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Introduction

There are four contributors to this review symposium. David Brown's review focuses on the questions of abolitionism that cut across much of Carlen's scholarship on punishment and prisons. Carrington's review attempts to articulate Pat Carlen's contributions to feminism, critique and criminology, a selection of which is republished in Section III *A Criminological Imagination*. Kelly Hannah-Moffatt's review provides a succinct but broad ranging analysis of Carlen's contributions to knowledge, politics and penal reform. Jo Phoenix takes Carlen's contribution to women, crime and social control as her main source of inspiration from this large body of work to review.

The Politics of Abolition: David Brown, UNSW

Introduction

This review will concentrate on the relationship in Pat Carlen's work to abolitionism. There are various streams and formulations of abolitionism but for the purposes of this review I am taking Thomas Mathiesen's influential formulation in *The Politics of Abolition* (1974). There Mathiesen argued that when struggling against any existing order or system there is a need to contradict its premises and compete with it. If a fully formed alternative is offered then the result is to be defined out. If an alternative view is offered which serves the same function the result is to be defined in, or co-opted. It is the 'unfinished' which provides the 'competing contradiction'. The strategy of abolition turns on the unfinished: "the inception of the unfinished takes place through abolishing the established order. Only the abolishing of what is finished gives the unfinished a chance to appear." (1974: 24) The task is to keep abolition "*close as an immediate and constant objective*" in the field being worked in – with "*concrete direct and down to earth practical abolitions* as links in the long range policy." (1974: 28, italics in original) A key strategy is that of distinguishing between positive and

negative reforms. Positive reforms are those which improve conditions and thus shore up the system. Negative reforms undermine or break down sections of the coercive system. Negative reforms should be supported and positive reforms eschewed. A hostile attitude should be taken to the provision of alternatives –except where they comply with the principle of ‘voluntariness’ as a basic test of whether they escape the reach and effects of the coercive prison system.

The first reference I could find to abolitionism in Pat Carlen’s work was in *Women’s Imprisonment* in 1983 where she said: “I myself do not support the view that all prisons should be abolished but while prisons do exist we must never presume that we always already know what goes on behind the walls.” (1983:218) Ten years later however, in her Bonger memorial lecture she affirmed a belief that “present day campaigns should be informed by a Utopianism about the future of penalty; by an abolitionist conception of the future of imprisonment; and by an unashamedly socialist idealism and morality in relation to social and criminal justice.” (2010: 329-240) Later in the same lecture there is a classic restatement of the abolitionist position in the explicit argument to keep abolitionism and utopianism alive in attempting to ‘socialise’ criminal justice (2010: 247). More recently the clarity of Carlen’s commitment to utopianism and abolitionism is evident in her campaigning speech to the Howard League for Penal Reform in 2006 where she said: “Just as our forebears in previous centuries abolished slavery, capital punishment and, most recently, corporal punishment in schools, we, too, must learn how to think the unthinkable, and work out how best to decentre the prison from our criminal justice system.” (2010: 293) In the same essay she avoids making a “special case for the abolition of women’s imprisonment”, arguing instead that:

the case should be made that women’s imprisonment should be abolished as part of a staged experiment in prison abolition which will eventually be extended to men. Because of women’s nonthreatening criminal profiles, all women coming before the courts should comprise the first prison abolition experimental group. (2010: 292)

Carlen’s poststructuralist methodology

Mathiesen’s notion of the ‘unfinished’ plays a central role in Pat Carlen’s work; it is manifest in her commitment to deconstruction and poststructuralist methodology. In *Official Discourse* she argues that “deconstruction stands in permanent opposition to the already

known”, a “kind of permanent revolution” (2010: 362). A resolute poststructuralist methodology runs through all Pat Carlen’s work, epitomized by the three ‘personal working beliefs’ set out in page 1 of the Introduction to *Criminological Imagination*. These are:

1. That everything that is could be different.
2. That it is more important to account for social phenomena than it is count them.
3. That the project of criminological imagination is forever to demonstrate that contemporary penal justice is both just and unjust, both possible and impossible, and with conditions of existence that have infinite possibilities for change. (2010:1)

In ‘Criminology Ltd’ she argued that: “the poststructuralist perspective on crime ...is one that will allow recognition of the value (that is effectivity) of already known structures of crime production at the same time as denying that they always and already have perennial applicability to any society, social formation or individual subjectivity.” (2010: 338) In a reconsideration of the “new criminology” she went on: “let us not celebrate the master narratives suggested by the brand names. Let us instead aim for the complexity, the open-endedness and the utopianism implicit in so much of *The New Criminology*” (2010: 339).

This poststructuralist methodology, especially the ‘recognition/denial’ stance, is consistent with the abolitionist project but avoids some of its problematic features. Those problematic features are firstly, that in Mathiesen’s *The Politics of Abolition* the prison is seen as essentially a coercive and repressive apparatus whereas post Foucault, the prison is seen as ‘productive’, is not understood as possessing some fixed and specific function determined elsewhere in the requirements of production, and analyses of the prison must take account of power relations, the body and the technologies of disciplinary power (Brown and Hogg, 1985; Foucault, 1978). Secondly, for Mathiesen, prison is primarily a means of expurgation of the ‘unproductive’, therefore the key strategy is alliances with those outside the prison who have a power base through the centrality of their position in production –which is the radical part of the working class, with whom prisoners have an underlying relation of unity merely waiting to be realized. But there are significant problems in asserting essential subjectivities and privileged locations of struggle defined by the relation to the means of production. For as Laclau and Mouffe argue, it is the discursive articulation, not from whence or whom it derives that constitute subject positions (Laclau and Mouffe, 1985: 178-9) Thirdly, the distinction between positive and negative reforms just does not work as a formula for a prison reform strategy, for reforms cannot necessarily be specified or

evaluated a priori by reference to some positive/negative calculus. (For a more developed argument and examples see Brown and Hogg, 1985: 71-4). Similarly the principle of 'voluntariness as a criterion for specifying support for alternatives does not work either; it is rather, as Garland and Young argue, a matter of addressing and assessing the "specific nature of regulatory conditions" in particular local contexts. (Garland and Young, 1983: 33)

Pat Carlen's work, while consistent with most abolitionist approaches and ethos, has avoided or by-passed the problematic formulas of 'positive/negative' and 'voluntariness' and engaged instead in a more detailed way with the productive nature of penal power. An example of this is the analysis of the development of "pathological disciplinaries" in 'The Cancer of Disciplinary Governance'. Following Foucault she argues that "too often rules are eventually cherished and embellished as being ends in themselves" –at which point they become "disciplinaries" (2010: 276). Where these disciplinaries become "untrammelled" and "unquestioned" they lead to atrophy and become "pathological", constraining innovation. Carlen argues for the "supersession of disciplinary governance by democratic rule- usage" (2010: 277) which requires a reassertion of leadership largely abdicated to KPIs; a coherent overarching strategy; the remoralisation of prison personnel cowed by the blame shifting onto middle management and prison officers for failing to meet KPIs; penal probity involving conversations about what prisons can and cannot do; recognition of cultural diversity to combat the damage and pains engendered by monocultural prison organization and programmes; a principle of minimal carceralism to develop a "conversation questioning the security value-added of every prison practice that is justified in the name of prison order and security"; and social realism which would lead to the recognition of the limits to the gains to be made from in prison programmes and the need to expand programmes of prisoner resettlement, accommodation, access to medical, welfare, educational and employment programmes after release (2010: 278-282). Here then is an example of a programmatic analysis which offers a strategy through which to contest disciplinary governance by offering a competing vision of "democratic rule usage" which, in the best abolitionist tradition, includes both the long and short term, the utopian and the practical, the keepers and the kept.

Conclusion

My argument is that Pat Carlen's work is broadly sympathetic to, elaborates and extends an abolitionist tradition, as evidenced by the following features:

- The emphasis on the importance of keeping utopianism alive.
- The strong commitment to the 'unfinished', especially through the use of poststructuralist methodologies and the 'three working beliefs'.
- The suspicion and challenge to all 'master narratives', labels and banners.
- The commitment to complexity and open endedness –particularly through the simultaneous 'recognition/denial' strategy.
- The simultaneous theoretical and practical/programmatically approach.
- The avoidance of the formulaic, and the merciful absence of diagrams.
- The commitment to field work, interviews, and the giving voice to interview subjects, whether prisoners or prison staff, through the extensive use of quotations throughout the texts.
- The refusal to denounce or demonise prison staff, indeed a clear sympathy for the way they are caught up in the same processes and practices as prisoners. This is an ethical stance which places her work simultaneously as deeply oppositional yet also sympathetic to the predicaments of all those who constitute and experience the power to punish.
- The commitment to reflexivity, manifest in challenges to received wisdom, including that maintained in the immediately preceding sentence.

Feminism, Critique and Criminology: Kerry Carrington

A Criminological Imagination is a selection of Pat Carlen's most influential pieces from a tremendously productive 30 years of sustained original contributions to the fields of sociology, penal policy, criminology, politics and discourse analysis. With an impressive command over such large bodies of scholarship, Carlen's analysis never fails to draw upon an eclectic range of theories, concepts and philosophies. There are few scholars who can really muster such intellectual omnipresence in breadth, depth and originality as contained in the contents of this book.

My review focuses on Carlen's original contribution to working a way through the impasses between feminism, critique and criminology. The impetus for both feminist and critical versions of criminology grew broadly out of a similar set of political, cultural and ideological changes that swept the western world from the 1960s (Cohen, 1998:103). New Left and the counter-culture, the Vietnam war moratorium, anti-racist and anti-colonial struggles, second wave feminism, anti-institutional movements around prisons, psychiatry and other social control institutions, and the renaissance of Marxism and radical social theory in the universities (Cohen 1998:115). 'New', 'radical' or 'alternative' were the preferred qualifying labels announcing this break in criminology in its early day. For the sake of ease and at the risk of over-generalisation I label these as critical criminologies. In common with its kindred movements, critical criminologies offered a sweeping critique of the prevailing capitalist social order, the 'repressive tolerance' of liberal institutions and modes of thought and 'old left' and social democratic traditions (see Carrington & Hogg, 2011). It sought nothing less than their root and branch transformation. This was a time when intellectual critics were seized by deconstructionist impulses to propose radical critiques of knowledge, power, and the state (Cohen, 1998). Feminism was also chief among these modes of critique.

While both feminisms and critical criminologies have enriched criminological debate, both tended to insist on a singular, universal or essentialist relationships between law, crime and social power – one elevated class and the other gender. Not surprisingly tensions emerged between feminist approaches and other critical approaches to the study of crime, law and criminal justice. Key areas of dispute emerged over the role and status of the victim (real for feminists – an ideological artefact for critical criminologists); the politics of reform (with feminists more open to engaging with the state to bring about social change) versus revolutionary transcendence, and the dispute over the salience of class or gender in explanations of crime and criminalisation. The problem with both modes of critique is that the critical project was itself was plagued by what Carlen describes as 'clubbing – that is, pulling its punches - either to conform with contemporary academic fashions or political prejudices' (Carlen, 2010:349); 'trimming' a tendency to avoid politically incorrect research questions (Carlen, 2010:349) and 'theoreticism' a tendency to regard all criminological research as tainted by its empirical referent – crime (Carlen, 2010:336). Until relatively recently, feminist criminologies for instance have tended to overlook female capacities for

violence; while critical criminologies likewise have tended to disregard the real harm experienced by the victims of working class crime – as just ordinary lads ‘Paki’ or poofter bashing.

Carlen’s work, particularly her early work on women’s imprisonment and criminal women, provided a vital pathway through these intellectual impasses and dead-ends. Carlen’s insight that there is no single theory capable of explaining women’s distinctive features of criminalisation is as pertinent now as it was 26 years ago when she co-wrote *Criminal Women* (1985). She explains why, namely, ‘That women’s crimes are in the main crimes of the powerless; that women in prison are disproportionately from ethnic minority groups; and that the majority of women in prison have been in poverty most of their lives.’ (Carlen, 1992:2010, p. 313).

This insight has particular relevance for post-colonial societies, such as Australia where Indigenous girls or women are up to ten times over-represented in custody than non-Indigenous women and girls (Carrington & Pereira, 2009). Experiences of racism and discrimination, histories of neglect, abuse, interpersonal violence, extreme poverty and social marginalisation rooted in indigenous dispossession, drug and alcohol abuse, are some of the common background elements cited in descriptions of Aboriginal young women who offend (Bartemucci, 1996:35-6). Cycles of poverty, abuse and criminalisation tend to be inter-generational, many beginning with the forced removal of their parents or grand-parents as children, of the kind documented by the federal government inquiry into the Stolen Generations (National Inquiry into the separation of Aboriginal and Torres Strait Islander Children from their Families, 1997). This manifestly overarching aspect of the patterns of female offending and criminalisation was overlooked by a whole generation of feminist scholars in Australia. Why? Because it was too confidently assumed that the diversity of women’s experiences of criminalization and victimisation could be represented by merely adopting a feminist standpoint, leading to essentialist forms of analysis which themselves erased the intra-sex specificities among women particularly over questions related to race and indigenosity (Carrington, 1994; Naffine, 1997).

Carlen’s refusal to comply with academic fashions, discipline boundaries and feminist or critical political prejudices and her preference for open, questioning and reflective social science (Carlen,2010: 340) led to a consistent attentiveness to the diversity

and nuances of the criminalisation process. This complexity and refusal to be reductive, fashionable, or ideological is what makes Carlen's contribution to feminism, critique and criminology unique. One reason for the special attraction of Carlen's work is that the openness of her theoretical approach permits critical scholars a way of applying a critical lens to the operation of criminal justice in a range of geo-political settings – not just the United Kingdom. The persistent criminalisation of state wards, the children of impoverished and housing commission families and Aboriginal communities in the Australian juvenile and criminal justice systems in Australia is a case in point as already illustrated. Carlen's refusal to lapse into simplistic essentialisms or dualisms or theories of social power (an all too common feature of radical critique) characterises her work with a timeless quality – as no single structure or power axis is privileged over any other precisely because the criminalisation process has diverse power effects in differing contexts. As Carlen points out, exactly what power effects are partly a matter of empirical (not empiricist) accounting (not just counting).

This quintessential theoretical openness also explains Carlen's refusal to adopt either the label feminist (Carlen, 2010: 312-13), or critical criminologist (Carlen, 2010: 343). She describes herself as a deconstructionist who works on the contradiction between the recognition and denial of categories such as feminism, criminology and critique. For Carlen 'all knowledge production is ideally supposed to be critical' (Carlen, 2010: p 334). Hence it makes no sense that only certain approaches can make a monopolistic claim to being critical. Her argument debunks the rhetorical claims of differing versions of criminology to be more critical, more real, more relevant than any other. This then opens up the possibility that all research can and should be critical as long as it is driven by *a criminological imagination* to think the unthinkable, to represent the unrepresentable, and to imagine a socially just world where 'the ordering of things can always be otherwise' (Carlen, 2010:345).

Carlen's somewhat idiosyncratic and deconstructionist approach has provided an intellectual licence to a whole generation of critical scholars (including myself) to resist essentialism, theoreticism, and empiricism, such that 'theory cannot be read off from politics and vice versa' (Carlen, 2010:239). Hence a major thread running through Carlen's life-long contribution, only a snippet of which is captured in this book, is to resist the power of the label or the signifier (Carlen, 2010: 243), and to query all universalising theories of

crime and deviance. The 'rejection of totalising conceptions of knowledge, law and justice need not result in the abandonment of utopianism in criminal justice and politics'(Carlen, 2010: 252). On the contrary Carlen's consistent commitment to an open-ended engagement with theory, reality and reflection has encouraged a great many to resist the temptation to be drawn into fatalism and to imagine a criminology that works against its signifier. The legacy of Carlen's open-endedness and reflexivity has inspired a generation of critical scholars to engage in an ongoing imaginative approach to the study and analysis of crime, deviance and the criminal justice system – which Carlen aptly describes as 'not a system at all but more like a monster with several heads and no brain' (Carlen, 2006:2010:300).

Knowledge, politics, and penal reform: Kelly Hannah-Moffat

The *Criminological Imagination* is a selection of Pat Carlen's most influential and impressive scholarship. Her work reflects three central principles: that things can change, that it is important to account for social phenomena, and that the concept of criminal 'justice' remains imaginary. This collection of articles provides abundant food for thought. I first read Carlen's work in the mid-1980s and was stuck by its boldness and insightfulness: it is analytically critical of efforts to engage in penal reform and the relationships between knowledge and politics, but consistently argues for the need for change. Carlen's articles reflexively analyze the multifaceted relationships between academic critiques, forms of knowledge, and politics. She illustrates how problematic and contradictory discourses can be re-configured as legitimate. For example, in Chapter Five she focuses on a strategy that enables bureaucrats and penal staff to act as if programs targeted at individual psyches can remedy broader structural problems such as poverty, violence, biases, and marginality. The following considers how some of Carlen's insights facilitated a more rigorous and nuanced analysis of recent and celebrated penal changes.

This collection demonstrates how to 'unpack' the underlying assumptions behind organizational cultures or discursive ideals of reform. For example, in the chapter 'Why Study Women's Imprisonment?' Carlen challenges the norms and assumptions informing the analytical distinctions that are drawn between the study of men's and women's imprisonment, which incidentally has led to a bifurcation of penal scholarship. Carlen has consistently maintained that although women in prison *are* different from men on many

axes, the study of prisons ought to include a broader dialogue about the power and effects of punishment that transcend gender and race. She made this important observation long before intersectional analysis became popular. Much of the penal literature involving women or race is segregated from the wider field and is rarely situated in broader discussions of class or socio-economic stratification. This segregation of literatures compromises analyses of penalty and efforts to theorize the experiences and practices of prisoners. Carlen's scholarship and methods in this area are highly instructive and can be extremely useful to analyses of the discursive and local dynamics and politics of penal reform initiatives that seek to alter the structures of imprisonment – especially women's. For example, Carlen's arguments are particularly relevant to recent reform initiatives that prioritize gender as an organizing principle over other forms of social or economic marginality or even mental health concerns. Most North American penal regimes are now based on the concept of gender-responsive punishment, in which gender-based differences are used to restructure penal policy and programmes. However, this reform 'ideal' and institutional discourse has been insufficiently theorized and is therefore unable to resist incorporation into administrative penal regimes and unable to be reclaimed by the feminist reformers who initiated the concept. The definition of 'responsive' punishment is instead locally defined by penal administrators and program staff, with little intention or capacity to alter penal structures in a fundamental way.

The idea of a woman-friendly therapeutic prison has contributed to an increase in the number of women in prison. Women are the fastest-growing, yet least risky, penal population worldwide. This may be an outcome of misguided benign policy directed at justice for imprisoned women, in which the development and implementation of gender-responsive policy is assumed to alter the management of women prisoners' and reduce more insidious forms of gender discrimination. For many women, the introduction of feminist knowledge into penalty has arguably had a positive impact on their experience of imprisonment. However, 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. Carlen's insights into 'official discourse' and 'carceral drawbacks' help explain why such outcomes are not unusual, and perhaps even predictable, but not always unavoidable.

Thus, although the ideal of gender-responsive punishment is pervasive in contemporary discussions of women's imprisonment, it is under-theorized. Only certain framings of gender 'fit' the current format of correctional knowledges and practices that focus on the individual, her responsibilities, and her choices. Gender-responsive logics actively produce new ways of knowing and governing women prisoners, necessitating a redefinition of penal norms and normalizing practices (Hannah-Moffat, 2010). The male norm is no longer a defensible organizing principle of penal research, policy, or programming, but little attention has been devoted to the new gendered normative identities that inform program templates and risk classification schemes. Few theoretical studies have focused on how gendered choices and subjectivities are evaluated. Arguably, gender-responsive research produces new knowledges about the gendered subject and new criteria through which women are disciplined and responsabilized. Relationships, children, past victimizations, mental health, self-injury, and self-esteem all become correctional targets in the pursuit of normative femininity and gender conformity.

Carlen's work astutely reminds us to be aware of the precarious role of reformers/campaigners in unwittingly legitimating the continuance of prisons. In her chapter 'Controlling Measures,' she points out that "prison is for punishment" (99), and yet penal reformers continue to work toward a more benign penal regime. Many reflexive histories of penal reform illustrate how the intentions of reformers and commitments of governments are rarely realized and are frequently mismanaged. She argues that one reason for the continuation of the myth of the benign prison is the fact that reformers continue to engage the state. They reluctantly but repeatedly accept 'the invitations of penal administrators to help shape prison regimes designed to reduce both the pain and the damaging effects of imprisonment' (160). Managerialism is also being coupled with critical-reform discourses about penal practice. Canada is a good example of how critical feminist discourse has shifted penal discourse and reconstituted the official discourse of imprisonment as empowering, benevolent, and therapeutic. The wardens and senior commissioners, program staff, and policymakers within the women's units in CSC have a deeply-embedded commitment to feminist reform ideals. Carlen correctly notes that these initiatives are under-theorized within the sociology of punishment, but perhaps less so in political analyses of reformist engagements with the state. Insights from this field may facilitate a better understanding of the conscious and programmed strategies used by penal

administrations to respond to reforms and maintain institutional autonomy. Carlen's work may inspire more focus on how strategies such as community inclusion or the use of stakeholders affect the penal process. Mobilizing the community is a now productive strategy used in reputational risk-management (Power, 2007). The technique of community inclusion can certainly produce legitimacy and the pretence of inclusive participation, but penal authorities purposefully define which 'experts' or community members are included on boards and consulted in the development and review of penal policies – and the selection of experts is rarely transparent. Community members can be (and often are) critical of mainstream practices, but they are rarely able to threaten the institutional hegemony. Participation in 'stakeholder' meetings and as a community member on hiring communities or review boards requires procedural conformity with the processes. Community members rarely set the agenda of stakeholder meetings or define lines of investigative inquiry. Further, the participation of community members in these consultative processes limits their ability to critique the processes. Thus, the inclusion of community members may be a largely symbolic practice that does little to alter the structures of discursive, political, or applied punishment. Practices such as 'community membership' on various investigative and review boards, or 'stakeholder consultation,' can garner legitimacy and deflate broader concerns of penal legitimacy. Extensive literature in community policing and community development focuses on representation politics and community, perhaps this research may be integrated with Carlen's insights to clarify the phenomenon of carceral clawback and the persistence of penal myths.

In her chapter 'Imaginary Penalties and Risk Crazy Governance', Carlen cautions against strategies that produce an illusion of change or where changes create new, less obvious difficulties. Carlen notes that the production of a 'just' system of punishment is still an imaginary ideal, but at the very least we should be able to anticipate a legitimate and accountable system. We can build on her larger body of work to consider how are such systems organized and discursively represented. Current observations suggest that even this goal may be unfeasible as penal systems in Canada and elsewhere become more protective and insular. Penal systems are responding to various calls for transparency and accountability in observable ways, for example, through discursive and experiential shifts in how rights are framed. Recent Canadian correctional policy literature about rights positions the rights of prisoners (and also staff) as governable organizational risks to be strategically

managed. Rights are seen as organizational risks because violations of rights represent a threat of public scrutiny and litigation, thereby threatening the legitimacy, authority, and international reputation of penal organizations. This 'problem of rights' is framed as needing a strategic response. For example, the CSC produced a 10-year status report responding to the findings and recommendations of the CHRC and Arbour report. According to this report, several initiatives have been undertaken over the past decade as part of a strategic model for developing a culture of rights and respect for rule of law throughout CSC (CSC 2006:14). The recent emphasis on establishing a culture of rights and adherence to the rule of law has resulted in several audit-like attempts to demonstrate compliance. Protocols are designed to prevent and 'manage' discrimination complaints rather than to remedy the source or to improve mechanisms of offender redress. Increasingly, paper accountability is emphasized in bureaucratic rule, rather than ethical accountability to professional standards.

In the book *Imaginary Penalty*, Carlen has pioneered the astute theorization of the complex dynamics at play in penal reform and in managerial efforts that incorporate these efforts. Her scholarship consistently advocates for conceptual rigour and a persistent questioning of the assumptions of reform campaigns and policy shifts, all the while maintaining a clear commitment to penal change.

Women, Crime and Social Control: Jo Phoenix

A Criminological Imagination is an impressive tome. The contents span 30 years of Carlen's work and include some of her most influential writings. Given the sheer range of work within, this review focuses on one theme: women, crime and social control.

When a selection of one author's work is put together into one volume, it often brings into stark relief the defining features of that person's thinking. Occasionally, it challenges impressions about that body of work that gather over the course of time. After reading the volume cover to cover, my first thought was that Carlen's research on women and crime is only a tiny part of her work. Far more of her work has been about the prison, its power, the production of criminal justice, criminology and the relationship between politics (as in politicking) and the production of knowledge. However, the potency of her earlier work on women and crime is such that it still captures the imagination of students, academics, policy makers and practitioners. Reading *A Criminological Imagination* and the selected pieces that address women, crime and social control begged, for me, a wider question about

trends and currents in criminological research: in relation to qualitative studies and with a few notable exceptions (such as Hall, Ancrum and Winlow 2008), why has criminological attention shifted away from in-depth, explanatory research examining the lived conditions and realities of criminal justice for, inter alia, women, young people, older people, ethnic or religious minority groups and other marginalised and/or excluded groups and instead turned (or perhaps returned?) to a focus on “zoo keeping studies of deviance” in the name of cultural criminology (O’Brien 2005) and/or deconstructions, commentaries and analyses of policies and political rhetoric? So, with that question in mind, this review suggests that there is an urgent need to return to the type of analysis that Carlen offered, that is to say historically and socially specific analyzes linking between women, crime, criminalisation and social control in a wider context that, in the second decade of the 21st century, is profoundly different than that of the last decades of the 20th century – and that do so in ways that do not conflate political rhetoric with policy, its implementation or its objective effects as has become increasingly prevalent in, for instance, studies on prostitution.

The first thing that can be said about Carlen’s work on women, crime and social control is that whilst it is a gendered analysis, she did not privilege ‘gender’ above class in her analyzes. Carlen recognised that there were gender-specific conditions that could help account for the criminalisation of women, but that the main locus of social control for criminal women (as with criminal men) was class oppression just as the “uses and abuses of imprisonment are such that they require theorisation *primarily* as instruments of class, rather than gender or racist, injustice” (Carlen 2010:xviii). This strand of her work finds its most direct expression in chapter 9 (“Why Study Women’s Imprisonment? Or anyone else’s for that matter”) where she argues that in order to understand the prison, a theoretical position is needed that exposes the workings of the power of the prison to punish and not a position which either separates this institution into men’s and women’s prisons or gives more weight to questions of gender, race or other forms of social differentiation.

“None the less, let us for a time, at least, give empirical research priority to the prison’s overwhelming power to punish. For this punitive power has a specificity which exists and persists independently of the best attempts of (some) prisoners to defeat it via strategies of resistance, and the best attempts of (some) prison officers to defeat it via humanistic zeal. It is a power which grinds both women and men and it grinds them

independently of the gender-specific modes wherein it is activated” (Carlen 2010:193).

The broader message is this – if one wants to understand how power functions and operates, then one must study it in a way that analytically separates its conditions of existence from its “moment of realisation”.

Carlen’s early empirical study of women’s imprisonment (Chapter 8, “Papa’s Discipline: An analysis of the disciplinary modes in the Scottish Women’s Prison”) set the scene for much of what was to come later. Whilst the empirical story told was a story of a woman’s prison in Scotland, the analysis produced was a case study describing, understanding and explicating how processes and practices of social control and regulation shape the lives, subjectivities and worlds of the powerless (in this instance, poor criminalised women) and to what effect. In reading this chapter alongside “Virginia, Criminology and the Antisocial Control of Women”, “On Right and Powers: Some Notes on Penal Politics” and “Crime, Inequality and Sentencing”, this reader was made aware (once again) of Carlen’s distinctive approach to conceptualising social control. She drew several important lines of demarcation between social and anti-social control; between formal and informal social control and between inclusionary and exclusionary control. Distinguishing between these different types of social control meant that in the accounts that followed, the production of criminal justice was just one of many different practices of social control, each of which had their own conditions of existence and which combine in complex ways to produce specific effects.

This approach permitted Carlen to make the (now well known) claim that women’s criminalization and punishment takes place under fundamentally different social conditions than men’s. It also permitted her to make a number of inter-related arguments – which themselves became the bedrock for her critique of particular types of feminist criminology (see chapter 15). Firstly, that for women, the main locus of control are the informal disciplines and practices (which are inclusionary in their effect) of family, of domesticity and of love and romance. Secondly, that in the socially and historically specific conditions of Thatcherite Britain various anti-social controls (both formal and informal) were simultaneously operating to exclude particular groups of women, those being mainly working class, poor women and especially those who had grown up in Local Authority Care and/or had experienced high levels of educational exclusion. Thirdly, that informal social

controls (both of the benign and anti-social variety) were buttressed by formal systems of control. Fourthly that in relation to women, formal systems of control (i.e. criminal justice) seldom needed to be invoked (because women are, largely, law-abiding) but when they are, women are in breach of both law and informal gender controls. For this reader however, the most potent aspect of Carlen's work on women, crime and social control was the way she used all of this to describe and explain a series of impossibly contradictory subjectivities for criminal women, as being not women, not criminals and not prisoners when they were all of those things.

Earlier I said there is an urgent need to return to analyzes like these and particularly to the analysis of how the everyday production of social control and criminal and social justice shapes the lives, the experiences and subjectivities of women. Carlen's approach forces the researcher to look at the historically and socially specific discourses and ideologies, political, organisational, institutional and routine practices that *together* comprise and constitute that "moment of realisation" in which some groups are differentiated from other and in which socially differentiated subjectivities are made manifest and to what effect. Of course, Carlen's insistence that the experiences of criminalised women are not reducible to either their experiences as women or their experiences as working class prefigured and begged questions addressed by studies of intersectionality.

Much has changed, though, even since the late 20th century. Two decades of rhetoric of gender equality begs questions about whether the ideologies outlined by Carlen in the 1980s and 1990s have quite the same contours and effects. Religion, ethnicity and race have all taken on new and different dimensions subsequent to "9/11" and the 'war on terror'. Consumerism has had a massive impact on gendered and classed subjectivities and the choices that people can (and do) make. The collision of consumer culture with a late modern reconfiguration of sexual life "from a relational model of sex to a recreational model of sex" (Bernstein 2001:84) in which the pursuit of sex and intimacy "for fun" is facilitated by the (leisure) market and, although gendered, has displaced earlier normative constructions of women's sexual chastity with notions of women's sexual prowess. All of these shifts have had a profound impact both on constructions of womanhood and female sexuality and on how specific women are understood. What has this to do with the extracts on women, crime and social control reproduced in *A Criminological Imagination* or my suggestion that

there is an urgent need to return to these types of empirical investigations? There is no reason to assume that sentencers have remained isolated from these ideological, political, and cultural shifts and continue to make sense of criminal women in the same ways that they did 15 and 20 years ago. There is also no reason to assume that the lived experiences of women in the UK are shaped by the same, or even similar relationship between informal and formal social controls or that they operate in quite the same way, with the same effects.

Despite what might be seen as progressive changes, however, women's economic position remains much as it was, although now the flows of women across the globe are of a fundamentally different order than two decades ago. Discourses and practices of migration regulation, border control and ideologies of victimhood have profound effects on these 'mobile' women who are variously understood as victims of trafficking, economic migrants, exploited women and the like (see for example the Swedish model of regulating prostitution in which, in the name of protecting (Swedish) women from (foreign) men (Hubbard, Matthews and Scoular 2008).

For these reasons, the two most striking thoughts I was left with after reading *A Criminological Imagination* were (i) the timelessness of Carlen's theoretical approach and (ii) the necessary time bounded nature of the empirical work. We would do well to address some of the big questions facing researchers in the area of women, crime and criminalisation with the same "lack of squeamishness", theoretical astuteness and criminological imagination as amply demonstrated in this volume.

References

- Bartemucci, M. (1996), 'Aboriginal Young Women: New Challenges' in C. Alder and M. Baines (eds) ... *And When She Was Bad? Working With Young Women in Juvenile Justice and Related Areas*, National Clearinghouse for Youth Studies: Hobart, pp. 33-39.
- Bernstein, E. (2001) 'The Meaning of the Purchase: Desire, Demand and the Commerce of Sex', *Ethnography* 2(3), 389-420

- Brown, D. and Hogg, R. (1985) 'Abolition Reconsidered' 2(2) *Australian Journal of Law and Society* 56.
- Carlen, P. (2010) *A Criminological Imagination: Essays on Justice, Punishment and Discourse*: Ashgate: London.
- Carlen, P., (1983), *Women's Imprisonment: A Study in Social Control*, Routledge & Kegan Paul: London.
- Carrington, K. (1994). 'Postmodern and Feminist Criminologies: Disconnecting Discourses', *International Journal of the Sociology of Law*, vol. 22, pp. 261-77.
- Carrington, K. Pereira, M. (2009) *Offending Youth: Sex, Youth & Justice*, Federation Press, Sydney.
- Cohen, S. (1998) 'Intellectual Scepticism and Political Commitment: The Case of Radical Criminology', in Walton, P. Young, J. (Eds) *The New Criminology Revisited*, Macmillan, London; St. Martins: New York.
- Correctional Service of Canada – CSC (2006) Ten Year Status Report of Women's Corrections 1996-2006. Ottawa: Correctional Service of Canada
- Foucault, M. (1978) *Discipline and Punish*, Pantheon: New York.
- Garland, D. and Young, P. (eds) (1983) *The Power to Punish*, Heinemann: London.
- Hall, S., Winlow, S. and Ancrum, C. (2008) *Consumer Culture and Criminal Identities* Willan publishing: Cullompton, Devon
- Hannah-Moffat, K. (2010) "Sacrosanct or flawed: Risk, Accountability and Gender-responsive Penal Politics" *Current Issues in Criminal Justice*. 22 (2): 193-216.
- Hogg, R and Carrington, K. (2011) 'History of Critical Criminology in Australia', *The Routledge Handbook of Critical Criminology*, DeKeresedy, W. and Dragiewicz, M. (eds), Routledge.
- Hubbard, P., Matthews, R. and Scoular, J. (2008) 'Regulating Sex Work in the EU: prostitute women and new spaces of exclusion', *Gender, Place and Culture*, 15:2, p137-152
- Laclau, E. and Mouffe, C. (1985) *Hegemony and Socialist Strategy*, Verso: London.
- Mathiesen, T. (1974) *The Politics of Abolition*, Martin Robertson: London.
- Naffine, N. (1997) *feminism and criminology*, Allen & Unwin: Sydney.
- National Inquiry into the separation of Aboriginal and Torres Strait Islander Children from their Families, (1997) *Bringing them home*, Human Rights and Equal Opportunity Commission: Canberra
- O'Brien, M. (2005) 'What is Cultural about Cultural Criminology?', *British Journal of Criminology*, 45(5), p599-612

Power, Michael (2007) Organized uncertainty: designing a world of risk management.
Oxford University Press, Oxford, UK.

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