

The 'Premeditated' Creation of the 'Violent' Female Offender In Canada

Colleen Anne Dell

Empirical research and theoretical literature in the area of 'violent' female offenders is virtually non-existent in Canada. That which exists primarily portrays women involved in 'violent' offences as 'unnatural/evil' or as 'helpless victims'. These characterizations are upheld in the limited inquiry into and portrayal of 'violent' conduct by females in various realms of Canadian society. The aim of this paper is to examine the relationship between the 'unnatural/evil' and 'helpless victim' 'violent' female offender identities and the *ideological* and *material* (physical) control of 'violent' female offenders. The 'violent' female offender identities are explained to be a desired result of the operation of a form of capitalist patriarchy. Using the unified-systems variant of socialist feminist theory, it is argued that the ruling class in capitalist patriarchy must maintain the marginalization of women's productive and reproductive labour to perpetuate its own 'powerful' position¹. It is proposed that increasing female emancipation in Canada is viewed as a threat to this form of capitalist patriarchy. Examples within the Canadian criminal justice system of the material and ideological maintenance of the oppressive identities are provided to invoke the reader to reflect critically upon the gendered structure of this institute of the Canadian state.

This paper begins with an overview of the unified systems variant of socialist feminist theory. Both material and ideological forms of control are addressed. This preempts a discussion of the identification of the 'violent' female offender as 'unnatural/evil' and a 'helpless victim' as a means of oppression. Third, theoretical literature and empirical research is reviewed and support shown for the perpetuation of the oppressive identification of 'violent' female offenders. And last, examples within the Canadian criminal justice system of material and ideological control

supporting the oppressive identification of 'violent' female offenders are presented.

The Unified Systems Variant of Socialist Feminist Theory

There are several variants of socialist feminist theory, diverging in focus and origin.² Following the early period in socialist feminist theorizing, which was dominated by efforts to relate Marxism to women's paid and unpaid labour, concern shifted in the mid 1970s to specifying the theoretical links between a concept used widely by radical feminists and women liberationists - patriarchy - and Marx's theory of capitalism. It was no longer the theoretical aim of socialist feminism to 'fit' women into Marxist categories, but rather, it was to transform and unite the two separate theoretical traditions. One stage in the development of socialist feminist thought was unified systems theory, which emerged in response to criticisms of its predecessor, dual systems theory³. Unified systems theory's concept of *capitalist patriarchy* is the foundation of the explanation of the creation and perpetuation of oppressive 'violent' female offender identities in Canada.

Unified systems theory sets out to "describe and explain all forms of social oppression, using knowledge of class...hierarchies as a base from which to explore systems of oppression centring not only on class, but also on gender" (Lengermann and Niebrugge-Brantley, 1988:426-27). It views class (capitalism) and gender (patriarchy) structures as inextricably intertwined (Tong, 1989:185). It analyses capitalism⁴ and patriarchy⁵ together through the use of one concept: capitalist patriarchy⁶. This form of capitalist patriarchy "emphasizes the existing mutual dependence of the capitalist class structure and male supremacy" (Eisenstein, 1979). It centres on the structure of patriarchal society and the operation of its capitalist institutions, such as the criminal justice system, as controlling forces in the lives of women. It claims production (capitalism) and reproduction (patriarchy) comprise the foundation of Canadian society which uniformly facilitates female oppression and male domination (Comack, 1992).

A base concept of unified-systems theory is the *gender division of labour*. Historically, with the advent of capitalism in Canada, women were allocated the role of the reserve army of labour⁷ (Martin, 1986).

The reserve army of labour worked, and continues to work, to marginalize women's productive and reproductive labour⁸. The marginalization of women is an essential component of capitalism.

To understand the relations of production (capitalism) and reproduction (patriarchy), one must examine their inter-relation of *power* (Eisenstein, 1979:21). Unified-systems theory is interested in understanding the system of power derived from capitalist patriarchy. In industrial Canada, the interconnected nature of the power of patriarchy and capitalism results in specific patterns of social involvement.

Focussing on the system of *production* and the gender division of labour, an upper class exists (men) that has a ruling and exploitative relationship with the working class (women)⁹. The upper class possesses *power* in Canadian society. This is in the form of both ideological and material control. Messerschmidt explains:

What maintains this class rule are both repressive and ideological institutions of the 'superstructure'. The capitalist class is served by, and so controls, at least indirectly, the means of organized violence represented by the state - the military and criminal justice system. Through its preeminent influence on the state, the capitalist class is able to repress behaviours that challenge the status quo. Other institutions, like the educational system and the mainstream media, expound an ideology supporting the status quo. Overall, then, the relations of production under capitalism have both material and ideological dimensions (1986:32).

Focussing on the system of *reproduction* and the gender division of labour, patriarchal relations are essentially *power* relations with men exercising control over women by appropriating their labour power¹⁰ and controlling their sexuality¹¹ (Messerschmidt, 1986:34). Messerschmidt states that

...men control the economic, religious, political and military systems of power in society. Women's exclusion from these positions is fundamentally parallel to their regulation of primary responsibility for reproductive labour. This exclusion

is a major reason why women are relatively powerless to centrally change...the sexual division of labour (1986:34).

Since the ruling class is primarily comprised of men, behaviours that question patriarchy are repressed. As well, institutions of the state¹², such as the criminal justice system, uphold the patriarchal ideology of the ruling class. Relations of reproduction under patriarchy, like relations of production, have both material and ideological dimensions (Messer-schmidt, 1986:34).

Overall, the systems of production (capitalism) and reproduction (patriarchy), from a unified-systems theory perspective, unite in their oppression of women. Together they maintain the gender division of labour and thus ensure the marginalization of women. This is done in the interest of the ruling class to preserve its position of power in this form of capitalist patriarchy. As outlined, two concepts are central to this understanding: material and ideological control within both the productive and reproductive spheres.

A Socialist Feminist Explanation of the Identification of the 'Violent' Female

Offender as 'Unnatural/Evil' and a 'Helpless Victim'

Acknowledging the location of power in this form of patriarchal capitalism provides a basis for understanding why women 'violent' offender identities are created and perpetuated in Canadian society. In 1976 Carol Smart stated:

[i]n the past female criminality has not been thought to constitute a significant threat to the social order and even in the present, with the increases in the rates of offenses committed by women, criminologists and policy-makers are slow to re-evaluate the notion that female offenders are little more than insignificant irritants to the smooth running of law and order (2).

Twenty-three years later, a development has occurred from Smart's position: women *are* perceived as a threat to the social order (capitalist patriarchy). From a socialist feminist perspective it is suggested that

identification of 'violent' female offenders as 'unnatural/evil' and 'helpless victims' in Canada is a manifestation of female oppression.

In the past three decades, women's escalating power has been both challenged and sanctioned as a threat to the patriarchal structure of capitalism (Messerschmidt, 1986; Wolf, 1991). In the interest of maintaining capitalist patriarchy, constraints exist on women to ensure they do not acquire a degree of power that will upset the gender division of labour and existing social order: ruling class dominance. A primary technique has been the promotion and sustenance of a 'powerless' female character structure. Women and girls are encouraged to be passive, weak, complacent, dependent and non-violent (Steffensmeier and Allan, 1996:477). This is exemplified in Canada through such mediums as advertisements¹³, public attitude¹⁴, television programs, pornography and cartoons (Wolf, 1991).

Females who participate in 'violent' conduct exude characteristics associated with the masculine character structure - strength, aggression, independence, autonomy, boldness and violence. These characteristics do not 'fit' the condoned patriarchal image of the Canadian female. Lloyd describes the violent female as 'not living up' to her socially prescribed oppressive female role (1995:36). In fact, the 'violent' female challenges the condoned female and male character structures in this form of capitalist patriarchy. She dismisses portions of the female character structure and adopts elements of the male character structure. In doing this, the 'violent' female dismisses the powerless values of capitalist patriarchy (female characteristics) and adopts the powerful ones (male characteristics) (Messerschmidt, 1986:40).

From a unified systems theory perspective, it is proposed that an oppressive 'violent' female offender identity has been developed as the condemned prototype against which the socially oppressive and condoned feminine character structure is compared. This has been done in the interest of the ruling class because when women transcend the gendered image of the 'female', it is a direct challenge to the current structure of capitalist patriarchy. Simply, the 'violent' female offender poses a threat to patriarchal authority (Knelman, 1998). Breaking the law becomes secondary to the 'violent' female breaking from her 'feminine' identity. Identifying 'violent' women as 'unnatural/evil' and 'helpless victims' maintains and perpetuates power differences in society: the dominance of men and the oppression of women. The 'violent' female

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identity is suggested to be linked to a broader public agenda, set and controlled by men (Knelman, 1998). It is suggested here that the identification of 'violent' women as 'unnatural/evil' and 'helpless victims' maintains power differences in society: the dominance of men and the oppression of women. Support will be provided for this suggestion through examination of existing theoretical literature and empirical research on female 'violent' offenders and two examples within the Canadian criminal justice system.

Female 'Violent' Lawbreakers in the Literature

This section summarizes an extensive review of theoretical and empirical explanations of the 'violent' female offender. The review is extensive in terms of the search for, but not on, the literature due to an absence of scholarship. This (lack of) finding, is supported by others' reviews of the Canadian and American literature (Brownstein et al., 1994; Faith, 1993; FSW, 1995; Shaw¹⁵, 1995a; Shaw, 1995b). The aim of this section is to demonstrate, from the literature uncovered, the predominant identification of the 'violent' female offender as 'unnatural/evil' and a 'helpless victim'. A socialist feminist understanding of this identity as a means of female oppression is provided. This section begins with the definition of violence employed in this paper.

Violence Defined

The Criminal Code of Canada classifications of violent crime include

...assaults ranging from less serious offenses as threats to use violence, or pushing or shoving, through to serious attacks which result in physical injury; sexual assaults; robbery which may involve a threat to use force, a display of a weapon, use of a weapon and actual physical force; abduction; infanticide, attempted murder, murder and manslaughter (Shaw, 1995a:8).

The Criminal Code classifications are not questioned in this paper because the aim is to examine the *application* of the 'violent' offender label (or lack of it) to women charged with or convicted of a 'violent' crime. The existing Criminal Code definition and its classifications of violent crime is reflective of the masculine character structure and, thus,

the powerful values of capitalist patriarchy discussed to this point in the paper. It has been asserted that the ruling class identifies women who commit 'violent' crimes as 'unnatural/evil' and 'helpless victims' rather than as violent because to attribute the characteristics associated with violent crime to women in capitalist patriarchy would provide them with the characteristic power normally attributed to men. The identification of female 'violent' offenders as 'unnatural/evil' and 'helpless victims' serves to promote/maintain the dominant position of the ruling class in Canadian society. Messerschmidt poignantly states that "[t]he capitalist class is served by, and so controls, at least indirectly, the means of organized violence represented by the state... - the criminal justice system" (Messerschmidt, 1986:32). Critical attention (such as that located in the literature on women's use of violence in self defence¹⁶) is needed to address the Criminal Code definition of 'violent' crime, but that is beyond the scope of this paper.

Theoretical Explanations of the 'Violent' Female Offender

It has been suggested in this paper that the theoretical literature on 'violent' female offenders, from a socialist feminist perspective, assists in the maintenance of the operation of capitalist patriarchy by presenting an oppressive and powerless identity of the 'violent' female offender as 'unnatural/evil'. Variations of this identity include 'inherently controlled' (i.e., mental illness) and 'an aberration to the *true* feminine female'. A second common explanation of the female 'violent' offender is as a 'victim', helpless and powerless. It is important to note that this literature review focuses on the identification of the female offender in *general*, due to the severe absence of early theorizing specific to the 'violent' female offender. As eluded to, the absence of literature commonly resulted in often inaccurate conclusions.

Individual Explanations

Traditional theories of female criminality adhere to sexist stereotypes of women, treat women as 'other', and perceive women and their crimes as single conceptual categories¹⁷. These theories are dominated by the individual pathology perspective that is based in biological,¹⁸ psychological¹⁹ and societal²⁰ (view women as socially sick) explanations. Characteristic of these studies was the tendency to take what the

authors innately 'knew' about women's nature and locate evidence to support their positions. To illustrate, Lombroso, who focussed on the relationship between physical traits and criminality, concluded in his 1895 text, *The Female Offender*, that

[i]t is evident...that...anomalies be frequent in the crania of female criminals (and especially of murderesses)...[A] comparison of the criminal skull with the skulls of normal women reveals the fact that female criminals approximate more to males, both criminal and normal, than to normal women....(1895:27-28)

In reviewing contemporary individual based theories of female 'violent' crime, the legacy of the traditional studies is apparent (Lloyd, 1995:xvi; Smart, 1976:16). For example, women's conduct continues to be over-medicalized and explained by pre-menstrual syndrome²¹, mental illness²², and heredity²³. To illustrate, Dabbs and Hargrove (1997) analysed the interacting effects of age and testosterone on criminal and institutional behaviour of female inmates. They concluded that testosterone is related to criminal violence and aggressive dominance in prison among women, as has been reported among men. Dabbs and Hargrove (1997) also claimed: "[c]orrectional studies have found women with higher testosterone levels engage in more sexual activity, drink more alcohol, enter more competitive occupations, and behave in a more masculine and ram-bunctious manner than low testosterone women" (477).

Individual theories of women's (violent) lawbreaking introduced women into criminological explanations, however, it remains questionable whether the attention has been more of a detriment than no attention. Individual based explanations identify women as 'unnatural' for displaying traits of the masculine character structure (e.g., violence). This assists in maintaining ruling class dominance by preventing women from acquiring characteristics of the masculine (powerful) identity. Similar to traditional theories, contemporary theories do not present women's 'violent' criminal conduct as a consequence of their volition, but rather, due to their hormones, mental illness and the like. Viewing women's conduct as inherently determined denies women autonomy, again, a characteristic of the masculine character structure.

A shift from individual-based explanations to the acknowledgement of societal influences in women's crime surfaced in the late 1960s with role theory²⁴. Role theory focussed on differential socialization, differential illegitimate opportunity structures and differential social reaction (Smart, 1976:68). Role theory, however, ignored the 'larger picture': it neglected to question why women were assigned specific roles (Somers and Boskin, 1994:18). Essentially, role theory did not acknowledge the patriarchal structure of society. Again, considering there was minor, if any, focus specific to female 'violent' offenders, a similar conclusion is drawn.

Societal Explanations: Emancipation and Opportunity Theories

Societal accounts of female criminality similarly emerged in the late 1960s with the advent of feminist theory and feminist criminology. Heidensohn's (1968) work initiated focus on the social domination of women and its relation to crime. The first theory to acquire large-scale attention was Adler's emancipation/masculinity thesis (1975), and to a less extent was Simon's occupational/opportunity thesis (1975). Both proposed that as women's roles became less structured, they had increased opportunity to deviate from their traditional roles and commit criminal acts conventionally committed by men (Smart, 1976:70-76). Adler, for example, proposed the increase in women's crime was a consequence of the women's liberation movement. She stated:

In the same way that women are demanding equal opportunity in fields of legitimate endeavour, a similar number of determined women are forcing their way into the world of major crimes....It is this segment of women who are pushing into - and succeeding at - crimes which were formerly committed by males only. Female(s)...are now being found not only robbing banks single-handedly, but also committing assorted armed robberies, muggings, loan-sharking operations, extortion, murders, and a wide variety of other aggressive, violence-oriented crimes which previously involved only men (Adler, 1975:13-14).

In Canada, the research of Fox and Hartnagel (1979) similarly supported that "changes in various aspects of women's structural position in

society affect[ed] female crime rates" (96). Although such theories did not focus specifically upon the 'violent' female offender, they did make reference in passing to increasing violence (traditionally characteristic of a male offender) committed by females. For example, Adler stated: "[w]omen are indeed committing more crimes than ever before. Those crimes involve a greater degree of violence, and even in prison this new breed exhibits hitherto unmatched pugnacity" (1975:3).

Adler's work sparked immense debate within the tradition, which eventually led to its discredit. However, as Faith (1993) claims, "[t]he attention that came to her [Adler's] work assured a place for issues on women and crime on the criminological agenda" (68). The myth of the liberated female offender sporadically surfaces in contemporary work, most often as a backlash to feminism, but overall it remains largely silent. Supporting the maintenance of this silence is the fact that there has not been an increase in the past decade of women's involvement in crime in general²⁵ and "violent" crime in particular^{26,27} (Dell, 1993; Faith, 1993; Lloyd, 1995; Shaw, 1995b). Focussing on 'violent' offences over the past several decades in Canada, women have firmly comprised 12% of the total violations against a person (Faith, 1993; Shaw, 1995b:188).

In 1976 Smart advanced the theoretical position that the emancipation and occupational theories were an attempt to scientifically legitimize women's inferior social position (76). This remains a supported position today. In 1996 Jones claimed "Adler was quite right that the two phenomena - the women's movement and female criminality - go together, but not as she supposed in terms of cause and effect. It is simply that the presence of one prompts the fear of the other" (3). Similarly, Lloyd states:

[t]his...myth is proving durable precisely because it provides yet another stick with which to attack women who are working to improve the position of women in our society. It's a new...way of blocking that improvement, a new way of keeping women in line (1995:52).

And as well, Chesney-Lind (1980) claims: [i]t is time to recognize clearly the notion of the liberated female crook as nothing more than another in a century-long series of...attempts to keep women subordinate

to men by threatening those who aspire for equality with the images of the witch, the bitch and the whore (1980:29).

The emancipation and opportunity theories suggest increasing opportunity is the cause of escalating female participation in crime. These theories advance that because females are exceeding the confines of their 'traditional' social roles, they are increasingly participating in criminal conduct, including 'violent' crime traditionally committed by men. Consequently, these theories confine women to their powerless role in capitalist patriarchy. This, once again, upholds the ruling class interest of maintaining the gender division of labour: women are denied 'powerful' (masculine) characteristics.

Victimology

The victimology school of thought is rooted in the work of Elias (1986). With feminist criminology's increasing focus on the 'larger picture' in the 1980s, the role of the victim in society was acknowledged. This resulted in a view of women's violent conduct as a response to their victimization in an abusive situation or to a past abusive experience (Shaw, 1995b:120). Two examples are the theory and legal defence of the battered-woman syndrome^{28,29} and the thoroughly publicized 1996 Canadian criminal justice system's review (by Judge Rutushny) of the cases of 98 women who claimed to have killed their partners in self-defence. Using Judge Rutushny's review as an example, the paramount message depicted was that female 'killers' were wrongfully convicted because they acted in self-defence to an abusive partner. To illustrate, Rutushny stated the review "...is valuable...because it helps us...understand why these killings happened and whether abuse led to it" (The Winnipeg Sun, 1996:3).

Theories emerging from the victimological school of thought have placed our understanding of 'violent' female offenders in a macro context, but they have overwhelmingly treated women as 'powerless' victims within it³⁰. The identity of 'victim' portrays women as incapable of self-initiated violence and therefore devoid of the masculine character of autonomy (a characteristic of power in capitalist patriarchy). It identifies women as 'helpless victims' and this upholds the condoned female character structure (i.e., helpless and weak) in Canada's capitalist patriarchal society. Additionally, by portraying women as merely reacting to men's

violence, it oversimplifies their crime and thereby repeals them of their autonomy once again (Shaw, 1995b:121).

It is important to note that a main reason 'violence' by women has not been addressed by feminist criminology is for fear it will undermine feminist analyses of sexual violence and gains made by the feminist movement in general (Kelly, 1996:36). For example, "[d]uring the early 1990s we...witnessed some individuals in the professions and the media seizing upon emerging evidence about women's use of violence to make outspoken attacks on feminist analysis" (Kelly, 1996:35). There has been a 'backlash' against feminist theory with suggestions of women being to blame for their victimization (Straus et al., 1980) and the 'battered husband syndrome' (Steinmetz, 1977/78)³¹. One constructive response to such public debate and tactic, argued by Schwartz and DeKeseredy (1993), is 'news making criminology'. They claim "it is essential for feminist researchers to avoid limiting their presentations of alternative messages to academic settings or community groups. It is essential that feminist researchers...make strong attempts to disseminate their arguments through the mass media" (Shwartz and Dexeseredy, 1993:260).

Not addressing the issue of female 'violent' crime has resulted, as argued, in women being incessantly vilified as 'unnatural/evil' or portrayed as 'helpless victims'. Similar to the stated criticism of individual theories of female 'violent' crime, it is important the topic of violence by women be raised. I agree with Shaw's (1995a:15) claim that it is very difficult for scholars, journalists and other social critics to view women as having abused, however, it is imperative that sense be made of the issue. Simply, the lack of attention has facilitated the perpetuation of an oppressive and 'powerless' identification of female offenders.

In consideration of the range of explanations of the 'violent' female offender reviewed, from the individual pathological and emancipation and opportunity theories' focus on the 'unnatural/evil' identity to feminist criminology's focus on women as 'helpless victims', the limited nature of the explanations and thus the limited advancement in explaining the female 'violent' offender becomes evident. Feminist criminological theory, similar to traditional criminological theory, is guilty of allotting neither adequate attention nor autonomy to women who commit 'violent' crimes (e.g., Messerschmidt, 1986). The form of capitalist patriarchy discussed in this paper is upheld by the theories: (1) presentation of an oppressive identification of the 'violent' female offender as

'unnatural/evil' or a 'helpless victim', and (2) neglect to address the oppressive 'violent' female offender identity, which in turn *enables* the identity to be perpetuated. A similar criticism is made of the empirical research.

Empirical Accounts of the 'Violent' Female Offender

Similar to the theoretical literature on 'violent' female offenders, empirical accounts assist in the maintenance of the operation of capitalist patriarchy by presenting a powerless and oppressive identification of the 'violent' female offender. Empirical accounts and official statistics identify the 'violent' female offender as 'unnatural/evil' and, similar to the above explained focus on the 'violent' female offender as a 'helpless victim', devoid women of the powerful masculine characteristics typically associated with violence.

Official Statistics

Official statistics are one means of measuring the amount of 'violent' crime committed by women. Official statistics alone cannot, however, be used to draw conclusions about the extent of women's 'violent' conduct (or any conduct for that matter)³². They can be used, however, to examine the identification of women (or lack of) as 'violent'. To explain, the work of Zay purports that official data on deviance fulfills one important function: "they indicate the extent to which, and method whereby, the public agencies of social control are dealing with the deviance they define" (1963)³³. For example, official Canadian statistics demonstrate that women charged with a 'violent' crime are most likely to be convicted of a minor assault in comparison to a major assault (Dell and Boe, 1998; Faith, 1993; Lloyd, 1995:56; Schur, 1983:36; Shaw, 1995a; Shaw, 1995b:188).

These examples support that the ruling class in capitalist patriarchy, through state institutionalized means, oppresses women to maintain its dominant class position. It is in the interest of the ruling class to *not* officially define women as violent because that would attribute 'powerful' masculine characteristics to them. The empirical research on 'violent' women offenders provides further reasoning.

Empirical Research

In the introduction to this section a severe absence of Canadian and American empirical literature on violence by women was claimed. Others who have attempted to review the literature, such as Brownstein et al. (1994), Faith (1993), FSW (1995), Shaw (1995a) and Shaw (1995b), have reached comparable conclusions. Shaw, for example, stated:

[t]he lack of basic information about women who commit violent offenses is a particular problem in Canada although it has been noted elsewhere....In Canada there are no national court statistics or in-depth studies which would allow us to look at the issue of violence by women in any detailed way. There exists only a handful of studies which have attempted to approach the issue (1995b:120).

An overwhelming characteristic of Canadian and American studies that address female 'violent' offenders is that they predominantly focus on women who have killed (e.g., Jones, 1996; Pearson, 1997; Priest, 1994; Walford, 1987) and thus are presented in the context of 'curiosity' and 'intrigue'. This suggests an 'unnatural' nature to 'violence' by women. Patricia Pearson's (1997) book, *When She Was Bad. How and Why Women Get Away With Murder*, is a prime example, noting it was the recipient of the 1997 Arthur Ellis Award for Best True Crime. The closing cover of Person's text reads:

When She Was Bad explores the heart of female darkness and shows that women are more violent than anyone suspected. Patricia Pearson includes spell-binding portraits of contemporary murderesses including Karla Faye Tucker, who was recently executed for having killed two people with a pickaxe...[and]...Karla Homolka, who raped and killed three women, including her sister and then blamed it on the battered-wife syndrome (1998).

A second defining characteristic of studies that address female 'violent' offenders is the explanations concentrate on a single explanatory factor (this simplifies the women's conduct/renders women helpless). These explanations are characterized by three themes: (1) altruism, (2) physical nature of the offence and (3) substance abuse. Each is illustrated.

The first prominent Canadian study of female violence focussed on women who killed and was conducted by Rosenblatt and Greenland, 1974. This study examined the circumstances of homicide and wounding cases and concluded women's violent crimes were *altruistic*. Because so few studies existed at the time in Canada (and still do not exist), Rosenblatt and Greenland's study has been routinely cited and its findings generally left unquestioned. Unfortunately, the study is neither generalizable to the population it studied nor to women serving federal sentences today.

Another landmark study on violence by women, again focussed on homicide, was conducted by Ward and Ward (1979) in the United States and had considerable influence in Canada. The authors' concluded that women killed men when men were at their *physical* weakest (e.g., asleep or ill) (Shaw, 1995a:17). Other studies that have relied on physiological explanations are Wolfgang (1958) who reported women used minor physical strength to commit murder, and Felson (1996) who concluded physical power was an important factor in explaining the female decision to engage in violence (i.e., homicide).

The third theme of studies on violence by women is the establishment of a connection between women's violence and *substance abuse*. Recent studies by Brownstein et al. (1994) and Robertson et al. (1987) concluded the use of alcohol and illicit drugs were strongly correlated to women's violent conduct.

Once again, two defining characteristics of Canadian and American studies that address female 'violent' offenders are: (1) they focus on the 'curious' aspect of violence by women, specifically women who killed, and (2) they are overly simplistic (propose a single explanatory factor). Each criticism is addressed in relation to its perpetuation of the oppressive female 'violent' offender identity as 'unnatural/evil' or a 'helpless victim'.

First, the studies onerously focus on the most 'curious' aspect of violence - the act of killing. The sensationalization attached to murder in itself endorses a negative identity to the female offender as 'unnatural/evil'³⁴. Faith supports that "murder stories, when focussed on the deed, take on the quality of monster tales" (1993:97). Left untouched are the circumstances and nature of the crimes. The act of killing is misleading without an understanding of the context (Lloyd, 1995:xviii). For example, to understand the relationship between violent crime and substance

abuse for Aboriginal women, it is necessary to contextualize it within their oppressive history. Studies that focus on women who killed routinely identify them as 'unnatural/evil', that is, as an aberration to the 'true feminine female' (Lloyd, 1995). As discussed, this serves as a means of oppression.

And second, the studies propose a single explanatory factor (altruistic, physical, substance abuse) for female 'violent' crime. Explaining women's crime with a single factor makes the conduct overly simplistic and thus disempowers the women offenders. This is similar to the argument against identifying the female offender as a 'helpless victim'. Though limited counter-research exists in the area, a 1989 study of federally sentenced women in Canada, as part of the Federally Sentenced Women Initiative, concluded a 'type' of violent crime committed by women and a 'type' of female violent offender does *not* exist (Sugar and Fox, 1990). Similarly, a study of female 'violent' offenders by Shaw (1995b) concluded that all women were *not* found to act violently in response to a violent situation (e.g., domestic abuse) (122). The studies of female 'violent' conduct cited in this section rudimentarily 'typify' the female offender to causally explain her 'violent' conduct with one explanatory factor. Overly simplistic explanations of women's violent conduct deny the crimes of power (i.e., void women of autonomy). We can see, once again, how refusing to equate the powerful characteristics of violent crime (i.e., autonomy) with the female 'violent' offender serves an oppressive function: dominance of the ruling class in the form of capitalist patriarchy discussed.

As a final point, the absence of studies (and therefore knowledge) on 'violent' female offenders contributes to the perpetuation of existing oppressive characterizations as 'unnatural/evil' and a 'helpless victim'. Because so few studies exist, those that do are presented and accepted as 'truth' due to the absence of counter-research (i.e., Rosenblatt and Greenland, 1974).

The Canadian Experience

It has been shown in this paper how criminological theories and studies, as well as the lack of them, have contributed to the creation and perpetuation of the oppressive identification of the female 'violent' offender as 'unnatural/evil' and a 'helpless victim'. It has been suggested that these identifications, in the interest of capitalist patriarchy, operate to disem-

power women. Adhering to the outlined variant of socialist feminism, it was claimed that through the relations of production and reproduction our current form of capitalist patriarchy (ruling class power) is maintained in two ways: material and ideological control. Once again, ideological control refers to strong ideas/beliefs characteristic of a group (and its individuals) that influence social and political action and which results in the justification of inequitable social stratification. Material control pertains to elements of control that are tangible/physical/palpable.

This section of the paper briefly introduces an example within the Canadian criminal justice system (an institution of the ruling class) of the material maintenance and an example of the ideological maintenance of identification of 'violent' women offenders as 'unnatural/evil'³⁶. The examples support the view that, as Lloyd states, "...the system operates against such deviant women because the system itself is deeply embedded in a very traditional and conservative part of the society on whose behalf it operates" (1995:193). The aim of introducing the examples is to invoke the reader to reflect critically upon the gendered structure of an institution of the Canadian state, the criminal justice system.

Material Control

The operation of the Canadian criminal justice system, in its support of the interest of the ruling class, condones the material control of women it identifies as 'violent' offenders through physical violence. An horrific example was the treatment of female offenders as 'unnatural/evil' on April 26 and 27, 1994, at the Prison for Women (P4W) in Kingston, Ontario. The Kingston Penitentiary Institutional Emergency Response Team (riot team) was called into the women's institution to 'extract' what the institution *claimed* were 'rebellious' prisoners from their cells following two days of again *claimed* 'rebellious' conduct (Marron, 1996:125). In the Commission of Inquiry that ensued the cell extractions, Judge Arbour concluded the 'rebellious' acts of the female offenders were not, in fact, 'rebellious'. She claimed the women's conduct did not pose a threat to the safety of the institution or its occupants (1996). The conduct, however, in the view of the prison 'rebelled' what it identified as 'appropriate' female conduct.

A video was taken of the actions of the riot team with the female offenders (recalling they were not found to have acted 'rebellious' as

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was claimed) and it revealed 'shocking images of female prisoners being stripped naked, shackled, prodded with batons and forcibly removed from their cells by male guards in riot suites and helmets' (Marron, 1996:124). The so claimed 'rebellious' women were treated as 'unnatural/evil'. To illustrate:

A Native woman who had been stripped while she was apparently half-asleep looked disoriented and totally humiliated, as she was forced to back up against a wall with a transparent plastic riot shield against the front of her naked body. Another naked woman kneeled with hands behind her head, motionless as if in a yoga position, asking in vain for a gown, while a chain was fastened around her waist and two guards stood in front of her with their batons raised like erect penises. But perhaps the most disturbing images were of a woman protesting and struggling as two men pinned her, face-down on the floor, and helped a female guard rip her clothes and tear them from her body (Marron, 1996:124).

This disturbing image depicts the treatment of female offenders as 'evil/unnatural' when in fact, once again, their preemptive conduct was later not deemed as such by the Commission of Inquiry (Arbour, 1996). The only 'rebellion' may have been that the women's conduct did not adhere to the socially sanctioned patriarchal prototype of femininity held in the view of the Canadian criminal justice system. On April 26 and 27, 1994, women at P4W had their power and autonomy stripped from them both physically and as inmates within a Canadian capitalist patriarchal institution³⁶.

Ideological Control

It has been suggested in this paper that the female 'violent' offender identity is deliberately created to maintain the current form of capitalist patriarchy. It was shown that the characterization of the female 'violent' offender as 'unnatural/evil' and a 'helpless victim' is perpetuated in the theoretical and empirical literature (as well in as the absence of it) and through material control, but how is it that the identification is over-

whelmingly accepted and maintained amongst the Canadian public? How is it that some members of the Canadian public supported the horrific treatment of the female inmates at P4W by the riot team?

There are numerous venues of support for an ideology promoting the oppressive identification of female 'violent' offenders, ranging from our educational system to media depictions. One originating venue of this ideology in reference to the criminal justice system is the Correctional Service of Canada and the dissemination of its ideology through the media. Two illustrations are CSC representative's identification of 'violent' female offenders as 'unnatural/evil' in media reports following CTV's public airing of the P4W cell extractions, and following the alleged 'escape'³⁷ of females from the recently constructed Edmonton Institution for Women. It is suggested that CSC, as a capitalist patriarchal institution and using the media as its medium of dissemination, expounds daily an ideology supporting the status quo (Messerschmidt, 1986:32; Schwartz and DeKeseredy, 1993:259-260).

The examples provided of the material and ideological control of the female 'violent' offender identification as 'unnatural/evil' support that the Canadian criminal justice system both treats and views the female 'violent' offender as an 'aberration to the true feminine female.' The aim of introducing the examples was to invoke the reader to reflect critically upon the gendered structure of an institution of the Canadian state, the criminal justice system. As stated, the criminal justice system, as an institution of the state (which upholds the interests of the ruling class), through both material and ideological forms, works to maintain our current form of capitalist patriarchy. Once again, we are able to see that the interconnected systems of production (capitalism) and reproduction (patriarchy), from a unified-systems theory perspective, marginalize women so that the gender division of labour is maintained and thus, the ruling class is ensured its powerful position in capitalist patriarchy.

Conclusion

It has been shown throughout this paper that the oppressive 'violent' female offender identification as 'unnatural/evil' and a 'helpless victim' are *premeditated* creations by the ruling class (supported through institutions of the state) and maintain our existing form of capitalist patriarchy. It was suggested from a socialist feminist perspective that the identities have been created and maintained through ideological and material con-

trol because the increasing attempted emancipation by women in Canadian society is viewed as a threat to the current form of capitalist patriarchy. Theoretical literature and empirical research was reviewed and support shown for the perpetuation of the oppressive identification of 'violent' female offenders. And as well, examples within the Canadian criminal justice system of material and ideological control of 'violent' female offenders were presented as further support and to invite the reader to apply the argument of this paper to their Canadian experiences — whether that be to support the position presented or challenge it. It is only through critique, challenge and support that progress will be made.³⁸

Notes

1. This is termed the 'gender division of labour.'
2. See Gottlieb (1989), Jaggar (1988), Lengermann and Niebrugge-Brantley (1988) and Tong (1989).
3. Dual systems theory initiated attention on women's experience in relation to 'domestic work' and the fact that it served men *and* capital. It recognized that women's experience could no longer be accounted for by solely focussing on their role in the reproduction of labour power. This marked a move away from the primacy of Marxism with its basis in the economic sphere. Dual systems theory afforded primacy to neither capitalism nor patriarchy, but rather, the system was seen as comprised of two systems or structures (Messerschmidt 1986). Dual systems theorists maintained that "patriarchy and capitalism [were] distinct forms of social relations and distinct sets of interest, which, when they intersect[d], oppresse[d] women in particularly egregious ways" (Tong, 1989:175).
4. Capitalism is defined as an economic system in which the means of production and distribution are for the most part privately owned and operate for private profit (Evans, 1995).
5. Patriarchy is defined as a system whereby men achieve and maintain social, cultural and economic dominance over females. It is predicated on an understanding of gender relations as inequalities of power (Evans, 1995).
6. See Jaggar (1988) and Young (1980).

7. Tong (1989) explains that "...[b]ecause a large reserve of unemployed workers is necessary to keep wages low and to meet unanticipated demands for increased supplies of goods and services, capitalism has both implicit and explicit criteria for determining who shall constitute its primary, employed work force and who shall act as its secondary, unemployed work force. For a variety of reasons, not the least being a well-entrenched gender division of labour, capitalism's criteria identified men as 'primary' work force material and women as 'secondary' work force material. Because women were needed at home in a way that men were not - or so patriarchy concluded - men were more free to work outside the home than women were" (184).

8. For example, "[u]nder capitalism as it exists today, women experience patriarchy as unequal wages for work equal to that of men; sexual harassment on the job; [and] uncompensated domestic work" (Tong, 1989:185).

9. Neither women nor men can be conceived as totalities. Diversity exists amongst women (i.e., race and class), however, it is in the interest of the ruling class to have women, in general, in an oppressed position. Similarly, all men do not benefit from the power of patriarchy equally.

10. Women's labour within both the productive and reproductive realms has been mainly appropriated by men for personal use.

11. For example, normative sexuality "...helps to legitimate the ideology that women are dependent on men for their sexual and economic well-being, denigrates women's relationships with other women, and subjects them to continued domination by men" (Messerschmidt, 1986:34).

12. The state is the apparatus of rule or government within a particular territory. It is a social system that is subject to a particular rule or domination. In this form of capitalist patriarchy, the ruling class has great influence on the operation of the state (Jary and Jary, 1991:623).

13. In March, 1998 Fisher Price introduced its new line of *all male* action heroes (e.g., fireman) in a television commercial. It promoted the viewer to deduce that girls are not the 'action heroes' but rather, they are the 'mythical' 'damsels in distress.' Similarly, two 1988 Warehouse One (a Canadian clothing company) female t-shirts read 'D & G: Dumb and Gorgeous' and 'Caution Blonde Thinking.'

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14. A 1998 Ottawa, Ontario, license plate reads 'chvlyr.'

15. Shaw's review covered the disciplines of psychology, psychiatry, sociology, criminology, social work and education. To examine the range of materials available, it focussed on the most recent publications covered 1984-1994. The CD ROM data-bases included the Social Science Index, Sociofile, Psychlit, Eric, Uncover, Canadian Business and Current Affairs. Library searches were conducted at 5 universities and the library of the Ministry of the Solicitor General, Ottawa. The US sources included the NCJRS database, the Information Centre for the National Institute of Justice, Fay Knopp and the Safer Society Program, Russ Immarigeon Criminal Justice Writer, Sharon Smolick, and the Bedford Hills Correctional Facility, New York (Shaw, 1995b).

16. See Thomas (1994).

17. See Klein (1973), Morris (1988) and Smart (1976).

18. See Cowie et al. (1968) and Lombroso and Ferrero (1895).

19. See Gibbens (1957), Glover (1969) and Greenwald (1958).

20. See Konopka (1966) and Thomas (1923).

21. See Konopka (1966) and Thomas (1923).

22. See Maden et al. (1994), Ogle et al. (1995) Singer et al. (1995) and Walklate (1995).

23. See Lloyd (1995).

24. See Heidensohn (1968).

25. See Robertson et al. (1987).

26. See Messerschmidt (1986), Robertson et al. (1987:754), and Steffensmeier (1996:469).

27. Note that women's participation in petty economic crimes has steadily increased (e.g., shoplifting and theft and fraud under \$1000). Studies have concluded, however, that this is a consequence of economic marginalization and not emancipation (Carlen, 1988; Dell, 1996; Johnson and Rodgers, 1989; Steffensmeier, 1996).

28. See Allen (1987(a):82), Comack (1993) and Marron (1996:126).

29. "Leonore Walker suggests a three phase cycle [of the battered-woman syndrome] which begins with an escalation of tension, followed by an explosive violent episode and a subsequent period of calm and reconciliation. She uses the psychological concept of 'learned helplessness' to argue that, over time, battered women feel that they cannot prevent violence" (Kelly, 1988:63-65).

30. There are theories of wife abuse that do *not* appropriate autonomy (power) from women (see Lenton, 1995), however, a greater proportion currently do.

31. See Schwartz and DeKeseredy (1993).

32. Even though official statistics are widely cited as indicators of violent behaviour, there are serious concerns with their use. These include: (1) police and court convictions are renditions of societal reactions and are therefore not accurate indicators of behaviour; (2) an undeterminable amount of crime goes undetected and is therefore not accounted for (see Chesney-Lind and Sheldon, 1992); (3) some crime that is reported goes unrecorded (see Hood and Sparks, 1970:35); (4) categories of crime (including violent) are vaguely defined and variously recorded (see McCleary et al., 1982; Silverman and Teveen, 1980); and (5) methods of computing vary and are often used inappropriately. For example, some have used males and females as the base for computing rates of rape (Hagan 1984).

33. A related example is the work of Allen (1997(b)), which studied the professional treatment of women charged with serious violent crimes and concluded they were rendered harmless (1997(b):54). "The central assertion is that...the portrayal of female violence follows a distinct and sexually specific pattern which tends towards the exoneration of the offender" (Allen, 1997(b):55).

34. It is important to note there is increasing attention and a growing literature that sensationalises female youth violence and violent gang participation (see Krantowitz and Leslie (1993) and Sommers and Baskin (1994)).

35. The focus is limited in this section to the identification of the 'violent' woman offender as 'unnatural/evil.' However, both material and ideological examples exist of the 'powerless' female as victim. For example, the state's initiation of Judge Rutushny's review of women who claim to have killed their

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partners in self-defence and the legal and media portrayal of Karla Homolka as a 'battered-wife.'

36. It is interesting to note a personal experience of public support for the material control of female 'violent' offenders. In the days following the public release of the video depicting the deplorable actions of the riot team at P4W (February 25, 1995) I was employed as the Executive Director of the Elizabeth Fry Society of Manitoba (an agency committed to assisting women in conflict with the law). During this time I responded to numerous public and media perceptions that 'the women deserved what they got because they were 'violent' women and that there is 'something wrong with the violent women: they are not feminine.'

37. An inmate at a correctional institute is defined as having 'walked away' when there are no physical barriers preventing the inmate from doing so. When there are physical barriers (such as a barbed wire fence) the inmate is defined as having 'escaped.' The female inmates at the Edmonton Institution simply climbed a 3 foot chain linked fence and 'walked away.'

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