

TAKING RESPONSIBILITY, REPORT OF THE STANDING COMMITTEE ON JUSTICE AND SOLICITOR GENERAL ON ITS REVIEW OF SENTENCING, CONDITIONAL RELEASE AND RELATED ASPECTS OF CORRECTIONS. David Daubney, Chairman. Queen's Printer for Canada, 1988. Pp. 329. (\$31.50)

A growing body of research and legal literature demonstrates that one of the best predictors of women's involvement with the criminal "justice" system is being in a relationship with violent or abusive men. For example, Angela Thorne, in *WHEN BATTERED WOMEN KILL*,<sup>1</sup> finds that battered women who have ended up killing their abusers are no more violent than battered women who have not killed — but that they have experienced significantly more violence in childhood, and that their abusers were significantly more violent and brutal.<sup>2</sup> In almost all of the forty-two cases she documented, the batterer appears to have escalated the violence to the stage where it became clear that someone was going to die — usually the abused woman herself or a child. The woman then ended up killing in that escalation of violence, usually to protect herself or a child.<sup>3</sup> Especially when the numbers of women and children killed by violent men are compared with the numbers of men killed by abused women, it is apparent that not that many women involved with such violent men do kill. We may never know how many murdered women were trying to protect themselves when they were killed, or how many were killed precisely because they were trying to escape their abuser.

What does this have to do with the DAUBNEY REPORT, the 1988 review of sentencing, conditional release and related aspects of corrections?<sup>4</sup> Is this merely an argument for greater recognition of the battered

<sup>1</sup> A. Thorne, *WHEN BATTERED WOMEN KILL* (London: Collier Macmillan, 1989) [hereinafter *WOMEN KILL*].

<sup>2</sup> Angela Thorne compared homicide and non-homicide battered women on a wide scale. The biggest differences between the women who killed and battered women in the comparison group were class of origin (women in the homicide group tended to be from higher classes); age (women in the homicide group were about six years younger); the man's education (men in the comparison group were significantly more educated: 74 percent had completed high school; 46 percent had some college); severity of violence and chaos in the man's home of origin (higher in homicide group); level of the man's violence; and speed of escalation of the man's violence, both in each incident and in the relationship more generally (these last factors were all higher in the homicide group). Thorne, *ibid.* at 2–23, 25.

In all the homicide cases, the men displayed clear warning signs of battering early in the relationship: intrusiveness; isolation; eruption of anger after women become committed; rationalization of violence; and unpredictability. Thorne, *ibid.* at 42–52. Since these factors are also clearly evident in most battering relationships, the differences are most apparent on a qualitative analysis.

<sup>3</sup> See generally Thorne, *ibid.*, chapters 2 and 3.

<sup>4</sup> D. Daubney, *TAKING RESPONSIBILITY* (Ottawa: Queen's Printer for Canada, 1988), the Sixth Report of the Standing Committee on Justice and Solicitor General, House of Commons, 2d Sess., 33d Parl., 1986–87–88, Issue No. 65 [hereinafter *DAUBNEY REPORT*].

women syndrome in assessing the culpability of abused women in homicide trials?<sup>5</sup> Or do the connections run deeper than that?

It is my view that when we as a society better understand how physical, sexual, emotional and economic abuse shapes the conditions of women's existence,<sup>6</sup> we will radically transform our expectations not only of the definitions of crimes committed by women and the determination of women's criminal culpability, but also of sentencing, incarceration and alternative dispositions for women. Taking the case of battered women as an example again, one has to wonder how incarceration — which is itself a form of total domination — can ever "rehabilitate" abused women who have killed. Yet at this very moment, there are forty women in the federal penitentiary, the Kingston Prison for Women, who are serving life sentences, and most of them are there because they killed their abusers. All of them feel that the penitentiary regime continues, at the hands of the state, the abuse they experienced outside.<sup>7</sup> They are punished when they express any feelings or resistance. Sometimes this abuse is so severe that it drives women to kill themselves. Only rarely are these incarcerated women even allowed to express anything of their life experiences or present feelings. When they are allowed to, it is as a deep cry of pain.<sup>8</sup>

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<sup>5</sup> See L. Walker, *THE BATTERED WOMAN* (New York: Harper and Row, 1979), the major scholarly contribution to the description and documentation of the battering syndrome. Expert evidence on the battering syndrome is finding increasing acceptance in criminal proceedings, but as Angela Thorne's work demonstrates, most battered women who kill are still incarcerated, often on life sentences.

<sup>6</sup> Important references on battering are D. Martin, *BATTERED WIVES*, rev. ed. (San Francisco: Volcano Press, 1981); K. Lobel, *NAMING THE VIOLENCE: SPEAKING OUT ABOUT LESBIAN BATTERING* (Seattle: Seal Press, 1986); G. NiCarthy, *GETTING FREE: A HANDBOOK FOR WOMEN IN ABUSIVE RELATIONSHIPS*, rev. ed. (Seattle: Seal Press, 1986); G. NiCarthy, *THE ONES WHO GOT AWAY: WOMEN WHO LEFT ABUSIVE PARTNERS* (Seattle: Seal Press, 1987). Feminists are becoming aware of the emotional destruction associated with abusive relationships as well; *see especially* S. Forward and J. Torres, *MEN WHO HATE WOMEN AND THE WOMEN WHO LOVE THEM: WHEN LOVING HURTS AND YOU DON'T KNOW WHY* (New York: Bantam Books, 1986); R. Norwood, *WOMEN WHO LOVE TOO MUCH: WHEN YOU KEEP WISHING AND HOPING HE'LL CHANGE* (New York: Simon and Schuster, 1985); B. Schaeffer, *IS IT LOVE OR IS IT ADDICTION: FALLING INTO HEALTHY LOVE* (New York: Harper and Row, 1987); *see also* E. Bass and L. Davis, *THE COURAGE TO HEAL: A GUIDE FOR WOMEN SURVIVORS OF CHILD SEXUAL ABUSE* (New York: Harper and Row, 1988) for a detailed weaving together of many of the strands of feminist understanding of abuse and women's healing that are emerging from practice and theory.

<sup>7</sup> J-A. Mayhew, editor of *TIGHTWIRE* and chair of the Inmate Committee in Prison for Women, Kingston, first made the connection between childhood and adult abuse and the trauma and retraumatization of the prison discipline regime. She has shared these insights with me in personal conversations. Mary Eaton, who has litigated numerous disciplinary proceedings in Prison for Women, describes the prison regime as "training in dependency". Dependency, of course — especially involuntary and enforced dependency — is one of the key components of battering relationships. *See* M. Eaton, *Women and Incarceration: Training in Dependency* (1989) 3 C.J.W.L. (forthcoming).

<sup>8</sup> *See generally* work published in *TIGHTWIRE* (c/o Box 515, Kingston, Ontario), published by the women in Prison for Women and edited by Jo-Ann Mayhew.

Battered women who kill are a tiny percentage of the Canadian population, and even a small percentage of all women offenders. In sentencing and corrections, however, they account for a significant percentage, and their situation emerges as paradigmatic of all female offenders — the problem that all sentencing and corrections work should address first, before taking up issues relating to shorter sentences and less serious crimes. In other words, if theories of sentencing, corrections regimes, or community-based programming cannot fully address the problems raised by the extreme circumstances of women serving life sentences, then they are unlikely to address fully the problems of other women either.

The DAUBNEY REPORT reviews the entire sentencing, conditional release and corrections system in Canada. As such, it is not concerned only with women offenders, but with everything from public attitudes toward crime (chapter two), victim needs (chapter three) and the history of sentencing reform in Canada (chapter four), to the philosophy of sentencing (chapter five), sentencing guidelines (chapter six) and the range of sentencing reforms (chapter seven). A great deal of the report is devoted to conditional release programs (chapters eight through thirteen) and corrections (chapter fourteen). Only one chapter is devoted to Native offenders (chapter fifteen) and women offenders, both Native and non-Native (chapter sixteen).

Despite the fact that women offenders are addressed in a separate chapter, however, the Report is both gender-blind as well as impervious to the implications that its major recommendations have for women offenders as a class. The material on women offenders is poorly integrated into the recommendations on women, and the conceptual structure of the overall report reinforces the marginal treatment of women. The result is a document which purports to be sex-sensitive, but which actually combines passing the buck on the question of Prison for Women yet again (this time to a taskforce on female federal offenders)<sup>9</sup> with recommendations to overhaul the sentencing and parole system in ways that will disadvantage women offenders as a sex class.<sup>10</sup>

#### RACIST SEXISM

The sexism of the report is blatantly racist: Native women are not even mentioned in chapter fourteen, the chapter on Native offenders, and they are given only the merest mention in chapter fifteen, the chapter on women offenders.<sup>11</sup> The only points of substance made in the two pages on Native women offenders are direct quotations

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<sup>9</sup> DAUBNEY REPORT, *supra*, note 4, Recommendation 96 at 240-41.

<sup>10</sup> See, e.g., DAUBNEY REPORT, *ibid.*, Recommendation 37(h), raising the possibility of monetizing community service orders: such an option would necessarily disadvantage women relative to men and intensify women's already disproportionate share of nonwaged work in Canada.

<sup>11</sup> See *ibid.* at 236-37.

from Holly Johnson's work on incarcerated women.<sup>12</sup> Apparently the members of the Committee devoted so little time or energy to the question of Native women offenders that they were not able to come up with any concrete insights into the particularities of their situation. Although the members of the Committee were able to see that Native women are "triply disadvantaged" (as prisoners, as Native prisoners and as women prisoners), they could not be more specific in their recommendations than to say that the recommendations on Native prisoners should generally apply to Native women. For example, they recommended that "programs of addiction counselling must be appropriate to Native female offenders in terms of both culture *and* gender".<sup>13</sup> While seeming to advance the analysis of Native women offenders, this type of statement simply runs the discussion aground on the hidden realities of incarceration: in Prison for Women, for example, it has taken years of struggle to attain one single addiction treatment program, a program that does not even meet the needs of *women* recovering from addictions, let alone of recovering *Native* women.<sup>14</sup>

This trivialization of Native women is especially serious when the overrepresentation of Native women in prisons is considered. Although Native women represent only 2.5 percent of the total inmate population in Canada, they account for over 20 percent of the total inmate population in Prison for Women.<sup>15</sup> Also, at Prison for Women, most Native women are classified as maximum security and are consistently overrepresented in the population in segregation.<sup>16</sup> Meaningful reform of sentencing and corrections for women should *start* with Native women — not merely add them on as an afterthought, as in the DAUBNEY REPORT.

The racism of the Report has another aspect as well. There is absolutely no discussion of the impact of sentencing, conditional

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<sup>12</sup> Citing H. Johnson, *TOO FEW TO COUNT: CANADIAN WOMEN IN CONFLICT WITH THE LAW* (Vancouver: Press Gang Publishers, 1987) at 39, 41, 42-43.

<sup>13</sup> Daubney Report, *Supra*, note 4, Recommendation 85 at 227.

<sup>14</sup> This is the Brentwood program, which has an oppressively masculinist orientation. The key resource people are male, the program content has not been noticeably adapted to the specific experiences of women substance abusers, and some women have actually dropped out of the program. The prison administration so far has resisted bringing in more suitable programs, such as Women for Sobriety, on the same scale as Brentwood. The chances of getting equivalent large-scale programming for Native women seem small if change continues at the same pace in the future.

<sup>15</sup> R.M. Mohr, *SENTENCING IN CONTEXT: REVEALING THE REALITIES OF WOMEN IN CONFLICT WITH THE LAW* (Ottawa: CAEFS, 1988) at 11. According to Monica Freedman, Special Advisor on Female Offenders at Correctional Services Canada, the actual number of women who consider themselves to be Native, as evidenced by participation in the activities of Native sisterhood, is closer to 30 percent than 20 percent.

<sup>16</sup> One Native woman who is presently in Prison for Women has served almost two uninterrupted years in segregation.

release, or corrections on other racially-identified, immigrant, or linguistically-identified groups — let alone on women in these groups. Yet anecdotal evidence suggests that discrimination in these areas is magnified in the operation of the corrections and parole systems as well as in the rest of the criminal “justice” system. The DAUBNEY REPORT is as classist, heterosexist and sexist as it is racist. Class considerations — even though they would seem to be obvious — are not given material weight in the formulations of any of the recommendations.<sup>17</sup> Lesbian women and gay men are completely ignored.

#### OBVIOUS SEXISM

Let us return to the pervasive sexism of the DAUBNEY REPORT. The feminist patina of chapter sixteen does not reach the substance of the problems that women experience in sentencing, release and corrections. And the rest of the Report is not even pseudo-feminist.

The chapter on women offenders does open with some important feminist insights. In the introduction we *do* find the realities of women offenders' lives: Holly Johnson is quoted on the connections between sex, age, education, class, racial status, Native women, addictions, sexual abuse and women offenders' dependency on abusive males.<sup>18</sup> Several pages of statistical data demonstrate that women offenders are disproportionately imprisoned for drug-related offenses, shoplifting, unpaid fines and killing (usually of violent men).<sup>19</sup> On closer examination, however, this rich material is really just a summary — supplemented by detailed data on women in Pine Grove<sup>20</sup> — of work that Holly Johnson has already published elsewhere.<sup>21</sup> While it is heartening that this work was taken seriously by the Committee, I found myself wondering why the Committee did not or could not deploy some of its resources to update or build upon those initial insights, to document these important connections in detail. Instead, the Committee has recommended funding for systematic research on female offenders,<sup>22</sup> a recommendation which is backed up with detailed recommendations for more community-based sanctions, halfway houses, reclassification of female prisoners, reformed programming and release planning and recognition of women's parenting responsibilities. Many of these recommendations are sensible and logical (that is, more and better

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<sup>17</sup> At most, Recommendation 36, which relates to imprisonment for non-payment of fines, can be read as class-conscious. None of the other recommendations approach even this level, however.

<sup>18</sup> DAUBNEY REPORT, *supra*, note 4 at 219, citing Johnson, *supra*, note 12 at 26.

<sup>19</sup> DAUBNEY REPORT, *ibid.* at 219-22, citing figures in Johnson, *supra*, note 12 at 27.

<sup>20</sup> Compiled by the Elizabeth Fry Society of Saskatchewan in its brief to the Standing Committee.

<sup>21</sup> *Ibid.*

<sup>22</sup> DAUBNEY REPORT, *supra*, note 4, Recommendation 80 at 223.

addictions programming<sup>23</sup>); some are retrograde (that is, reliance on private sector agencies to enhance services for female offenders<sup>24</sup>); others are visionary (that is, integration of facilities for female offenders into the range of services for other women in need, such as shelters for battered non-offender women<sup>25</sup>).

But when the Committee had to make concrete proposals for improving the discipline system for women, its vision faltered. Ignoring its own findings on the relationship between security classification, programming and prison regime, and disregarding its own concerns about women in provincial institutions, the Committee concluded that Prison for Women should be closed and federal female offenders be dispersed to provincial institutions under exchange of service agreements. This recommendation is not new: it is easy to resolve the tension between the density and geographic problems posed by prisons for women by focussing on only one side of the tension.<sup>26</sup> Beginning with the Archambault Report in 1938, every government study of Prison for Women has reached the same resolution. It is significant, however, that none of these conclusions have yet been acted upon. The DAUBNEY REPORT does identify some of the major obstacles to this resolution: the needs of women on life sentences are quite different from those of short-term or non-offender women; co-corrections and co-ordinate women's and men's prisons do not fully address the density problems, at least not in our present understanding; and building larger or more women's prisons is obviously not acceptable.

Thus, the DAUBNEY REPORT concluded chapter sixteen with the recommendation that the Solicitor General convene a taskforce on federal female offenders.<sup>27</sup> However, even this recommendation is inadequate: the Committee recommends that the purpose of the taskforce should be to oversee the closure of Prison for Women even in the face of the problems with closure that the Committee itself had identified. And what about those problems — problems of such a magnitude that they have blocked closure in the past? Well, that is easy — the Committee has also recommended that the taskforce come up with “at least one plan” that will address those problems, and help the Minister implement a plan that can be accepted by him.

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<sup>23</sup> *Ibid.* at 234-35.

<sup>24</sup> Recommendation 95 at 236.

<sup>25</sup> Recommendations 91-94 at 231; *see also* 229-30.

<sup>26</sup> The density problem: it is difficult to provide good programming for small and diverse populations. The geographic problem: sending women to women's prisons displaces most women, cutting them off from valuable support in their home communities. It is considered to be nearly impossible to resolve the tension between these two problems without deciding to ignore one problem or the other.

<sup>27</sup> Recommendation 96 at 240-41.

With respect to female offenders, the Committee itself has not "taken responsibility".<sup>28</sup> It has shifted its own responsibility to the taskforce, and it is a "powerless responsibility"<sup>29</sup> at that. The Committee's lofty appeals for more research, visionary alternatives and the stringent critiques of existing provincial facilities may well come to nothing in face of budgetary constraints, the realities of achieving change in systems that are actually devoted to the reproduction of sexual privilege, heterosexuality, racism and classism, and the growing urgency to *do something* about the appalling conditions of women inmates in Canada.

It is unrealistic to expect the taskforce to do anything visionary on a short time-line, especially when its members have to work within the constraints of what will be acceptable to the Minister. It is unlikely to think that anything can be accomplished — except building more, bigger and more humane prisons for women. The groundwork has not yet been finished; the taskforce does not have enough scope or time to do its work properly;<sup>30</sup> women's concerns have not yet been fully integrated into either sentencing-corrections theory *or* into the criminal law reform process; women inmates themselves have not yet been empowered to say for themselves what changes they would want to have made; women as victims and as offenders remain marginalized in the "justice" system, and still do not have sufficient power to speak for themselves about their own needs.

#### STRUCTURAL SEXISM

The rest of the Report is potentially even more damaging to women than chapter sixteen. Beginning with the notion of "taking responsibility" through to the end of the detailed recommendation on parole "reform", the impact of the Committee's recommendations on women as a sex class or in the particularities of women's existence as lesbian women, Native women, mothers, young women or older women is systematically ignored. For example, the Committee emphasizes the "key" to its report, which it says is "responsibility": "Sentencing, correctional and releasing authorities must provide opportunities for offenders to accept and demonstrate responsibility for their criminal behaviour and its consequences."<sup>31</sup> Elsewhere, the Committee elaborates on responsibility: sentencing judges must take responsibility for imposing appropriate penalties; Corrections Canada is responsible for effective treatment; release authorities must take responsibility for

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<sup>28</sup> *Ibid.*

<sup>29</sup> Adrienne Rich coined this term.

<sup>30</sup> The taskforce was constituted in March, 1989, and is to report by the end of 1989. This means that research and hearings will have to go on almost simultaneously, and there will be limited time to digest the submissions and research, let alone to do any creative or groundbreaking research.

<sup>31</sup> See DAUBNEY REPORT, *supra*, note 4 at 6.

proper release conditions and the protection of society; society must take responsibility for supporting reintegration of offenders into the community.<sup>32</sup>

Nowhere, however, does the DAUBNEY REPORT examine the definition or allocation of these responsibilities, especially in gendered terms. Whether it is due to "nature" or "nurture", it is fairly common knowledge that most women take far more responsibility in all interactions than men do:<sup>33</sup> the corollary is that women expect and are also *expected* to take more responsibility.

This imbalance permeates the entire criminal "justice" system from the definition of criminal liability and allowable defenses to the operation of the discipline system. Women become "responsible" for murder merely by being involved with violent domineering men; women are "responsible", in the battered women paradigm, for not being able to escape except by extreme forms of self defense; women are held "responsible" in prison for expressing anger that they are finally safe to experience; even on parole, women are "responsible" for conduct that would be tolerated in men.

Women's responsibilities are uniquely linked to their relationships. As Angela Thorne and others have demonstrated, however, it is that sense of responsibility that traps women — usually unwittingly — when they become involved with violent people. Women are trapped by the dual forces of accepting blame for causing violence and taking responsibility for its consequences. Until the injustice of that trap can be recognized, and a fair share of that responsibility is socially reassigned, women offenders will never be able to see themselves and their own responsibilities *to themselves* clearly enough to make permanent changes for themselves. In other words, until society can take its measure of responsibility for the harms that women experience *because they are women*, asking a woman offender to "take responsibility for her actions and do what is necessary to repair the harm done"<sup>34</sup> merely reinforces the damage done to her all her life as a woman.

#### RETHINKING RESPONSIBILITY

Rethinking society's responsibility to women — especially to women offenders — will require radical realignment of our entire philosophy of criminal liability and system of discipline. Going back to the figures on federal female offenders, we can speculate on what

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<sup>32</sup> *Ibid.* at 243.

<sup>33</sup> See generally C. Gilligan, *IN A DIFFERENT VOICE* (Cambridge: Harvard University Press, 1984).

<sup>34</sup> DAUBNEY REPORT, *supra*, note 4 at 243.



the female inmate population would look like if society's responsibilities to women were taken seriously in defining female criminality. The 14.2 percent of the female inmate population who are serving time for homicide would shrink to less than one percent if killing a violent abuser were not a crime. Similarly with the 7.1 percent sentenced for nonfatal violence. Elimination of female vicarious liability for rapes performed by violent men would eliminate another 1.4 percent of the penitentiary population. The number of women incarcerated for robbery (12.9 percent), theft or fraud (20.7 percent) and drug-related offenses (28.6 percent) would also shrink rapidly if the effects of male domination and violence were taken into account in determining culpability. If the First Nations were able to exercise their sovereignty in criminal law and corrections, Native women would no longer be in prison either. If prostitutes, shoplifters and women incarcerated for nonpayment of fines were not given custodial dispositions, they would be eliminated from provincial prison populations and the number of women in prisons across Canada would be radically reduced.

In other words, if the principle of social responsibility for the well-being of women were honestly and systematically pursued, there would be very few women actually left in the corrections system. Those who were left could then be given individualized treatment in community-based facilities designed around their specific needs.<sup>35</sup>

In conclusion, if the Committee had taken its own insights into female criminality seriously, it could have reached truly creative conclusions. As it is, however, only some of the pieces are there — more community-based alternatives, enriched programming — but they are being used to point to conclusions like the dispersal of federal female inmates to the provinces. It is time to start, not with abstract principles like "taking responsibility" — especially more than women's fair share — but with a careful and respectful examination of the realities of women's crimes and what resources women offenders need in order

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<sup>35</sup> Only a small fraction of the total inmate population is considered to be "hardcore", genuinely dangerous or "serious" offenders. The estimates run from two percent to twenty percent. On any version of that figure, it has to be smaller in women's prisons, because so few women are convicted and imprisoned for "violent" crimes in the first place. See R. Morris, *CREATIVE ALTERNATIVES TO PRISONS* (Toronto: Quaker Committee on Jails and Justice, 1988) at 17.

to be able to heal.<sup>36</sup> Until then, all this Report can generate is renewed support for the *status quo*, which for women continues to be discriminatory and dangerous.

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<sup>36</sup> Women across Canada are attempting to provide this information, but it remains largely unpublished, ephemeral and ignored by policy makers. Even feminists concerned with criminal law have tended to focus on lack of equal protection of the law for female victims and, with the exception of battered women and shoplifters, have tended to ignore women offenders. The most important feminist work on sentencing issues has taken place in the context of consultations organized by Patricia File. The first consultation took place at the University of Ottawa in October 1987; see generally K.A. Lahey, *Women, Criminal Law, and Equality* in P. File, ed., *WOMEN AND CRIMINAL JUSTICE* (Ottawa: NAWL, 1987) at 123; R. Mohr, *A Feminist Analysis of the Objectives and Alternatives Re: Punishment*, *ibid.* at 145; R. Shamai, *Sentencing Alternatives in the Criminal Code for Consideration by Judges*, *ibid.* at 159; E. Sheehy, *Sentencing for Violent Crimes Against Women*, *ibid.* at 162. The second consultation took place in October 1988 and resulted in a consultation document submitted to the Department of Justice. Other feminist work is found in R. Mohr, *SENTENCING IN CONTEXT* (a brief submitted by CAEFS to the Standing Committee); S. Wills, *QUESTIONS REGARDING SENTENCING* (Kingston: Elizabeth Fry Society of Kingston, 1988) (a brief submitted to the Standing Committee); and J-A. Mayhew, *RESEARCH DESIGN MODEL FOR ALTERNATIVES TO THE PRISON FOR WOMEN* (Kingston: Prison for Women, 1989) (paper prepared by inmate at Prison for Women). The prison abolitionist movement has done a lot of work around this concept of alternatives to incarceration, but this literature tends to ignore the sex-specificity of women offenders. And it should of course be noted that not all work on women offenders is feminist; see, e.g., M. Lutt and H. Wolch, *The Impact of Formal Sentencing Reform on the Female Offender: 'Little or Nothing'* (Address to the Conference of the Society for the Reform of the Criminal Law on Reform of Sentencing, Parole and Early Release, Ottawa, 1988) (in the presentation of this paper, Hersh Wolch argued that any difference in the treatment of women offenders tends to be preferential, and that formal reform will merely extend "equality" to women; the paper itself suggests areas in which sentencing/punishment disparities exist, but decries the lack of reliable tools to measure these differences).

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