

Sacrosanct or Flawed: Risk, Accountability and Gender-Responsive Penal Politics

Kelly Hannah-Moffat*

Abstract

This article argues that Canadian and many international discussions of gender responsive (GR) penalty have substituted male normative criteria with a 'female norm' without much critical reflection on the implications of this development and its impact on women prisoners. GR penalty is situated within a narrow politics of difference that posits an essentialist characterisation of women as relational, thereby resurrecting past debates about the politics of difference (Daly 1989; Heidensohn 1986; Pitch 1992; Hannah-Moffat 1995; Wheeler et al. 1989; Spader 2002). Using risk-need classification as a core example, it is argued that the ensuing correctional emphasis on women prisoners' relationships combines with broader concerns about risk, individual responsibility, and choice to produce new strategies of gendered governance that emphasise responsibility and diminish social structural contexts. Secondly, it is argued that the conceptualisation of GR punishment has not moved beyond the *rhetoric* of diversity; it does not integrate the work done by intersectionality scholars about how multiple oppressions operate simultaneously. Finally, it is argued that the ideal of GR is layered onto existing penal practices and how it can mask ongoing concerns about human rights, obscure the operational difficulties associated with the development of a gendered alternative to hegemonic models of correctional management, and minimise the criminogenic characteristics of penal contexts.

Sacrosanct or Flawed: Risk, Accountability and Gender-Responsive Penal Politics

Over the past 15 years, several countries have adopted penal policies and programs that incorporate gender issues including responsivity, classification, health, and childcare.¹ British, Canadian and Australian penal systems have applied the language and ideals of

* Professor Kelly Hannah-Moffat is Professor and Chair of the Department of Sociology at the University of Toronto, Mississauga – hannah.moffat@utoronto.ca. She has published numerous articles and books on risk, punishment, penal reform, parole decision-making, gender and diversity. She would like to thank Linn Clark, Marianne Quirouette and the anonymous reviewers for their comments.

¹ For a copy of the *Draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* see: <http://www.unrol.org/files/ECN152009_CRP8.pdf>. The United Nations is in the process of revising the *Minimum Standards on the Treatment of Prisoners* to include protocols for gender responsiveness.

'gender-informed' or 'woman-wise'² penal policies with minimal critical discussion. Studies from the United Nations,³ India, Nigeria and Russia⁴ stress the importance of gender sensitivity and the 'need to rethink women's prisons without the male prison as the referent point' (Shankardass et al. 2001:21; also see UN 2008). A recent national survey of American female prison wardens demonstrated widespread support for the adoption of gender appropriate correctional models that are not based on a male norm (van Wormer and Kaplan 2006). Ideals of gender responsive punishment are being woven into the sentencing education and training curricula of the judiciary (Cicero and DeCostano 2000; NIJ 2009).

Recent studies about 'what works' for women have led to the development of 'gender responsive' (GR) guiding principles for women offenders (Bloom and Covington 1997; Bloom et al. 2003), new gender-based penal norms and a plethora of feminist research on female offenders' risk, need, and responsivity factors. The focus on gender responsiveness, similar to the preceding Canadian focus on women-centredness, marks a conceptual shift in women's penalty, allowing an alternative approach to treatment and program development for women. Proponents of this approach argue that an effective system for female offenders must be structured differently from a system for male offenders; they claim that policies, programs, and procedures that reflect gender-based differences can make the management of women offenders more effective, increase resources, improve staff turnover, prevent sexual misconduct, improve program delivery, decrease the likelihood of litigation against the criminal justice system, and improve the gender responsiveness of services and programs (Bloom et al. 2003:6).

Discourse about GR has spread throughout the international community with surprisingly little resistance or academic debate.⁵ Most recent studies have characterised the shift toward GR punishment as progress and support continued efforts to modify women's penal interventions, programs, risk-need assessment and classification instruments, and staffing models. The majority of correctional agencies are now embracing the notion of GR penalty: they are adopting the narratives, policy, and programming provided to them by a growing number of 'gender specialists' who provide templates and direction on how to run prisons and programs.

This article will demonstrate that gendered knowledges have indeed reframed the problem of women's imprisonment and penal power, but that the well-intentioned logic of GR punishment is under-theorised and efforts to interpret GR operationally create a complex/nuanced set of problems. A reflexive critique of recent developments in GR penalties is essential and timely because women's penalty has entered a new era in which penal administrators are expected to be aware of gender differences and to respond appropriately.

Introducing feminist theory into penalty has arguably had a positive effect on the experience of imprisonment for many women. Correctional workers are now more aware of gender issues including socio-economic marginalisation, prisoner's status as mothers,

² Pat Carlen (2002) has used the more specific term 'woman-wise'.

³ The UN uses the term 'gender sensitive'.

⁴ See UN (2008) for a more detailed discussion of approaches to women's imprisonment in these jurisdictions.

⁵ Without doubt, advocates of gender responsivity faced institutional resistance, discrimination and budgetary limitations in their attempts. This article is not suggesting that this struggle did not occur, or that changes in programming for women in prison were not desperately needed.

histories of victimisation, gendered pathways into crime, barriers to re-entry, etc.; many are also becoming aware of how race, mental health, and sexuality intersect with and shape women's criminalisation. Within this context, it is important to deconstruct the meaning of gender in penal policy and to examine how the gendering of punishment has produced new targets and strategies of governing women. Although GR punishment practices have improved the conditions of women's confinement and put women on the policy agenda, they have also resulted in conceptual and practical difficulties. This article is not intended to depreciate the efforts of pioneering feminist-inspired reformers intent on improving the conditions of confinement for women and producing gender-aware policy. The problem is that the focus has become accountable penal governance, while the actual meaning of 'gender responsive' has become unclear.

Positioning Gender in Penal Reform: Successes and 'Failures'

Canada has developed one of the most advanced GR penal models, however, a number of critical reports (CHRC 2003; OCI 2009; Arbour 1996) over the past 20 years and the 2007 death of female prisoner, Ashley Smith⁶, consistently reveal a pattern of ongoing system-wide problems. Ms Smith's death and the current state of federal women's prisons exemplify a litany of systemic problems associated with the management of women prisoners, and in particular of women characterised by correctional authorities as 'high risk' or 'high need' (Arbour 1998; Sloan 2004; Parkes and Pate 2006; Sapers 2008; UCCO 2008; Dell et al. 2009; Pollack 2009). This section will focus on Canada's system, as it provides an excellent example of how gender is 'recognised' but narrowly-defined, thus contributing to a new set of challenges.

In the early 1990s, Canadian women's prisons underwent significant restructuring in response to a renowned report by the Task Force on Federally Sentenced Women: *Creating Choices* (1990)⁷. The reform was intended to redress a long history of sexism and neglect in women's corrections by developing an alternative women-centred correctional model that focused on the unique needs and experiences of women (Hannah-Moffat 2001b; Hannah-Moffat and Shaw 2001; Hayman 2006).⁸ It provided a conceptual template for the reform of women's imprisonment and led to the eventual closure of the notorious and degraded Prison for Women (P4W). Acceptance of the Task Force's recommendations by the federal government enabled feminist-inspired gendered knowledge of women prisons and 'treatment' to filter from feminist critiques into Canadian penal policy and eventually into the managerial regimes of women's prisons.

⁶ Ms Smith, a 19-year-old from Moncton, N.B. was found unconscious in her cell at the Grand Valley Institution for Women in Kitchener, Ontario) and died on the 19th of October 2007 in hospital of what police described as 'self-initiated asphyxiation' (OCI 2008). According to the Correctional Investigator, 'Ms Smith was subsequently transferred to a penitentiary at age 18, and spent 11.5 months in federal custody, until she died on the 19th of October 2007. She had been moved 17 times, including 9 transfers between federal correctional institutions, and had been on segregation status her entire period of federal incarceration. She also had not received a comprehensive psychological assessment while in federal custody and had not been given adequate mental health services. Furthermore, a correctional officer has been charged with physically assaulting Ms Smith six months prior to her death' (OCI 2008b:np).

⁷ See Hayman (2006) for a comprehensive description and analysis of the *Task Force on Federally Sentenced Women. Creating Choices* can be found at <<http://www.csc-scc.gc.ca/text/prgrm/fsw/choices/toce-eng.shtml>>.

⁸ Conditions at P4W, combined with a series of deaths of Aboriginal women in custody and mounting political pressure due to a potential section 15 *Charter of Rights* case, led to the establishment of the historic *Task Force on Federally Sentenced Women* in 1989 and its now 20-year-old report *Creating Choices*, which CSC routinely refers to as a foundational document.

The five principles set out in *Creating Choices* (empowerment, meaningful and responsible choices, respect and dignity, supportive environment, and shared responsibility) were integrated into corporate documents about women prisoners in Canada. Correctional officials and feminist researchers began to produce a body of knowledge about women prisoners and gender-sensitive treatment and confinement, which started to alter correctional practices (Carp and Schade 1992; Morash et al. 1998). For example, increased knowledge about women's trauma and experiences with male violence informed the development of cross-gender staffing practices. Concerns about women's access to and relationships with children informed the development of various forms of parenting accommodation. Critiques of prison classifications systems inspired a new generation of gender-informed risk-need classification research (Owen and Bloom 1995; Brennan 1998; Farr 2000; Hannah-Moffat and Shaw, 2001; VanVoorhis and Presser 2001; Holtfreter and Morash 2003; Hardyman and Van Voorhis 2004; Brown and Blanchette 2006). A persuasive and comprehensive body of research about women's correctional programming has evolved from American studies about GR correctional strategies (Bloom et al. 2003).

The Corrections Service of Canada (CSC) characterises its women-centred prisons as a human rights milestone, and its acceptance of the Task Force's progressive recommendations made it an international leader in women's corrections. But, CSC's commitment to GR has met multiple operational difficulties over the years and Canada's progressive attitude has been overshadowed by ongoing public condemnation of the CSC for failing to protect the human rights of women prisoners and for ongoing gender discrimination. The initial adoption and creation of Canadian women-centred prisons was hasty, poorly conceptualised, and based on scant theoretical and empirical research about how gender should inform penal programs. The well-intentioned labels 'gender sensitive' and 'women-centeredness' have been attached to a wide range of improvised and poorly-adapted programs and managerial processes without substantial consideration of *how* gender should be operationalised. As demonstrated in the next section, even the provision of a GR template, has not resulted in significant improvements in how gender has been addressed in penalty. A number of well documented operational and systemic problems remain in Canadian women's prisons (Parkes and Pate 2006; OCI 2008, Hannah-Moffat 2009; Dell et al. 2009)

The GR Model

In 2003, the US National Institute of Corrections published a document titled 'Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders.' The document summarised the prevailing research about women offenders and presented clear guiding principles for correctional practice (Bloom et al. 2003). It marked a significant transition in women's penalty by showing how GR principles can be used as an alternative to mainstream gender-blind penal regimes. It is not the first or only document to espouse the operational ideal of gender-responsive corrections, but it is one of the most comprehensive and is increasingly being used internationally as a model of GR penal policy. The document operationalised the concept of gender responsiveness and set out best practices in women's corrections, which the authors refined in subsequent articles (Bloom 2003a; Bloom et al. 2003; Covington and Bloom 2006). Although other countries, including Canada, had a long

institutional history of ‘women-centred corrections,’⁹ this document was one of the first ‘empirically grounded’ templates for women’s correctional management inspired by feminist research.

Chapter Four of the report presents a set of six guiding principles for the development of a GR criminal justice system: (1) acknowledge that gender makes a difference; (2) create an environment based on safety, dignity and respect; (3) address substance abuse, trauma and mental health issues through comprehensive, integrated, and culturally relevant services and appropriate supervision; (4) develop policies, practices and programs that are relational and promote healthy connections to children, family and significant others; (5) provide women with opportunities to improve their socio-economic conditions; (6) establish a system of community supervision and re-entry with comprehensive, collaborative services (Bloom et al. 2003). These principles are characterised as ‘building blocks’, ‘blueprints’ and ‘cornerstones’ for improving the management and supervision of women within the criminal justice system. The principles firmly position gender as a central organising principle for correctional reform.

GR scholars have based their approach on empirical gender differences and use diverse methodological approaches, including qualitative interviews, surveys and ethnographies. The GR model is predicated on four related theories: relational theory, pathway theory, trauma theory and addiction theory. Relational theory maintains that women are relational and that the ‘primary motivation for women throughout their life is the establishment of a strong sense of connection with others’ (Covington and Bloom 2006:16). According to relational theory, psychological development differs between men and women; relationships are fundamental to women’s sense of identity and self-worth. Pathway theory stresses how gender-specific adversities work to produce and sustain women’s criminality, namely histories of abuse, mental illness tied to early life experiences, addictions, economic and social marginality, homelessness, and relationships (Covington and Bloom 2006:16). According to pathway theory, the profound differences between the lives of men and women shape their patterns of criminal offending (Steffensmeier and Allan 1998). Trauma and addictions theories are both used to underscore the importance of ensuring that GR penalties are ‘trauma-informed’ (Steffensmeier and Allan:17). Trauma-informed service providers shift from a security/control approach to an approach based on caring treatment; this avoids triggering trauma or re-traumatising the prisoner and requires that counsellors and other staff adjust their behaviour to encourage the prisoner’s coping capacities, enabling her to manage her trauma symptoms. This focus on enabling women is extended in the model’s conceptualisation of addictions treatment, which proposes a holistic approach emphasising competencies, self-reliance and strengths, rather than calculations of risk and need.

This conceptual framework provides the foundation for what Bloom et al. (2003) referred to as a two-tiered GR approach to treatment programs and services that focuses on (a) structure and (b) the content and context/environment of treatment. Structural aspects of the model include: emphasising women’s competencies and strengths, and promoting self-reliance; using women-only groups, especially for primary treatment (e.g. trauma, substance abuse); hiring staff members to reflect the client population in terms of gender,

⁹ This refers to the adoption of the recommendations of the 1990 Task Force on Federally Sentenced Women (*Creating Choices*), not to the actual implementation of women-centred programs, which has a contested history; for additional details see Hayman (2006) and Hannah-Moffat (2001).

race/ethnicity, sexual orientation, language (bilingual), and ex-offender and recovery status; and using gender-responsive assessment tools and individualised treatment plans, with appropriate treatment matched to the identified needs and assets of each client.¹⁰ Content and context/environment aspects include ensuring that services/treatment address women's practical needs (housing, employment, transportation and childcare) regardless of whether these are empirically linked to recidivism (Bloom et al. 2003:89). Although the authors have noted the importance of race and ethnicity (see Bloom 1996), they have not fully articulated the complexities of multiple oppressions.

Operationalising Gender: Selectively Targeting Relationships

The 'guiding 'principles set out in *Creating Choices* were operationally tailored in 2004 to emphasise 'women-centredness', 'supportive environment', 'holistic treatment' and 'diversity' (Fortin 2004) and to integrate aspects of Bloom et al.'s work (2003) into Canadian women's penal policy. Presently, almost all operational Canadian policy¹¹ and program documents for federal women prisoners indicate a commitment to 'women-centredness'. However, dialogue about GR principles is general and rarely questions stereotypical femininities and the implicit normative assumptions routinely made about women (Spjeldnes and Goodkind 2009; Goodkind 2005, 2009). GR approaches stress the differences between men and women prisoners, and in doing so constitute gender subjectivity. These subjectivities are fluid and shift with the power relations of a given penal or therapeutic context. Women's differences are operationalised differently in anti-oppressive social work (Pollack 2004), trauma-informed, holistic models (O'Brien and Young 2006) than in risk-need based models of correctional intervention (Hannah-Moffat 2009). The characterisation of women as relational, victimised, maternal, nurturing and disadvantaged is problematic because although women prisoners may occupy these feminine subjectivities, they are also dichotomously characterised as 'offenders' and thus risky, hedonistic, irresponsible and undisciplined. The contemporary penal context does not characterise prisoners' as 'clients in need of support', instead they are 'risks' to be managed (Pollack 2009).

A careful examination of correctional policy reveals that certain elements of the GR template have been integrated into correctional practices in such a way as to position them as targets for correctional intervention. For example, Bloom et al.'s third principle states that correctional programs ought to target relationships:

Understanding the role of relationships in women's lives is fundamental because the theme of connections and relationships threads throughout the lives of female offenders. When the concept of relationship is incorporated into policies, practices, and programs, the effectiveness of the system or agency is enhanced. This concept is critical when addressing the following:

- Reasons why women commit crimes.
- Impact of interpersonal violence on women's lives.
- Importance of children in the lives of female offenders.
- Relationships between women in an institutional setting.

¹⁰ For a complete list see Bloom et al. (2003).

¹¹ Perhaps unsurprisingly, the operational definition of 'women-centredness' has shifted over time. To compare see the 2004 Program Strategy (Fortin 2004:2) and the National Strategy for the Integration of Women Offenders (CSC 2010:11).

- Process of women's psychological growth and development.
- Environmental context needed for programming.
- Challenges involved in re-entering the community. (Bloom and Covington 2005:12-13)

This principle was built-in into Canada's 2004 program strategy, training materials and publications for the National Institute for Corrections. For example, the new Canadian strategy states:

Gender-specific programming must reflect an understanding of the psychological development of women. Current thinking in this area suggests that women place great value in the development and maintenance of relationships. Consequently, 'situational pressures such as the loss of valued relationships play a greater role in female offending' ... some academics believe that relational theory is an approach that adds effectiveness to programming for women. Relational theory focuses on building and maintaining positive connections and relationships. The main goal is to increase women's capacity to engage in mutually empathic and mutually empowering relationships. To enable change, women need to develop relationships that are not reflective of previous loss or abuse. (Fortin 2004:5)

As this demonstrates, within GR, normative characterisations of family, peer and intimate relationships are targeted in risk-need assessments and treatments. Importantly, relationship 'choices' and the ability to form pro-social bonds are used differently to 'responsibilise' (Rose 1999) and govern men and women. According to GR models, women's intimate relationships are risky and ideal conceptualisations of these relationships are embedded in risk assessment and rehabilitative programming. Hannah-Moffat (2007) discussed how risk for women offenders is governed through maternal relationships and how the perception of women as relational informs GR regimes in many international women's prisons. This emphasis on risk and relationships fosters discipline and 'responsibilisation' (Rose 1999) on two levels: first, women prisoners are expected to adhere to middle-class white normative ideals of motherhood by properly training and regulating their children to ensure they are nurtured and 'behave' appropriately; second, by teaching women how to govern their children, parenting programs govern the women themselves. Women are expected to take responsibility for 'putting things right' in the future (Hannah-Moffat 2007:231; also see Brown and Bloom 2009). The socio-political context of individual lives and relationship *opportunities* is important (particularly for women and minorities) to the concepts of criminogenic need and responsivity that reframe social marginalisation as an individual (psychological) problem.

Integrating relationships into correctional policy, programs and practices is difficult, especially given the punitive experiences of imprisonment and disciplinary intention of penal regimes. In theory, a focus on relationships can help women acquire the skills to identify risky settings, access resources and avert situations that may result in criminal behaviour, but in practice it can contribute to maternal ideals, minimise past victimisations and give rise to expectations that women will avoid future relationships deemed by correctional authorities as 'dysfunctional', ultimately leading to the responsibilisation of women who fail at self-regulation.

The next section shows how the emphasis on women prisoner's relationships combines with broader concerns about risk, responsibility and choice to produce new strategies of gendered governance.

The Gendered Risk-Need Dilemma

Feminist critiques of gender neutrality and penal inequities are producing new knowledge, lines of criminological inquiry and penal practices. The male norm is no longer defensible as an organising principle of penal research, policy or programming, and GR is producing new knowledges about the gendered subject and new criteria through which women are disciplined and responsabilised. Relationships, children, past victimisations, mental health, self-injury and self esteem all become correctional targets in the pursuit of normative femininity and gender conformity. In many cases, GR knowledge is legitimated and considered superior to traditional male-derived knowledges by virtue of being either feminist-inspired or in some cases simply resulting from the study of females. The core premises of GR challenge male normatively and build on women's 'differences', producing a set of new gender-informed norms that can be used as an organising principle for women's penal policy, programs and research. GR relies on a female norm to measure women, but the underlying assumptions about women, socio-economic status and race require closer examination so as to question the normative femininities upon which GR penalty is based. The need to create new subject positions for women necessitates the production of new norms. By deconstructing these norms, a clearer understanding of the importance of women's difference and how it is (could be) used is visible and open to reflection.

The normative criteria produced by GR inform the risk-need-based penal managerialism that structures women's penal regimes. Risk-need will continue to be used, at least until a workable alternative emerges, so it is important to examine and clearly articulate the limits of risk-need logics and to reflect on the effects of the purposeful gendering of risk-need assessments, and their various uses in penal regimes. One key issue for feminist-inspired scholars, prisoners-rights advocates, and policymakers has been the development of gender-relevant classification schemes. Classification is an essential feature of effective correctional management and 'evidence-based' programming. To ensure women have access to appropriate programs, GR advocates (including the Canadian Human Rights Commission (CHRC)¹², the UN and a host of other agencies) have argued that women prisoners need to be appropriately classified. A 2003 CHRC report explicitly recommended that CSC develop gender-specific classification and assessment tools to remedy the problem of gender discrimination in women's prisons. Many correctional (i.e. the National Institute of Corrections and CSC) and feminist researchers have also supported and initiated the development of risk-need classification/assessment instruments that can identify and program for women's needs. Although feminists' efforts to build tools from the ground up is fundamentally different from making gender fit into a pre-existing template derived from knowledge of men's crime, conceptual and operational problems remain.

Arguably, gender-informed classification and assessment criteria satisfy substantive equality requirements. But it is also important to recognise that criminogenic risk-need is the product of social practices produced by penal agents with the authority to interpret and

¹² In March 2001, Canadian Association of Elizabeth Fry Societies (CAEFS) issued a complaint to the CHRC regarding the continued discriminatory treatment of federally-sentenced women by the government of Canada. CAEFS requested that 'the Commission conduct a broad-based, system-wide review and issue a special report, per s. 61(2) *Canadian Human Rights Act*, regarding the treatment of women serving federal terms of imprisonment. This complaint is made on the grounds that the manner in which the women prisoners are treated is discriminatory, as it contravened several of the prohibited grounds articulated in s. 3(1) of the *Canadian Human Rights Act*' (CAEFS 2001:1).

categorise women's social and criminalised histories. Criminogenic risk-need factors are variables that are statistically co-related to recidivism and which are amenable to intervention through correctional programming. Advocates of GR classification are promoting and researching possibilities for including information about histories of domestic violence, sexual abuse, mental illness, self esteem, and parental responsibilities in assessment instruments and ensuring that correctional programs meet these 'needs'(UN 2008:31-32). Theoretically and empirically it is possible to include 'gender-informed' variables in risk classification tools (Brown and Blanchette 2006; VanVoorhis et al. 2010), but these variables neutralise gender politics and decontextualise women's experiences.

Within GR, women prisoners as a group are typically profiled as 'at risk', but their status as offenders requires that they be subdivided, categorised and classified according to levels of risk (high, medium or low). As discussed below, efforts to incorporate gender into risk classification has merged women's needs and experiences with risk. New GR policies and management practices are recasting what were formerly characteristics of the female prison population (i.e. the tendency to have relationship difficulties, experience abuse, maternal status) or needs (i.e. for employment, (re)training services, abuse/trauma counselling, support for self-injury) into risks or the ubiquitous category of risk/need. Researchers are exploring the statistical power of various GR risk-need factors for women to predict prison misconducts and determine optimal institutional placement and programming. This research is typically positioned as improving systems for women, who tend to be misclassified into higher risk categories when instruments developed for the male prison population are used (Wright et al. 2007; Van Voorhis and Presser 2001; Blanchette and Brown 2006). The inclusion of GR *needs* into risk assessment redirects intervention efforts and links risk management strategies to rehabilitative strategies informed by a particular psychological and normative theory of offending. The reformulation of 'needs' into 'risk factors' signifies a subtle, but important shift in the understanding of, and responses to, women offenders (cf. Hannah-Moffat 2004a).

Recent critical feminist scholarship has empirically documented how emphasis on these factors in a penal setting can inadvertently create insidious and invasive forms of governing. Relationships, children, past victimisations, mental health, self-injury and self esteem have all become correctional targets in the pursuit of normative femininity and gender conformity. Gendered therapeutic approaches (McKim 2008; McCorkel 2003; Kendall 2002; Goodkind 2005; 2009; Pollack and Kendall 2005; Beck 2006, Brown and Bloom 2009) may be based on a decontextualised understanding of women as lacking self esteem, emotionally fragile, dependent, and psychologically unstable. The logical extension of these characterisations is the development of correctional programs designed to address these 'needs' which if left unmet become 'risks'. While this characterisation of GR penalty is relatively benign, other feminist scholars have indicated that women prisoners are pathologised through seemingly-progressive gendered understandings of their needs and that treatment strategies for women fail to account for power relations or structural concerns (McCorkel 2003).

Current penal interpretations of GR are aligned with a particular form of feminist thinking. For example, the gender-responsive logics used in American juvenile facilities have been likened to 'commercialised feminism' which promotes empowerment and independence through self-change and improved self-esteem. This approach locates problems within the individual rather than challenging the injustices and inequalities that contribute to women's criminalisation (Goodkind, 2009). More specifically, it draws on the

knowledge and experiences of white middle-class women to produce normative criteria against which criminalised women and girls are judged. In this case, the lack of critical understanding of structure has resulted in a decontextualised agency focused on choice, responsibility and dependency. This problem is particularly evident in the way that women's relationships are integrated into risk instruments and targeted in correctional programs.

Risk and Relational Concerns

As noted, normative understandings of women's 'relational' difference are associated with different meanings in GR and emergent penal practices. One area that is commonly targeted for 'risk' and intervention is the parenting relationship; programs are increasingly using parental status to regulate women, promote prosocial values and motivate participation in programs. GR stresses the importance of the status of motherhood to many women and the pains of separation, which can be a powerful lever in promoting access to children, protecting custodial rights and providing programs, but can also be also translated into programs for mothers that target their relationships. An NIC report on GR program development used empirical evidence to suggest that:

... the mother-child relationship may hold significant potential for community reintegration. Incarcerated women tend to experience a sense of isolation and abandonment while in prison because of their inability to keep their families together. [...] Recognising the centrality of women's roles as mothers provides an opportunity for the criminal justice, medical, mental health, legal and social service agencies to develop this role as an integral part of the program and treatment interventions for the female offender population. (Bloom, Owen and Covington 2003:57)

The NIC also noted that '... because most female offenders are mothers, visits with children can motivate them to change their behaviour' (Bloom, Owen and Covington 2003:29). This exemplifies the central position of motherhood in the regulation of women and is based on the assumptions that women require these programs and desire motherhood. Although it is important to recognise the significance of maternal (and intimate relationships), on a practical level it is also critical to consider how an emphasis on such relationships is conflated with broader concerns about risk and discipline.

Correctional researchers and feminist scholars advocating GR are also trying to establish how women's intimate relationships and past experiences with victimisation affect current risk-need levels and intervention requirements. In Canadian federal corrections, the information collected using generic risk tools is often supplemented by gender-specific questions to help practitioners determine the impact of relationships on women's offending. Questions about women's relationships are not confined to the marital or family domain; for example, in the 'attitude domain' case workers are instructed to determine 'if the offender places blame for all her problems on someone else' as 'this attitude will have to be addressed through the correctional planning process' (CSC 1996:18). Interestingly, it is within this domain that practitioners are also instructed to document violence in the woman's life.

Crocker (2005:198) pointed out that while practitioners are concerned about intimate violence and its prevention, their decisions are often based on stereotypes and traditional notions of marriage, family and femininity. For many women¹³, relationships engender

¹³ In contrast, the status of being in a relationship is often positively framed for men and seen as a stability factor.

concerns about vulnerability, self-esteem and risk. Women lose credibility if they stay in abusive relationships even when they are aspiring to the normative familial ideal; their inability to break the cycle of violence is viewed negatively. They are expected to take responsibility for their lives, which can ironically reinforce abused women's tendency to blame themselves or feel responsible for the abuse they have experienced. Gendered norms establish how and if women's risks-needs are concerns; increasingly both compliant and non-compliant women's problems are framed as poor choices and/or moral and psychological deficits that can be systematically addressed through correctional programming. In a correctional regime, compliance means that demonstrating willingness to change is a prisoner's key responsibility; she must take responsibility for her life and lowering her security risk as if it were an outcome of acts of choice (cf. Rose 1999).

Relationships and their relative importance to risk involve important gendered and racialised differences (Hannah-Moffat 2007; Hudson and Bramshall 2007; Moore and Lyons 2007). Gendered risk knowledge reinforces and reproduces normative, but unstated understandings of 'functional relationships' (i.e. heterosexual, monogamous, cohabitation, equalitarian), juxtaposed with 'dysfunctional relationships' to assess the criminogenic potential of various relationships. Studies have demonstrated that women on parole are being regulated through their relationships, while the contextual factors affecting these relationships (contacting and relying on old networks, family and partners to survive post-release in the absence of resources) are diluted (Pollack 2007; Hannah-Moffat 2004b; Turnbull and Hannah-Moffat 2009; Hannah-Moffat and Yule, forthcoming). Even modified for gender, risk-need tools cannot capture the complexity of the broader social and systemic factors that 'compel crime' (Richie 2001) and contribute to women's engagement in crime (Hannah-Moffat 2009).

Including 'High Risk-Need' Women

Conceptualisations of gendered risk permeate institutional narratives and constitute some women's characteristics and behaviours as 'high risk', 'risky' and 'at risk'. Because gendered risk-need classification and related program strategies explain women's criminality in terms of normative femininities, non-normative 'masculine' conduct and resistance to institutional authority can only be explained as anomalies. These behaviours are positioned as risky, rare and abnormal; the GR template is not sufficiently equipped to plan for 'non-standard' cases and women who do not fit these new normative criteria remain unexplained or 'difficult to manage'¹⁴. In Canada, for example, women with substantial mental health needs, as well as women with tendencies to repeatedly self-injure (many of whom have extensive histories of victimisation and trauma) or 'act out' are often classified as 'high risk-need', separated from the general population, and housed in secure, segregated units and/or placed on behavioural contracts (See Laishes 2002:5).¹⁵ This framing of concerns in terms of risk typically results in a security-based response to behaviour. These policies represent a complete reversal of the logic of GR penalty embodied in *Creating Choices* (Hayman 2006) and echo concerns raised by the 1994 Arbour Inquiry, which

¹⁴ There are some recent efforts to apply the GR logic to women's violent offending (Willison and Lutter 2009).

¹⁵ In 1999, *Intensive intervention strategy (IIS)* was created to modify the new regional facilities for maximum security women and/or women who had intensive mental health needs. The Secure Units for maximum security women were opened in 2003. In 2004 a management protocol for these women was refined and implemented (Hayman2006:235-6). Also see <<http://www.csc-scc.gc.ca/text/prgrm/fsw/secureunitop/secure-unitop-2003-eng.shtml#2>> for the secure unit operational plan and discussion of the use of behavioural contracts.

expressed concerns about the use of segregation in women's prisons (Arbour 1998). The recent death of Ashley Smith has reignited concerns and national debates about how women who are 'difficult' are managed in GR regimes (OCI 2008).

In a correctional context, women's violence and aggression is often pathologised, disciplined and censured even when it is defensive. The penal context implicitly reinforces traditional passive female agency while simultaneously requiring women to take responsibility for avoiding future victimisation (Hannah-Moffat 2004b; Bosworth 2007; Pollack 2009). Since the development of GR risk-need criteria, the proportion of federal women prisoners categorised as 'high risk-needs' has doubled from 1997 to 2006, and more women are classified as having higher levels of need in most risk-need areas (marital family, employment/education, substance abuse, personal/emotional, attitudes, and associates/social interactions) (Statistics Canada (2008: 15). The GR model assumes a willing and motivated penal subject; while it certainly incorporates the needs and experiences of clients, it does not actively recognise women prisoners' experiences and techniques of resisting.¹⁶ Some imprisoned women do not fit the gender norms articulated in much of the GR correctional policy; these women are the exception, the 'unempowerable' (Hannah-Moffat 2001) or the 'other' (Garland 2001). Aboriginal women are particularly overrepresented in the high risk-high need category (NWA 2007:3; OCI 2007).

Limitations of Actuarially Based GR Risk-Need Assessment

Female-specific classification may be 'better' than male-based risk instruments at dividing and classifying female populations for the purposes of correctional management. However, this classification method is still fundamentally restricted by its strict adherence to a statistically-based risk framework that cannot provide a holistic perspective of women's diversity, criminalisation, institutional behaviour or treatment needs. Technical correctional definitions of need are legitimated and authorised by science, not by individuals' lay assessment of their circumstances. Needs are derived from a statistical knowledge of variables within a population. These strategies make up needs, which correctional organisations can respond to in the name of 'good corrections' (Hannah-Moffat 2004a). GR risk-need assessments operate within a hierarchal logic structure and rely on statistical predictive and probabilistic models. When women's risks and needs are classified, they are compared to an aggregate population; in the case of GR penalty, female offenders. A woman's risk score positions her relative to what is empirically known about the broader population of female offenders. Accordingly, the risk-need score will prioritise only those aspects of a woman's life that are empirically shown to contribute to offending, recidivism or institutional incidents (i.e. escape or violent outbursts). This type of risk-need-based GR assessment does not include contextualised, self-reported or personalised assessments of women's needs, strengths or vulnerabilities.

Risk-need assessments focus on individual deficits and so they cannot capture interactions between agency, structure and context, which are central to feminist theories and research about women's criminalisation. For example, assessment tools isolate factors such as substance abuse or employment. They cannot articulate cycles of behaviour or how context of poverty and past victimisation informs pathways into prostitution and the subsequent use of substances to dull the pain of this choice or alternately how a prison environment can be a precipitating cause of acting out or self-injurious behaviours. The

¹⁶ See Bosworth (1999) for a discussion of women prisoner's resistance.

conditions of confinement, or the criminogenic aspects of confinement (Haney 2006), even when seemingly ‘therapeutic’ and helpful, produce a dynamic that affects the relationships between prisoners and staff, and ultimately the behaviour of prisoners and the penal interpretation of that behaviour. Risk templates focus on the individual and rarely incorporate the iatrogenic effects of social structures and institutionalisation on prisoners. Locating crime in the individual diminishes the role that social and structural contexts play in women’s criminalisation; this is a key element of feminist critique. Assessments streamline interventions by systematically identifying ‘areas for intervention’ and programming, which women prisoners *must* comply with, given the context of imprisonment. Commonly-used knowledges and strategies including program models, templates for effective correctional intervention, risk-need responsivity assessment and classification schemes continue to be used. Many of these practices have been modified or adapted for women, but adaptation does not fundamentally alter a practice or its underlying logic, which is at times conceptually incompatible with feminist-inspired gender and culturally-responsive visions of change.

A more sophisticated method of bridging the social context, constrained choices, responsibility and agency is required. It is not useful to characterise women simply as ‘at risk’, victimised or vulnerable (even if they are) because this characterisation denies the transformative potential of agency. Equally insidious is the exclusion or neutralisation of context. Policy programs require a more dynamic understanding of gender. Conceptualising gender as ‘*situated* action’ (West and Zimmerman 1987; Connell 1987; Messerschmidt 1993) could allow for recognition of women’s choices (agency) that is ‘thoroughly grounded in the contexts of structural inequalities such as those of gender, sexuality, race, class and age’ (Miller 2002:434). Unlike the actuarial risk-need based model, this operational understanding of gender challenges essentialist differences and grounds ‘social practices within the structural contexts in which they occur (and makes) logical sense out of actions that, decontextualised, might appear illogical or senseless’ (Miller 2002:345).

Intersectionality: Fractured Penal Subjectivities

Feminist and critical race researchers have grappled with the complexity of ‘intersectional analysis’ for several years (Yuval-Davis 2006), but few feminist penal scholars and administrators (particularly those promoting GR punishment) have assessed how race, gender, sexuality, class and other diversities can shape penal governance. The GR penalty literature has not yet created a space for debate about the contested accounts of women’s oppression and new normative practices that reproduce the over-incarceration and over-classification of racialised women (Monture-Angus 1999; Williams 2009; Christian and Thomas 2009). Research about race and punishment has not been adequately integrated into GR penal initiatives, nor has critical policy literature suggesting the adoption of GR methodologies been able to capture the fluidity of gender. Studies of risk that focus on race tend to emphasise the experiences of racialised men; studies of women are often too small to allow an examination of subgroups of racialised women. Scholars have raised concerns about the racialised nature of women’s crime and the stereotypical and discriminatory foundation of penalty (Richie 1991; Christian and Thomas 2009; Sudbury 2005; Phillips 2008; Phillips and Earle 2010), but policy or risk assessment/classification practices have yet to meaningfully address these criticisms. This can be partly attributed to the fact that the complexity of race is not amenable to binary division.¹⁷ Diversity issues, particularly

¹⁷ Not to imply that male and female are the only available categories (i.e. transgendered).

Aboriginality, have not yet reached the same level of international recognition as gender in the design and delivery of correctional programming. It is difficult to assess how various forms of oppression intersect, overlap and co-exist in the lives and governance of penal subjects and how these reciprocally-constituted layers of social, political and economic marginalisation inform the normative criteria contained in risk instruments and are used to depict particular individuals as *risky*, *needy* or *dangerous*.

There are some commonalities in how race, ethnicity and/or 'culture' are characterised and used in penal classifications, but there are also significant differences across jurisdictions that require analysis beyond the scope of this article. Nevertheless gender cannot be theorised or operationalised in policy without incorporating diversity. Academics and administrators can and do report on how women are multiply-oppressed by gender, class and race, but little thought is given to how these integrated forms of oppression ought to inform penal practices. Penal policies seem able to address only one form of oppressed identity at a time. In most jurisdictions, all offenders currently experience the same gendered regime, with slight assessment or program additions or modifications for non-white women in some jurisdictions. The creation of specialist prisons, assessments or programs is problematic due to sheer numbers and the tendency to homogenise diversity among non-white groups. For example, Canada has an Aboriginal women's healing lodge that was designed to address the unique cultural and spiritual needs of federally-sentenced women. This facility recognises the significance of Aboriginal culture, history, traditions and spirituality to Aboriginal women prisoners, but cannot practically accommodate their wide ranges of histories, practices, and customs. Moreover, Aboriginal women's over-classification as high risk-need often prevents access to this facility.

Intersectionality has become theoretically and politically important.¹⁸ Broadly, 'intersectionality' refers to the interaction between gender, race and other categories of difference in individual lives, social practices, institutional arrangements, and the outcomes of these interactions (Davis 2008:68). An 'intersectional' approach thus recognises that identities (as well as structural patterns of inclusion and exclusion) are shaped by more than one factor (cf. Kantola and Nousinainen 2009). 'Intersectional discrimination' refers to a situation in which several grounds of discrimination interact concurrently and in such a way that they are inseparable. Multiracial, queer theory and poststructuralist theorisations of difference locate gender within a broad matrix of inequality. Collins (1990) and others (hooks 1981; Crenshaw 1991; Grabham et al. 2009) have argued that race, gender, class and sexuality are not easily separable; these axes coexist and are interconnected. Feminist scholarship has devoted considerable attention to clarifying the complexity and interconnectedness of race, gender, and class. It is also widely acknowledged that the intersection of gender and other equally important forms of inequality are difficult to articulate without privileging any particular form of inequality. The multifarious, simultaneous, and intersectional nature of inequalities is crucial to clarifying gender subjectivities, experiences, policy and programs.

A failure to include diversity in any gender-based policy reproduces forms of systemic discrimination. Intersectional discrimination is occasionally tackled in policy and institutional practices but not easily: factors such as poverty, Aboriginality, mental illness

¹⁸ Although coined by Kimberly Crenshaw (1989) within legal feminist scholarship, this concept circulated earlier in political arenas.

and female gender are too complex. As an alternative, scholars such as Pollack (2004) have advocated adopting anti-oppressive approaches to working with women in prison, rather than uncritically adopting or gender-modifying the dominant practices of correctional intervention. This approach creates space for dialogue and a potential shift in the social relations and institutions that contribute to the social and economic exclusion of marginalised women. The institutional practices that evoke the logic of GR require continued analysis to clarify how these developments shape women's penalty. The typical response to critiques based on cultural integration or intersectionality is that policy cannot be that fine-grained or specific; the numbers are too small; the resources are not justifiable, etc. Each of these is a conversation-stopper and draws on the same logic that produces the forms of discrimination diversity that gender policies originally sought to redress.

Resurrecting Rights and Re-Imagining 'Just' Gender and Culturally-Integrated Punishments

It is important to place women's reformatory activity within the context of the institutional configuration of a particular penal system and its current political system. Capacity to govern through difference is publicly reified in the language of gender responsiveness; yet there is a continued 'private' retreat to sameness and the continuance of generic penal technologies, such as risk. As Bosworth notes, androcentricism is 'one of the hallmarks of 'good management' in which practices of governance are typically legitimated by claims that each person is subject to the same rules, regulations and treatment' (2007:76). The management of women prisons is not self-contained; it relies on numerous facets of the wider correctional bureaucracy to carry out specialised tasks. Discussion of GR policies typically focuses on adjustments to prison regimes; they do not routinely question the appropriateness of prisons. In Canada, what is framed as a gender or culturally-responsive policy actually reflects a series of modifications to the male model. The result is frequent confusion about how to apply diversity knowledge.

Practitioners consistently face competing messages about the significance of gender. On one hand they are expected to be gender sensitive, while on the other they are instructed to follow policies that were not vetted for gender sensitivity. Lack of clarity on the meaning of gender-responsive punishment makes monitoring difficult. The ambiguity of gender and related terms such as GR punishment, and internal inconsistencies in the operationalisation of gender policy make it difficult to establish whether policies are actually gender appropriate. Cultural and gender *integration* requires examining and responding to issues through different lens. This means, quite bluntly, not doing what we have always done—we need to pursue systemic change. The root of the problem is that the operationalisation of GR strategies and programs does not adequately account for the inevitable co-existence of pre-existing and incompatible governing ideologies.

At first glance, discussion about rights may seem superfluous given that Canadian punishment is now framed as responsive, empowering, healing and gender-sensitive. However, Canadian operationalisation of the GR ideals embodied in *Creating Choices* and the recent death in GR prisons remind us of the insidious gap between 'conscience and convenience'. Analyses of GR regimes should include a discussion of systemic accountability and human rights. GR punishment for women may be considered an improvement, but it remains punishment. The seemingly benign gender-responsive narrative lacks a critical analysis of the appropriate limits on punishment. The dominant presumption that prison is (or is becoming) more responsive to gender differences makes critique, monitoring, and change difficult to accomplish. Women's penal practices (and punishment

more generally) must be supported by an independent system of monitoring and supervision that has the capacity to enforce sanctions and impose remedies. CSC has yet to remedy many of the structural difficulties that have been consistently identified in reports produced by advocates, correctional investigators, coroners, and various commissions and inquiries. The reason correctional practices have not fundamentally changed or been held accountable (i.e. to GR principles) can partially be attributed to the fact that they operate in a legislative and governmental vacuum (Solon 2004).

Penal change requires adopting 'best practice solutions supported by a system of inspection and monitoring' (van Zyl Smit 2006:108). Discourse about Canadian women's imprisonment has changed significantly since the mid-1980s, but considerably more work is required to produce a cohesive gender-relevant set of best practices. Research has shown that combining a commitment to human rights and increased monitoring can have a positive effect (van Zyl Smit 2006). Canadian correctional agencies are committed to maintaining human rights during punishment. Organisations are in place to supervise and monitor punishment. However, the current structure of penal accountability is flawed.

It is commonly understood and well articulated by many penal scholars, yet easily forgotten, that the technology of imprisonment has painful effects (Haney 2006) and prisoners are involuntary subjects in regimes whose legal authority is derived from the power to punish. The prison is a disciplinary institution with multiple functions, including normalisation and containment. Conceptually, it is essential to maintain the visibility of punishment even when attempting to craft a more just and possibly benign strategy, because otherwise the contradictory nature of penal regimes would become obscure, as would the fact that some have the power to punish and other are relegated to the status of punished. Prisons are by design coercive and 'closed' institutions that stress containment, surveillance, and normalisation. Clarifying the practice of punishment and studying the nature of penal power can help us better understand the extent to which fundamental gender-based change can be expected. It would enable a more reflexive analysis of the normative basis of GR regimes and their limits. Evoking terms like 'empowerment', 'community', 'healing' and 'responsive' (Hannah-Moffat 2001) contributes to the overshadowing of the punitive and coercive qualities of penal power. The rhetoric of gender or cultural responsiveness has the capacity to disguise and minimise systemic and interpersonal power relations. As time passes, the ideals of penal reformers and intent of particular policies are abstracted from political, material, and local interests. Ideals evolve and are modified through the process of institutionalisation.

Feminist scholars and advocates ought to celebrate and acknowledge the 'progress' made in placing gender (and to some extent race) at the forefront of penal policy debates. However, penal change is constant and the problems we face evolve. Feminist scholars now face issues related to how gender is being (and ought to be) used to govern women and with what effects. We must continue to listen to, and learn from, the voices of individuals experiencing the system as victims, offenders, and practitioners rather than claiming to 'know what is best.' Women face complex difficulties that intersect in complicated ways. Recognising diversity leaves us with the real challenge of inventing new ways to approach and address these intersections (Haney 2010:223). It encourages us to not let anyone explanatory framework subsume all others or to force one interpretation of women's or ethno-cultural needs at the expense of alternative visions.

Shifting the governance of women's prisons requires more dialogue and collaboration between state institutions and community. Communication between systems, groups and

agencies can bring about critical change. Making meaningful changes requires criminal justice agencies and organisations to move beyond traditional 'jurisdictional divides' and incorporate local understandings and ownership of problems. An enhanced emphasis on community strategies and integration is preferable to custody, but it will still be susceptible to the same difficulties of governance.

Mobilising the community is a productive feminist and critical strategy of change, but it can also be only symbolic. Structurally, the technique of 'community' inclusion can produce legitimacy as well as pretence of inclusiveness and participation. Often institutional authorities purposefully define which 'experts' or community members are to be included on boards and consulted during the development and review of penal policies and programs. The process of selection and identification of gender or cultural experts is rarely transparent and often compatible with the organisational agenda. Extensive literature about community policing and community development refers to representational politics and constitution of community. Although community members can be (and often are) critical of mainstream practices, they are rarely able to threaten institutional hegemony. As gender-responsiveness evolves, more gender specialists are interacting with correctional organisations. It would be worthwhile to study these engagements closely in terms of the types of knowledge and policy they produce. Nonetheless, stakeholder participation requires procedural conformity with existing institutional processes. Community members rarely set the agenda for stakeholder meetings or define the line/s of investigative inquiry. Furthermore, community participation in consultative processes often limits the community's ability to critique those processes. Feminist/community engagement is critical and ought to continue, but it is important to critically assess the processes used to seek guidance and develop inclusive policies, because the danger of these practices becoming symbolic and practically impotent is quite real.

References

- Arbour L (1998) *Report of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston*, Public Works and Government Services, Ottawa, Canada
- Beck J (2006), 'Recovering Selves: Women and the Governance of Conduct in a Residential Drug Treatment Program' *Women and Therapy*, vol 29 no 3, 239-59
- Blanchette K and Brown SL (2006) *The Assessment and Treatment of Women Offenders: An Integrative Perspective*, Wiley, New York
- Bloom B (1996) 'Triple Jeopardy: Race, Class, and Gender as Factors in Women's Imprisonment', Ph.D. diss., University of California, Riverside
- Bloom B (2003) *Gendered Justice: Addressing Female Offenders*, Carolina Academic Press, North Carolina
- Bloom B, Owen B and Covington S (2006) 'A Summary of Research, Practice, and Guiding Principles for Women Offenders. The Gender-Responsive Strategies Project: Approach and Findings', National Institute of Corrections, Washington DC, accessed online at <<http://nicic.org/Library/020418>>
- Bloom B, Owen B and Covington S (2004) 'Women Offenders and the Gendered Effects of Public Policy', *Review of Policy Research*, vol 21 no 1, 31-48

Bloom B, Owen B and Covington S (2003) *Gender Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders*, National Institute of Corrections, U.S. Department of Justice, Washington DC

Bosworth M (2007) 'Creating the Responsible Prisoner: Federal Admission and Orientation Packs', *Punishment and Society*, vol 9 no 1, 67-85

Brennan T (1998) 'Institutional Classification of Female Offenders', in Zaplan R (ed) *Female Offenders: Critical Perspectives and Effective Interventions*, Aspen Publishers, Gaithersberg MD

Brown M and Bloom B (2009) 'Re-entry and Renegotiating Motherhood: Maternal Identity and Success on Parole', *Crime and Delinquency*, vol 55, 313-36

Canadian Human Rights Commission (CHRC) (2003) *Protecting their Rights: a Systematic Review of Human Rights in Correctional Services for Federally Sentenced Women*, accessed online at <http://www.chrc-ccdp.ca/legislation_policies/consultation_report-eng.aspx>

Carlen P (2002) 'New Discourses of Justification and Reform for Women's Imprisonment in England', in Carlen P (ed) *Women and Punishment: A Struggle for Justice*, Willan Publishing, UK

Carp SV and Schade L (August 1992) 'Tailoring Facility Programming to Suit Female Offender's Needs', *Corrections Today*, 154-58

Christian J and Thomas SS (2009) 'Examining the Intersections of Race, Gender and Mass Imprisonment', *Journal of Ethnicity in Criminal Justice*, vol 7 no 1, 69-84

Cicero, Honorable JH and DeCostanzo ET (2000) *Sentencing Women Offenders: a Training Curriculum for Judges: A Project of the National Association of Women Judges Washington DC*, National Institute of Corrections, US Department of Justice

Collins PH (1990) *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*, Routledge, New York

Connell RW (1987) *Gender and Power*, Stanford University Press

Covington S (1998) 'The Relational Theory of Women's Psychological Development: Implications for the Criminal Justice System', in Zaplan RT (ed) *Female Offenders: Critical Perspectives and Effective Interventions*, Aspen Publishing, Gaithersburg MD, 113-28

Covington S and Bloom B (2006) 'Gender Responsive Treatment and Services in Correctional Settings', *Women and Therapy*, vol 29, 3-4, 9

Correctional Service of Canada (CSC) (1996) *Woman Offender – Revised Intake Assessment*, Ottawa

Crenshaw K (1991) 'Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color', *Stanford Law Review*, vol 43, 1241-99

Crenshaw K (1989) 'De-marginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', *University of Chicago Legal Forum*, 139-67

Crocker D (2005) 'Regulating Intimacy: Judicial Discourse in Cases of Wife Assault (1970-2000)', *Violence against Women: An International and Interdisciplinary Journal*, vol 11 no 2, 197-226

Daly K (1997) 'Different Ways of Conceptualizing Sex/Gender in Feminist Theory and their Implications for Criminology', *Theoretical Criminology*, vol 1 no 1, 25-51

Daly K (1989) 'Criminal Justice Ideologies and Practices in Different Voices: Some Feminist Questions about Justice', *International Journal of the Sociology of Law*, vol 17 no1, 1-18, 25-51

Davis K (2008) 'Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a Feminist Theory Successful', *Feminist Theory*, vol 9 no 1, 67-85

Dell CA, Fillmore C and Kilty J (2009) 'Looking Back 10 Years after the Arbour Inquiry: Ideology, Policy, Practice and the Federal Female Prisoner', *The Prison Journal*, vol 89, 286-308

Farr K (2000) 'Classification for Female Inmates: Moving Forward', *Crime and Delinquency*, vol 46 no 1, 3-17

Fortin D (2004) *Program Strategy for Women Offenders*, Correctional Service of Canada, Ottawa

Fowler L (1993) 'What Classification for Women?' in *Classification: a Tool for Managing Today's Offenders*, American Correctional Association, Laurel MD

Garland D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*, University of Chicago Press

Goodkind S (2009) 'You Can be Anything you Want, but you have to Believe it: Commercialized Feminism in Gender-Specific Programs for Girls', *Signs*, vol 34 no 2, 397-422

Goodkind S (2005) 'Gender-Specific Services in the Juvenile Justice System: a Critical Examination', *Affilia*, vol 20 no 1, 52-70

Grabham E, Cooper D, Krishnadas J and Herman D (2009) *Intersectionality and Beyond: Law Power and the Politics of Location*, Routledge Cavendish, London

Haney C (2006) *Reforming Punishment: Psychological Limits to the Pains of Imprisonment*, American Psychological Association, Washington

Hannah-Moffat K (2009) 'Gridlock or Mutability: Reconsidering 'Gender' and Risk Assessment', *Criminology and Public Policy*, vol 8 no 1, 221-29

Hannah-Moffat K (2007) 'Gendering Dynamic Risk: Assessing and Managing the Maternal Identities of Women Prisoners', in Hannah-Moffat K and O'Malley P, *Gendered Risks*, Routledge Cavendish Publishing, London

Hannah-Moffat K (2004a) 'Criminogenic Need and the Transformative Risk Subject: Hybridizations of Risk/Need in Penalty', *Punishment and Society*, vol 7 no 1, 29-51

Hannah-Moffat K (2004b) 'Losing Ground: Gender, Responsibility and Parole Risk', *Social Politics*, vol 11, 363-85

Hannah-Moffat K (1995) 'Feminine Fortresses: Woman-Centered Prisons?' *The Prison Journal*, vol 75 no2, 135-64

Hannah-Moffat K (2001) *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*, University Of Toronto Press

Hannah-Moffat K and O'Malley P (2007) *Gendered Risks*, Routledge Cavendish Publishing, London

Hannah-Moffat K and Shaw M (2001) *Taking Risks: Incorporating Gender and Culture into the Assessment and Classification of Federally Sentenced Women in Canada*, Status of Women, Ottawa, Canada

Hannah-Moffat K with Yule C (2011 – Forthcoming) 'Gaining Insight, Changing Attitudes and Managing 'Risk': Parole Release Decisions for Women Convicted of Violent Crimes', *Punishment and Society*

Hardyman P L and van Voorhis P (2004) *Developing Gender-Specific Classification Systems for Women Offenders*, National Institute of Corrections, Washington DC USDOJ

Hayman S (2006) *Imprisoning our Sisters: The New Federal Women's Prisons in Canada*, McGill-Queens University Press, Kingston

Heidensohn F (1986) 'Models of Justice: Portia or Persephone? Some Thoughts on Equality, Fairness and Gender in the Field of Criminal Justice', *International Journal of the Sociology of Law*, vol 14, 287-99

Holtfreter K and Morash M (2003) 'The Needs of Women Offenders: Implications for Correctional Programming', *Women and Criminal Justice*, vol 14, 137-60

hooks b (1981) *Ain't I a Woman: Black Women and Feminism*, South End Press, Boston

Hudson B and Bramhall G (2005) 'Assessing the Other: Constructions of Asianness in Risk Assessment by Probation Officers', *British Journal of Criminology*, vol 45 no 5, 721-40

Kantola J and Nousiainen K (2009) 'Institutionalising Intersectionality in Europe: Introducing the Theme', *International Journal of Feminist Politics*, vol 11 no 4, 459-77

Kendall K (2002) 'Time to think again about Cognitive Behavioral Programs', in Carlen P (ed) *Women and Punishment: The Struggle for Justice*, Willan c/o ISBS, Portland OR 182-98

Kendall K and Pollack S (2003) 'Cognitive Behavioralism in Women's Prisons: a Critical Analysis of Therapeutic Assumptions and Practices', in Bloom BE (ed) *Gendered Justice: Addressing Female Offenders*, Carolina Academic Press, Durham NC

Kilty JM (2006) 'Under the Barred Umbrella: Is There Room for Women Centred Self-injury Policy in Canadian Corrections?' *Criminology and Public Policy*, vol 5 no 1, 161-82

Martel J (1999) *Solitude and Cold Storage: Women's Journeys of Endurance in Segregation*, Elizabeth Fry Society of Edmonton

McCorkel J (2003) 'Embodied Surveillance and the Gendering of Punishment', *Journal of Contemporary Ethnography*, vol 32 no 1, 41-76

McKim A (2008) 'Getting Gut-Level: Punishment, Gender and Therapeutic Governance', *Gender and Society*, vol 22, 303-23

Messerschmidt JW (1993) *Masculinities and Crime*, Rowman and Littlefield, Lanham MD

Messerschmidt JW (2002) 'Men, Masculinities and Crime', in Kimmel M, Connell RW and Hearn J (eds) *Handbook on Men and Masculinities*, Sage, Thousand Oaks CA

- Miller J (2002) 'The Strengths and Limits of 'Doing Gender' for Understanding Street Crime', *Theoretical Criminology*, vol 6, 433
- Monture-Angus P (1999) 'Woman and Risk: Aboriginal Woman Colonialism and Correctional Practice', *Canadian Women's Studies*, vol 19 no 1
- Moore D and Lyons T (2007) 'Sentenced to Treatment/Sentenced to Harm: Women. Risk and the Drug Treatment Courts', in Hannah-Moffat K and O'Malley P (eds) *Gendered Risks* Routledge-Cavendish, New York
- Morash M, Bynum TS and Koons BA (1998) *Women Offenders: Programming Needs and Promising Approaches*, National Institute of Justice, Washington DC USDOJ
- Native Women's Association (2007), *Federally Sentenced Aboriginal Women Offenders: An Issue Paper* (Paper prepared for the National Aboriginal Women's Summit 20-22 June 2007, Corner Brook NL), accessed online at <<http://www.laa.gov.nl.ca/laa/naws/pdf/nwac-federally.pdf>>
- O'Brien P and Young DS (2006) 'Challenges for Formerly Incarcerated Women: a Holistic Approach to Assessment', *Families in Society* vol 87, 359-66
- Office of the Correctional Investigator (OCI) (2007) *Annual Report of the Correctional Investigator 2006-2007*, Minister of Public Works and Government Services, Ottawa, Canada
- Owen B and Bloom B (1995) *Profiling the Needs of California's Female Prisoners: a Needs Assessment*, National Institute of Corrections, Washington DC USDOJ
- Parkes D and Pate K (April 2006) 'Time for Accountability: Effective Oversight of Women's Prisons', *Canadian Journal of Criminology and Criminal Justice*, 251-85
- Perreault S (2009) 'The Incarceration of Aboriginal People in Adult Correctional Services', *Juristat*, vol 29 no 3, Statistics Canada, Ottawa
- Phillips C and Earle R (2010) 'Reading Difference Differently? Identity, Epistemology and Prison Ethnography', *British Journal of Criminology*, vol 50 no 2, 360-78
- Phillips C (2008) 'Negotiating Identities: Ethnicity and Social Relations in a Young Offenders' Institution', *Theoretical Criminology*, vol 12 no 3, 313-31
- Pitch T (1992) 'A Sexual Difference Approach to the Criminal Question', *Social and Legal Studies*, vol 1, 357-69
- Pollack S (2007) 'I'm Just Not Good in Relationships: Victimisation Discourses and the Gendered Regulation of Criminalised Women', *Feminist Criminology*, vol 2 no 2, 158-74
- Pollack S (2004) 'Anti-oppressive Social Work Practice with Women in Prison: Discursive Reconstructions and Alternative Practices', *British Journal of Social Work*, vol 34, 693-707
- Pollack S (2009) 'You Can't Have it Both Ways: Punishment and Treatment of Imprisoned Women', *Journal of Progressive Human Services*, vol 20 no 2, 112-28
- Pollack S and Kendall K (2005) 'Taming the Shrew: Regulating Prisoners through Women-Centred Mental Health Programming', *Critical Criminology*, vol 13 no 1, 71-87
- Richie B (1996) *Compelled to Crime: The Gender Entrapment of Battered Black Women*, Routledge, New York

Richie B (2001) 'Challenges Incarcerated Women Face as they Return to their Communities: Findings from Life History Interviews', *Crime and Delinquency*, vol 47, 368-89

Rose N (1999) *Governing the Soul: the Shaping of the Private Self*, Free Associations Books, London

Salisbury EJ, van Voorhis P and Spiropoulos GV (2009) 'The Predictive Validity of a Gender-Responsive Needs Assessment An Exploratory Study', *Crime and Delinquency*, vol 55 no 4, 550-85

Shankardass RD (2001) 'Where the Mind is without Fear and the Head is Held High: Mental Health and Care of Women and Children in Prison', in *Andhra Pradesh—A Thematic Review. Report of the PRAJA Project 'Mental Health and Care of Women and Children in Prisons in Andhra Pradesh, 2000–2001'*, Andhra Pradesh: Penal Reform and Justice Association (PRAJA), Penal Reform International (PRI) and Andhra Pradesh Prisons Department, Hyderabad

Sloan T (2004) *Shifting the Orbit: Human Rights, Independent Review and Accountability in the Canadian Corrections System*, Office of the Correctional Investigator, Ottawa

Spader D (2002) 'The Morality of Justice and the Morality of Care: Are there Distinct Moral Orientations for Males and Females?' *Criminal Justice Review*, vol 27 no 1, 66-88

Spjeldnes S and Goodkind S (2009) 'Gender Differences and Offender Re-entry: A Review of the Literature', *Journal of Offender Rehabilitation*, vol 48 no 4, 314-35

Statistics Canada (2008) accessed online at <www.statscan.gc.ca/pub/85-002x/2008001/article/10509-eng.htm>, 15

Steffensmeier D and Allan E (1998) 'The Nature of Female Offending: Patterns and Explanations', in Zaplin RT (eds) *The Female Offender: Critical Perspectives and Effective Treatment Intervention*, Aspen MD, 5-29

Sudbury J (ed) (2005) *Global Lockdown: Race, Gender and the Prison-Industrial Complex*, Routledge, New York

Task Force on Federally Sentenced Women (1990) *Creating Choices – Report of the Taskforce on Federally Sentenced Women*, Solicitor General of Canada, Ottawa

Turnbull S and Hannah-Moffat K (2009) 'Under These Conditions: Gender, Parole and the Governance of Reintegration', *British Journal of Criminology*, vol 49, 1-20

Union of Canadian Correctional Officers (UCCO) (2008) 'A Rush to Judgement: a Report on the Death in Custody of Ashley Smith, an Inmate at Grand Valley Institution for Women'

United Nations (UN) (2008) *Draft United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders*, Commission on Crime Prevention and Criminal Justice, Eighteenth Session, Vienna, accessed online at <http://zh.unrol.org/files/ECN152009_CRP8.pdf>

van Voorhis P, Wright E, Salisbury E and Bauman A (2010) 'Women's Risk Factors and their Contributions to Existing Risk/Needs Assessment: the Current Status of a Gender Responsive Supplement', *Criminal Justice Behaviour*, vol 37, 261-288

van Voorhis P and Presser L (2001) *Classification of Women Offenders: A National Assessment of Current Practices* (NIC Publication No. 017502) National Institute of Corrections, Washington DC

van Wormer K and Kaplan L (2006) 'Results of a National Survey of Wardens in Women's Prisons: the Case for Gender Specific Treatment', *Women and Therapy*, vol 29 no 1 and 2, 133-51

van Zyl Smit D (2006) 'Humanising Imprisonment: a European Project?' *European Journal of Crime Policy Research* vol 12, 107-120

West C and Fenstermaker S (1995) 'Doing Difference', *Gender and Society*, vol 9, 8-37

West C and Zimmerman DH (1987) 'Doing Gender', *Gender and Society*, vol 1, 125-51

Wheeler PA, Trammell R, Thomas J and Findlay JR (1989) 'Persephone Chained: Parity or Equality in Women's Prisons?' *The Prison Journal*, vol 69, 88-102

Williams T (2009) 'Intersectionality Analysis in the Sentencing of Aboriginal Women in Canada', in Grabham E, Cooper D, Krishnadas J and Herman D (eds) *Intersectionality and Beyond: Law, Power and the Politics of Location*, Routledge, UK

Willison JS and Lutter Y (2009) 'Contextualising Women's Violence: Risk assessment and Treatment', in Andrade J (ed) *Handbook of Violence Risk Assessment and Treatment: New Approaches for Mental Health Professionals*, Springer Publishing, US

Wright E, Salisbury E and vanVoorhis P (2007) 'Predicting the Prison Misconducts of Women Offenders: The Importance of Gender-Responsive Needs', *Journal of Contemporary Criminal Justice*, vol 23, 310-40

Yuval-Davis N (2006) 'Intersectionality and Feminist Politics', *European Journal of Women's Studies*, vol 13 no 3, 193-209