

TOO FEW TO COUNT: CANADIAN WOMEN IN CONFLICT WITH THE LAW by Ellen Adelberg and Claudia Currie (eds.). (Vancouver: Press Gang Publishers) pp. 253.*

Too Few to Count fills a gap in Canadian criminal justice literature by addressing the topic of female offenders within the criminal justice system. Each of the papers in this collection contains reflections on women who find themselves in conflict with the law and, consequently, caught within the mechanism of the criminal justice system. Overall, the papers can be said to present a finely balanced juxtaposition of feminist deconstructionist theory and Marxist analysis in their examination of social and economic factors which are said to cause women to come into conflict with *man-made* laws.

The strengths of this collection lie in its challenge to traditional theories of female criminality, its novel approach to information gathering and the call by several of the authors for empirical study of the theories which they espouse. The book, as a whole, lays the foundation for examination of the female offender in Canada. It is a valuable contribution to criminology and penology and equally suited to the academic, the criminal practitioner and the student.

In the volume's first paper, "Getting the Facts Straight: A Statistical Overview", Holly Johnson provides a useful summary of available statistical information relating to the female offender and points to areas where information has not yet been garnered. Johnson briefly delves into the use and misuse of official crime statistics in relation to the female offender and poses several questions that need to be addressed in order to better identify those women in our society who find themselves in conflict with existing laws. Given the lack of statistical data relating to the female offender, Johnson's picture of the female offender as an impoverished, unskilled, often physically or emotionally abused woman may be premature. It does, however, demand the attention of scholars who address the issues of women in conflict with the criminal law.

Useful data on the female offender is also presented in Carol La Prairie's "Native Women and Crime in Canada: A Theoretical Model". La Prairie presents a statistical overview of native women in the criminal justice system based on data which are much more comprehensive than that available for female offenders in general. She then goes on to present a theoretical model of the native female offender based on the historical migration of Indian peoples to urban centres and a resulting loss of Indian male roles. She suggests a direct causal relationship between the severe role strain leading Indian men to violence against Indian women and the subsequent criminal activity of Indian women. The author herself points out that some of the conclusions reached in the paper as to reasons for native women's conflict with the law are limited by lack of data. One asks, therefore, what value can be attributed to the theories proposed by La Prairie? As in other parts of this collection, the value of the work

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lies, in part, in the alternative viewpoint from which the theories are advanced. As La Prairie states:¹

An important strength of the explanation is that it avoids the common mistake of blaming the victim (the Indian woman in conflict with the law.) Instead, the approach adopted takes into account the broader economic, socio-cultural and legal factors which are associated with being both Native and female in a male-dominated, non-Native society, and which contribute to women coming into conflict with the law.

A number of the papers discuss and challenge traditional theories of female criminality. Shelley Gavigan's "Women's Crime: New Perspectives and Old Theories" examines two themes which have prevailed in theories of women and crime: biological theories and women's movement liberation theories. Gavigan seeks to explain each of these themes within the historical and social context of their advent. She seeks to construct a new feminist criminology in a contemporary social context and hints at a multi-factor approach, tying gender, race, class and the legal definitions of crime. Sheelagh (Dunn) Cooper, in "The Evolution of the Federal Women's Prison" provides a valuable historical review of the penitentiary system for the female inmate. She presents a vivid, if gruesome, account of imprisonment of women for over 200 years of Canada's early penitentiary history. She also discusses the contradictory official views as to the nature of the female inmate which have characterized the penitentiary system: ranging from characterization of the female inmate as "the poor unfortunate" to "the scheming temptress."² The predominant feature of 20th century imprisonment of female inmates is shown to be the geographic and social displacement resulting from centralized federal imprisonment. The author documents that repeated pleas for decentralization from government reports and investigations as well as private sector reports have fallen on deaf ears. Short term financial gains and constitutional inconveniences appear to have outweighed concern for the human lives and liberties of this small and politically silent group of women. Through a combination of public pressure for recognition of fundamental human rights and the compilation of data to demystify the prevailing stereotypes as to the nature of female offenders, (Dunn) Cooper proposes action to change the position of the federal female inmate. A further challenge to the existing criminal justice system is mounted by Karlene Faith in "Media, Myths and Masculinization: Images of Women in Prison". Faith provides the reader with an insightful exposition of female stereotypes employed by the media both historically and in a contemporary context. Her paper is an impressive and thought-provoking challenge to a major purveyor of male-dominated ideologies.

"In Their Own Words" by Ellen Adelberg and Claudia Currie and "The Diaries of Two Change Artists" by Lorraine Berzins and Brigid Hayes provide innovative approaches to examining feminist issues in the criminal justice context. The accounts of the lives of seven female offenders set out in Adelberg and Currie's paper provides a powerful backdrop to the authors' attempt to redefine crime from women's perspective. Their conclusions touch on major concerns not only to criminal justice but to issues of socialization of women

1. E. Adelberg & C. Currie, eds., *Too Few to Count: Canadian Women in Conflict with the Law* (Vancouver: Press Gang Publishers, 1987) at 110.

2. *Ibid.* at 127.

in Canadian society — addressing matters such as “role prescriptions”; “child-bearing”; the “child welfare system”; and women’s goals within our society. Their solutions are sweeping but practical in nature: “to provide adequate financial and social support networks for single mothers”³ and “to allow women full and safe control of reproduction.”⁴ Berzins and Hayes present accounts of political and judicial action that have been taken to attempt to effect change in the criminal justice system. Berzins tells of her attempt to effect change for federal female offenders through her role within the Corrections Services Department and recounts the way in which her efforts were stymied by the bureaucracy which had engaged her services. Hayes provides a summary of a complaint to the Canadian Human Rights Commission as to treatment of female inmates and discusses the strategy, the achievements and the limitations of such action.

Most of the contributors display a standard of clarity that is noteworthy and provide novel and thought-provoking material on questions which relate both to issues in the criminal justice system as well as the broader realm of feminist theory. The weaker of the papers tend, however, to be tired renditions of dated criminological theories and mechanical applications of leftist doctrinal approaches.

Gloria Geller’s “Young Women in Conflict With the Law” appears to be merely an adaptation of her 1981 work on the *Juvenile Delinquent’s Act* (JDA).⁵ Her thesis is evident from the outset of her work: that “the adolescent female offender is a victim of our society’s double standard of sexual behaviour” both under the *Juvenile Delinquents Act* and under the more recent *Young Offenders Act* (YOA).⁶ The work lacks clarity as to some of its key concepts and reveals questionable methodology in compilation of supporting data. Geller seeks to prove her thesis by arguing that “status offences” under the JDA will continue to be punished, albeit indirectly, under the YOA. Geller’s mixture of pre-YOA and post-YOA data and assumptions gives rise to scepticism as to the validity of her conclusions. For example, she needs to clearly define what is meant by status offences both prior and post YOA given that the self report studies on which she relies cover both periods. In some instances, the data provided in support of Geller’s position are suspect. She cites a Winnipeg talk show host’s opinion that in Manitoba too many young people were being brought to court for minor offences and refers to his statistics showing that there was a 150% increase in the use of custody in Manitoba after the YOA was introduced. One questions the somewhat tenuous reasoning that ties minor offences to an increase in custodial sentences. Geller ought to identify and examine the methodology employed in compiling these statistics and the reasoning process adopted in arriving at her own conclusions based on this material. Furthermore, one must be wary of direct comparison of custodial numbers given the changes in the definitional framework which accompanied the change in legislation. Finally, unlike the majority of other contributors to

3. *Ibid.* at 98.

4. *Ibid.*

5. As rep. *Juvenile Delinquent’s Act*, R.S.C. 1970, c. J-3.

6. *Young Offenders Act*, R.S.C. 1985, c. Y-1.

this book, Geller provides little in the way of concrete proposals to deal with the problems of young women involved in the criminal justice system.

In the paper "Behind Prison Doors", Liz Elliot and Ruth Morris advance the theory that imprisonment labels women as deviant both as citizens and as women by enforcement of a patriarchal system of punishment. As stated by a woman interviewed by one of the authors, it is a "man's world both in and out of prison."⁷ However, the truth of the assertion that prisons are unfairly and inappropriately established on a patriarchal model can be said to apply equally to male and female institutions. In my opinion, the major contribution of this paper is that its criticism of the patriarchal penitentiary model, which results in the loss of self-confidence and self-worth of an inmate, leads the authors to propose changes within the penitentiary system to foster personal development for women incarcerated.

Generally, "Too Few To Count" is a rich and satisfying collection of papers on a topic that has been unjustly neglected in criminal justice literature in Canada. Overall, it can be said that this collection makes a significant contribution to criminal justice literature in challenging both the prevailing explanations of female criminality and also the traditional responses that have been employed to punish female offenders.

Charalee F. Graydon
Assistant Professor of Law
University of Alberta

7. Adelberg & Currie, eds., *supra*, note 1 at 148.