues to give public talks, such as at the annual Prisoners' Justice Day rally, and speaks to university classes. She did the research for a parolees' housing project, gathered recycled clothing for women coming out, served as a consultant at community and government hearings, represented SIS at the 8th Round Table for Women in Prison, in California, and at many other events and conferences.

Kris's work, like everyone's with SIS, has been unpaid, consistent with the class bias communicated by the Deputy Commissioner. Stableforth asserts, "**Volunteers**, including former inmates who have successfully reintegrated with the community, can provide ... companionship and support, in addition to being positive role models" (Stableforth, 1998: 6, emphasis added). Although she recognizes the conditions of poverty to which most women on parole are subjected, she is detached from the limited resources of the volunteers themselves, the former prisoners with whom she consults. It is encouraging, however, that she recognizes the value of former prisoners in assisting women newly released, and that she stresses the importance of keeping women out of prison. At the urging of the national Elizabeth Fry association (whose Director, Kate Pate, is a highly admired de facto leader among Canadian activists, and is on the SIS Advisory Board), the Deputy Commissioner argues strongly against re-imprisonment for

technical violations of parole. That she lacks the authority to enforce her position is characteristic of the tokenism offered by the Corrections branch.

Gayle Horii is another key member of SIS who is active in many ways, and in high demand as a speaker and consultant. She raised money to assist a woman on parole on the east coast (a talented writer who was seriously ill and needed a computer). Later she attended this woman's funeral, 4,000 miles away, offering her support to her friend's family. She maintains phone contact with women in jeopardy, such as women locked in isolation in a men's psychiatric prison. In the case of a French woman who was losing her mind after years in and out of segregation in an English-language prison, it was Gayle's intervention that resulted in a member of Parliament arranging the woman's transfer to a reputable hospital in Québec, where she was nurtured back to health. Gayle has outstanding knowledge of the inner workings and rules of CSC, having studied mountains of official documents beginning as a prisoner who knew the rules better than the staff. She has firsthand, keen awareness of the breaches between official policies and daily practices. Her informed eloquence has put some correctional officials on their guard, but government agencies, as well as community groups, seek her counsel.

The SIS scribe is Des Turner, an effective researcher who submits complaints to officials (c.f. 1997) and letters to editors, raising public awareness of the workings of Corrections. Retired, he visits the local women's prison, and with help from other "SISterS," ensures that prisoners receive Christmas gifts. When women are given temporary absences, to visit family or prepare for release, he transports them. Through the year he organizes to educate and solicit support, and attends hearings. Eddie Rouse, the second man on our board, runs community services for former prisoners, and is a popular community speaker, researcher and regular contributor to community justice newsletters. The SIS Board includes persons who are not former prisoners, but all decisions in the group are made with a former-prisoner majority and everyone adheres to decarcerationist, abolitionist and/or transformational perspectives.

The Issues

The most conservative reason to plead for alternatives to prison is cost. Criminal justice budgets now often exceed those of education. In 1997, it cost Can. \$74,965 to confine one woman for one year in one of the six new prisons. When she is on parole, with periodic supervision, the cost goes down to \$9,145 (CSC, 1997: 12-13). Their prison work is generally domestic in nature: the kitchen, laundry, sewing room, beauty shop and so on. For this they are paid a top salary of from \$5.25 to \$6.90 per day of work in 2000. (In 2000, minimum wage in most of Canada is inadequate for basic self-sufficiency at approximately \$7.00 per hour.) Those who are unable to work (due to age, illness, disability or classification) are given an allowance of \$1.60 per day (CSC, 1997:29). This income is needed for basic hygiene products and other necessities, which they purchase from the prison commissary. Most items sold in prison cost more than in the "free world."

Among the issues which lead Canadian reformists and advocates to call for alternatives to prisons for women are the following: racism and lesbophobia as they affect both prisoners and guards; the inequities of plea bargaining; the net-widening of electronic monitoring; separation of mothers from children; the prison practice of over-prescribing antipsychotic drugs such as Chlorpromazine; conflicts (as well as some

agreement) between the Union of Solicitor General Employees (prison guards et al.) and independent and organizational advocates for prisoners' rights; high levels of illiteracy among prisoners; women's needs for assistance in filing grievances against CSC for institutional violations; denial of phone rights on grounds that the phone could be used as a weapon; the lack of in-prison programs adequate to the diverse needs of the prisoners; the indiscriminate and excessive use of segregation; unwarranted strip searches of cells and occupants; the increasing numbers of women in prison who are HIV-positive or living with AIDS, without support; the prolonged incarceration of women who survived a perilous boat trip from China to claim refugee status.

At the urging of the Elizabeth Fry association, the government conducted a review of cases where women killed abusive spouses prior to 1990, when the Battered Women's Syndrome defense was first admitted to Canadian courts [R. v. Lavallee, 1990]. The "Self-Defence Review," submitted in 1997 (Ratushny), resulted in conditional pardons or remission of sentence for just four of 98 women who had applied. (Many were already out of prison but wanted to clear their name.) Canada was reassured that abused women don't have a license to kill.

Another issue of interest in Canada is that of cross-staffing. Most of the six Canadian prisons which have the mandate to confine federally sentenced women have a complement of men on the staff, who serve in varied capacities though not commonly in the living units, except when doing patrols during the day in the company of a female officer. The Edmonton, Alberta prison has an all-women frontline staff, as an experiment that has been indefinitely extended. And all of the women's prisons, at CSC's behest, have banned the involvement of men in strip searches. The Honourable Louise Arbour, now a justice on the Supreme Court of Canada, conducted an inquiry into wrongdoing in the notorious Prison for Women (P4W) in Kingston (1934-2000), notably gangs of men brutally strip searching women in segregation (Faith, 1999). Her findings damned the system, but she was less cautious than CSC on this issue: she recommended only that men not be involved in strip searches except in an emergency (Arbour, 1996). Of course, the very duty of the Emergency Response Team is precisely to respond to any emergency, thus the men by definition would be involved in strip-searching women (a procedure used in most prison "emergencies," real or contrived) — unless women on the staff were trained to do that work, which is what happened. In their Darth Vader outfits these women raise the unpleasant spectre of lookalike male surrogates eager to brutalize other women in the name of institutional order.

The dehumanizing elements of imprisonment spur reformers to improve prison conditions. However, prisons are punitive by definition, and no amount of tinkering with them can render them effective for rehabilitation purposes or for challenging social inequities. Some women manage to use their prison time constructively, preparing for their post-prison future, but most are killing time or regressing due to stigma and lack of resources or choices. In Canada in 1990, a Task Force on Federally Sentenced Women (TFFSW, 1990) advocated that federally sentenced women's choices be expanded by creating small minimum-security "facilities," without walls or fences, where their children could be with them in natural settings, but within close proximity to community services. These homelike places would replace the infamous stone-walled fortress Prison for Women (P4W), which, as the only federal prison, separated many women from their children by thousands of miles.

By 1997, five new regional prisons, including the Healing Lodge, had been established, beginning a transfer process from P4W to Truro, Nova Scotia; Kitchener, Ontario; Joliette, Québec; Edmonton, Alberta; and, Maple Creek, Saskatchewan. A sixth women's prison, in Burnaby, British Columbia, had opened in 1991 to accommodate both provincially and federally sentenced women, weekenders to lifers all under provincial authority. In the gradual closure of P4W, women who for dubious reasons were deemed unsuitable to mix with women in the regional prisons were sent to psychiatric units in men's prisons.

On May 8, 2000 the last prisoner was transferred out of P4W. This good news would be celebrated if the new prisons were the alternatives intended by the Task Force. Instead, soon after their construction, they were transformed into maximum security prisons even though most prisoners are classified minimum or medium. A few women's feeble escape attempts at two prisons produced fences and more security hardware for all the new prisons; any small "crisis" could have justified and rationalized this reinvestment in carceral hardware rather than community services. These prisons are isolated from communities, with some women locked in maximum security isolation for disciplinary purposes, or, if deemed mentally disturbed, confined to maximum security segregation units on the grounds of four of the regional prisons.

Prisons are unable to provide the basic resources, services and encouragement which most women need if they are to find even minimal stability outside of prison. To divert funds from prison expansion to much less expensive community services would offer fiscal benefits to the state and would strengthen communities overall. Specific services could be provided to former prisoners who request: substance abuse programs; legal assistance, often needed to regain parental rights; counseling to address issues left over from childhood sexual abuse or other victimization (80 percent or more of women in Canadian prisons); spiritual gatherings with those of one's own faith; parenting classes; job training; finding a doctor or dentist when needed; assistance gaining housing, utilities, transportation; and so on.

If prisons were replaced with abundant, non-penal community resources, many fewer individuals would recidivate and many illegal behaviors would be circumvented. If former prisoners were funded to provide support in the community for women newly released, the transition from one place to the other would be significantly less traumatic for new parolees. Former prisoners are in the best position to build community with and for those whose experiences they've known. In this reasonable strategy, the state would pay former prisoners to do this work. They would accept that what happens in a community is of much more practical worth than what happens behind walls, and that what happens behind walls can have devastating effects on women lacking support systems upon release.

There is a long tradition of critical advocacy and activist resistance to imprisonment, which, except in cases of clear and present danger, does not serve anyone's interests — except those whose income is reliant on the punishment industry. Women have been an afterthought in the correctional enterprise, but women inside and out are at the forefront of a movement away from retribution and confinement and toward re-education, reparation, accountability and restitution through the acting out of community.

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References

- Adler, Freda (1975). *Sisters in Crime: The Rise of the New Female Criminal*. New York: McGraw-Hill (re-issued 1985, Waveland Press).
- Arbour, the Honourable Louise (Commissioner) (1996). *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*. Ottawa: Solicitor General.
- Auerbach, Jerold S. (1983). *Justice Without Law?* New York: Oxford University Press.
- Bianchi, Herman (1994). *Justice as Sanctuary: Toward a New System of Crime Control*. Bloomington: Indiana University Press.
- Boyd, Susan and Karlene Faith (1999). "Women, illegal drugs and prison: views from Canada," in *The International Journal of Drug Policy* 10: 195-207.
- Braithwaite, John (1989). *Crime, Shame, and Reintegration*. New York: Cambridge University Press.
- Canadian Centre for Justice Statistics (CCJS) (1999). *The Juristat Reader: A Statistical Overview of the Canadian Justice System*. Toronto: Thompson.
- Carlen, Pat (1990). *Alternatives to Women's Imprisonment*. Milton Keynes: Open University Press.
- Cayley, David (1998). *The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives*. Toronto: House of Anansi Press.
- Chesney-Lind, Meda (1997). *The Female Offender: Girls, Women and Crime*. Thousand Oaks: Sage.
- Christie, Nils (1994) (2nd ed.). *Crime Control as Industry: Towards Gulags Western-Style*. New York: Routledge.
- Consedine, Jim (1999). *Restorative Justice: Healing the Effects of Crime*. Lyttelton, NZ: Ploughshares Publications.
- Cook, Sandy and Susanne Davies (Eds.) (1999). *Harsh Punishment: International Experiences of Women's Imprisonment*. Boston: Northeastern.
- Correctional Service of Canada (CSC) (1997). "Basic Facts About Corrections in Canada." Ottawa: Solicitor General.
- DeKeseredy, Walter S. (2000). *Women, Crime and the Canadian Criminal Justice System*. Cincinnati: Anderson Publishing.
- Faith, Karlene (1999). "Transformative Justice versus Re-entrenched Correctionalism: The Canadian Experience" in S. Cook and S. Davies (Eds.), *Harsh Punishment: International Experiences of Women's Imprisonment*. Boston: Northeastern, pp. 99-122. .

- Faith, Karlene (1995). "Aboriginal Women's Healing Lodge: Challenge to Penal Correctionalism?" in *Journal of Human Justice* 6(2), Spring/Autumn: 79-104.
- Faith, Karlene (1993). *Unruly Women: The Politics of Confinement & Resistance*. Vancouver: Press Gang Publishers.
- Foucault, Michel (1979). *Discipline & Punish: The Birth of the Prison*. New York: Vintage Books.
- Galaway, Burt and Joe Hudson (Eds.) (1996). *Restorative Justice: International Perspectives*. Monsey, NY: Criminal Justice Press.
- Hannah-Moffat, Kelly and Margaret Shaw (Eds.), *An Ideal Prison? Critical Essays on Canadian Women's Imprisonment*. Halifax: Fernwood Publishing.
- Horii, Gayle (2000). "Melior est justitia vere praeveniens quam svere puniens: Better is justice which truly prevents than justice which severely punishes," in K. Hannah-Moffat and M. Shaw (Eds.), *An Ideal Prison? Critical Essays on Canadian Women's Imprisonment*. Halifax: Fernwood Publishing.
- Horii, Gayle (Dec. 31, 1995). "Twelve proposals with regard to policy which may govern the future of incarcerated women in Canada." Brief submitted to the Commission of Inquiry into Certain Events at the Prison for Women in Kingston.
- Horii, Gayle (1994). "The Art In/Of Survival," in *Journal of Prisoners on Prisons* 5(2), 10-23, 1994.
- Howe, Adrian (1994). *Punish and Critique: Towards a Feminist Analysis of Penalty*. London: Routledge.
- Kendall, Kathleen (Apr. 1994). "Therapy Behind Prison Walls: A Contradiction in Terms?" Paper prepared for Prisons 2000 conference, University of Leicester.
- Lacey, Nicola (1988). *State Punishment: Political Principles and Community Values*. London: Routledge.
- Lyons, Kris (1996). "Barriers to Equality at British Columbia's Centre for Women: Can We Slash the Gordian Knot?" in M.A. Jackson and N.I.S. Banks (Eds.). *Ten Years Later: The Charter and Equality for Women*. Burnaby: Simon Fraser University.
- Mayhew, Jo-Ann (Apr. 1997). "A Working Paper on the Status of Women Incarcerated at Nova and Springhill Institutions." Halifax: Nova Scotia Status of Women.
- McMahon, Maeve W. (1992). *The Persistent Prison? Rethinking Decarceration and Penal Reform*. Toronto: University of Toronto Press.
- Miller, Jerome G. (1991). *Last One Over the Wall: The Massachusetts Experiment in Closing Reform Schools*. Columbus: Ohio University Press.
- Monture-Angus, Patricia (2000). "Aboriginal Women and Correctional Practice: Reflections on the Task Force on Federally Sentenced Women," in K. Hannah-Moffat and M. Shaw (Eds.), *An Ideal Prison? Critical Essays on Women's Imprisonment in Canada*. Halifax: Fernwood.
- Morris, Ruth (1995). *Penal Abolition: The Practical Choice*. Toronto: Canadian Scholars' Press.
- Morris, Ruth (2000). *Stories of Transformative Justice*. Toronto: Canadian Scholars Press.
- Norwich, Marni (Spring 1997). "When Will Prison Reform See the Light of Day?" In *Horizons*, 24-27.

- Pate, Kim (1994). "This Woman's Perspective on Justice. Restorative? Retributive? How about Redistributive?" in *Journal of Prisoners on Prisons* 5(2): 60-64.
- Pepinsky, Harold E. and Richard Quinney (Eds.) (1991). *Criminology as Peacemaking*. Bloomington: Indiana University Press.
- Prison Research Education Action Project (PREAP) (1976). *Instead of Prisons: A Handbook for Abolitionists*. Syracuse: Safer Society Press.
- R. v. Lavallee (1990), 76 C.R. (3rd) 329 (S.C.C.).
- Ratushny, the Honourable Judge Lynn (1997). "Self-Defence Review." Ottawa: Solicitor General.
- Solicitor General (SolGen) (Mar. 17, 1998). "Speaking Notes of the Honourable Andy Scott, Solicitor General of Canada, to the Beyond Prisons International Symposium." Kingston.
- Stableforth, Nancy L. (Deputy Commissioner for Women) (Feb., 1998). "Community Strategy for Women on Conditional Release: Discussion Paper." Ottawa: Correctional Services of Canada.
- Task Force on Federally Sentenced Women (TFFSW) (1990). *Creating Choices*. Ottawa: Ministry of the Solicitor General, Corrections Branch.
- Turner, Des (Jan. 1997). Letter to the Honourable Herb Gray, Solicitor General, dated Nov. 6, 1996, in *Accord*, 2.
- Umbreit, Mark (1985). *Crime and Reconciliation: Creative Options for Victims and Offenders*. Nashville: Abingdon Press.
- Van Ness, Daniel and Karen Heetderks Strong (1997). *Restoring Justice*. Cincinnati: Anderson.
- Vass, Antony A. (1990). *Alternatives to Prison: Punishment, Custody and the Community*. London: Sage.
- Zehr, Howard (1990). *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press.